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Judicial liberations of slaves and their social repercussions in the Iberian Peninsula, 1570-1696

Liberaciones de esclavos por la vía judicial y sus repercusiones sociales en la península ibérica, 1570-1696

Javier FERNÁNDEZ MARTÍN*

Abstract This article analyzes the manner in which slaves in the southern regions of the Crown of Castile utilized civil justice mechanisms—in both chanceries and local courts—to achieve emancipation from their enslavers between 1570 and 1696. Employing judicial records, this study examines the various strategies implemented by slaves to reach this end, as well as the support provided by their familial networks throughout the emancipation process. Additionally, it explores the impact of this method of self-liberation on the communities where the slaves resided, with an emphasis on the responses of the enslavers

* https://orcid.org/0000-0002-9978-4540
Universidad de Sevilla, Departamento de Historia Moderna, C. Doña María de Padilla, s/n, Sevilla, C.P: 41004, España
jfermar597b@g.educaand.es

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and the diverse countermeasures they executed. The analysis also encompasses cases initiated by Moriscos, Asians, and North African Moors, considering the unique aspects of their circumstances within the social landscape of the Hispanic Monarchy during the aforementioned period. Therefore, the aim is to underscore the significance of the judicial system as a tool for slaves' self-emancipation and its broader implications within the Iberian worlds.
Keywords Slaves, freedom, courts of justice

Resumen El presente artículo analiza la manera en que los esclavos del sur de la Corona de Castilla emplearon la justicia civil, en chancillerías y tribunales locales, para emanciparse de sus amos entre los años 1570 y 1696. Por medio de las fuentes judiciales se estudian las distintas estrategias que llevaron a cabo para poder conseguir su objetivo, así como la manera en que fueron asistidos por su entorno familiar a lo largo del proceso. Se indaga así en la resonancia que tuvo la utilización de esta vía por parte del esclavo en la comunidad donde se hallaban, destacando a este respecto la actitud de sus dueños y las diferentes iniciativas que estos emprendieron para hacerles frente, al igual que los casos incoados por esclavos moriscos, asiáticos y moros del norte de África ante la particularidad de sus circunstancias dentro de la realidad social existente en la Monarquía Hispánica durante este periodo. Se trata, en definitiva, de poner de relieve el uso que los esclavos hacían de la justicia para emanciparse y su importancia en los mundos ibéricos.
Palabras clave Esclavos, libertad, tribunales de justicia

Introduction

Throughout the Modern Age, enslaved persons in the Iberian Peninsula, as well as in the territories comprising the various American viceroyalties, were entitled to challenge their enslaved status before the courts of justice if it contradicted the laws established for this purpose. Consequently, enslaved individuals had the opportunity to sue their

enslavers and, if the judicial resolution favored their petition, to obtain legal emancipation through their own initiative.

In the Crown of Castile, persisting until the end of the Old Regime, slaves desiring to sue for their freedom could appeal to the diverse civil courts of justice distributed across the territory, including local courts, audiencias, and chanceries, having the right to legal assistance free of charge and exempt from the costs associated with the process. This privilege was exclusively for the pursuit of freedom, as addressing any other issue—such as a criminal lawsuit—required their enslaver's consent.

Throughout the freedom suits, slaves remained in their enslavers' service, although the justice system protected them from the initiation of the suit to prevent potential reprisals. Moreover, they could nominate an intermediary to represent them before the judges and to seek a lawyer, a role typically undertaken by family members like parents or siblings, though a lawyer might directly assume this responsibility. At the two Chanceries in the Crown of Castile, located in Valladolid and Granada, freedom suits could be directly filed or appealed from lower courts, such as municipal courts (Ruiz Rodríguez, 1987, p. 27-28). Here, slaves were appointed procurators for the poor, ensuring their right to justice without the burden of process-related expenses. Before the trial, under court protection, slaves needed to gather witnesses to testify before the official dispatched by the Chancery, answering inquiries from their procurator, a critical step in the court case.

We find ourselves contemplating a peculiar form of liberation, one that necessitated individuals subjugated by others to undertake distinct actions. These actions starkly contrasted with the monotony of their everyday lives. In a society where slaves were largely extraneous to institutional operations, many were either oblivious to their right to judicial emancipation or found themselves in situations that hindered their ability to pursue it ordinarily. Consequently, recourse to judicial means for attaining freedom was infrequent when compared with more common methods such as the granting of a letter of manumission, payment of a ransom, or liberation at the explicit behest of the enslaver in their will.

Given this context, the geographical scope selected for this study, within the Crown of Castile, was the jurisdictional ambit under the Royal Chancery of Granada, demarcated from that of Valladolid by the Tagus River (Garriga, 1994, p. 146). This region, in the sixteenth and seventeenth centuries, was marked by densely populated areas in both the interior, notably the Guadalquivir valley and the Huerta of Murcia, and along the coast, with cities such as Cádiz, Málaga, and Cartagena, in addition to including territories in North Africa like Oran. It is here that a significant portion of the slave populace residing in the Peninsula was located; an area interconnected from the 15th century with trade routes facilitating Atlantic and Mediterranean commerce, inhabited by affluent local elites and a prosperous middle class that engaged in slave acquisition (Vincent, 2008, p. 46-47).

To better comprehend the demands for freedom processed in local courts and the Chancery of Granada, we have confined our chronological focus from the War of the Alpujarras—a conflict that led to the enslavement of numerous Moriscos—to the end of the sixteenth century, a period noted for the decline of the slave population in many surveyed territories.

Although the emancipation efforts of slaves and their families through judicial avenues have been marginally addressed by historiography in Spain, this trend has recently begun to reverse, echoing developments in Latin America where multiple studies have emerged.[1] This shift aligns with a growing appreciation for judicial documents as invaluable resources for delving into sixteenth and seventeenth-century society, given the detailed insights they offer on daily life. The current study builds upon research initiated for a doctoral dissertation focused

1 Among others, we can highlight, in the case of the Iberian Peninsula, those of Debra Blumenthal (2004), Chloe Ireton (2020) and Javier Fernández Martín (2024). Regarding historiography in the American sphere, it is worth mentioning works such as those of María Eugenia Chaves (1998 and 2001), Cristina Masferrer and María Elisa Velázquez (2016), Carolina González Undurraga (2014), Maribel Arrelucea (2023), Edgardo Pérez Morales (2023) or the dossier coordinated by the latter author and Michelle McKinley in issue 44 of the journal *Historia y Sociedad* (2023).

on analyzing judicial cases involving slaves (Fernández Martín, 2024), supplemented with new statistical data that provides a more comprehensive understanding of the subject.

Litigation in sixteenth and seventeenth-century Spain was fraught with challenges, especially for slaves. The judicial process represented one of the few mechanisms available to slaves for improving their living conditions and, frequently, those of their children. The complexity of making such a momentous decision illuminates the fact that those who embarked on this path were driven by motivations stemming from circumstances contrary to the prevailing legality, enduring hardships while awaiting opportune moments to present their cases in court.

Indeed, a substantial risk for slaves seeking emancipation through legal means was the potential retribution from their enslavers, who could deter litigation efforts through threats, abuse, or, in a measure congruent with the aforementioned tactics, selling the slave to another enslaver as reprisal. The existence of this grim reality is evidenced by documents from the Royal Chancery of Granada, which contain directives to slaveholders not to mistreat or sell the litigating slaves under threat of fines; these documents, often solicited by the slaves, thus offered a measure of protection against punitive action for their pursuit of freedom.

The characteristics of the petitions for freedom

Consultation of the judicial documents contained in the Archive of the Royal Chancery of Granada for the specified period has revealed a sample of 246 suits involving a total of 384 slaves between 1570 and 1696. As we can see in Table 1, in 78 of the cases the male slaves sued alone, the same number in the case of the female slaves who did the same. Conversely, 37 of the freedom claims collected were brought by female slaves seeking their freedom and that of their children. In most of these cases, the female slaves sued in the company of two or more children, with a smaller number of female slaves who went to court on behalf of a single child.

Table 1: Applicants for freedom suits in the Royal Chancery of Granada (1570-1696)

Categories	Total (%)
Male slaves acting on their own behalf	78 (31.7)
Female slaves acting on their own behalf	78 (31.7)
Free individuals acting on behalf of enslaved family members	45 (18.2)
Female slaves acting for themselves and their children	37 (15)
Collective freedom suits	8 (3.2)
Total	246 (100%)

Source: Fernández Martín (2024, p. 278), and Archivo De La Real Chancillería De Granada (ARCHGR), RS, boxes 6844, 6847, 6848, 6854, 6858, 6862, 6863, 6864, 6866, 6867, 6868, 6870, 6872, 6874, 6876, 6878, 6882, 6883, 6885, 6909, 6916, 6920, 6923, 6924, 6925, 6926, 6927, 6932, 6939, 6941, 6948, 6951, 6954, 6956, 6958, 6959.

The freedom suits analyzed herein demonstrate that over half of the slaves seeking emancipation through legal avenues pursued their cases individually, encompassing both men and women. Female protagonism becomes even more pronounced when considering cases initiated by slaves on their own behalf and that of their children, joint suits—primarily filed by married couples—and cases initiated by free individuals on behalf of slaves. In the latter scenario, the free individuals were typically relatives of the slaves, often parents.

These demands for freedom also furnish us with essential data on the slaves, including their names, surnames, origins, and occasionally their ages, although this information is somewhat less prevalent in the records. Typically, the children of slaves were litigated against while they were minors, many during their infancy. Such was the case for the 5-year-old son of Beatriz Pérez, and the 9-month-old daughter of Micaela de Vago (Fernández Martín, 2024, p. 279). The mention of children's ages in cases where this information is available serves to underscore the argument before the court, aiding mothers in fortifying their testimony. Often, plaintiffs were unable to specify their exact

age, usually providing an approximate range of two consecutive years. This practice was common even in cases where age was a critical factor for the success of the lawsuit, such as with Moriscos contesting their enslaved status based on the Pragmática of July 30, 1572.

Despite the lack of a formal requirement to include origins, such as 'Moorish' [*morisco*] for descendants of Muslims from the Kingdom of Granada, or 'Berber' [*berberisco*] for those from North Africa, or even skin color in the documentation of the judicial process, numerous references to such characteristics are found within the records. These mentions, made at the discretion of the participating parties' procurator, witnesses, the litigating slave, or even the staff of the Royal Chancery, include descriptions such as *negro*, *moro*, or *mulato* following the slaves' names in court records. As indicated in subsequent analyses (Table 2), a significant portion of these descriptions pertains to Moriscos from the Kingdom of Granada (34.1%), with smaller percentages for other groups; notably, Indians from Portuguese India (10.1%) and Berbers (9.3%).

Table 2: Descriptive categories of slaves applying for freedom (1570-1696).

Categories	Total (%)
Moorish from the Kingdom of Granada	84 (34.1)
Indians from Portuguese India	25 (10.1)
Berber	23 (9.3)
Black and brown	16 (6.5)
Mulattos, *trigueños* [wheat-skinned], *loros*, whites, and quinces	14 (5.6)
Portuguese	2 (0.8)
Turks	1 (0.4)
Unspecified	81 (32.9)
Total	246 (100 %)

Source: Fernández Martín (2024, p. 280), and ARCHGR, RS, boxes 6844, 6847, 6848, 6854, 6858, 6862, 6863, 6864, 6866, 6867, 6868, 6870, 6872, 6874, 6876, 6878, 6882, 6883, 6885, 6909, 6916, 6920, 6923, 6924, 6925, 6926, 6927, 6932, 6939, 6941, 6948, 6951, 6954, 6956, 6958, 6959.

With respect to the origin of the slaves who petitioned for their freedom, within the vast jurisdictional territory of the Royal Chancery of Granada, a significant number of cases were brought to the high court from nearby regions, primarily the Kingdoms of Seville (38.2%) and Granada (30.4%), followed by Jaén (11.3%) and the Kingdom of Córdoba (10.9%) (Table 3). Conversely, cases involving slaves residing in more distant areas, such as Extremadura or the Kingdom of Toledo, were comparatively less frequent. Another factor to consider is the demographic distribution of the slaves; areas with a higher concentration of slaves, such as Andalusia, were more prominently represented. This is reflected in the urban centers with notable numbers of cases, including Málaga (n = 26), Granada (n = 19), Antequera (n = 16), Jerez de la Frontera (n = 13), and Cádiz and Écija (11 each), with Seville registering 10 cases. The relatively lower incidence of cases in Seville can be attributed to the presence of the Royal Court, which typically adjudicated a considerable portion of such cases originating within the city.

Table 3: Origin of claimant slaves (1570-1696)

Place of origin	Number of cases (%)
Kingdom of Seville	94 (38.2)
Kingdom of Granada	75 (30.4)
Kingdom of Cordoba	27 (10.9)
Kingdom of Jaén	28 (11.3)
Extremadura	7 (2.8)
Kingdom of Murcia	5 (2)
Cuenca	2 (0.8)
Orán	1 (0.4)
Toledo	1 (0.4)
Not determined	6 (2.4)
Total	246 (100%)

Source: Fernández Martín (2024, p. 286), and ARCHGR, RS, boxes 6844, 6847, 6848, 6854, 6858, 6862, 6863, 6864, 6866, 6867, 6868, 6870, 6872, 6874, 6876, 6878, 6882, 6883, 6885, 6909, 6916, 6920, 6923, 6924, 6925, 6926, 6927, 6932, 6939, 6941, 6948, 6951, 6954, 6956, 6958, 6959.

With regard to the duration of cases in the analyzed sample, we have data on 115 lawsuits out of the 246 consulted. This information comes from the letters of execution, which summarize the entire litigation process from its inception, even if it began in a lower court. In an institution such as the Royal Chancery of Granada, where a considerable portion of its cases reached the court on appeal, the duration was inevitably influenced by the delays this process introduced.

Thus, it is clear that lawsuits originating in lower courts tended to have longer durations, whereas those initiated directly in the Granada court were shorter. A case processed by two courts would repeat each phase of the litigation: initiation of the cause, response of the defendant, testimonies of the witnesses summoned by both parties, challenge—if appropriate—of the testimonies presented, and issuing of the judgment; in the case of the Chancery, this could result in two decisions: the sentence of hearing and, should any parties not appeal, the sentence of review. In our sample, the judicial origin of 122 processes is known: 53.2% were initiated directly in the Chancery compared to 46.7% that reached it on appeal, highlighting the significance of local justice in freedom suits during these years. Despite many cases being settled in various courts, it is evident that, in general, freedom suits were resolved in relatively short timeframes, as indicated by a significant portion of litigation concluding in less than three years, the norm in both the Royal Chancery of Granada and Valladolid (Kagan, 1991, p. 63).

Given the complexity inherent in any judicial process, one can easily understand the distress of an enslaver upon receiving a judicial notification about a lawsuit filed by their slave: a person who, by their condition, was under their control as property. Hence, facing a lawsuit entailed not just the immediate cost and community repercussions, but also the risk of not being able to recoup the investment in the slave if the process was lost and the slave was freed, thereby prohibiting any sale for economic gain and merely recognizing the legal emancipation granted to the slave in court. Among such enslavers, there were those, like a resident of Jerez de los Caballeros in 1593, who were unaware that their slaves had the right to petition the court for their freedom, insisting to the judicial authorities

of their town that they annul the lawsuit on the grounds that a slave could not legally contest their enslaver (Fernández Martín, 2024, p. 285-286).

In contrast, slaves who sued their enslavers for contesting their condition argued before the courts that they were free and had been illegally enslaved for a certain period. In addition to seeking emancipation, many demanded financial compensation for each year of service under such circumstances. This scenario was exemplified in 1601 by Ana de Armenteros, who sought four ducats for each of the twenty years that her daughter, María, had been illegally subjected to slavery. The justice of Jaén issued a sentence, awarding three ducats per year, a decision that was upheld by the judges of the Royal Chancery of Granada[2] upon appeal by her mistress. While such claims frequently accompanied petitions for freedom, courts often rejected these requests for compensation, granting only emancipation. The rationale behind slaves demanding compensation was understandable; receiving a specified amount enabled them to start a new life of freedom more comfortably, by either settling and finding employment in the area or returning to their place of origin when feasible.

Regardless of whether they received economic compensation to offset the years of illegal service, the analysis of judgments issued by the Royal Chancery of Granada judges confirms that most of these lawsuits concluded in favor of the slaves' emancipation. Specifically, of the 246 freedom suits examined, judicial resolutions are known for 136, with 91.9% resulting in the freedom of the litigant slave, compared to 8% where the enslaver prevailed, maintaining the individual's enslaved status.

The detection of 45 new cases maintains these percentages, nearly identical to those previously published (Fernández Martín, 2024, p. 298), reinforcing the established reality within the daily operations of Castilian courts. The process culminated in issuing the letter of execution, summarizing the litigation phases and, most crucially, recording the final sentence of freedom. Slaves requested this document to certify their new status and protect themselves against potential reprisals from former enslavers, re-enslavement, or misidentification as runaway

2 ARCHGR, RS, box 6885 (September 1605).

slaves by authorities. This risk was particularly pronounced for freed slaves lacking familial support. A case in point involved Catalina Delicada, from the Kingdom of Portugal, who in 1606 sued Don Pedro de Alcocer, *veinticuatro,* from Granada, alleging she had been kidnapped

Freedom strategies in the courts

Regarding the reasons slaves cited when challenging their status, the analysis of lawsuits has enabled the compilation of various arguments presented before judges. The intricate detail in the arguments put forth by the slaves' attorneys in these cases highlights the immense value of such documents for understanding the day-to-day aspects of slavery during this period. This is primarily due to the unique nature of the civil process, which includes testimonies from the slaves themselves, allowing them to publicly express their personal circumstances. Thus, by examining these lawsuits, we can glean insights into the types of relationships maintained with their enslavers, authorities, neighbors, and even relatives. Within this spectrum of daily interactions, the aspect that has garnered significant interest among scholars of slavery history is the sexual relations between slaves and their enslavers. This reality often came to light in cases where there were illegitimate children resulting from these unions, as seen in the litigation initiated by the slave Antón de Tapia against Diego de Tapia in the early 17th century. The fact that both the plaintiff and the defendant shared the same surname was not coincidental but indicative of their familial relationship, as both were half-brothers. In their argument, Antón contested his status by claiming he had always been treated as free and declared as such in their father's will—the latter also being a former enslaver—and boldly accused their father of having coerced their mother into a relationship.[3]

Among the motivations identified in this study, the one cited by the Moriscos (26.4%) stands out, who argued in court that they had been illegally enslaved because they were younger than the age stipulated in the Pragmatic Sanction of July 30, 1572, enacted shortly after the conclusion of

3 ARCHGR, RS, box 6926 (December 1607), n.d.

the War of the Alpujarras. It is important to note that this rationale was exceptional, stemming from the specific context of the failed assimilation of the Muslim-origin population in the Kingdom of Granada during the 16th century. Conversely, the other reasons relate more closely to the everyday experiences of slaves in the period under study, as well as in earlier and later times. Examples include non-compliance with the provisions of enslavers' wills (12.1%) or letters of manumission (10.5%) as pathways to freeing a slave, constituting some of the most frequent methods of emancipation.

Table 4: Motivations of slaves seeking freedom (1570-1696)

Causes alleged	Number of cases (%)
Unlawful slavery by virtue of the Pragmatic Law of July 30, 1572.	65 (26.4)
Infringement of a testamentary clause	30 (12.1)
Infringement of a letter of manumission [*horro*]	26 (10.5)
Unlawful slavery as contrary to the principles of 'just war'	17 (6.9)
Unlawful slavery as a descendant of free Christians	17 (6.9)
Marriage	8 (3.2)
Promises of freedom	5 (2)
Unlawful slavery due to captivity	3 (1.2)
Physical or psychological mistreatment	2 (0.8)
Others	6 (2.4)
Unspecified	67 (27.2)
Total	246 (100%)

Source: Fernández Martín (2024, p. 285), and ARCHGR, RS, boxes 6844, 6847, 6848, 6854, 6858, 6862, 6863, 6864, 6866, 6867, 6868, 6870, 6872, 6874, 6876, 6878, 6882, 6883, 6885, 6909, 6916, 6920, 6923, 6924, 6925, 6926, 6927, 6932, 6939, 6941, 6948, 6951, 6954, 6956, 6958, 6959.

As illustrated in Table 4, the range of reasons that led slaves to sue their enslavers, as documented, is extensive. A detailed examination of each reason is beyond the scope of this paper. Nevertheless, it is pertinent to highlight certain identified causes. We will start with those causes related to processes initiated for violating the provisions of the Pragmatic Sanction of July 30, 1572. This law stipulated that Moriscos enslaved during the War of the Alpujarras, who were younger than ten and a half years for males and nine and a half years for females at the time of their capture, should be freed.

The specification of these age limits led to confusion, which was adeptly exploited by Moorish slaves seeking emancipation. They contested their captivity by claiming to have been captured at ages younger than those mandated by the law, thereby arguing their captivity was unlawful. This argument was frequently made before the Castilian courts in the years following the conflict, especially during the 1580s, challenging many slave enslavers who, after multiple transactions, were unaware of the precise age at which the slave had been captured, as well as the specifics of their capture. This resulted in cases where it was challenging to refute the slave's claim of being captured at a younger age, particularly in lawsuits initiated by adult Moriscos towards the end of the 16th century and the beginning of the following century. One notable example is the case of the Moorish slave Lucía de Escobar, who denounced the illegality of her captivity.

Like many other Moorish slaves of the period, she claimed to have been captured at the age of three or four, seeking freedom for herself and her two children. In addition to demands for freedom, there were also complaints against her enslaver, Miguel de Albarracín, a resident of Andújar, for punitive measures taken against her and her sons' attempts at liberation, including being "locked up and imprisoned with an iron ring around her neck."[4] Such complaints were not uncommon in these lawsuits, reflecting a tendency among enslavers to retaliate against their slaves' legal actions. While the veracity of these claims is not the

4 ARCHGR, RS, box 6882 (August 1605), n.d.

primary focus, their presence in various testimonies likely served to bolster the legal arguments provided, ultimately functioning as an additional defense strategy in court.

Numerous freedom suits also arose from violations of enslavers' wills, specifically clauses that emancipated slaves. Heirs often disregarded such clauses, viewing them as economically detrimental because emancipation reduced their ability to exploit the labor of the slaves, either domestically or commercially, or to sell them. This was the basis of the lawsuit filed by the slave Sebastián de Silva in October 1599, who argued that the relatives of their deceased enslaver denied him the freedom granted in her will.[5]

It is common to find in testamentary documents a variety of stipulations set forth by the testator to ensure the future welfare of family members. A prevalent condition was the postponement of a slave's emancipation for several years. Upon the lapse of this period, the heirs were obligated to liberate the slave in alignment with the deceased's stipulations and, thus, in accordance with the law. Despite this framework, numerous enslavers chose to ignore their relative's last wishes, resulting in a multitude of lawsuits filed in courts over this issue, as evidenced by the freedom suits documented. Consequently, the slave Antón Jiménez, a resident of Priego de Córdoba, was compelled to appeal to the Royal Chancery of Granada in 1604 to enforce their former mistress's heirs to acknowledge their emancipation. Their enslaver had mandated him to serve her offspring for eighteen years, subsequent to which he was to be granted freedom. Having served the agreed term, Jiménez remained enslaved for an additional six years, during which he also sought compensation of 158 ducats, a testamentary provision unfulfilled. According to Jiménez, he was threatened by the proprietors, with the local authorities' tacit consent, to face imprisonment should he refuse to sign a notarial denial of receiving the aforementioned sum.[6]

5 ARCHGR, RS, box 6844 (August 1603).

6 ARCHGR, RS, box 6863 (August 1604), n.d.

Another category of freedom suits is distinguished by the plaintiffs' origins, as well as the arguments presented in court, involving slaves claiming descent from various locales of the Indian subcontinent, such as Bengal, Goa, or Cochin, and even Japan. These individuals often disputed their enslavement by asserting they had been illegally subjugated despite their Christian heritage. In the sixteenth and seventeenth centuries, despite efforts by the Lusitanian Crown to restrict such practices, numerous slaves were transported to Portugal via the *Carreira da Índia* from slave-trading hubs like Goa (Subrahmanyam, 2012, p. 240).

Upon arrival in the Iberian Peninsula, these individuals were integrated into extant networks via sales and resales, some reaching the southern territories of the Crown of Castile, where their presence is noted in various towns and cities, mainly from the late fifteenth century to the mid-sixteenth century. The legal dispute involving slave Gonzalo de Sosa, a natural Indian purportedly originating from Bengal, and their enslaver Juan Enriquez de Rojas, a resident of Granada, adjudicated in the Chancery between 1601 and 1604, exemplifies the aforementioned arguments. In their quest for freedom, Sosa contended that:

> A free individual, not subject to captivity or servitude, stemming from the fact that he is the Christian offspring of free Christian parents, descendants of such, and a native of the aforementioned city of Vengala. All hailing from said city and province, they are Catholic Christians, obedient to our Crown, and have never engaged in any conflicts with fellow Christians.[7]

He then provided information about their capture and the ensuing journey that culminated in their subjugation to their current enslaver. The individual claimed to have been abducted from Bengal, subsequently transported to Europe, and passed through the hands of five different enslaver. He even specified which enslaver was responsible

7 ARCHGR, RS, box 6863 (July 1604), fol. 1r.

for marking or restraining him, likely intending to underscore the indignity suffered. This type of reference is encountered in other similar legal disputes. Similarly, it is recorded that the Indian, Baltasar Borge, reported having left India as a free man in the service of a merchant, later residing in London before arriving in Seville. In this city, he was deceived and enslaved, eventually landing in Aguilar de la Frontera, where he initiated legal proceedings for their freedom that concluded in Granada in 1623 (Fernández Martín, 2024, p. 403-404).

In the case of Gonzalo de Sosa, their enslaver, like others in comparable situations, attempted to refute their Indian and Christian origins, falsely claiming he was a Turk to justify the legitimacy of their enslavement under the pretext of a 'just war.' Needless to say, adjudicating these cases was undoubtedly challenging, particularly in instances like these, which were among the first to be adjudicated by this court. The difficulty is evidenced by the issuance of two verdicts by the judges, the initial judgment followed by a review after an appeal. Despite the common propensity of the judges to side with the slaves seeking their emancipation in such disputes, in this instance, the first verdict denied the slave's request, whereas the second, adjudicated by a different panel of magistrates, ruled in their favor.

The same tactic, claiming to be a Christian and the offspring of free Christian parents, was employed by slaves from other regions, as demonstrated in the litigation between the slave, María Fernández, and her daughter, Magdalena, against their enslaver, Antonio López, initiated in Cádiz in 1603. This case presented a unique testimony involving a specific military event rather than the routine practices prevalent in the slave trade of the era. The plaintiff alleged to have been "kidnapped and stolen from her home by soldiers who forcibly took her to the city of Cádiz."[8] In response to the allegations made by their slave before the mayor of Cádiz, the enslaver provided information that she arrived in the city in 1583 with the navy of Álvaro de Bazán, Marquis of Santa Cruz, from the island of Terceira.

8 ARCHGR, RS, box 6923 (February 1607), n.d.

Following the defeat of the supporters of the Prior of Crato and their French allies during the conquest of the Kingdom of Portugal, livestock and numerous slaves present became the spoils of the Marquis's soldiers (Valladares, 2008, p. 148). According to the enslaver's account, there were also other slaves who had disembarked with the armada and subsequently sought legal recourse for emancipation, underscoring the fruitlessness of their endeavors. Such a statement was clearly a fallacious argument, considering the judicial system's prevalent inclination to favor the slaves who pursued legal action for their freedom.[9]

Conclusion

Demands for freedom represented one of the few rights that justice allowed slaves in the Iberian worlds during the Modern Age. However, recourse to the courts—both civil and ecclesiastical—to free themselves was among the least utilized means towards this end, especially when compared with alternatives such as testamentary liberations. The decision to pursue this path to freedom was influenced by a myriad of factors, conditioned by the circumstances each enslaved individual faced.

Initially, it was imperative for the slave to become aware of the existence of this legal option, a realization frequently predicated upon necessary social integration, in addition to devising a strategy that would enable challenging their condition in accordance with the prevailing legal stipulations. This could initiate a process that was often particularly arduous for the slave. Difficulties were primarily due to the enslaver's reaction, who might resist the process and impose various punishments on the litigant slave, including selling, shackling, maltreating, or hindering the slave from fulfilling procedural requirements, such as gathering witnesses and consulting a lawyer. The continuous provisions of the courts protecting slaves who initiated legal action, imposing monetary

9 This was also the case in the lawsuits brought by the slaves in the Azores archipelago against their Portuguese enslavers, which, according to Rafael Villadares (2008, p. 148), can be interpreted as a punishment by the Crown for their support of the cause of the Prior of Crato.

penalties on those who contravened, confirm the relative frequency of such occurrences.

The significant risk any slave faced when suing their enslaver underscores the pivotal role of family support in these lawsuits. With the aid of relatives, many slaves received assistance throughout these procedures, a circumstance most commonly observed in Moorish litigation, further supported by networks of mutual solidarity present in various areas within the jurisdictional territory of the Royal Chancery of Granada following the War of the Alpujarras. This reality benefited slaves not only by providing help in the event of any mishap during the process but also in the search for witnesses to support their claims. Moreover, the welfare of the family was a critical factor in cases where slaves initiated legal proceedings alongside their children, many of whom resulted from sexual relations coerced by the enslaver. Litigations of such nature conspicuously highlighted the existence of these practices in the surrounding community, as they brought to light treatments previously confined to the most intimate domestic sphere.

The analysis of freedom suits recorded in the sixteenth and seventeenth centuries leaves no doubt that justice was generally favorable to the slaves who sought to challenge their condition, except in cases where, due to the unusual nature of the verdict, were deemed exceptional. This substantiates the assertion that the judicial route, though less commonly chosen for emancipation due to its risk and difficulty, most reliably guaranteed slaves access to freedom. It often signified the epitome of their integration into a society where they were otherwise compelled to live.

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JAVIER FERNÁNDEZ MARTÍN

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