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# Forged Letters Counterfeit Manumission Certificates and Subaltern Writing Practices as Used by Enslaved Individuals in Early Modern Iberia

*Fernando Bouza*

Complutense University of Madrid (<[ortegal@ucm.es](mailto:ortegal@ucm.es)>)

## *Abstract*

The focus of the essay is the fabrication, circulation and use of 'forged documents' by subaltern groups, and in particular, counterfeit manumission certificates created for and by enslaved individuals in Iberia during the sixteenth and seventeenth centuries. The analysis of 'forged documents' provides a deeper insight into how official model documents were appropriated by these subaltern illiterate groups. Furthermore, it provides a testimony of the dynamics of subaltern responses to documentary norms and models along the lines discussed by Donald F. McKenzie.

*Keywords:* Counterfeits and Forgeries, Appropriations of Official Documents, Early Modern Iberia, Slavery, Subaltern Solidarities

## 1. *Introduction*

In October 1580, Leonor, a young black woman and resident of Lisbon, crossed the frontier between Portugal and Castile. As far as she was aware, she was travelling as a servant of Captain Fernán López de Avellaneda, who was returning to the court in Madrid following his tour of duty during the sack of Lisbon, which had taken place in August that same year. On reaching Alcuéscar, in the district of Montánchez in Extremadura, the young woman discovered that the soldier intended to sell her there as a slave. He declared that he had legitimately captured her during military action from the encampment of Dom António, Prior do Crato, on the outskirts of Lisbon. It was then that Leonor revealed to a local priest that she was not a slave, but in fact a freedwoman, and she showed him her *carta de horro*

(manumission certificate), the document that demonstrated that freedmen and women had been legally granted manumission (*ahorria*, *alhorria*, *ahorramiento*) by their owners.

As a result, a lengthy lawsuit began and it dragged on until 1584, during which time it was transferred to Madrid; Avellaneda declared throughout that Leonor's *carta*, or certificate, was false and had been *fabricada* (forged) to his slave's advantage. Thanks to the legal enquiries that were undertaken, it is possible to reconstruct the manumission process Leonor had undergone, and her Portuguese manumission certificate (*carta de alforria*), which had been drawn up before a public notary in Lisbon in 1574 by her past owner, María Ortiz, was cited as evidence. Leonor had subsequently gone to live 'en casa de por sí' (in a house on her own) and was not subject to anyone.

During the trial, Leonor's testimony, in which she was referred to as *Leonor morena* (dark-skinned Leonor), *Leonor negra* (black Leonor) and Leonor Ortiz, was taken down in writing. She gave an account of her life, stating that she had been a slave, was a mother of two sons, a resident of the Lisbon district where she resided near *Portas de Santa Catarina* (St Catherine's Gate), and that she worked as freedwoman washing household linen. Although she did not sign her declaration, given that she did not know how to, she participated as *autora* (author); in other words, as plaintiff in this trial. Furthermore, she had brought the document demonstrating that she was a freedwoman with her from Portugal to Castile, and this sufficed for her to be freed from the power of Captain Avellaneda following the unequivocal judicial sentence.<sup>1</sup>

The recourse that groups from amongst the predominantly illiterate rural population made to formal legal procedures occurred on a mass scale in early modern Spain. Pegerto Saavedra has studied this issue in the greatest depth. He has shown that for the Galician peasants who tended land either as colonate tenants of ecclesiastical landowners, or else as vassals to the nobility, bringing lawsuits, involving lengthy proceedings and appeals against their ecclesiastical or civil landowners, proved to be a strategy that provided excellent results (Saavedra 1996). A number of legal memoranda submitted by Christian captives held by Muslims have also been conserved (Tarruell Pellegrin 2013). However, a less well-known phenomenon is the submission of legal memoranda by, or on behalf of, freedmen or enslaved individuals (Olsen 1998; Juvé Martín 2005; Oliveira 2005), and likewise the latter's recourse to the law courts. Slaves undoubtedly went on to pursue legal action against their owners for both detaining them illegitimately as well as for mistreating them, and also for keeping them in inappropriate conditions and not attending to their basic needs (Periáñez Gómez 2010, 402-410; see van Deusen 2015).

It is significant that we know much more about the oral (Fra Molinero 1995) as well as the phatic and musical (Rodulfo Hazen 2022) forms used by slaves than we do about the bonds they formed through writing in its most diverse forms of representation. The aim of this article is to analyse a series of legal trials involving enslaved men and women – above all, but not solely, those of African origin, Berbers and Moriscos – in Spain and Portugal during the Early Modern Age, all of whom sought to claim *su libertad* (their freedom).<sup>2</sup>

For this purpose, they all clearly stated that they had been freed, and they did so either because they were kept in a state of slavery despite having been manumitted, or because their owners accused them of presenting counterfeit *cartas de horro*. On the basis of these trials, it is

<sup>1</sup> *De Leonor de color morena con el capitán Fernando de Avellaneda estante en esta corte sobre su libertad*, Archivo Histórico Nacional, Madrid (AHN), Órdenes Militares (OM), Archivo Histórico de Toledo (AHT), legajo 6084. This study has been undertaken as part of the research project PID2020-113906GB-I00, 'Las prácticas culturales de las aristocracias ibéricas del Siglo de Oro: en los orígenes del cosmopolitismo altomoderno (siglos XVI-XVII)' financed by the Ministerio de Ciencia e Innovación of the Gobierno de España. Unless otherwise stated, all translations are by Jeremy Roe.

<sup>2</sup> For an overview of slavery in Spain and Portugal, see Fonseca 2014; Caldeira and Feros 2020; Guillén and Salicrú i Lluç 2021; Pérez García and Fernández Chaves 2021.

possible to reconstruct accounts of both the lives of the individuals involved, and the broader collective experience of slavery. Furthermore, it is argued that the testimonies given at court provide a valuable form of egodocument.<sup>3</sup> The accounts discussed here shed light on the sought-after ‘slaves’ view of slavery’, albeit without attaining the same scale and scope of the sources discussed in Stuart B. Schwartz’s classic study on the conditions imposed by a group of slaves on Manuel da Silva Ferreira, following their flight from the *Engenho* (sugar plantation) of Ilhéus to create a *mocambo* (community) of escaped slaves between 1789 and 1790 (1977).<sup>4</sup>

It goes without saying that the documentation uncovered here could be framed within the extensive spectrum of practices of writing through delegation<sup>5</sup> (Petrucci 1989; Métayer 2000; Bouza 2001), bearing in mind the fact that the great majority of enslaved individuals discussed in this study, just like Leonor, were illiterate.<sup>6</sup> Nevertheless, the case of Juan Rodríguez Prieto, a slave of African origin, is of special relevance as he was able to write, and was tried for having written counterfeit *cartas de libertad* for a third party, for whom he copied an authentic *carta* he had borrowed from a freedman.

## 2. Types of ‘*carta de horro*’: Manumission Granted Freely or for a Price

Drawing on the legal traditions of the *ius commune*, in both canon and civil law, as well as the law of the Iberian kingdoms and customary law practices, the principal legal means through which a slave could shrug off their menial status and gain their freedom was for their owner to manumit them by issuing a document referred to as a *donatio libertatis*.<sup>7</sup> Manumission was granted either as a clause in a will, or as a decision made during the slave owner’s lifetime, and liberty could either be granted freely or for a price (Schwartz 1974; Saunders 1982, 138-140; Cortés López 1989, 141-152; González Díaz 1997; Martín Casares 2005; Vincent 2008, 58-62; Periañez Gómez 2010, 463-498; Silva Júnior 2013; Vasseur Gámez 2014). Nevertheless, when liberty was freely granted, it could be postponed in accordance with certain conditions: owners would normally stipulate that their slaves continued to serve them until they died,<sup>8</sup> or else for a

<sup>3</sup> When analysing these documents, consideration must be given to the possible mediation of legal officials. On enslaved people summoned before royal justice, see Fernández Martínez 2020 and 2021.

<sup>4</sup> Schwartz analysed and published an extraordinary document: the *Tratado proposto a Manuel da Silva Ferreira pellos seus escravos durante o tempo em que se conservarão* (Treaty proposed to Manuel da Silva Ferreira by his Slaves during the time that they remained in revolt) (1977, 80-81).

<sup>5</sup> It is beyond the scope of this study to analyse the practice of reading aloud to slaves. However, an insightful example is provided by the sixteenth-century testimony published by Schwartz that recounts how a mestizo, Francisco Escobar, would read chivalric romances aloud to his slaves while they undertook farming duties in Arequipa (2008, 155).

<sup>6</sup> Over the course of this study one highly significant slave has been found: correspondence exchanged with Tetuán records how in 1605, a slave called Hamete was found in the possession of ‘*cartas minçivas y papeles escriptas con letras aráuigas*’ (letters, missives and papers inscribed with Arabic writing) (AHN, Diversos, Concejos y ciudades legajo 7, 4).

<sup>7</sup> There are also documentary records for the licences that the owners issued to their slaves permitting them to be absent for brief periods, which was usually to undertake work for others. For example, in 1615 the owner of the mulatto Juan Guerrero granted him a licence of this type for a month and a half to work as a reaper along with other mulattoes, AHN, OM, AHT, legajo 69202.

<sup>8</sup> These conditions were established by Francisco López de Zúñiga, Duke of Béjar in 1583 for his slave María de Montoya. Following the permission granted by the duke and duchess, she married a resident of Piedrahita, and, when he died, she remarried, this time to a resident of Huéscar. The document for the second marriage has been conserved; it states the conditions established by the duke, and it was signed by both spouses. Archivo Histórico de la Nobleza, Toledo, Osuna, C.228, D.30. The fact that María de Montoya knew how to sign her name is relevant given the dearth of evidence for enslaved individuals who were able to do so.

varying number of years; this was four years in the case of the *donatio libertatis* granted by Diego Velázquez to his slave Juan de Pareja in Rome in 1650 (Vincent-Cassy and Vincent 2021).<sup>9</sup>

As was discussed by a number of treatise writers of the period, such as Juan Machado de Chaves (1594-1653), who wrote in Quito, there was also the possibility of a slave being granted freedom if it could be proven that their owner did not feed them or made their life unbearable. In his *Perfeto confessor*, Machado de Chaves declared that ‘quando el señor niega los alimentos a su esclavo i le dexa por perdido o le desampara quando está enfermo, que en tal caso quede también libre’<sup>10</sup> (1641, 703).

In 1675, Esperanza de los Reyes, a slave from Cape Verde, declared before the authorities that her new owner, the merchant Juan Francisco Fiesco, did not attend to her most basic needs with regard to shoes and clothing, and he mistreated her in deed and word, calling her rude names like *perra* (bitch); by taking this step, Esperanza sought to be granted her freedom, or else sold on to a new owner. She recorded that, thanks to other slaves from Cape Verde, who also lived at the court, she was just about able to support herself; they fed her and provided her with clothes, as well as conversation.<sup>11</sup>

But it was more common that freedom should be granted by owners following a financial donation or a payment, in what was referred to as redemption in return *por dineros* (for money). Whatever option was pursued, it was essential that the terms of the manumission be formally agreed before a public notary. Therefore, the printed compilations of Castilian model public documents used by notaries include examples of manumission certificates for slaves. For example, what is referred to as the *Suma de notas de [Hernando Díaz de] Valdepeñas* contains both the *carta de horro [de gracia]* ([freely granted] manumission certificate) and the *carta de horro por maravedís* (certificate for manumission paid in maravedis) (Díaz de Valdepeñas 1538, xxiiir). As in the case of Leonor, the aforementioned slave from Lisbon, the huge majority of these manumission certificates were written on paper, although there are examples of them being written on parchment, such as the one that Doña Gracia Olazábal, widow of the royal secretary, Alonso de Idiáquez, granted in San Sebastián in 1555 to Lorenzo, a slave from Tunez, who was about fifty at the time.<sup>12</sup>

Both models merit closer scrutiny, first of all the *carta de horro de gracia* in the form in which it was widely disseminated for practical use by the notaries of the period. This is the model provided by Francisco González de Torneo

*Carta de horro, de gracia.  
Requiere ocho cláusulas.  
Primera relación.*

<sup>9</sup> This fascinating article casts doubts upon the ethnic status of the renowned painter, Pareja, who might not have been a mulatto, but instead a Berber or Morisco slave (Vincent-Cassy and Vincent 2021, 118).

<sup>10</sup> (when an owner denies his slave food and abandons them, or does not assist them when ill, then in such cases they [the slave] are also considered free).

<sup>11</sup> *Pleito de libertad entre Esperanza de los Reyes, esclava negra, y Juan Manuel Otañel, difunto, su presunto amo, y con Juan Francisco Fiesco, yerno del anterior y su heredero, por malos tratamientos*, AHN, Consejos suprimidos [CCSS], legajo 27713.

<sup>12</sup> Archivo Histórico Provincial de Zaragoza, Zaragoza, Sala IV, 86-14, <<https://dara.aragon.es/>>, accessed on 1 February 2024. Another example, dated 1559, was issued to Alonso Moreno, originally from Manicongo. It is conserved in the Archivo de la Real Chancillería de Valladolid (ARCV) – Pergaminos, carpeta, 96, 25 – although in this case it is a transcription from an original that had been written on paper. (<<http://pares.mcu.es/ParesBusqueda20/catalogo/description/541256?nm>>, accessed on 1 February 2024).

[1] Sépase por esta escritura, que yo fulano Domineo vezino, tengo por mi esclauo afulano, color tal, y de edad, y señas: y porque me ha seruido muy bien, y tengo entendido que tiene muy buenas costumbres, y es buen Christiano, es mi voluntad de darle libertad.

[2] Que le doy y dono de gracia la dicha libertad, por la mejor vía y forma que de derecho ha lugar.

[3] Y le cedo y renuncio, y traspasso todo el derecho que sobre él tengo, ansi del vso y seruicio dél y de los bienes que adquiriere, como en otra manera.

[4] Para que desde oy en adelante pueda hazer y disponer de sí, y de los bienes que adquiriere, lo que quisiere, y hazer escrituras y contractos, y lo demás que persona libre.

[5] Y prometo de auer por firme esta escritura. E para ello obligo mi persona y bienes muebles y rayzes, &c.

Las 6, 7 y 8 En el poder a las justicias. Y doy poder a las justicias, &c.<sup>13</sup> (1591, 227r-v)

Likewise, the model document for the *carta de horro por dineros* (certificate for paid manumission) consisted of the following:

*Carta de horro por dineros.  
Requiere ocho cláusulas.*

[1] Sépase por esta carta, que yo fulano Alberio tengo por esclauo a fulano, color tal, de tal edad, y por causas que a ello me mueuen le he permitido libertarse, dándome tanta quantía.

Ha de hauer el dueño veinte años para darle libertad en escritura y por testamento ...

[2] El qual me la da y paga ante el presente escriuano, en tal moneda.

Y si le ha hecho escritura por ellos dirá. Por cuánto me tiene hecha escritura de me las pagar por ante fulano escriuano ...

[3] Y desde aora, le cedo, y renuncio, y traspasso, el derecho que tenía, de tenerle sujeto y seruirme, y vsar, y disponer dél, y a los bienes que ganasse y adquiriesse, y otro qualquier que sobre él me pertenece.

[4] Para que desde oy en adelante pueda hazer y disponer de sí, y de los bienes que adquiriere lo que quisiere y hazer escrituras y contractos y lo demás que persona libre.

[5] E prometo de auer por firme esta escritura.

Las 6, 7 y 8 En el poder a las justicias. Y doy poder a las justicias.<sup>14</sup> (226v-227r)

<sup>13</sup> (Certificate for freely granted manumission. Requires eight clauses. First clause [1] Let it be known by this certificate, that I, John Doe, resident, have Richard Roe as my slave, of such and such colour and such and such age, and because he has served me very well, and it is my understanding that he upholds good customs, and is a good Christian, it is my wish to grant him his freedom. [2] That I freely give him and grant him the aforesaid freedom through the best means and form that the law provides for. [3] And I cede and renounce to him and hand over all the rights I exercise over him, as well as the use and service I derive from him, and of the property that he may acquire, and any other aspect. [4] So that from today and hereafter he can act and provide for himself, and [use] the property that he acquires as he wishes. [5] And I promise to firmly honour this document. And I thereby commit my person and movable goods and immovable goods, etc. Clauses 6, 7 and 8 through the power of the justices. And I grant power to the justices, etc.)

<sup>14</sup> (Certificate for paid manumission. Requires eight clauses. First clause[1] Let it be known by this certificate, that I Thomas Rowe, resident, have Richard Fen as my slave, of such and such colour and such and such age, and for reasons that move me to do so, I have permitted him to manumit himself by giving me such and such a sum. {The owner must be twenty years old or more in order to grant freedom in writing and through a will} [...] [2] The aforesaid sum must be presented and paid to me before this notary in such and such coinage. And if a document is drawn up by them, it will read: For how much the document stipulates he must pay me, before John Den, notary [...] [3] And henceforth I cede and renounce to him, and hand over all the right I exercise over him, as well as the use and service I derive from him and of the property that he may acquire, and any other matter of his that belongs to me. [4] Whereby the property that he earns and acquires is his and he can act and use himself and his property, as well as draw up contracts and documents, as he wishes and all other matters like a free person.t [5] And I promise to firmly honour this document, for which I oblige my person and property, etc. Clauses 6, 7 and 8 in the power of the justices. And I grant power to the justices, etc.). Translator's note: in these legal texts the translation of fulano as John Doe and its variant forms is

It is hard to establish the sums individuals paid for their freedom, but Saunders states that the amount 'seems to have been equivalent to the market price of a slave', to which must be added the other expenses involved in issuing the certificate, all of which would be paid by the manumitted individuals (1982, 138), and this would be more expensive for women than for men (Franco Silva 2000, 53). For example, in 1552, Margarida had to pay 10,000 *reis* in order to obtain her *carta de alforria* in the Portuguese city of Porto (Saunders 1982, 138). The following year in Mérida, Juana Muñoz declared before the justice that despite having paid 60 ducats for the manumission of her husband Cosme de Vargas, Rodrigo de Mendoza had then gone to sell him to a new owner.<sup>15</sup>

Fleeing from their owners was, obviously, a common choice, but it was beset by dangers. Before doing so, efforts would be made to counter the hypothetical principal legal foundation for slavery: either being a child of slaves or having been taken captive in a just war.

Some enslaved individuals, as well as those at risk of being sold into slavery, invoked such arguments when issuing memoranda to the king as a means of gaining his support. For example, a Japanese man, Francisco Xavier, applied for a passport in 1693 in order to undertake a pilgrimage to Jerusalem; although he was a freeman, he was thought to be a slave due to his dark skin colour.<sup>16</sup> Some years before, Diogo Fernandes de Mendonça, who was from Goa and had arrived in Spain as a soldier, took his complaints to the *Conselho de Portugal* and sought its protection from a person whose servant he claimed to be, but who in turn said that Diogo was his slave.<sup>17</sup> Others went on to initiate proceedings against their owners and demand their freedom. These types of trials were known as the *causa liberalis* or manumission lawsuits (Bermúdez de Pedraza 1633, 209).

One example of one of these cases is the lawsuit brought against the powerful brothers Simón Ruiz (1525-1597) and Vítores Ruiz from Medina del Campo by João and Catarina Santo Tomé, who were acknowledged as freedman and woman by the Castilian royal justice officials in 1559. They were both Africans 'nascidos en ciertas islas de Portugal',<sup>18</sup> perhaps São Tomé and Príncipe; although they had travelled to France they were sent from Nantes to Castile by Andrés Ruiz, a brother of the merchants from Medina del Campo.<sup>19</sup> A second example took place in the viceroyalty of Peru, where Gaspar de Acosta brought a lawsuit against his master, Bernardo Vanegas de Vegara, with regard 'dezir que el susodicho es persona libre y no esclavo'.<sup>20</sup> Acosta declared himself to be an indio (Indian, from the Portuguese *Estado da Índia*), although in light of the information provided by the jurist Francisco Carrasco del Saz (†1625), he must have in fact been a Malay from the Islamic sultanate of Patani, where the Portuguese had maintained a presence since the early sixteenth century. The freedom of the supposed slave had to be reinstated because, he stated, the inhabitants of this enclave on the trade route from Malacca to China were 'sujetos al Governador de Goa y como tales personas libres tratan y contratan'<sup>21</sup> (Carrasco del Saz n.d.).

based, firstly, on the OED definition of John Doe as 'An anonymous (male) party in a legal action' and, secondly, the early modern examples cited in the OED Historical Thesaurus. Oxford English Dictionary, s.v. 'John Doe, n., sense 2', July 2023, <<https://doi.org/10.1093/OED/9560029818>>, accessed on 1 February 2024.

<sup>15</sup> AHN, OM, AHT, legajo 20414. A receipt for the first manumission payment (540 *reales*) paid by Bárbola de Zambrano for the freedom of her husband, who was a slave in Antequera, in 1650 has been conserved, AHN, Diversos, Concejos y ciudades, legajo 7, 17. On the price variations for paid manumission, see Morgado García 2010, 408-410.

<sup>16</sup> AHN, CCSS, legajo 7205.

<sup>17</sup> AHN, CCSS, legajo 4422.

<sup>18</sup> (who had been born in certain islands belonging to Portugal).

<sup>19</sup> ARCV, Registro de ejecutorias, caja 938, 37; sendos pleitos en ARCV, Pleitos civiles, Fernando Alonso, caja 1399-9; y 1046-6.

<sup>20</sup> (to his saying that the aforementioned is a free person and not a slave).

<sup>21</sup> (under the authority of the Governor of Goa and as such free people, who can trade and draw up contracts).

Acosta thereby sought to demonstrate that he could not have been reduced to slavery. A Turkish man, Azayn, sought the same end when defending his lawsuit by stating that he was Greek Orthodox and called Jorge Teodoro. His testimony was corroborated by other Eastern Christians, who were summoned as witnesses (de la Escalera Guevara 1654). Likewise, one Antonio declared that he was from the *nación de las Yndias* (nation of the Indies) because he had been born in the land of Prester John, and he took out a lawsuit in Mérida in 1553, against one Lope Bote, who claimed to be his master.

Antonio claimed his freedom because he was from the nation of Christians, and thereby could not have been legitimately enslaved. However, he had greater difficulty explaining the marks on his face, which seemingly identified him as a slave; the latter would be branded on their faces by their owners. Having lost his lawsuit in the lower courts of justice in Mérida, Antonio took his appeal to the *Consejo de Órdenes*, and his case was transferred to Valladolid. There, in 1554, he managed to be declared an *ombre libre* (free man), on the basis of the testimonies of three men from his homeland, who declared that Antonio was indeed a Christian Ethiopian (*caldeo* [Chaldean]) and that the marks on his head were due to the ritual baptism by fire that was customary amongst this Christian community.<sup>22</sup>

Scarcely ten years later, in 1546, and relatively close by, in Jerez de los Caballeros, a trial began concerning a man aged 38, who had returned to the city twenty years after having left it. He was called Francisco Gómez Rasquidillo, and had worked as a weaver in various places – Toledo, Granada, Zaragoza, Seville, Valencia. He claimed to be the son of a local resident called Diego Gómez Rasquido but did not know who his mother was. As his skin was dark in colour, the heirs of one Juan Maraver claimed that he was the mulatto Francisquillo, who had been born to a slave called Elena and the aforementioned Diego Gómez. Nobody knew the whereabouts of the latter and it was feared he had fled. In this case, Rasquido claimed that ‘nunca se a visto cautivo’<sup>23</sup> in order to counter the claim that he was the mulatto, Francisquillo, which was based on the striking similarity between them ‘en gestos e color e habla’.<sup>24</sup> The solution was to identify his mother, who had given birth to him as a widow, and his unmarried father, as well as insisting that in that region ‘muchas mugeres libre son morenas y nacen dellas hijos morenos’.<sup>25</sup>

### 3. *Fugitive Slaves with Counterfeit Manumission Certificates*

In the event they managed to flee their owners, some fugitive slaves sought to change their name<sup>26</sup> and they also procured counterfeit manumission certificates. This is what led to the dark-skinned Juan de Orán being sent back to prison having previously escaped from a prison in Burgos in 1557.<sup>27</sup> Francisco de Guzmán, who had been born in Turkey, met the same fate and

<sup>22</sup> *Antonio indio esclavo de Lope Bote en la cárcel de Mérida, 1553*, AHN, OM, AHT, legajo 49896. Concerning the mark of the baptism rite: ‘traen comúnmente todos en la frente una Cruz de oro, que les imprimen en el Baptismo’ (they all usually have a gold Cross, which is marked upon them at Baptism) (de Sandoval 1627, 98v); or ‘tres puntos y señales en la frente, entre las cejas, sobre la nariz’ (three dots and marks on the forehead, between the eyebrows, above the nose) (de Urreta 1610, 483).

<sup>23</sup> (he had never been a captive).

<sup>24</sup> (in gestures, colour and speech).

<sup>25</sup> (many free women are dark-skinned and give birth to dark-skinned children). *El bachiller Juan Maraver y María de Hormaza, vecinos de Jerez [de los Caballeros] contra Francisco, mulato*. AHN, OM, AHT, legajo 54469.

<sup>26</sup> It was not uncommon for people to change their names in the sixteenth and seventeenth centuries, but in this case, there was an aggravating circumstance as his name was changed for criminal intent or else illicitly, just as is found in the case recorded by de la Escalera Guevara 1653. See Groebner 2007.

<sup>27</sup> ARCV, Registro de ejecutorias, caja 903, 30.

was sent to prison in Pamplona in 1624. The case of the latter white slave provides key insights into a number of aspects of the strategies used by those who forged manumission certificates.

The accounts of Francisco de Guzmán's life blur reality and fiction in an almost literary manner. According to his declaration he had lived in Santa Maura – the island of Aya Mavra, today Lefkada – where he had been taken captive when galleys from Naples and Sicily had landed there. Having passed through the hands of a series of owners, he had been brought to Andalusia as the property of Juan de Zabaleta, from whom he had been bought by Diego de Guzmán, canon of the Cathedral of Seville. The cleric had apparently decided to free him as '*averse christianado en mi cassa*'<sup>28</sup> and he apparently did so in 1616, albeit having first received 120 ducats from the man who had been his slave, and who had paid the sum *de contado* (in cash).<sup>29</sup>

Nevertheless, when the Sevillian canon discovered that he was in prison in Pamplona he issued a complaint stating that he had never granted the *carta de horro* and that Francisco de Guzmán continued to be his slave, and that he had sent him to Madrid with some horses. To demonstrate this, the canon presented the sales contract for his purchase of Francisco as a slave; however, this did not state 1616, but instead 1623, and it made no reference to him having been bought from Juan de Zabaleta, but rather a cleric called Juan Fernández del Corral. Furthermore, it was not true that Francisco had been baptized in the house of Canon Guzmán, which had been cited as an especially opportune occasion for his manumission; in fact, he was already a Christian when he had been purchased and had been baptized Francisco. Nevertheless, the definitive proof he had fled from his master was a letter written to the Sevillian canon by the slave while imprisoned in Pamplona.

In this letter, Francisco acknowledged that he had arrived in Madrid with the horses just as he had been instructed to by Diego de Guzmán. However, while at the court he became ensnared in '*vna gran pesadumbre con ciertos moços sobre una mujer*',<sup>30</sup> and they threatened to kill him. Faced with such threats he decided to leave Madrid '*sin lizençia de v.m.*',<sup>31</sup> and he ended up in Pamplona, where he had been put in prison and was currently '*medio tullido y casi ynpusibilitado de poder seruir ni trauajar*'.<sup>32</sup> Hence, he wrote to his master begging him for his freedom, or else to be donated to a convent or hospital in Pamplona so that they could cure him, and he would then serve them for the rest of his life; he also stated that this is what other slaveowners had done with fugitive slaves.<sup>33</sup>

Accusations made concerning counterfeit manumission certificates did not always result in sentences ruling against the party involved, and on occasions the veracity of the documents certifying their freedom was reaffirmed, even when the individuals concerned were in prison. This was the case for a slave called Hamete, who had been born in Oranesado and had taken the name Julián de los Reyes when he was baptized in Cuenca in 1627, only to be imprisoned in Pamplona a few months later. He had originally been taken captive on the Mediterranean coast of Almería, but eventually ended up in the Andalusian *villa* of Montilla in the possession of the Marquis of Priego, Alonso Fernández de Córdoba (1588-1645), who then handed him over to Juan Rubio,

<sup>28</sup> (he had been converted to Christianity in my house).

<sup>29</sup> Archivo Real y General de Navarra, Pamplona [AGN], Corte Mayor de Navarra. Procesos judiciales. Antoñana-Pendientes. ES/NA/AGN/F146/122289.

<sup>30</sup> (a serious dispute over a woman with various young men).

<sup>31</sup> (without your grace's permission).

<sup>32</sup> (half crippled and barely able to serve or work).

<sup>33</sup> The letter is signed '*esclauo de v.m. francisco de guzmán*' (slave of his grace, Francisco de Guzmán), Pamplona, 15 August 1624. It opens with a reference to two other letters written to his master, but these are not included in the trial proceedings.



who served as steward to the marquis. Through a public document issued in June 1626, Rubio, the last of Hamete's owners, manumitted him in return for 'los buenos seruiçios que me a echo'<sup>34</sup> as well as the fulfilment of a more practical side to the agreement: Hamete had also paid him one thousand *reales*, the same sum that Rubio had paid the Marquis of Montilla when buying him as a slave some years before.<sup>35</sup> Needless to say, in Pamplona he was interrogated about how he had managed to obtain the *reales* he paid in return for his freedom, Hamete/Julián de los Reyes declared that during eight years he had served as a mule driver, always with permission from *su dueño* (his owner).

The case of Hamete/Julián de los Reyes highlights the difficulties faced by freedmen and women in trying to undertake new forms of employment as manumitted individuals, especially in the frontier regions of Navarra, a route typically taken by people heading for France. Concerning his *modus vivendi*, he answered the public prosecutor's interrogation by stating that he had arrived in Pamplona in search of a place where he could practise his profession as a weaver of esparto and *curar* (healer) of horses; concerning his movements after redeeming his freedom, he declared he had been in Cuenca and Zaragoza, from where he travelled to Pamplona, but due to a shortage of work he was heading for France. Furthermore, his status as a convert from Islam aroused suspicion concerning the veracity of his conversion to Christianity. To put a stop to the suspicions, Hamete carried with him documents certifying that he had been baptized, having passed the instruction provided to catechumens in the city of Cuenca.<sup>36</sup>

As was mentioned above, *cartas de horro* had to be issued as an instrument of *fe pública*, or, in other words, a recognized legal document, which meant that, should an escaped slave wish to forge a manumission certificate, this required the involvement of a notary to produce a counterfeit document, and these notaries would have had to be paid a sum of money in advance. In this case, the aim of delegating the writing to a third party was to obtain a counterfeit document.

For example, in 1583, Juan, a dark-skinned black slave, fled to nearby Portugal from his owner, who was called Juan de Escalona and was a resident of Bienvenida; before escaping, Juan had stolen no less than 96 ducats from his master. When the slave, Juan, was located by his master in Aldeia Galega, on the outskirts of Lisbon, and brought back to Castile, an interesting trial was initiated that sought to identify who had produced the counterfeit document he carried. On the basis of Juan's testimony, it was concluded that the *carta de horro*, although counterfeit, had been written by a genuine notary, Alonso de Rueda, who worked in the nearby town of Puebla de Sancho Pérez. He had received 35 ducats for producing the forged document. The notary had drawn up a *carta de horro* in which the names of the master and slave had been changed as well as the location, and likewise the notary's name and his signature or rubric. Consequently, Juan went on to call himself Cristóbal Sánchez, while Juan de Escalona was converted into Juan Sánchez, and the certificate was drawn up before Juan Blas, who was in fact the notary of the *villa* of Usagre.

Rueda's intention was, obviously, to conceal any traces of the forgery process, which was also the aim sought by Juan: he declared that the *carta de horro* had been written by a soldier he had met during his journey. Having undertaken a series of legal enquiries, including the testimony given by the true notary of Usagre, who was confronted with the counterfeit document, the conclusion was eventually drawn that Alonso de Rueda had only written one part of the *carta de horro*, and entrusted the rest to his son Francisco Galindo.<sup>37</sup>

<sup>34</sup> (the good service he has done for me).

<sup>35</sup> One ducat was the equivalent of eleven Castilian *reales*.

<sup>36</sup> AGN, Consejo Real de Navarra, Procesos judiciales. Mendivil-Pendientes. ES/NA/AGN/F017/058451.

<sup>37</sup> *Carta de horro falsa de Juan, esclavo de Juan de Escalona*, AHN AHT, legajo 19893.

#### 4. Juan Rodríguez Prieto, the Slave Counterfeiter: Histories of Solidarity

In 1559, in Jerez de los Caballeros a trial took place that pitted Arias Malaver Montoya and María Sánchez, *la baja* (the little one), against a black man called Juan Rodríguez Prieto. The latter was accused of having assisted a second black slave named Francisco, who belonged to the plaintiffs, to escape from them.<sup>38</sup> To assist Francisco, Juan had given him a ‘carta de alhorría falsa escrita de su letra’,<sup>39</sup> which he claimed he had been given by the public notary, Isidro Suárez. Effectively, with the aforesaid certificate Francisco had fled Jerez de los Caballeros ‘para se librar y adquirir Libertad’,<sup>40</sup> and he travelled as far as Cartaya, on the Atlantic coast of Andalusia, where he was captured and returned to his owners in Extremadura. The opening of this legal investigation led to Juan Rodríguez Prieto being put in prison and a series of enquiries were undertaken to identify whether the counterfeit certificate was ‘de letra del dicho Juan’.<sup>41</sup>

The witnesses included Francisco himself, who declared that having told Juan that he wanted to head for the ‘adelante’<sup>42</sup> kingdom of Portugal, the latter offered to obtain a *carta de horro* for him in exchange for some ‘calçones colorados’.<sup>43</sup> He went on to recount how for this purpose they went together to the nearby *villa* of La Higuera, where Juan Rodríguez bought ‘dos pliegos de papel’<sup>44</sup> upon which he wrote the certificate in the name of the slave in question. Later on, a student, who Francisco showed the certificate to, told him that ‘no era Buena’<sup>45</sup> and, as a result Juan had to write another one for Francisco. For this new document, they made recourse to a ‘moço loro’,<sup>46</sup> who worked in Fregenal, and he lent them his own *carta de horro*, so they could make a copy of it.

When Francisco was returned to Jerez from Cartaya, he still carried the counterfeit certificate, and it was presented during the trial. According to the trial proceedings, it began:

Sepan quantos esta carta de alhorría vieren como yo Arias Malaver vecino que soy desta çibdad de Xerez [de los Caballeros] de my propria y agradable voluntad e servicio a dios nuestro señor [...] por el mucho amor que le tengo a mi esclavo Francisco de color bazco [id est bazo, amulatado] y de buena estatura y de hedad de veynte años poco más o menos e porque le he criado otorgo e conozco por esta presente carta que ahorro de todo cautiverio e sujeción al dicho Francisco mi siervo con tal declaración y condición que me sirva por todos los días de mi vida ...<sup>47</sup>

Thus, this was a *carta de horro de gracia*, albeit with the condition that the slave, who had been conveniently identified, would serve his master until his death, and the document was authorized by the notary Isidro Suárez on 19 April 1557, and had been signed by two witnesses. This coun-

<sup>38</sup> AHN, OM, AHT, legajo 18216.

<sup>39</sup> (counterfeit manumission certificate written in his own hand).

<sup>40</sup> (in order to escape and gain his freedom).

<sup>41</sup> (in the handwriting of the aforesaid Juan).

<sup>42</sup> (yonder).

<sup>43</sup> (coloured breeches).

<sup>44</sup> (two sheets of paper).

<sup>45</sup> (it was no good).

<sup>46</sup> (dark-skinned mulatto servant). On the racial category *loro*, see Fernández Chaves 2016.

<sup>47</sup> (May all those who see this manumission certificate know that I, Arias Malaver, resident of this city of Jerez [de los Caballeros] on my own and free volition, and in order to serve God our Lord ... Given the great love I hold for my slave Francisco, of *bazco* [*id est bazo*, mulatto] skin colour and good stature and aged twenty more or less, and because I brought him up I hereby grant and acknowledge through this here certificate that I release him, the aforesaid Francisco my servant, from all captivity and subjugation with the declaration and condition that he serves me for all the days of my life ...).

terfeit certificate was shown to a number of neighbours in Jerez de los Caballeros, who testified that Juan was its author either because ‘le he visto escribir’,<sup>48</sup> or ‘le ha visto escribir muchas veces.’<sup>49</sup>

The definitive proof that Juan Rodríguez was the forger came when they ordered that he – Juan, aged 19, a slave belonging to Benito Sánchez – should write his confession in his own handwriting, as he indeed went on to do. Having denied any connection with the counterfeit *cartas de horro*, the slave was placed upon the rack, following which he confessed ‘*ques verdad quéel hizo una escritura al dicho francisco e se la trasladó e se la signó y escribió e firmó.*’<sup>50</sup> The trial ended with him being sentenced to receive 200 lashes and the amputation of his right hand, so the slave ‘notary’ would never be able to write again; a similar punishment was imposed on public notaries convicted of forging documents (de la Pradilla Barnuevo 1621, 16r).

The trial reveals interesting forms of sociability between enslaved individuals beyond the milieu of the better-known black confraternities (Apodaca Valdez 2022). In this regard it should be noted that there was a degree of friendship between Juan and Francisco, although they were by no means close, and likewise there was the freedman of Fregenal – about whom nothing further is known except that he was called Juan – who agreed to lend them his *carta de horro*, so they could use it as a model for forging one for the slave Francisco.

In this regard, historians have drawn attention to a range of petitions made to the *Cortes* of Castile that demonstrate a wider concern over counterfeit *cartas de horro*. During the *Cortes* held in Madrid in 1551, demands were made that the Crown should pay close attention to manumission certificates, and the fact that freedmen and women who ‘en siendo libres procuran de hacer malos a todos los esclavos, acogiéndolos en sus casas y, lo que peor es, les dan sus cartas de horro, e así se hazen muchos fugitivos e llevan sus cartas de horro falsas’<sup>51</sup> (Cortés López 1989, 152, n. 68). The complaints continued and the proceedings of the *Cortes* held in Madrid in 1570 included the same complaint because ‘*muchos esclavos fugitivos hazen falsas cartas de horro y libertad, o las compran de esclavos muertos o las toman prestadas*’<sup>52</sup> (122, n. 27). As W.D. Phillips Jr. summarized this issue as follows: ‘Often slaves used false documents of manumission, which had their own black market’ (2009, 35; Graullera Sanz 1978, 158; Martín Casares 2000, 436; Perriáñez Gómez 2010, 475, n. 1546).

At this point it is worth recalling how the aforementioned case of Esperanza de los Reyes from Cape Verde was assisted by other Africans from the same archipelago in Madrid during the reign of Charles II. An unequivocal reference was also made to the interpersonal bonds that were established between enslaved individuals in the testimony given by Jerónima de San Miguel with regard to the Berber woman Catalina de los Mártires, widow of the African man Francisco de la Peña; the former declared in court that ‘*las dos eran compañeras como criadas y esclavas*’.<sup>53</sup>

However, the most fascinating case in which slaves or freed slaves gave testimony during legal enquiries and demonstrated both their ‘provenance’ and territorial solidarity is found amongst the testimonies gathered in Cadiz on the orders of Governor Francisco Gutiérrez de los Ríos

<sup>48</sup> (I have seen him write).

<sup>49</sup> (I have often seen him write).

<sup>50</sup> (that it is true that he drew up a document for the aforesaid Francisco and he transcribed it and he placed a seal upon it and wrote and signed and added his rubric to it).

<sup>51</sup> (having gained their freedom, seek to lead other slaves into perdition, by giving them lodging in their houses and what is even worse, giving them their *cartas de horro*, and thereby creating numerous fugitives who carry forged *cartas de horro*).

<sup>52</sup> (many fugitive slaves make forged *cartas de horro y libertad*, either buying those of dead slaves or else borrowing them).

<sup>53</sup> (the two had been companions as servants and slaves). She gave his testimony during the trial held in 1661, during which the heirs of Doctor Alonso Garzón claimed as their property Catalina, who had once been the physician’s slave and who he had manumitted, AHN, CCSS, legajo 30390.

(1644-1721), Count of Fernán Núñez, concerning the origin of Oquere Osinu [Francisco Rey de Mina]. It was said he was a son of the Fante king in what is today Ghana (Vincent 2020). The African prince had been taken captive during a war against his father's kingdom and sold as booty to some Danish sailors, who had taken him on board their ship at Kormantsi, or Fort Amsterdam, and then brought him to Cadiz in 1688. It was there that he was bought by the count aboard the same ship. The aforementioned documentation, which was drawn up in 1689, included the testimonies of five Africans, of whom only one could sign their name.

The first of these was Juan Francisco Bazán, sergeant major of the garrison of black soldiers in Cadiz, who declared that he had known Oquere in the Fante kingdom and that he was even a relative of his; they were both sons of mutual cousins. With regard to himself, he stated that he was fifty years old, he did not know how to sign his name, and that he had been brought by some Englishmen to Cadiz, where he is 'la persona de más inteligencia de dichos negros por entender más bien la lengua y respecto que le tienen'.<sup>54</sup> In addition to him, testimony was given by Captain Francisco Manuel Rufo, aged 48, who was born in – he said not without displeasure – the place that in Spain is referred to as Mina, but over there is referred to as Fante; he initialled his declaration as he did know how to sign his name. The third man to give a statement was called Francisco Tomás. He had been taken captive by the English thirteen years earlier and had spent five years in England, from where he made his way to Spain and had been baptized. The final testimonies were given by two young men called Diego Francisco and Miguel Blas. They had been forced to leave their homeland like Oquere Osinu, and had been brought by the Danish sailors to Cadiz in the same ship.

Alfonso Franco Silva has underscored the forms of solidarity that can be detected in early sixteenth-century Seville, as is illustrated by the black freedwoman Guiomar Fernández. In her will dated 1525, she declared that she belonged to a network of freed slaves who sought to help and free other slaves (1979, 246, n. 192). Indeed, Guiomar lived with other Africans, including a Portuguese man, Juan and his wife Catalina, as well as two black women, Violante and Magdalena (263, n. 270). With regard to the Morisco community, the same author makes reference to a report of a group of Morisco freedmen who collected money in order to free slaves from amongst the Muslim converts to Christianity (245).

## 5. Conclusions

During the sixteenth and seventeenth centuries, for enslaved and freedmen and women living in the Iberian region it was unusual, although still possible, to obtain direct access to writing. The examples of María de Montoya (1583), Francisco de Guzmán (1623), Francisco Manuel Rufo (1689) and, above all, that of Juan Rodríguez Prieto (1559) demonstrate this to be the case. Consideration should also be given to the far greater frequency of contact with writing in the form of mediations, such as sacramental documents (baptism, marriage, wills), the manumission certificates known as *cartas de horro* and *cartas de alforría*, and the sale contracts, through which they were cruelly treated as merchandise. Special scrutiny should be devoted to their access, which was common in the early modern culture of litigation, to procedures and information related to legal justice.

Although the diverse uses of writing with regard to slavery – from letters and talismans to signs tattooed on faces as indelible marks of their status – should not be overlooked, manumission documents are of particular relevance as they reveal individuals' recurrent quest to

<sup>54</sup> (the most intelligent person amongst the aforesaid blacks, as he has the best understanding of their language and due to his compatriots' respect for him).

escape the onerous condition of slavery. One outcome of this quest was a slave's decision to flee from their owners with the aid of a forged *carta de horro*: either by bribing public notaries, or by making recourse to other slaves or freedmen and women who helped them by providing resources to forge documents certifying their freedom.

The written testimony of Juan Rodríguez Prieto, who was born to African parents and a slave who engaged in forgery, is especially insightful, as there can be no doubt about his acquaintance with writing. The neighbours declared in their testimonies that they had seen him write on numerous occasions, and he was also required to submit his statement in writing, which facilitated a key phase of the legal investigation: the counterfeit *carta de horro* went on to be compared to his handwriting.

It may be concluded that writing was used to exercise authority over slaves, but on occasions it provided a tool to retaliate against that same authority. Parallels may be drawn to the process through which colonial communities with oral traditions rapidly adapted to literacy, as is explored in the landmark study by Donald F. McKenzie (1985).

Furthermore, it is underscored how the subaltern groups' recurring contact with forms of writing provides a means of reconstructing the lives and forms of solidarity that existed between slaves of the same origin, as is demonstrated by the cases of Esperanza de los Reyes (1675) and Oquere Osinu (1689), who were from Cape Verde and Fante (Ghana), respectively. Attaining the status of freedman or woman did not preclude individuals from maintaining ties with the community of those who continued to be slaves, as was the case for the Sevillian freedmen who sought to obtain freedom for enslaved Muslim converts to Christianity from Hornachos (1504), and likewise the case of Guiomar Fernández, who also lived in Seville (1525).

Nevertheless, in addition to this written memory, recourse was also made to the written effacement of memory through the legal system. In 1685, Diego Pedro de Rojas, who worked as a coach driver in Seville, requested that the reference to him being a slave on his *fe de bautismo* (baptism certificate) should be effaced, so he could be declared a freedman (de Velasco 1685). Thereby, he endeavoured to escape the sign of infamy imposed by writing, which was a form of control, yet also a means of resistance for such a singular subaltern group: the enslaved men and women of the Early Modern Era.

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