

Introduction



No need to heed your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become my own. Re-writing you I rewrite myself anew. I am still author, authority. I am still colonizer, the speaking subject, and you are now at the centre of my tale.

—bell hooks, “Marginalizing a Site of Resistance”

Bartolomé de las Casas (1484–1566) is considered by some to be the first human-rights advocate, a “larger-than-life archetypal hero.”¹ Named Legal Advocate and Universal Protector of the Indios (Procurador y Protector Universal de los Indios de las Indias), he helped, through his tireless efforts, to eliminate the most egregious forms of indigenous slavery in Spanish America.² Biographies of the influential man abound, some of them hagiographic, others oriented toward his philosophy and political aspirations. One of the most respected Latin Americanists of the twentieth century, Lewis Hanke, dedicated several works to the study of Las Casas. His most seminal work, *The Spanish Struggle for Justice in the Conquest of America* (1949), became essential reading for students and aspiring Latin Americanists in the 1960s, 1970s, and 1980s.³

But this volume is not about Bartolomé de las Casas and his remarkable accomplishments. It is about indigenous men and women called *indios* who were interviewed by famous friars like

Las Casas and who, like Catalina in this book's preface, made great efforts to acquire a piece of paper from the Spanish courts saying they were free vassals. It is about the indigenous struggle for justice, a struggle that occurred on a local and global scale. There is no question that Las Casas's advocacy was central to those efforts. By testifying on behalf of several slaves, Las Casas did what he felt compelled to do: help them achieve their freedom before the Spanish tribunals of the Casa de la Contratación (the House of Trade, henceforth referred to as the Casa, established in 1503) or the Council of the Indies (established in 1524). But the indigenous role in that effort, long overshadowed by the larger-than-life presence of Las Casas, has yet to be told.⁴

I began work on this book with two questions. First, what happened to the hundreds of thousands of native peoples who were enslaved and transported to foreign places in the Americas and Europe? Second, would it be possible, given the paucity of historical records, to trace the pathways of several thousand who went to Castile, and the histories of the scores who initiated lawsuits against their masters? As I began to probe these questions, I discovered that in the sixteenth century at least 650,000 indigenous people were enslaved and forced to relocate to foreign lands throughout the inter-American and transatlantic Iberian world.⁵ The process began in the 1490s, when several thousand unsuspecting individuals were loaded into the holds of the first caravels returning across the Atlantic with Columbus and merchants eager to develop a lucrative transatlantic indigenous slave trade.⁶ An alarmed Queen Isabel responded first by ordering that the indigenous people be freed and returned to their homelands, then by declaring, in 1501, that Indians were instead Castilian free vassals who should be treated well and pay tribute to the Crown.⁷ This decree, although important in the sense that it curtailed the massive importation of indigenous slaves to Spain, did little to stop slave-raiding ventures throughout the Americas for decades to come.⁸

As part of this monumental inter-American forced migration, more than two thousand indios made the transatlantic journey to lead humble lives in the Spanish kingdom of Castile.⁹ It is these individuals who are the subject of my book. Some arrived with seamen, some with their masters, some with merchants who sold them once they reached Seville. The earliest records of slaves being sold in Seville appear with the labels *muchacho* (boy), *obispo* (perhaps a reference to the slave's master, a bishop), and *una niña* (a young girl), and with the name Cosme.¹⁰ In their travels, many slaves crossed Spanish-Portuguese imperial borders, thus complicating their identities as "transimperial" subjects.¹¹ Most indigenous servants and slaves lived in Seville, but hundreds eventually settled with their masters in the villages

and towns of Almería, Baeza, Cádiz, Ciudad Real, Granada, Madrid, Toledo, and Valladolid (see map).¹² A portion of these slaves later litigated for their freedom, ultimately questioning the bondage of indios and redefining what it meant to be an indio in the early modern Iberian world.

Why, then, were such large numbers of indigenous peoples in Spanish America enslaved? Moreover, why did Spaniards think they had the legal right to enslave indigenous people?

Fifteenth- and early sixteenth-century Castilian theologians, merchants, commoners, and men of the sea had conflicting attitudes toward indigenous slavery. Most scholars, ecclesiastics, and jurists of the time agreed that applying the Aristotelian notion of natural slavery (*servidumbre natural*) to indios had no legal or theological basis. Those who disagreed, including those who stood to profit from a well-developed slave trade, believed that the people labeled as indios lacked humanity; being little more than bestial animals, indios could therefore be enslaved.¹³ But as many polemicists, and particularly Bartolomé de las Casas, argued, God did not create natural slaves; all humans were free by their nature (*a natura*) and had the capacity to contemplate God. In other words, indios were humans and fell within the governance of natural law. They were the sons of Adam and should be treated accordingly. This opinion was iterated in Isabel's declaration of 1501, the Laws of Burgos (1512), Paul III's papal bull *Sublimus Deus* of 1537, and the New Laws of 1542.¹⁴

With a few exceptions, the rationales used to support the continued enslavement of indios did not refer to whether they were rational beings or barbarians; instead the focus was on certain practices of civil slavery. According to the *Siete Partidas*, persons could be taken as slaves because their parents had been slaves, because they had committed a crime, or as a result of poverty or debt. Cannibalism was another reason. Queen Isabel may have qualified indios as free vassals in 1501, but in 1503, at the insistence of the merchants and authorities of Santo Domingo, she issued a further decree stating that *indios caribes* (*caribe* meaning "man-eating") from "the Caribbean islands and Cartagena" could be captured as slaves. The rationale behind the decision was that indios caribes were barbarians (not quite human) and so fell outside of natural law.¹⁵

Even though Isabel had determined that indios were not infidels—unlike the Muslim people throughout the Mediterranean who had been enslaved for centuries—she decreed that they could be enslaved if they resisted Christianity, as captives of just war (*guerra justa*). This policy had a long tradition. Not only did Christian heritage determine status, position, and the ability to

migrate, confessional faith had for centuries been the *raison d'être* in Christian Iberia for the enslavement of non-Christian enemies dwelling in lands not subject to Christian rule (infidels), who, once captured, were labeled as captives of just war because they had refused to capitulate to the king.¹⁶ As several scholars have shown, identifying the jurisdiction of such captives could be strategic and calculating. In the 1440s slaves who were bartered or purchased in the Portuguese territory designated as “Guinea” were purposefully conflated with so-called infidel Moors to justify their enslavement as captives of just war.¹⁷ We see this same *modus operandi* with the people of the Canary Islands, and soon thereafter in America, until Queen Isabel determined that the neophyte indios of the king of Spain were rationally capable—they had *ingenio* or *capacidad*—of understanding Christianity and could not be captured as infidels.¹⁸

Although the indios of America could not automatically be enslaved as infidels, the legal document known as the Spanish Requirement (“El Requerimiento,” 1513) validated violent Spanish military action, especially when authorities could demonstrate the unwillingness of indios to succumb to Catholic rule.¹⁹ The established protocol of reading the Spanish Requirement—a declaration of the Spanish right to rule the people and territories of the Indies by divine right, which was employed until 1573—meant that if the members of the male “audience” resisted becoming willing vassals of the (Catholic) Spanish Crown, they, their wives, and their children could be enslaved.²⁰ Many contemporaries considered it a ludicrous ritual, including the chronicler Gonzalo Fernández de Oviedo, who mockingly suggested plying the targeted indios with food and drink and offering them cloth and “other little trifles from Castile” so they would more easily succumb to the tenets of the document.²¹

In the early colonial period, usage of the term *just war* could be applied to warlike or particularly belligerent ethnicities from the circum-Caribbean area, who could be enslaved because they had initiated armed responses to Spanish military incursions.²² But embedded in the application of just war was the idea that particular ethnicities were, by their nature, warlike. Thus, over the decades, Spanish authorities designated certain territories (*naturalizas*) as harboring bellicose and barbarous people, and deemed enslaveable particular ethnicities (the Chontal or Chichimeca, for example) because they purportedly lacked the characteristics of humanity.²³ Consequently, the compartmentalization of certain territories and particular indigenous peoples conveniently fit the criteria for enslavement. The rationale also explains why the Crown issued licenses and ordinances granting individual Castilian

merchants free rein to capture peoples inhabiting certain territories on a piecemeal basis. Understanding the costs that this *carte blanche* authority would have for innocent indigenous peoples led Bartolomé de las Casas to argue that *all* Indians had *ingenio*, or the capacity for rational thinking, no matter what place in the Americas they inhabited.²⁴

Equally complex was the legitimizing term *rescate*, or ransom, which had a long history, both in the Mediterranean and in Latin America. In principle, *rescate* transactions occurred between a local cacique or lord and a Spanish buyer, authority, or *encomendero*, who exchanged indios already held in bondage for goods. The practice expanded on local customs of slavery, but other connotations of the term *rescate* included redemption (from the Latin root *redemptio*), or rescue.²⁵ In Castile the term was used to refer to the ransoming of Christian vassals held as captives in various Mediterranean sites, or to the purchasing of freedom of West African and Muslim peoples held as captive slaves in Castile. It was also used in the redemptive sense of saving Christians and vulnerable non-Christian children from the “infidels,” or non-Christian peoples.²⁶ Thus *rescate* could signify the exchange of one commodity for another, the rescue from people seen as perilous to the Christian Spaniards, or the purchase of freedom by someone in bondage. In Latin America the practice of *rescate* was commonly used to exchange indios already enslaved by other native peoples, primarily through an agreement between the cacique or native overlord and the interested Spaniard, but it was also a pretext to enslave thousands of innocent men, women, and children. As the historian William Sherman so aptly put it, “The pre-existence of slavery as a native institution served to reinforce the justification for its continuance under Spanish rule.”²⁷

Finally, ordinances and decrees passed in Castile by the Crown and rescinded over the decades were contradictory and piecemeal. They excluded slavery only in some areas, temporarily prohibited slavery (1530), later re-established slavery under conditions of just war and ransom (1534, 1550), and granted exceptions to individual merchants and families making the transatlantic journey to Castile by ignoring laws that prohibited the transportation of slaves away from their provinces of origin. A bird’s-eye view of the policies enacted by Kings Ferdinand and Charles V over the decades reveals the monarchs’ ambivalence about the status of indios as completely free, rational beings.²⁸

No less problematic were indios labeled by Crown authorities as *naborías* (a Taíno term adopted by Castilians who had settled on Hispaniola at the beginning of the sixteenth century).²⁹ Designated as neither slaves nor free,

naborías could not be sold but were to remain lifelong servants under the guardianship of Spaniards. Despite laws that stated that naborías could not be sold, many were branded like slaves and removed from their homelands against their will.³⁰ These were individuals with a knotty juridical status, much like those designated as *siervos*, or servants, in medieval Castile and elsewhere.³¹ Although the term *naboría* was used to distinguish inalienable from alienable property, naborías were often forced to move from one location to another, were sold despite laws to the contrary, and in situations of just war were captured and distributed to interested parties.³² As several decrees issued for different parts of America emphasized, naborías were free but permanent servants in need of the guidance of Spaniards.³³ It was a construct with multiple contextual applications in Latin America, pertaining to free servants who attached themselves willingly to individual Spaniards, to military allies who gained certain privileges for serving Spanish masters on military excursions, and to captured individuals, mainly children, who were never branded but who remained with masters for life. In short, it was a catch-all term that blurred the legal boundary between freedom and slavery and between servant and slave.

If a close inspection of the term *naboría* exposes the liminal status of many indios in early colonial Spanish America, a historicized analysis of the *encomienda* system illustrates a lack of clarity about whether indios were truly free subjects. From the early period of Spanish settlement in the Greater Antilles, the Crown created a compulsory but multifaceted labor system that utilized able-bodied adult indigenous males. As a reward for military services, Spanish conquerors and settlers called *encomenderos* were granted a set number of indigenous laborers with a *cacique* as their lord in *encomienda* or trust. By the Crown's authority, *encomenderos* received tribute in labor, goods, or hard currency. Because indigenous people were legally considered free vassals, the utilization of this labor system, which remained in place throughout much of the sixteenth century, was a way for Crown authorities to avoid committing to a complete endorsement of indigenous slavery. Critics of the system, however, wondered whether indigenous males held in *encomienda* were actually being treated as chattel, rather than as wage-earning laborers. The answer is complex. The archives are replete with accusations against *encomenderos*: that they were selling indios to pay off debts or to finance upcoming ventures; or that indios were severely overworked, bequeathed as property in testaments, or forcibly relocated and separated from family members and communities. Although the legal distinction between an *encomienda* laborer and a slave was clear, in practice the *encomienda* system

was thinly disguised slavery. Moreover, the enslavement of indios actually bolstered the system; one practice reinforced the other.

Between 1500 and 1542, the open-ended exceptions of just war and ransom served as ruses to enslave hundreds of thousands of people from the Americas and elsewhere. But the promulgation of the New Laws, issued by Charles V in 1542, was considered a watershed event. These laws included ordinances for the governance of the newly established Audiencias of New Spain, Peru, Guatemala, Nicaragua, and Hispaniola, and twenty-three articles dealing specifically with the status and treatment of the Indians.³⁴ They iterated Queen Isabel's 1501 proclamation, and the 1537 papal bull *Sublimis Deus*, which stated that Indians were truly human, vassals of the Crown of Castile, and free by their nature. The enslavement of Indians for just war and ransom, and even in cases of rebellion, was now strictly prohibited (although exceptions abounded). Audiencia members or governors were charged with inspecting all titles of slave owners and freeing any indigenous peoples who had been unjustly enslaved, while special legal representatives were assigned to represent indigenous litigants in court.³⁵ In sum, the New Laws were meant to enhance Crown governance, improve the labor conditions of indigenous people, eliminate slavery and personal free servitude, and limit the term of the *encomienda* grant to one lifetime.

But the same clause prohibiting the enslavement of indios for just war or ransom also specified that slave owners who had documentation that proved legitimate possession would be allowed to keep their indios as slaves. This loophole is the arena in which the indigenous struggle for justice occurred, since it was now incumbent on indios to initiate lawsuits against those masters who refused to treat them as free persons. Moreover, although the laws provided the legal cornerstone for indio slaves to litigate for their freedom in the Spanish courts, it did not guarantee a successful outcome.³⁶

Despite provisions granting all non-enslaved indios free status as wage laborers, it would take several decades after the New Laws were instituted before Castilians would cease to equate the category *indio* with permanent bondage. Moreover, well into the seventeenth century, indios continued to be taken as the slaves of just war in several locations throughout Spanish America. The Crown was complicit in these practices, since the bodies of slaves of just war and rescate were required by royal law to be seared with an official brand fashioned into an *R* for *rescate* and a *G* for *guerra*, and the Crown was to be paid 20 percent of the slave's sale value, called the "royal fifth." Thus, even the logic embedded in royal legislation shaped the meanings and practices of slavery and helped it to endure as long as it did.³⁷

As a result of the inconsistent implementation of laws, the continuation of practices of enslavement based on just war and ransom, and persistent doubts about the status of indios as natural slaves, hundreds of thousands of slaves and servants were deracinated from their homelands and shipped to disparate sites. Thousands came from the Lesser Antilles, off the northern coast of Venezuela; hundreds of thousands came from Central America, particularly Guatemala, Honduras, and Nicaragua. Large numbers were shipped from the province of Pánuco, in Mexico, to Santo Domingo, and slaves from northern South America, especially Brazil, were also uprooted. As the trajectories of conquest and invasion proceeded from the Greater Antilles, Brazil, and northern South America, to the mainland of North America, in what is now Mexico, then into Central America, Panama, and then south along the western coast of South America, thousands of indios were captured or bartered and placed in bondage. Hundreds of adult indios served as military auxiliaries on exploratory ventures, as domestic servants, and, in the case of the oft-branded females, as the partners of men who had raped, enslaved, and occasionally married them.³⁸

Many were children, the victims of military encounters, shipped as commodities throughout the Iberian colonial world.³⁹ The application of the term *child* (*niño*) ranged from infants (sometimes called “*niños de pecho*,” or babies still breastfeeding) to early adolescents, depending on their height. The Spanish Requirement of 1513 specified that if a group of indigenous people refused to accept Catholicism and Castilian rule, then Crown representatives had the legal right to make war on them and to enslave their women and children. It was not until 1534 that royal legislation prohibited the enslavement of women and *niños* under the age of fourteen.⁴⁰ In addition, provisos in the 1534 law emphasized that children could be taken as *naborías*, as neither slave nor free, and placed in the permanent custody of an individual Castilian. This left open a legal loophole which made it difficult for children initially designated as *naborías* who were sold once they arrived in Castile to prove their legal status as free vassals.

The enslavement or creation of indigenous children as legal dependents was not new. By the sixteenth century Castilians and other Iberians were accustomed to having enslaved children in their midst. Quantitative assessments bear out the assertion that children, while not always the majority of slaves brought to Europe from North and West Africa, still came in significant numbers.⁴¹ Some of these captured children were sold at commercial fairs in Castile or were taken directly by ship to Seville. Throughout the fifteenth century, children were appropriated as a result of the profit-making

and military raids on the Canary Islands or on the North African coast. They were also taken as captives by Castilians and Portuguese hoping to ransom Christian captives, or as the victims of ongoing religious wars in areas where Europeans deemed that local inhabitants were resisting Christian rule.

Although children were so often the victims of others' choices, such brutality is rarely mentioned in the documentation. Underlying the enslavement of children was the assumption that they were docile and adaptable, and they could easily be sold in Latin America or Castile to families eager to gain an extra hand as household laborers. These children underwent deep natal and cultural alienation that affected how they identified themselves later in life.⁴² Many of them could not remember their places of origin; others could recall only snippets of their mother tongue when questioned years later in the Spanish courts. Children in bondage experienced a distinct kind of cultural disruption in their lives than adults, and once on Castilian soil they worked just as hard as the children of the *pecheros*, or tax-paying commoners. Enslaved children were key colonial subjects who cannot be ignored in our discussions of the making and unmaking of indigenous slavery and of the day-to-day processes of household formation where intimacy and violence were intertwined.⁴³

Both children and adult indios who were forced to migrate to Castile lived in proximity to other slaves from disparate parts of the globe. In a single elite household in Seville, for example, one might find *moriscos* (forced converts from Islam to Catholicism), West Africans, and indios from Santo Domingo, Mexico, or Peru doing chores together.⁴⁴ Seville—a city known as “the endless globe”—was truly international, filled with diverse northern (Berber) and West African, Flemish, Portuguese, French, German, Basque, and Genoese peoples. It was also an increasingly cosmopolitan entrepôt that attracted thousands of slaves from different parts of the world.⁴⁵ There, indios would have learned what it meant to be an Old Christian, as well as who was considered marginal in Castilian society.

Indios living in Seville were well aware that they were not the only nation (*nación*)—an abstract category of groupness based on territorial, cultural, residential, or imperial affinity—of foreigners living in bondage and enduring poverty, prejudice, and cruelty. Second to Lisbon, Seville, “asylum of the poor and refuge for the outcast,” had the largest slave population in Europe in the sixteenth century.⁴⁶ In addition to the hundreds of slaves from Latin America, captive indios from Brazil, Calicut, and Goa, often described as *loro* (greenish-brown) in coloration, were sold in Seville's markets. By 1565, there were 6,327 slaves in Seville, most of whom came from the sub-Saharan

African territories of Guinea, Mina, Cabo Verde, and Angola, and were imported via Portugal through Extremadura or by other routes. Some of these slaves were destined to cross the Atlantic to Caribbean cities and elsewhere, but by the 1570s, 90 percent of them remained in Seville or its vicinity.⁴⁷

Like Africans and others who came as slaves to Iberia from disparate parts of the globe, indios traveled on vessels with European merchants and masters and then worked in the artisan shops and homes of Iberian people. Unlike African peoples, however, indios were not wedged into vessels that had been altered to fit as many commodified humans as possible.⁴⁸ But they were exchanged for goods, pawned, or captured during warfare in locations removed from the European continent. They were also the victims of early exploratory ventures and the establishment of colonial outposts throughout the globe. For a few, their translation skills and geographical and cultural knowledge had once proved useful. As Africans and indios entered Portuguese and Castilian households, they participated actively in the process of creating a more expansive community and enhancing European understandings of philosophy, culture, and difference.⁴⁹ They were, as recent scholarship has shown, more than chattel in the slave trade, more than demographic statistics on fertility and mortality rates, and more than the sum of the kinds of labor they performed. Slaves, according to the medieval legal code, the *Siete Partidas*, were both property and persons with the civil right to self-purchase and the ability to sue in a court of law. As baptized Catholics, slaves were protected by canon law. Moreover, like the indigenous men and women studied in this book, Africans in Europe and America brought with them diverse notions of what it meant to be part of a collectivity in a particular locale in Africa, even though they were now inscribed as *African* or as *black*.⁵⁰ In Iberia they cultivated networks of social and cultural relations based on their own notions of ethnicity, kinship, and family.⁵¹ The social and cultural ties established in Iberia then influenced how Africans experienced their dispersal to the Western Hemisphere.⁵²

Contrary to the documentary lacuna about them, indios in Castile were not marginal figures, but rather, like enslaved Africans and others, integral to the development of understandings of self in relation to other and to the formation of social and cultural governance as European contacts throughout the globe expanded. But unlike the rapid commodification of West Africans that proliferated in the late fifteenth century, indigenous slavery never developed on such a large scale. There was never a contract (*asiento*) system for purchasing and transporting indios from their homelands, nor did indigenous slaves serve as agricultural laborers on sugar plantations on the

Atlantic islands or, later, in Spanish America. Thus indigenous slavery was comparable to other concurrent practices of bondage in some ways, but not in others.

As I argue in this volume, it was difficult to identify who was an indio and who was not because, over the course of the sixteenth century, the use of the descriptor *indio* in Castile referred to people from the East and West Indies, China, the Moluccas, India, Brazil, Hispaniola, Mexico, and Peru. Such conflation was particularly evident at the fairs and in the plazas of the major Castilian towns where captive subjects from around the globe were branded and sold as indios to Castilians without regard to their place of origin. The presence in Castile of indios from both Portuguese and Spanish domains indicated the continual seepage of imperial borders and the overlapping imaginary domains on the ships, in the slave markets, and in the homes of Castilians.⁵³

Distinguishing the imperial origins and status of indios in a legal setting was often thorny for one crucial reason. Although Spain never formally determined that the indios of the New World were heretics, the Portuguese kings John III (1502–57) and Sebastian (1557–78) authorized the conquest, subjugation, and enslavement of indigenous peoples specifically as the enemies of Christ—heretics and infidels who were to be converted to Catholicism. They were labeled as *indios* or as *gentios* by Portuguese Jesuits and authorities.⁵⁴ By Portuguese law, indios in Brazil and elsewhere could also be captured as slaves of just war or because they practiced cannibalism. They could also be acquired by exchange (ransom). These indios had no legal recourse, no New Laws to support their struggles for justice.⁵⁵

But the process of identifying indios in Castilian legal chambers was also difficult because it was such an all-encompassing term. Early on, Iberians had created a new category, *indios* (“people of the Indies”), to define a new “people” in relationship to themselves.⁵⁶ From its inception, *indio* was a homogenizing label that constituted difference based on unequal power relations. Similar to the process of determining that extremely diverse African people should be labeled *black*, categorizing vastly distinct ethnicities as indios was part of colonial governance—understood as the creation of understandings of difference based on a comparative knowledge of slavery, labor extraction, and belonging.⁵⁷ Works such as Stephanie Smallwood’s *Saltwater Slavery* reminds us of how central identifiers were to the process of creating slaves out of West Africans, including words such as *lusty*, which defined an ideal slave before he boarded a ship, or phrases such as *full complements*, which designated human beings as aggregate cargo.⁵⁸ The practice of creating monikers, some based on

desire and others on contractual obligations, resonates with my analyses of how, for instance, the legal term “slave of just war” (*esclavo de buena guerra*) could be used in a document to describe a vulnerable indigenous boy who had once been held in *encomienda*, or how a brand on a face said more than any paper ever could.

But the construction of indioness in Castile and elsewhere also occurred in a relational, temporal, and contextual manner, as constituted by the diverse African, indigenous, and South and East Asian slaves and freemen and women servants who worked side-by-side in the villages, towns, and cities of Castile and who also had experienced serial dislocation and bondage.⁵⁹ Such subjectivities point to the fact that slavery was “read” in different ways and that the conditions of bondage were defined by other, concurrent forms of servitude and unequal power relations.⁶⁰

Despite the severe disruptions in their lives and being objectified as laborers by owners, indigenous slaves, like their African counterparts, formed families and kinship alliances in their new households and the local environment. Thus, diasporic experiences of bondage involved the creation and re-creation of new expressions of kinship, along with experiences of alienation, liminality, and integration.⁶¹ Experiences of bondage also involved the exertion of free will, however minimal. Walter Johnson’s work on the brutal New Orleans slave market in nineteenth-century America and Vincent Brown’s work on cultural notions of death and mortuary practices among diasporic Africans in Jamaica poignantly demonstrate that slaves exercised volition, even in the most unlikely of places.⁶²

Given that indigenous slaves labeled as *indios* in the sixteenth century were highly mobile, how do we chart the practices of being indio to show how local practices in Castile resonated with global ones? Here it is useful to evoke Arjun Appadurai’s neologism *ethnoscape*, which he used as a framework for discussing highly mobile migratory peoples—immigrants, tourists, or refugees—of the late twentieth century no longer connected to a given place.⁶³ The term *ethnoscape* has relevance in considering how deterritorialized indios in the sixteenth century—no longer associated with an ethnic lord, an ethnicity, or a single master—were being defined in Castilian legal contexts. In this book I adapt Appadurai’s construct to the neologism *indioscape* to argue that indio identities were no longer spatially bound or culturally homogeneous, but rather transimperially present in the imaginations of those slaves and masters whose own “local” experiences—whether in Peru, Goa, Carmona, or Mozambique—were mirrored against the experiences of other slaves and masters. The notion of an *indioscape* includes a

sense of rootedness—in this instance, of belonging to places and cultures other than Castile *and* in Castile—and routedness, or a distinct sense of time and space based on experiences of bondage and deracination.⁶⁴ Here, in the power to imagine the lived and fictional “lives” of others, we can see the realisms of the larger-scale temporal and spatial perspectives of Spanish colonialism.⁶⁵ In that sense, this volume is more than a history of slavery; it is a study that examines the creation of “indioness” as a process of local and global interactions, connecting East to West and West to East, that deepened over the course of the sixteenth century. It demonstrates how indios were central to early colonial enterprises in Latin America and elsewhere.

By exploring the microcosmic and international dimensions of the fragmented lives of slaves, most of them from Spanish America and Brazil but several from Africa or South and East Asia—their interactions with others, and how others saw them—I strive in this volume to expand our understandings of the multiple and contextual definitions of indioness in the heart of the Spanish empire. I place in perspective the prevailing notions of indios as tribute-paying subjects of indigenous lords in Latin America and enhance our comprehension of the multivalent usage of the term *indio*, which encompassed the global experiences and perspectives of those individuals who self-identified or were labeled by others as indios. Just as the presence of displaced Moroccan captives and West African people in Latin America deepens our understandings of the types of Atlantic exchanges that were occurring there, so, too, did the presence of indios in Castile complicate notions of indioness in Spanish America and elsewhere.⁶⁶ In this volume I show how notions of belonging and identity were not simply defined by place of origin—although that was important—but were constituted in local and global contexts where mobility and perception were a part of a continual reformulation of self in relation to other.

Employing an ethnographic focus, I hope to give the men and women who litigated in the Castilian courtrooms a spatial and temporal history and their rightful place in the historiographies of Latin America, Iberia, the Atlantic world, and global history. To show how individual slaves were engaged in knowledge making about the world in a European context, I employ both a cis-Atlantic methodology (examining larger Atlantic processes through local particularities) and a circum-Atlantic one (examining broader circulations around the four continents). The litigation suits refer as well to local practices of slavery in disparate locations of Latin America which also informed global processes of imperial sense making and defined the boundaries of identity, sovereignty, and territoriality. I argue that the

slavery of indigenous people in Spanish and Portuguese America was also informed by past and concurrent slaveries of the sub-Saharan, North African, and South and Southeast Asian regions. It was influenced by movements of people and goods from the sub-Saharan region (known to Europeans as Guinea) through the western Maghreb, along the western coast of Africa; of the human traffic from and to the Atlantic islands of Madeira and the Canaries; and concurrently, of the slaveries of people from East Asia, along what is now the Chinese coast and Malaysia east to Mughal India.⁶⁷ Merchants in different ports of call enhanced the rapid globalization of people and fundamentally changed the domestic and artisanal landscape of Iberia in the fifteenth and sixteenth centuries.⁶⁸ The voluntary and involuntary movements of children and adults from locations throughout the globe had a profound impact on how indios were tolerated and how they saw themselves in Castile and elsewhere.

Finally, this book is not only about enslaved native men and women in Castile, but about the Castilians and other Europeans who attempted to make sense of the world of that time. Many Castilian men and women had read about, heard talk of, or had traveled extensively throughout the globe. Those who traveled returned not only with goods but with enslaved children and adults, and the travelers' conceptualizations of the world changed local practices in their respective villages and towns. The attempts of Castilians to control the lives of others inevitably informed the governance of slavery at the household, legal, and imperial levels. But more broadly, slavery reconfigured how Europeans and others imagined the world.

Catalina's Tale

Drawing on methods used in microhistorical analyses developed by Carlo Ginzburg and others, I compare evidence from over one hundred litigation suits with other records to access the global and local dimensions of slavery in individual lives.⁶⁹ I reconstitute fragmented tales about loss and cultural relocation to show how enslaved individuals made sense of bondage. Although the tales of mobility and migration of those indigenous slaves who litigated for their freedom vary considerably, certain experiential patterns emerge when the trajectories of the Spanish conquest and economic trade are weighed. The story told to a Spanish lawyer in 1552 of the abduction of Catalina, a Pipil, illustrates the severe disruption that she and many other indigenous people experienced and how her forced mobility and ultimate freedom is illustrative of early colonial governance. As a child in the 1520s,

Catalina was known as Xagua and lived with her family in the village of Nonoalco (in the province of Nequepío, the older name for modern-day El Salvador's Cuzcatlán). In 1527 the soon-to-be famous conqueror Sebastián de Benalcázar passed through her village and appropriated (*cupo*) Xagua, baptizing her and renaming her Catalina. She had just lost her baby teeth (*que mudó los dientes*) when she entered Benalcázar's household.⁷⁰ She then spent nearly five years as part of his domestic entourage in Jolota, Honduras, witnessing large numbers of captured indigenous "rebels" arriving at the town square in chains following Benalcázar's "just war" forays into the countryside.⁷¹ She saw groups of men and women being lined up, branded, and sold into slavery. When Catalina's parents became aware of her whereabouts and attempted to remove her from Benalcázar's custody, her master decided to brand her face and pay the royal fifth to the appropriate authority. This sealed Catalina's fate as a common slave and made it impossible for her parents to claim her.

After this devastating event, in 1532, Catalina boarded a ship with her master in Realejo, Nicaragua, and journeyed to South America. Along with dozens of other Central American slaves, she landed in the large village of Coaque (in the modern-day province of Manabí, Ecuador), where Benalcázar reconnoitered with Francisco Pizarro.⁷² From there, the combined armies, which included indigenous slaves, linguists, and military auxiliaries, made their way by land to Cajamarca. After the brutal slaughter of Atahualpa's people, in November 1532, Catalina remained in Cajamarca for nine more months, until Juan Pantiel de Salinas (also referred to as Juan de Salinas Farfán) drew up a debt contract with Benalcázar and purchased her for 350 pesos. Catalina later recalled seeing an exchange of "silver jars and bars of gold"—perhaps Inca treasure—taking place between the two men.⁷³ From Cajamarca, she accompanied Salinas to the newly renamed Spanish city of Cuzco (1533) and was present there during the siege by Manco Inca (1536–37). She then made the trek to Lima, where she boarded a ship bound for Spain.⁷⁴ More than a decade later, she testified before the Council of the Indies, expressing her desire to return home as a free woman. She gained her freedom, but whether she returned home to Cuzcatlán was never confirmed.

Like the dozens of other testimonies of slaves analyzed in this book, Catalina's deposition reveals a slave's perspective on conquest, upheaval and mobility, and survival in the early colonial period. Her tale exposes the centrality of slavery and slave trading in the economic and social formation of the early Iberian colonial world and its impact on the lives of individuals throughout Latin America and the broader Atlantic world. It reveals the

TABLE 1.1 Number of Litigants by Decade

	Male	Female	Unknown	Total No. of Individuals
1530s	4	0	0	4
1540s	45	33	0	78
				1543 (48)
				1549 (27)
1550s	22	25	0	47
				1549 (11)
1560s	10	11	0	21
1570s	18	15	0	33
				1543 (1)
1580s	0	1	0	1
TOTAL	99	85	0	184

Note: Numbers in parentheses indicate lawsuits resulting from the Inspections of 1543 or 1549

power of mobility and how the control of masters over slaves transcended geographic and oceanic spaces. Through the deracination and mobility of indio slaves, different parts of the world became connected. And yet we know so little about these slaves. A growing body of scholarship on the Atlantic world details the migrations and “globetrotting” tales of European and African peoples, but few studies show the effects that forced mobility had on native people.⁷⁵

We learn about the Pipil Catalina and others because a total of 184 slaves initiated 127 lawsuits or appeals, or were the defendants in the courts of the Casa (in Seville) or of the Council of the Indies between 1530 and 1585 (see Table 1.1).⁷⁶ The Chancellery of Valladolid (Chancillería de Valladolid) and the Audiencia de las Gradass in Seville also considered a few cases before 1545; one or two litigants appeared at these courts and at the Casa in the 1530s.⁷⁷ Over the course of the 1530s and 1540s, Crown officials also ordered inspections of free and enslaved indios living in Seville. But what led to an increase in litigation and a spike in legal appeals initiated by slave owners were the New Laws of 1542, which abolished indigenous slavery in most instances, and the freeing of over one hundred indio slaves in Seville following an inspection, in 1543, by Gregorio López, a member of the Council of the Indies. A subsequent inspection, in 1549, by Hernán Pérez de la

Fuente caused another increase in appeals by spurned masters. Although the Council of Indies generally served as an appellate court for the Casa, by the 1550s the superior judicial body had begun to hear some of these suits directly.

The profiles of these 184 indio litigants varied considerably. Some were mothers seeking to protect their children from the lifelong fate they themselves had suffered; others were single men and women, still fairly young because they had been abducted as infants or young children. Some adult slaves had been in Castile since childhood, for twenty or thirty years; others were freed soon after disembarking in Seville. Many stated that they were under the age of fourteen when they were abducted, contrary to the 1534 law. Several elites litigated because they were eager to regain a vestige of their former status as esteemed servants of important men. Married couples sued and won their freedom, and a few elderly plaintiffs expressed a wish to die as free men. They came from a broad swath of the Spanish colonies, including Nueva Galizia, Pánuco, and Zacatecas in the north; Cuzcatlán, Guatemala, and Nicaragua in Central America; and Santa Marta, Río de la Plata, and even Peru in the south.⁷⁸ Many had passed through Santo Domingo, but only a few were culturally Taíno, perhaps because by the time most of the cases were initiated, the first generation of slaves from Hispaniola or the Bahamas had already died.⁷⁹ Some of the young children of female litigants were born in Castile.

To add breadth, depth, and complexity to the stories of the indigenous subjects I consider in this book, I have combined information found in the litigation suits with other records amassed in local and imperial archives in Spain and Latin America. These include notarial records of slave sales, inventories, dowries and wills, ship registries, travel certificates, official correspondence, royal decrees, legislation, contemporary political treatises, and Portuguese and Spanish chronicles that have much to say about the contested imperial domains of Latin America, Africa, and South and East Asia. Such sources contain narratives or narrative fragments that help us understand the power of perception and naming, the sense-making processes and rationales involved in turning children and adults into slaves, and the knowledge that created and upheld believable epistemologies about slavery.

My own conceptualizations about indigenous bondage are deeply informed by the work of other scholars who have studied indigenous slavery.⁸⁰ A recent, important monograph by Esteban Mira Caballos (*Indios y mestizos americanos en la España del siglo XVI*), provides an overview of the juridical and social aspects of indigenous slavery in Castile that is based on

some of the litigation suits I analyze in this book. Other works emphasize the miniscule presence in Spain of indio slaves compared to those from sub-Saharan and North Africa.⁸¹ For slavery in Latin America, we can rely on the meticulous work of historical demographers and ethnohistorians who have pored over royal decrees and ordinances to detail the severe and unprecedented loss of life and the enslavement of hundreds of thousands of individuals lost to history in specific regions of Latin America.⁸² By detecting migration patterns, we can see how much the movement of enslaved peoples reflected the Spanish-directed (forced) and indigenous-initiated (voluntary and strategic) movements of peoples, most of which did not occur without havoc and loss. We need only to leaf through the letters of friar Domingo de Santo Tomás or the treatises of Bartolomé de las Casas to reawaken and resensitize ourselves to the monstrous episodes of human violence that occurred recklessly and continuously. Still, the tales of the people who experienced that horror remain fixed and absolute, as part of an *ilud tempus* forever embedded in debates over the legal and theological viability of the slave system itself.

Considerations of nonelite indios in the conquest period tend to focus on their extermination or on their broken bodies exploited excessively as encomienda laborers. They are studied as part of a slave trade that rendered them expendable, and those who survived, we are told, were acculturated: they adapted to the ways of the dominant Spaniards. The master narrative of the invasion period still tends to articulate either the demographic and social disintegration of a largely helpless population or their resistance to the invaders. They remain voiceless, in a sense, because most often they are recorded as commodities, cargo, and branded bodies, all “things that don’t lend themselves to representation, at least not easily.”⁸³ We know more about the slaves who died aboard vessels in the middle of the vast sea than we do about the survivors who tried to make sense of their lives in a foreign location.

Of course, the tales of heroic free individuals—like Hatuey, the Taíno lord from the island of Hispaniola, or Enriquillo, another Taíno rebel, or Manco Inca Yupanqui, the Sapa Inca whose large army laid siege to Cuzco and Lima—are crucial to our understanding of history, as are accounts of others who rejected the incursions of the Spaniards on their bodies and landscapes. But of interest here are the several thousand indio slaves living in Castile who were not heroes in any large sense. I seek to show how indigenous servants and slaves, as severely disrupted individuals, made sense of themselves as they endured bondage, experienced intimacy, and litigated

for their freedom in sixteenth-century Castile. Although I focus on the circumscribed tales told by litigants, I aspire to offer something more than a collective biography or a compilation of interesting stories. Simply put, what I have written about is the local, transatlantic, and global dimensions of indigenous slavery.⁸⁴

Entering the Courtroom

Before 1542, indios living in Castile who hoped to gain their freedom relied on special legal representatives (*procuradores*) to defray their legal costs because they fell under the legal category of poor and miserable persons protected by the Castilian Crown and assigned special privileges.⁸⁵ Like the enslaved moriscos, West Africans, and Canary Islanders in their midst, indios had to rely on the practice of rescate, whereby an interested party paid money to buy their freedom, or on the paternalistic benevolence of masters who liberated them on their deathbeds.⁸⁶

It took thirty-six years for Pope Paul III to declare in a papal bull, in 1537, that indios of the Spanish domains were, indeed, men with souls who could be saved; this was followed by the New Laws of 1542, which declared indios to be free vassals of the Spanish Crown. Given the time lapse and lack of clarity, it would have been difficult for Crown authorities to alter patterns of slavery that had been in place for fifty years. When it became clear to Charles V that resistance to the New Laws would be formidable in Spanish America, since many Spaniards had come to depend on slavery and the slave trade for profit and a steady labor supply, he decided to begin at home, in Castile. The inspections of slaves the king ordered in Seville in 1543 and 1549 mandated that indios be freed immediately if they were being held without documents proving their legal acquisition. As a result, more than one hundred indigenous slaves in Seville were freed. As is evident from the plethora of lawsuits that ensued (generally initiated by disgruntled slave owners) and handled quickly as summary justice (defined as relying on oral rather than written depositions, and not using a panel of judges), indio witnesses and litigants found this period to be transformative.

Indios justifiably feared the repercussions of stepping forward to petition for their freedom. Even so, many did, and the word spread quickly among indios in Castile that they *could* litigate for their freedom and that they were exempt from court costs. The process, however, was rarely easy or straightforward. Litigants were beaten, branded, sold, or intimidated into telling lies by prosecuting attorneys in the corridors outside the chamber where the

judges convened.⁸⁷ Only rarely are we privy to the extralegal mechanisms—support from a friar or a recently freed indio—that aided or dissuaded an indio from pressing forward with a lawsuit. Even in the depositions presented to the judges indios and masters purposefully manipulated the meanings of the brands on bodies, tried to determine the places of origin of slaves, and described physiognomic characteristics, with the intention either of fixing indios as perpetual slaves or of liberating them from decades of bondage. Determining the status as a free or enslaved subject was rarely clear-cut, and as the lawsuits demonstrate, it took years for protective legislation to be systematically implemented in Castile.

Faced with increasing legal restrictions, petitioning slave owners who appeared before judges in Castile developed two strategies that aided in identifying their indios as legitimate slaves. The first was to argue that their indio slaves did not originate from a domain under the control of the Indies of the Ocean Sea of the King of Spain; rather, they were said to be Portuguese vassals, who were by law still considered slaves even after the political unification of the Iberian peninsula in 1580.⁸⁸ The second line of attack was to emphasize the lineage of a slave over his or her place of birth. In this context, *naturaleza*, or nativeness, was defined as a particular community or cultural habitat.⁸⁹ This meant that in some cases indio litigants were being asked to prove that their mothers were not of Islamic or North or West African heritage. Because slave owners generally did not have documents to prove that slaves had been captured in just war (required after 1536), and indios had difficulty proving their places of origin or who their mothers were, both litigants and defendants relied on expert witnesses—including other free and enslaved indios—to identify the imperial status or lineage of each indio litigant. Determining who was indio and who was not depended heavily on the experience of witnesses, whether indigenous or Castilian, male or female, elite or nonelite. Witnesses were called on to use their “skilled vision” to attest to the qualities of the individual litigants.⁹⁰ Some of those who testified had followed the compass and had actively engaged in the slave trade, while others remained in the global entrepôt of Seville, surrounded by “foreign” slaves from the Portuguese domains—including Brazil, West Africa, and South and East Asia—in addition to *moros* (a Castilian term used in the sixteenth century to refer to people of the Islamic faith, especially those of Arab or Berber descent living in North Africa) and *moriscos* from Málaga, Berbería, and elsewhere.⁹¹ To strengthen the case for continued bondage or freedom, they also relied on bills of sale and travel documents that included geographic and physiognomic descriptors. Litigants, on the other hand,

even if they did not originate from Spanish-controlled territories, adopted the term *indio* as a strategy to prove that they were free vassals.

Because slaves were property and by law not permitted to represent themselves in court, *procuradores* (legal advocates), *solicitadores* (solicitors), or *abogados* (lawyers) represented them. After 1549, a special *procurador de los indios* advised and guided litigants through the legal labyrinth.⁹² Minors under twenty-five had a legal representative (curador) assigned to represent them.⁹³ At the Council of the Indies, the *fiscal* (prosecutor) represented the interests of the king (as the protector of the Indians) in the name of the indigenous litigant and worked in tandem with the procurador who drew up the petition on the indigenous slave's behalf.⁹⁴ The caliber and training of lawyers and legal advocates varied considerably. Some were more adept and successful than others at effectively using both law and procedure to free their clients. Many of these representatives had no legal or university training.⁹⁵ To make their arguments, legal representatives were able over time to draw on previous or concurrent cases as precedents.⁹⁶

In the process of litigating, indigenous deponents relied on legal discourse, documentation, and the cluster of legal advocates and their staff to launch a successful lawsuit. But they also depended on networks through which claimants and deponents and legal knowledge circulated and the social relationships, institutions, and practices that sustained such networks.⁹⁷ Communication circuits among slaves and freedmen proved to be a powerful dimension of litigation, before, during, and after the process. In the heart of the empire—Castile—slaves and freedmen actively engaged with colonial discourse about what it meant to be identified as *indio*. Indigenous litigants and witnesses communicated, especially in tightly knit locales such as the Spanish court or Seville where it was easy to transmit information verbally. Given the legal contingencies they faced and the need to disprove bondage, they also formed what James Sweet has called a “therapeutic community,” whereby *indios* helped others heal from the ravages of bondage in the best way they knew how: by testifying in court.⁹⁸ Witnesses who deposed before notaries were legally savvy men and women who gleaned useful information from conversations with secular and ecclesiastical authorities and other indigenous slaves, then focused their efforts on procuring the freedom of other *indios*.⁹⁹ Although they numbered only in the dozens, these individuals were actively shaping, from the ground up, how *indios* could gain access to due process in Castile.¹⁰⁰ Nearly invisible in the historical record, these humble men and women were at the core of the indigenous struggle for justice.

The actual litigation process would begin when a slave litigant issued a *relación*, a statement that specified how and why the litigant had been mistreated and why he or she should be freed. The initial statement was recorded by a notary before an appropriate legal authority, which could be the portero of the Casa or the fiscal of the Council of the Indies. The solicitor chosen to represent the indio then framed the information with specific legal objections into a formal complaint, which was then recorded by a notary and filed before the court—which was, in reality, simply a room or series of rooms inside the Casa or Council of the Indies. In the Casa, a panel of three authorities reviewed the petition. At the Council of the Indies, a team of solicitors, judges, and attorneys reviewed the initial complaint to make certain there was just cause for the case to proceed. At that point, the plaintiff's lawyer ensured that the defendant was served with a summons stating that a lawsuit had been filed against him or her and was provided with a copy of the complaint. The complete court record consisted of the complaint, the rebuttal, the witness statements, the cross-complaints, and the final judgment. Witness statements and other materials could be collected without representatives of one side coming face to face with those of the other.

Once the plaintiff had presented a series of legal claims, the defendant (usually the slave owner) answered the charges, generally by denying each allegation. Next came the identification of the plaintiff to prove in instances of doubt that there was sufficient reason to believe that the litigant was an indio from the kingdoms of Spain. The plaintiff then produced witnesses and established the questions (which contained the answers) that would be asked in the interrogatories. Witnesses were to address each question in order. The defense could set up its own interrogatories with witnesses to counter what previous witnesses had said or to support the defendant's claim. Occasionally a *tacha*, or defamation of witnesses, occurred. Interpersed in this stage of the lawsuit were royal summons, called *emplazamientos*, issued to defendants or complainants, stating that they needed to appear (*comparecer*) before the judge of the Casa or of Council of the Indies courts within the prescribed time. The summons could also ask defendants to respond to the complaint or to present evidence if they had not initially done so within the *plaza*, or allotted time. Litigants and defendants also petitioned for additional time to gather witness testimonies from abroad (most often from Portugal, but occasionally from America) or to protest certain legal procedures. If mistreatment or abuse had occurred in cases where the owner prohibited the litigant from pursuing justice, the solicitor might ask

the court for the litigant to be held in *depósito* (the legal placement of the litigant in the home of a trustworthy individual for protection) while the case was in motion.¹⁰¹ This practice was most often deployed in instances where lashings and other threats had led to a forced confession that favored the slave owner.¹⁰² Slave owners were required to pay the costs of the legal suit, unless the court ordered otherwise. They were also responsible for paying the *depósito* of the indio litigant while the case was pending. Verdicts would specify whether slave litigants were free, whether slave owners had to pay back salary and what amount, and whether owners would be absolved of court costs or fined for illegal branding. Generally, the judge absolved the court costs for slave owners who initiated appeals, unless flagrant abuse or misconduct toward the indigenous litigant had occurred.¹⁰³

A slave owner or indio who lost the initial litigation suit could and did appeal the decision. A slave owner could also appeal the decision to render a salary to a former slave. Numerous cases ended abruptly, without witnesses ever being called.¹⁰⁴ Some cases were straightforward and quickly resolved; others dragged on for years, even decades. Still others remained inconclusive. Some lawsuits ended because of legal technicalities: the allotted time for a witness to appear might have expired, or crucial paperwork might have been lost or incomplete. In several instances where the evidence clearly favored the indigenous litigant, sentences of *not free* seemed to be based on immediate political contingencies rather than on faithful application of the law. There were also occasions where a case languished even after witnesses had been called; we can only speculate in those instances that the slave owners and indio litigants had reached some sort of agreement.

Ninety-five percent of indigenous litigants whose cases reached completion were freed. Such a fact is impressive, but is this statistic a false positive, forever effacing the dozens, if not hundreds of indios who never initiated a lawsuit? We will never know. But what we do know is that such a monumental change in status for litigants meant freedom of movement, protection of their children from a similar fate, and the independent ability to draw up legal documents such as wills or dowries. The majority of freed slaves remained in Castile with their families and friends, some of whom they called *primos*, or cousins, even if they were not related by blood. Freed indios testified on behalf of other indios whose stories of deracination might be different from theirs but whose experiences of humiliating bondage struck a resonant chord. Some remained in the homes of former masters, but with a change in status. One india proudly proclaimed that she now ate her bread like any free woman in the home of her mistress.¹⁰⁵ Others assiduously avoided

revenge-seeking former masters. A few insisted on returning to their homelands in Guatemala or Peru or Mexico.

Generally we have access to the circumscribed opening statement made by the indio complainant, but occasionally the judges called the plaintiff in for additional questioning. The opening statement generally shifted between the first- and third-person voices of the plaintiff and lawyer. Catalina Nicolasa, for instance, began her swearing in by saying, “God help my body in this world and my soul in the next.”¹⁰⁶ Much of the information recorded in that instance was formulaic and couched in legal tropes. The tales litigants relayed encapsulated their abduction from their places of origin and their subsequent migratory paths to Spain. Indigenous litigants speaking in Spanish began by recounting the initial deracination. Deponents then explained their movements from one location to another with different owners or merchants, and ended their testimonials by detailing how they had come to serve their current masters.

In a seminal essay written in the 1980s, the anthropologist Clifford Geertz argued that it would be useful to see “laws” as a “complex of characterizations” and a “distinctive manner of imagining the real.”¹⁰⁷ In local contexts, complainants, defendants, and witnesses utilized the law to render the past into a palatable present. The testimonials established a spatial and temporal sense of the historical context of bondage, detailing movements away *from* places of origin after displacement had occurred. They relayed journeys through other landscapes, across seas and oceans, and eventually to Castile. They retraced movements through time and space, following the pathways they had taken with masters to other loci in America before reaching Spain. Implied was an assumption that in the course of their journeys, litigants also moved along a continuum from free to enslaved. Having once been free persons in a given habitat (*naturaleza*), they had traveled down the slippery slope of identity loss and now hoped to regain their individuality through particular narrative strategies. The past became an essential part of the present, not a “weight” holding them back from progress toward liberation. It served as proof that they had been and still were *other* than how they had come to be seen: that they were free, by birth, by their *naturaleza*, by virtue of having been abducted illegally before the age of fourteen, or by being female (a law issued in 1534 prohibited the enslavement of women).

For these litigants, the “past” was a tool of self-affirmation.¹⁰⁸ The common phrase “while being in my *naturaleza*” (*estando en mi naturaleza*) represented for them a place of uninterrupted life that identified them according to a particular “*ness*.” That identification, although it remained internalized,

was no longer visible once the litigants had been uprooted. Thus, their goal was to restore their original status and to experience (return to) a vestige of what had at one time been their reality. The identification and intersection of immobility (before) and mobility (after) were key to the litigant's success in recuperating these "origins."

The magnitude of these cases and the impact they had on scores of indigenous lives in Castile and throughout America cannot be overestimated. Yet the depositions were textual and theatrical productions. Frequently, the suits were filled with invention, strategizing, deceit, and intrigue. The testimonies of litigants, slave owners, and their respective witnesses were informed and circumscribed by the advice of poorly paid solicitors, interpreters, self-interested lawyers, attentive friars, and corrupt or law-abiding magistrates. Notaries recorded the depositions with their own biases, and the procedure followed a particular and logical sequence.

Before, during, and after legal suits had begun, the litigants faced serious threats. Some were severely beaten, brutally branded, chained by the neck, or sexually violated. Several cases ended abruptly when the slaves vanished. We will never know what happened to them, or to the many slaves—perhaps even hundreds of them—who were furtively sold to evade the scrutiny of the authorities. They remain silenced because they never entered the historical record. By the 1540s, however, as the scales of justice began to tip in their favor, dozens of indigenous slaves, an ocean away from home and now serving cruel and demanding masters, were willing to take the risk. They entered the courtroom to question what for decades had been the natural order of things. Many could not have realized the geographic scope and scale of slaving practices until they were crammed body-to-body into ships or until they stepped onto the sandy shore of the Guadalquivir. Most, however, would realize at some point that large-scale human bondage was not confined to their village, region, or larger polity, but that it involved a vast expanse of the Indies. For some, Seville became a code word for "freedom" as they talked among themselves, and word spread from town to village that the courtroom was a place where they could speak.

It is just as important to pay attention to the contradictions, strategies, and meanings of slavery deliberated by slave owners and slaves, as Brian Owensby has argued in his work on colonial Mexico. As complainants and defendants relayed their perspectives on bondage, they used geographic and legal knowledge to invent, re-create, or purposefully recalibrate the histories of forced migration—sometimes decades after the deracination occurred. In mediated courtroom contexts, litigants traced circuitous pathways leading to

Spain from Santo Domingo, Nicaragua, Mexico, Peru, and elsewhere. Indio litigants strategically altered or emphasized geographic and cultural origins as they took part in the production of testimonials that were recorded and later read and commented on by magistrates, and they assisted in the production of documents, including evidence of sales, travel permits, copies of laws, and the recorded witnesses' testimonies.

The indigenous struggles for justice evolved and responded to contingencies and constraints, as different in the 1530s as they were in the 1540s and 1550s.¹⁰⁹ The historicity of the changing legal culture in Castile had a direct impact on how arguments about one's indio identity were calibrated. The legislative changes of the 1540s—particularly the New Laws, which were so hotly contested throughout Latin America—gave the larger philosophical discussions in the courts added weight. Courtroom debates revolved around the use or dismissal of legal terms such as *rescate* (ransom), *buena guerra* (just war), or *naturaleza* (emphasis on place of origin), and, after the 1550s, around whether indigenous litigants were Spanish or Portuguese imperial subjects. The “courtroom” was a locus of historical process, where the meanings of what it meant to *be* indio in sixteenth-century Castile were contested and discordant.¹¹⁰ Even the manner by which laws were implemented was a product of social relations between slaves, slave owners, legal advocates, and judges over the decades encompassed by this study.

It would be hazardous to assume that these tales involved unscripted agency on the part of indio litigants. The narratives presented by litigants and defendants and their witnesses in a “legally comprehensible medium” were crucial to a favorable outcome for one side or the other.¹¹¹ The stories repeated to varying degrees by supportive witnesses had to have internal coherence, and the storytelling frame did not necessarily make sense outside the courtroom locus. A coherent plot might require certain outcomes due to unjust or illegal bondage or the misrepresentation of a place of origin, and some details were more important than others.¹¹² To quote Laura Gowing, “The story of the production of these texts is, at one level, the history of the struggle between ‘answer,’ in a legal sense that relies upon question and response quite different from ordinary speech, and ‘story,’ the model through which witnesses presented their testimonies.”¹¹³ But the stories of slavery were just as evident in formulaic bills of sale or the brands on some litigants' faces—each recalling historic moments of inscription that exhibited certain kinds of legal truths. The courtroom narratives of complainants and defendants constituted only one aspect of a larger legal web of constructed knowledge about what it meant to be an indio in sixteenth-century Castile.

On an even wider scale, these courtroom narratives illustrate how much the past was in the present: how America was present in Castile and Castile in America, or how the global economy was present in an encounter on the street or in a tavern. The narratives encapsulated other moments in space and time. Slave owners and indigenous litigants and their witnesses recalled the past and reformulated and recontextualized it in the present, bringing to bear a moment of deracination, the crossing of the sea, or a snippet of a conversation held long ago. Although this book focuses on indios who lived in Castile, it is just as much about indigenous peoples in Latin America. The litigation suits show how the historical production of the reconstituted past of indio slaves collapsed time and space before, during, and after the suits occurred. Indios in Castile were still deeply connected—metaphorically, legally, and culturally—to the plethora of ethnicities in Latin America. Although arguments were being made in a post-1542 legal context, and indios were reducing their pasts to a coherent narrative, it was nevertheless a knowable past that informed how the present (the litigation suit) would unfold. The cases reveal the juxtaposition of temporal-spatial narratives that tell us as much about slavery in Latin America as in Castile.

Who Is an Indio?

Much of what we know about how indios were perceived and how the category *indio* was constructed comes from studies of legal and labor systems, philosophical debates over their status as vassals, or considerations of political elites in Latin America.¹¹⁴ If *indio* originally distinguished people of the Indies from Castilians, the term soon became a political and legal identifier reflecting the Crown's efforts to standardize contradictory laws that applied to the status of the indigenous peoples of the Americas. Instead of identifying a race, the historian Jovita Baber has argued, "the qualifier *indio* was used by the Castilian Crown to identify one of the *naciones* under its authority and to define the rights, protections and obligations possessed by that population."¹¹⁵ Indios were equated with legal minors in need of protection, and as Brian Owensby argues, they "could be made to work—to ensure they were not idle and for the common good—but they could not be abused."¹¹⁶ Indigenous peoples, whether elite or commoner, had their own usages of the term inside and outside the courts of Latin America.¹¹⁷ The term could be qualified by indigenous people and Castilians with adjectives related to status (*calidad*)—such as in *indio noble* (noble Indian) or *indio bárbaro* (barbaric Indian)—as well as to ethnicity, such as in *indio chontal*

(an ethnic group in Nicaragua). The historian José Carlos de la Puente and others have shown that native elites preferred not to be called *indios*, even if Spaniards identified them as such. For native lords who did not pay tribute and maintained indigenous subjects under their authority, *indio* distinguished tributary subjects from themselves.¹¹⁸ But the elite indigenous leaders' lack of identification with the term has other roots. Even in the court cases taking place in Castile, some *indio* complainants preferred to identify with their places of origin, be it village, city, or broad territorial and political domain—just as men and women from Castile only rarely employed the self-identifying descriptor “Spaniard” in wills and other notarized documents.¹¹⁹ In its deployment by indigenous people in the sixteenth century, the term *indio* was not yet a referent that subsumed other forms of cultural and ethnic identity.

Equally important to a consideration of the multivalent meanings of *indio* is that, before 1550, hundreds of thousands of *indios* in Latin America lived their lives in bondage. For many Castilians, *indios* were natural slaves. That status was still a matter not fully resolved by the Spanish Crown, despite laws that stated the contrary. Pre-1550 notarial records in Mexico City or Lima often distinguished an *indio* either as a slave (*esclavo*), as free (*libre*), as a perpetual free servant (*naboría*, *yanacona*), or as pertaining to an *encomendero* or a *cacique* (indigenous lord). Here we see a continuum of meanings related to the kind of labor *indios* provided as free or attached subjects. These distinguishing legal terms continued to be used well into the seventeenth century in areas of Latin America—Chile and Northern Mexico, for example—where the slavery of *indios* based on just war continued unabated.

Given the multiple ways in which the term *indio* was used, I make an effort to argue against the sameness of those individuals called *indios*. To the contrary, by representing the complexities and panoramas of their lives, the construct *indio* reveals the dimensionality of slavery itself as well as what being an *indio* could mean to Castilians and to *indios* and other slaves. I consider the complications of lives that were conditioned by but not reduced to the status of being slaves.¹²⁰ I also try to avoid a bifurcated paradigm of slaves versus masters, the latter of whom are depicted as cruel and power hungry. Instead, I seek to understand and contextualize the motivations and considerations of masters who would go to great lengths to maintain their property. *Indio* slaves in Castile were severely compromised individuals who had lost families and homes and cultures and who had to remake themselves in the households and shops where they labored and

in the courts where they told their stories. They faced the dilemma of not only having to tell their stories, but also, as the epigraph by bell hooks suggests, having to listen to others talk about them better than they could talk about themselves. In the judicial chambers of the Casa or the Council of the Indies, they told their stories and heard others tell it back to them in new ways, framed by discourses that suited the various purposes of the slaves, witnesses, slave owners, and legal experts. These life-narratives fit within a legal template, but they also helped to shape that legal template.¹²¹

The legal and cultural production of indioness that took place in the judicial chambers of the Casa and Council of the Indies directly related to the social and political contexts of the broader sixteenth-century Castilian, Atlantic, and Pacific worlds and to the individual subjective experiences of Castilians and others who wished to objectify the indios of the Indies. That did not mean, however, that indio slave litigants were continually forced to refashion themselves, given the heavy constraints they faced in how others saw or wanted to see them. They were not “protean cultural artifacts.”¹²² They certainly articulated themselves as indios in Castile in different ways than they would have in America, but they still drew on those contextual experiences and reconstituted memories. As individuals and as a corporate group or nation, indios in Castile positioned and defined themselves as such based on repertoires of meaning and distinct patterns of struggle and engagement that changed radically between 1530 and 1585. Their articulation as indios was historically and legally situated.¹²³ Their efforts to seek justice helped to eradicate long-standing empire-wide practices of illegal enslavement.¹²⁴ Although in the litigation suits their talking-back voices—which “moved from silence into speech”—were filtered through others’ pronouncements, they were still voices with important historical density. Theirs are not empty words.¹²⁵

The Book’s Architecture

In chapter 1, a case study of the village of Carmona, twenty miles northeast of Seville, I highlight this volume’s many themes related to slavery and migration, the vicissitudes of legal culture, the politics of identification, the relevance of witnesses and kinship alliances, the construction of cultural geographies, and the entanglement of empires. Two litigation suits spanning fifteen years, from 1557 to 1572, and encompassing three generations (two women, their daughters, and their grandchildren) pitted the inhabitants of the village against each other, many of them slaves from India, Africa, and

disparate parts of Latin America. Contrary to statistics that show that most slaves were freed, one of the slave litigants in Carmona lost her appeal. This is unusual, but the lengthy testimony given in both the original litigation suit and in the appeal provides a wealth of information about the intricacies of bondage and the power of perception as local and global interests interacted. These are relatively late cases, since most lawsuits took place in the 1530s and 1540s, but I consciously chose to place them at the beginning of the book for several reasons. At play are the relationships of power and class distinctions among the factionalized local elite and the polarized pecheros, or Spanish laborers, who worked side by side with the slaves. This microhistorical exploration of village and imperial politics is carried out against the backdrop of the shifting assessments of human bondage in an increasingly globalized economy. In chapter 1 I emphasize how some of the most peripheral individuals of empire—people in bondage—actively forged large-scale changes on a local level. I also argue that the label *indio* was given meaning in a relational, contextual manner, whether on the streets of the village, in the court, or in imperial legislation.

Following the broad overview of chapter 1, I move the reader to Latin America, in chapter 2, to detail the Atlantic crossing of indio slaves to Castile. Mobility and serial displacement were integral to the bondage of native people and directly correlated with Spanish military incursions into new territories. If the history of indios who crossed the ocean was one of stealth, promises, and forced mobility, it was also a bureaucratic one, involving papers, brands, and increasing scrutiny by Crown authorities. The vast ocean, hemmed by different continents, was a space that sectioned the lives of indio slaves into before-and-after segments related to freedom, capture, bondage—and freedom again. This oceanic mobility and the logic of documentation that accompanied this forced migration helped to disseminate the bureaucratic ideal of the indio slave.

Following this dramatic rupture in the fabric of their lives, indio slaves generally entered households. In the second part of chapter 2 I take the reader into the microcosm of the household, the slave's world once he or she arrived in Castile. I consider the labor expectations of masters, the relationships of indios with the extended families of their masters, and the fine line between intimacy and violence, and personhood and commodity. In chapter 2 I argue that the label *indio* acquired meaning in relation to masters with their own sets of expectations and vis-à-vis other members of the household—slaves and freedmen and women—and Castilian communities at large. In the dismantling of these fragile patriarchal ties we can begin to

understand the circumstances that led indigenous slaves to formalize pent-up grievances against their masters.

In chapter 3 I follow indios as they moved from the household setting into the judicial chambers to petition for their freedom. I take the reader into the courtroom to detail the formation and implementation of a colonial bureaucracy and legal apparatus to deal with indigenous slavery in Castile. I explain the repercussions of two inspections that took place in Seville as the Crown sought to establish a legal apparatus for dismantling a well-entrenched system of indigenous slavery. A number of lawsuits attempted to challenge that system, undermining decades of assumptions that indios were natural slaves. In chapter 4 I consider the bureaucratic and legal culture of the “courtroom,” including procedure, what constituted evidence (including branding), the authority of documents, and the power of expert witnesses, including indios, all of which resulted in the creation and maintenance of legal indios. Documents were active sites of power upheld by the law and governance of slavery. But these truth-objects were also given relational value by the ways in which slave owners and litigants interacted with or interpreted them. Slaves and masters objectified such documents as truth-telling evidence by registering them with their own grains of truth. Thus, documents were integral to a broader epistemology of bondage. In chapter 5 I analyze the legal vocabulary used to justify the continuation of indigenous slavery: the meaning of “natural” slavery, the practices of just war, ransom (rescate), and cannibalism. Slave owners in the courtroom read the past from the vantage point of five, ten, or even twenty years after the moment of capture. As producers of their own knowledge, indio slaves responded to charges made by their masters by expressing their understandings of these legal categories in relation to their own versions of the past.

The scope of the book then broadens out to consider imperial politics and how indios became transimperial subjects and border crossers. In chapter 6 I examine how an indio was discerned according to abstract physiognomic and imperial conventions of the time. In the quest to identify imperial (Spanish versus Portuguese) and geographical indio origins, witnesses and litigants navigated physiognomic identity markers and other criteria, including language, which ultimately helped determine whether indigenous litigants would become free vassals of the Spanish Crown. Identification was a subjective art that depended heavily on the cultural experiences and motives of witnesses, as well as on the presence in Castilian towns and villages of other slaves, including Brazilians, West Africans, and South and East Asians.

Throughout the sixteenth century, European incursions into new areas of the globe occurred at a rapid pace and the boundaries of territorial sovereignty were highly contested. For indio slaves affected by these invasions, mobility and dislocation often involved crossing from one imperial “realm” to another. In chapter 7 I analyze the entangled nature of slavery in three areas of conflict—the Moluccas, the confines of the Rio de la Plata–Brazil area, and Burma—where indios and Flemish, Norman, Portuguese, Castilian merchants were caught up in imperial disputes over the meanings of sovereignty. At the heart of these dilemmas were notions of cultural geography—the imagined meanings of land, boundaries, and space—that helped to determine the imperial status of indios in the courtroom and exposed the tenuous nature of colonialism more broadly. Above all, these debates reveal the expanding indioscape of the sixteenth century and just how broad conceptualizations of the term *indio* had become.

I have structured this volume according to both a chronological and thematic arc. Following chapter 1, the book’s overture, I trace the pathways of slaves, from the ocean crossing into Castilian households and then into the locus of the Castilian courtroom. I consider slavery from their perspective, as much as is ever possible. In the judicial setting I analyze the logic and rationality of laws, the structure of lawsuits, and the weight given to documentation and terminology that influenced the making and unmaking of indio slaves. I then expand my focus outward to consider how the slave trades of the Mediterranean, Atlantic, and East Asia created indios via their physical identification and through imaginary notions of imperial identities. From there, I examine different imperial sites contested by the Portuguese and Spanish Crowns, sites where the empire to which particular slaves pertained was unclear. I conclude by showing how, by the end of the sixteenth century, the term *indio* had come to embody the cultural imaginary of the entire globe.

In *Global Indios* I address slavery, but I also examine what it meant to be indio in sixteenth-century Castile and beyond. A composite of dozens of individual stories provides a complex portrait of indios, indigenous slavery, and the connections the histories of indigenous peoples of Latin America had with the histories of indios from other parts of the globe.¹²⁶ The stories of the indios illuminate the inner workings of households, the differences between servant and slave in a particular context, why the slaving practices of “just war” were unjust, and what it meant to live in a village that was becoming increasingly globalized. While the act of enslavement and possession of another human being occurred in situ—in a remote port of Nicaragua, in a

mountain town in the Andes—such actions were connected to and had repercussions for slavery occurring simultaneously in other parts of the world. The governance of bondage, its regulation, and the making of indio subjects in evidence in the courtrooms of Castile also influenced what would occur elsewhere and vice versa. The production of indigenous slavery and indios was both local and global in scale and scope. And it was just as much about others who had also experienced the traumas of bondage, deracination, and colonial rule as it was about those Castilians and other Europeans who hoped to prolong or eradicate such practices as they made sense of the changing world.