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Muslims and *Chichimeca* in New Spain: The Debates over Just War and Slavery/ Musulmanes y *chichimecas* en la Nueva España: Los debates sobre la guerra justa y la esclavitud indígena

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The author explores the contested relationship between changing identities, legal patterns, and cultural practices along the northern frontier of New Spain. Arguments in favor of enslaving the Chichimeca must be understood in the context of a broader historical process concerning Christian-Muslim relations on the Iberian peninsula, specifically policies toward the Granadan Moriscos. Analyzing often overlooked references to Muslims in colonial documents concerning the status of Amerindians can provide fresh insight into the relationship between European attitudes toward non-Europeans that was articulated at both imperial administrative and local levels along the contested frontier.

KEYWORDS: Moriscos; Chichimeca; Colonial frontiers; New Spain; slavery.

Se analiza la relación entre identidades, legislación, y prácticas culturales en la frontera norte de la Nueva España. Argumentos que proponían esclavizar a los chichimecas deben de ser examinados en el contexto de un proceso histórico más amplio, respecto a las relaciones entre cristianos y musulmanes en la península Ibérica, específicamente los estatutos aplicados a los moriscos granadinos. El análisis de referencias a los musulmanes en los documentos coloniales tocantes al estatus de grupos indígenas puede aportar nuevas perspectivas sobre la relación entre europeos y no-europeos que fue articulado en los altos niveles administrativos imperiales, y también al nivel local, en las zonas fronterizas.

PALABRAS CLAVE: Moriscos; Chichimecas; Fronteras coloniales; Nueva España; Esclavitud

During the mid-sixteenth century a series of heated debates took place in the Iberian world concerning the status of the semi-nomadic peoples inhabiting the regions north of Mexico, who were known collectively as the *Chichimeca*. Increasing conflict between Spaniards and indigenous groups on the northern frontier of New Spain, approximately between 1531 and 1585 and referred to by the Spanish as the *Guerra Chichimeca*, raised a number of ethical concerns in both Mexico City and Spain. Ongoing debates concerning the legitimacy of Spanish conquest and possession of the Americas, both at the Spanish court and on the ground, called into question the justifiability of conducting warfare against and enslaving the «barbarous» *Chichimeca*.¹ In some cases, participants in these debates made direct comparisons between Granadan Moriscos or North Africans and the *Chichimeca*, casting semi-nomadic indigenous groups as Muslims in their attempts to render them enslaveable. In contrast to the academic debates of theologians in Spanish universities, the specific and often conflicting interests of miners, *estancieros*, colonial officials, soldiers, and missionaries who were settling the northern frontier in spite of indigenous resistance were a key element in the articulation of the debates in Mexico.² Images of Muslims and Moriscos played an important and often overlooked role in everyday negotiations among Spaniards and indigenous peoples in the Spanish Americas during the sixteenth century. The juridical position of non-Christians and «new Christians» in Spain was at times echoed in the ways that colonial authorities attempted to make sense of and justify their policy toward Amerindians.

Anomalous Vessels: A Case from Nueva Galicia

On 21 July 1573 Pero Ximénez, an indigenous merchant who traveled the Pacific coast of New Spain, appeared before the *Audiencia* and Royal Chancery of Nueva Galicia to present a letter written by the *corregidor* of Centiquipaque, Alonso Álvarez de Espinosa. With the help of translators, Ximénez testified before the president and judges of the *Audiencia* that Álvarez de Espinosa had given him the letter in Compostela and told him to make his way to the *Audiencia* «very quickly because they had seen along the coast many ships that were said to be of

1 Carrillo Cázares, 2000.

2 *Ibidem*, 33-34.

Turks or Moors.»³ Ximénez reported that while he was on the peanut farm of Manuel Fernández, «which is close to the sea, about nine days ago a majordomo of the said Manuel Fernández...named Madariaga called to this witness and told him in the Mexican language to look at the sea, that ships were sailing.» Madariaga said, «“only God knows if they are Moors or Turks,” and this witness looked toward the sea and saw many large ships sailing that morning. They said there were ten ships that Madariaga claimed were heading in the direction of Purificación».⁴ Ximénez stated he «does not know what type of people were on the ships, nor who they were, only that they said there that if they were Christians and friends they would stop and disembark to eat and drink».⁵ Ximénez then testified that when he arrived in Compostela to sell fish and cotton he «heard all the Spaniards say publicly that the said ships were sailing along the coast and that this was public and notorious».⁶

In August the members of the *Audiencia* and Royal Chancery continued to receive letters on the subject of the strange ships. One of the more telling letters was written by Juan Fernández de Ijar who urged the court to pay close attention to the events unfolding along the southern coastline of Nueva Galicia:

Indeed it is something that matters so much to the royal Crown that your grace first order an inquiry because they say that a *Morisco* who is on a cacao plantation of Gerónimo Pérez sounded this alarm, and then order that they see whether he is circumcised and send him to be punished. As for him and others of his quality, neither Greeks nor Slavs nor any other types who appear to be strange and vassals of the Great Turk, do not permit them to land within fifty leagues of the southern coast.⁷

3 Archivo General de Indias (AGI), Justicia 1041, N.2, 1v. «Le avia mandado venir muy apriesa por q avian aportado a la costa muchos navios e que dezian que heran de turcos o moros».

4 *Ibidem*, 1v-2r. «Dixo que estando este testigo en un cacagueta de Manuel Fernandez que esta cerca de la mar puede aver nueve dias q un mayordomo del dho Manuel Fernandez q reside en el dho cacagueta que se llama Madariaga llamo a este testigo y le dixo en la lengua Mexicana mira a la mar que de navios andan sabe Dios si son moros o turcos y este testigo miro hazia la dha mar y vio andar por ella muchos navios grandes por la mañana e dezian q heran diez navios que el dho Madariaga dezia q yban hazia la Purifficacion».

5 *Ibidem*. «No sabe este testigo q gente iba en ellos ni quien heran mas que dezian alli q si fueran xpianos e amigos que çurgieran e echaran gente en tierra a tomar de comer y beber».

6 *Ibidem*, 2v. «...llego a Conpostela e alli oyo dezir publicamente a todos los españoles que andavan los dhos navios por la costa e que esto hera alli publico e notorio...».

7 *Ibidem*, 6r. «...pues es cosa que ynporta tanto a vra Rl corona lo primero V.Al. mande ynquirir por que dizen q un morisco dio esta arma que esta en un cacao de Grmo. Perez y mandar mirar si es circunciso y mandallo castigar por lo hecho y a el y a otros de su jaez ni griegos ni esclavones ni otro genero que paresca estraño y vasallos del gran turco no consienta vra al. que con cinquenta leguas se alleguen a la costa del sur...».

Fernández de Ijar added that in the public *plaza* of Purificación he encountered «seven vassals of the Great Turk, all men of the sea, the spies of the princes, all are in diverse clothing as they see is required of the business they bring with them».⁸ After receiving this news, the president and judges of the *Audiencia* ordered Diego de Bolaños y Paniagua, the *alcalde mayor* of Compostela, to go in person to the area where the ships had been sighted to investigate the matter. This was perhaps in response to a letter written by Alonso García who expressed concern that no Spaniards had sighted the ships. García noted that the ships had been reported only by indigenous peoples living in the coastal towns whom Spanish authorities considered to be less reliable witnesses than Spaniards.⁹

These reports of ships full of Turks and Moors sailing the coast of Nueva Galicia, and sighted by indigenous peoples, raise a number of questions about how these images which are traditionally associated with the Mediterranean came to cross the Atlantic. They suggest that not only Spaniards, but also Amerindians were aware of contemporary peninsular responses to Muslims and Moriscos that included the fear that the Ottoman army would invade Spain with the help of the Moriscos.¹⁰ These images are present in an array of sources. Parish priests preached sermons celebrating the battle of Lepanto and announcing the *bula de la santa cruzada*, inquisitors read edicts of faith that included references to Muslim practices, representations of Santiago decorated local churches, and the dances of *moros y cristianos* were enacted as early as 1539, as seen in Fray Toribio de Benavente Motolinía's description of the conquest of Jerusalem staged in Tlaxcala.¹¹ Ongoing debates concerning the practice of «just war» and the enslavement of indigenous peoples on the northern frontier of New Spain provided another path for the transmission of these images.

8 *Ibidem*, 6r-6v. «...halle en la plaça de la villa de la Purificación siete vasallos del gran turco todos hombres de la mar las espías que traen los principes todos andan en diversos avitos de vestidos como ven que requiere el negocio que traen entre las manos...».

9 *Ibidem*, 7v.

10 Haliczzer, 1999, 265-273. Also see Hess, 1978.

11 Benavente Motolinía [1541], 1988. William B. Taylor analyzes the significance of the image of Santiago for the indigenous population of Mexico in «Santiago's Horse», 1994, 153-189. For a discussion of «moros y cristianos» dances see Harris, 2000, and Bataillon, 1995, 193-202. Antonio Garrido Aranda analyzes how Spanish missionaries compared Moriscos and Amerindians during their evangelization campaigns in *Moriscos e indios*, 1980 and *Organización de la Iglesia en el reino de Granada*, 1979. Also see Garrido Aranda, 1984, 501-533.

Projecting Muslims onto the Chichimeca

During the sixteenth century European writers became increasingly interested in producing genealogical accounts of peoples in the far reaches of the globe. This interest was accompanied by an increased attention to ethnological detail as Spanish travelers and thinkers attempted to gather information about those whom they were attempting to conquer and convert. New categories of classifying peoples emerged from their writings, which in turn had an impact on issues that ranged from the juridical questions of who possessed dominion over their land to who could be subject to enslavement. According to Anthony Pagden, this concern with genealogies «formed part of a wider sixteenth- and seventeenth-century preoccupation with human origins, with, for instance, the origins of the Turks whose case, in this as in so much else, was often seen as strikingly similar to that of the Indians».¹² Muslims and *Moriscos* presented a familiar reference point for Spaniards who had a long history of coexistence and conflict with them on the Iberian Peninsula and in the Mediterranean. These references creep into descriptions of indigenous peoples, presenting parallels between how Spanish writers thought about Ottomans and Aztecs, or Arabs and the *Chichimeca*, as they began to organize non-Christian peoples into hierarchies of civility and barbarism. These categories emerged both implicitly and explicitly in northern New Spain in the debates over whether to enslave the *Chichimeca*.

Between 1569 and 1574 Viceroy Martín Enríquez de Almanza convened a series of theological *juntas* in Mexico City.¹³ During the course of these meetings the principal debates concerned the ethics of waging war against the *Chichimeca*, who were implicated in the escalating robberies and murders of Spaniards along the routes to the silver mines in Zacatecas.¹⁴ Indigenous peoples were theoretically protected by the Crown from enslavement as vassals of the king, and by the papal decree issued in 1537, the *Bulla Veritas Ipsa (Sublimis Deus)*, that affirmed their humanity. Nevertheless, local interests far removed from institutions of central authority often reinterpreted «just war» arguments to fit their demands.¹⁵

¹² Pagden, 1982, 193.

¹³ Carrillo Cázares, 2000, 267.

¹⁴ *Ibidem*, 226-227.

¹⁵ The issue of indigenous peoples as protected vassals of the Crown is discussed by Añoveros, 2000, 213-214. The papal bull is cited in Carrillo Cázares, 2000, 44-45.

These debates over the status of the *Chichimeca* occurred in the midst of growing indigenous resistance to Spanish expansion during the 1550s. The situation became especially tense following the «great rebellion» of 1561.¹⁶ Spanish presence had been increasing northward along the routes connecting the silver mines at Zacatecas with Mexico City, encroaching on lands previously belonging to indigenous groups such as the *Zacatecos* and *Guachichiles*. Spanish settlers increasingly persecuted these peoples whom they labeled Chichimeca, whose resistance to their incursions they responded to with violence.¹⁷ As a result, according to Ruth Behar, many Spanish reports from the region «emphasize the wildness, brutality, and thieving character of the *Chichimecas*.»¹⁸

The position of the missionary orders attempting to evangelize the *Chichimeca* differed significantly from that of the soldiers and miners settling the northern frontier regions. Missionaries accused these men of enslaving Amerindians under the pretext of «just war» (*guerra justa*), while failing to distinguish between those who were peaceful and those who were aggressive, whose subjugation would for some justify a defensive war.¹⁹ Missionaries such as Guillermo de Santa María, an Augustinian who had more than twenty years of experience living among the *Gua-mares* and *Guachichiles*, advocated pacifying the *Chichimeca* by reducing them to small settlements with the hope that a sedentary lifestyle would promote religious instruction and their conversion to Catholicism. Santa María considered that this objective could be made possible only through the cessation of the campaigns «by fire and sword» against the *Chichimeca*, which he and others deemed to be opportunistic attempts to enslave them.²⁰ In contrast, soldiers and those with interests in expanding and protecting the mining enterprise at Zacatecas such as Pedro de Ahumada Sámano, often advocated the enslavement of the *Chichimeca*, using arguments drawn from the experience of «*Reconquista*» in Spain to justify their position.

Images of Muslims and Moriscos surface in several sixteenth-century accounts of the *Guerra Chichimeca* that dealt with the right to wage war upon and enslave rebellious indigenous groups. Both the accounts by Santa

16 Carrillo Cázares, 2000, 207.

17 Behar, 1987, 116. Also see Powell, 1952.

18 *Ibidem*, 116.

19 Carrillo Cázares, 2000, 220.

20 *Ibidem*, 236 and 283.

María and Ahumada Sámano compare the *Chichimeca* to North Africans, albeit for very different ends. The *Tratado de los chichimecas de nueva España*, an anonymous and undated work from the Real Biblioteca de El Escorial, sheds light on these colonial debates over just war and the enslavement of the *Chichimeca*. This treatise has been attributed to Gonzalo de las Casas, a Spanish soldier who became involved in the venture to transport the silk industry from Granada to Mexico.²¹ However, a copy of this manuscript found at the Bibliothèque Nationale de France has allowed Alberto Carrillo Cázares to attribute this work to Santa María, and provide the exact date of 1575.²² According to Carrillo Cázares, Santa María accompanied Gonzalo de las Casas on a campaign to subdue the *Chichimeca*, at which point he may have given him a copy of the treatise.²³

Santa María's *Tratado* consists of both an ethnological description of the various groups comprising the *Chichimeca* and a discussion of the cases in which war and enslavement could and could not be inflicted justifiably upon them. At the beginning of the ethnological portion of his work, Guillermo de Santa María states that «this name of *Chichimeca* is generic, applied by the Mexicans (ignominiously) to all the Indians who roam as vagabonds, without having a house or cultivated lands, and who could well be compared with the *alárabes*».²⁴ This is the only time in which he makes specific mention of *alárabes*, a term that sixteenth-century authors applied to Arabs and North African Muslims. In the *Tesoro de la lengua castellana o española [1611]* Sebastián de Covarrubias Orozco defines *alárabe* as a resident of the Arabian Peninsula.²⁵ Another contemporary source, Luis del Mármol Carvajal's *Descripción general de África*, uses the term more broadly to refer to the Arab conquerors of North Africa and their immediate descendants.²⁶ Neither reference taken on its own helps us to understand the possible implications of the comparison between the *Chichimeca* and Muslims. Santa María's reference to *alárabes* at the beginning of his work raises the question of what this comparison might have meant to a six-

21 Gonzalo de las Casas is cited as its author in Campos y Fernández de Sevilla, 1993, 328-333.

22 Carrillo Cázares, 2000, 236.

23 *Ibidem*, 272.

24 *Tratado de los chichimecas de nueva España* (Biblioteca de El Escorial, MS K. III, 8), 392. «Este nombre chichimeca es generico, puesto por los mexicanos (en ignomia) a todos los yndios que andan vagos, sin tener casa ni simentera los quales se podrian bien comparar a los Alarabes».

25 Covarrubias Orozco [1611], 1994, 39.

26 Mármol Carvajal, 1953.

teenth-century audience who were evaluating their right to occupy the lands north of Mexico City and enslave indigenous groups who displayed resistance.

In his treatise Santa María proposed a civilizing program for the *Chichimeca*, one that provides insights into the political and strategic uses of ethnological writings. In doing so he provided a critical response to Spanish officials who argued that the conflict with the *Chichimeca* comprised a generalized rebellion, thus justifying defensive war and their enslavement. Santa María uses the term *alárabes* to refer to a semi-nomadic people whose description in contemporary accounts paralleled that of the *Chichimeca*. References to Turks, Arabs, Muslims and *Moriscos* in documents on the conquest and enslavement of Amerindians tend to appear as discrete instances that the authors do not elaborate upon. However, to contemporaries they would have evoked familiar images, and would have carried cultural and legal implications.

José de Acosta's references to Muslims in the *Historia natural y moral de las Indias [1590]* shed light on the ways that Europeans conceptualized 'other' peoples according to familiar categories. In a number of passages, he compares indigenous practices explicitly to those of the *Moriscos*. While Acosta uses the word 'moro' or Muslim instead of *Morisco* in drawing this comparison, the language used in the inquisitorial archives for *Morisco* religious and cultural practices shows that the practices he discusses came from the same context. While describing the Andeans' ritual killing of animals, for example, Acosta writes that

The method of slaughtering any livestock, large or small, which the Indians used in accordance with their ancient ceremony, is the same one that the Muslims have, which they call *alquible*, which is to hold the animal above the right arm and turn its eyes toward the sun, saying different words, depending on the type of animal that is being slaughtered.²⁷

The Andeans, Acosta writes, «fasted from morning until the star appeared, and then they filled themselves and did the *zahor* in the manner

27 Acosta, 1987, 349. «El modo de matar a qualquier res, chica o grande, que usaban los indios, según su ceremonia antigua, es la propria que tienen los moros, que llaman el *alquible*, que es tomar la res encima del brazo derecho y volverle los ojos hacia el sol, diciendo diferentes palabras, conforme a la cualidad de la res que se mata». The reference to the *alquible* concerns the direction, toward Mecca, that Muslims and Moriscos were to turn following the ritual slaughter of an animal. See reference to an inquisitorial trial concerning Antón Polo and Luis Caminero in Longás, 1990, 266.

of Muslims».²⁸ And as to ritual baths, Acosta notes that «these baths were also used by [the Andeans] when they confessed with a ceremony that resembles closely the one that the Muslims use, which they call the *guadoi* and the Indians call *opacuna*».²⁹

The connections that Acosta makes between Andean practices and *Morisco* customs would have resonated with contemporary readers. Acosta's *Historia*, a text that through its ethnological approach to evangelization shares elements of its structure and objectives with Santa María's briefer *Tratado*, illustrates how Spanish missionaries were organizing their knowledge about the new peoples and practices they encountered. Furthermore, Acosta's work expands upon Santa María's, not merely by stating a comparison between indigenous peoples and the *alárabes*, but by developing the parallel further to associate specific Andean practices with Muslim practices recognizable to theologians and jurists in Spain. However, neither Acosta nor Santa María advocated the enslavement of Amerindians.

As Acosta discussed indigenous genealogies, he also noted differences between the more «civilized» Indians such as the Aztecs or the Incas and the semi-nomadic *Chichimeca*. In doing so, Acosta referred to an issue that also emerged in Santa María's treatise, namely the obstacles to civility presented by a nomadic lifestyle. Santa María wrote similarly about the shifting alliances of the *Chichimeca* who «prefer to live alone independently, like animals or birds of prey, rather than join together to better sustain themselves and find their food, and therefore they would never join together were it not for the necessity of war that compels them to live together».³⁰ Their lack of civil society could be corrected, Santa María argued, only by ending Spanish slaving raids and by increasing the «security of the roads...[I]t would be sufficient to punish the principal and guiltiest persons, and regulate the rest [of the *Chichimeca*] to remove all the difficulties

28 Acosta, 1987, 350. «Y para esto ayunaban desde la mañana hasta que salía la estrella, y entonces se hartaban y zahoraban a usanza de moros». The *zahor* refers to the meal that is eaten after sunset during Ramadan, once the fast is broken, according to Longás, 1990, 223-226.

29 Acosta, 1987, 365. «Estos lavatorios usaban también los demás que se confesaban con ceremonia muy semejante a la que los moros usan, que ellos llaman el *guadoi* y los indios llaman *opacuna*».

30 *Tratado de los chichimecas de nueva España*, 392-393. «Antes les es mas comodo bivir solos de por si, como animales o aves de rapiña q no se junctan unos con otros para mejor mantenerse y hallar su comida y ansi estos nunca se junctarian si la necesidad de la guerra no les compelliese a vivir junctos».

that might cause them to rebel». ³¹ Santa María's missionary impulse led him to advocate «settling them on the flatlands [as opposed to rugged terrain that is associated with the uncivilized], indoctrinating them in the law of God and good customs, and giving them all the possible means so that they accomplish this». ³² Santa María's plans were detailed. He held that the *Chichimeca* should be taught not only to cultivate the land, but also to master the «mechanical trades as potters, carpenters, masons, and that the women should be taught to make bread or *tortillas* as well as spinning and weaving». ³³

Santa María's presence in the missions was closely linked to the silk raising project proposed by Gonzalo de las Casas, a relationship that displays further the complex competing interests involving local land and resources among Spaniards, that exacerbated their tensions with indigenous peoples. Sericulture was introduced into Mexico during the 1540s as a missionary enterprise. First the Dominicans, and later the Augustinians and Franciscans planted mulberry trees and taught indigenous peoples how to raise silkworms. ³⁴ In a report to the Spanish government in 1537, Mexican bishop Fray Juan de Zumárraga advocated that married *Moriscos* be transported from the Alpujarras region to New Spain, to teach the Amerindians «the best methods of sericulture» that were known in the silk-producing region of Granada. ³⁵ Zumárraga hoped that by learning to raise silkworms indigenous peoples would reduce their poverty and settle in communities that would make them more amenable to evangelization. However, his efforts to encourage Granadan *Morisco* emigration to New Spain appear to have been unsuccessful because the Crown had prohibited their passage to the Americas by a series of royal decrees. ³⁶

Nevertheless silk raising techniques from Granada were carried to New Spain. By the time that Gonzalo de Las Casas composed his treatise on sericulture, the *Arte nuevo para criar seda [1581]*, and Santa María

³¹ *Ibidem*, 417. «Y ansi bastaria castigar los principales o mas culpados y a los demas ordenarlos de manera q se les quiten todos los ynconvinientes q podrian tener pa revelarse».

³² *Ibidem*, 417. «Pobrarlos en tierra llana, doctrinarlos en la ley de dios y buenas costumbres, dandoles todos los medios posibles pa q consigan este fin».

³³ *Ibidem*, 418. «Y sin esto sería nescesario poner entre ellos quien les muestre a cultivar la tierra, y a otros officios mecanicos como ollereros, carpinteros, albañiles, y quien muestre a sus mugeres a hazer pan o tortillas y hilar y texer».

³⁴ Borah, 1943, 46.

³⁵ *Ibidem*, 9.

³⁶ *Ibidem*, 9.

accompanied him to the northern frontier, silk raising had become a small industry in Mexico. However, the results were not always what Zumárraga had envisioned. According to Borah, «large enterprises developed, on a master-worker basis. Indians were drafted for service in the silk houses under various forms of legal compulsion – the *encomienda*, slavery, the *repartimiento*, services to chiefs, and contributions to communities; and they were protected only to the extent that the royal government intervened on their behalf».³⁷ In the dedication of the first edition of the *Arte nuevo para criar seda*, Las Casas, who had spent time in both Granada and Mexico, wrote to a patron that

I learned of your interest in raising silk which is used so much in this Kingdom of Granada, and that while living in Mexico I had written this book, in the manner that would benefit the Indians of New Spain...I would like it to be of material so generous that it conforms with your grace's station, and moreover that it does not cease to be noble, because although raising it is servile work, the use of it is of the nobility, and it has never been used by anyone but generous people, and in the most noble uses of the land. Even if it were not thus, it would be enough to expound upon the theory and practice of it so many benefits, and charity to that province, and other peoples.³⁸

Many supporters of the nascent silk industry in New Spain argued that cultivating silkworms would be beneficial to the Amerindians. This is likewise consistent with Santa María's notion that by engaging in productive activities, the *Chichimeca* would live peacefully and thus more easily be converted to Catholicism.

In 1560 Pedro de Ahumada Sámano led a campaign to «pacify» the *Guachichiles* and *Zacatecos* who were attacking travelers along the road between Mexico City and Zacatecas, burning estates, and disrupting access to the rich silver mines.³⁹ The *Audiencia* of Nueva Galicia commissioned Ahumada Sámano, the governor of the *Marquesado del Valle* and a wealthy mine owner, to lead the campaign to suppress these raids. In 1562 he pro-

³⁷ *Ibidem*, 52.

³⁸ Las Casas [1581], 1996, xlv. «Estando visitando un día al señor doctor Antonio González (muy ilustre señora) conocí en vuestra merced afición a ver criar la seda que tanto en este reyno de Granada se usa, y por aver a nos que yo viviendo en México tenía hecho este libro, del modo que en ello se a de tener para provecho de los Yndios de Nueva España...Yo quisiera que fuera materia tan generosa que conformara a la calidad de vuestra merced, más no deja de ser noble, porque aunque crialla es officio servil, el uso della es de nobles, y nunca a venido a usarse sino de gente generosa, y en los mas nobles usos de la tierra; y aunque no fuesse esto bastaría para tenerse por tal redundar de la theorica y pratica dello tanto provecho, y charidad a aquella provincia, y a otras gentes...».

³⁹ Román Gutiérrez, 1993, 382 and Carrillo Cázares, 2000, 218-221.

duced for Viceroy Luis de Velasco, the elder, and Philip II an account or *Relación* of the enterprise in which he deemed the soldiers' repressive actions against the rebellious *Chichimeca* to have been conducted as «just war». He also advocated their enslavement. Like Santa María, Ahumada Sámano provided a detailed description of the indigenous groups he was trying to subdue. He depicted the *Chichimeca* he encountered in three regions as «warring Indians...[who] walk naked as savages and who have neither law nor houses, nor trade, nor do they cultivate the land or have any other work than hunting». ⁴⁰ In describing the *Zacatecos*, Ahumada Sámano stated tellingly that «they moved about as *alárabes* following the war and the hunt». ⁴¹ He then described the *Guachichiles* as «being like *alárabes* and savages without having a fixed place». ⁴² Ahumada Sámano's ensuing condemnation of them was forceful:

It would be in the service of God and your majesty and for the security of the roads and of that land and of that entire kingdom that we should wage war on them and punish them so that they remain afraid because it would follow...to assure the roads as your majesty is obligated to do for the discharge of your royal conscience...because they are indomitable and proud peoples...and it is thus expedient to first wage just war upon them... ⁴³

Ahumada Sámano's bellicose characterizations of the *Guachichiles* and *Zacatecos* denote how practices of warfare became important criteria in the early modern Iberian world for assessing whether a group could be enslaved justifiably. By using the term *alárabe* in his account, Ahumada Sámano was invoking a cultural category familiar to Spanish military, juridical and theological writers.

For example, the Spanish soldier and historian Luis del Mármol Carvajal traveled throughout North Africa during the sixteenth century and was also involved in suppressing the rebellion of the Granadan *Moriscos*. His *Descripción general de África [1573]* contains illuminating passages concerning the «life and customs of the *alárabes*, and their way and order

⁴⁰ AGI, Patronato 182, R.5, 1v. «Los yndios de guerra...andan desnudos echos salvajes no tienen ley ni casas ni contratación ni labran la tierra ni travajan mas que en la çaça...».

⁴¹ *Ibidem*, 2r. «...andaban echos Alarves siguiendo la guerra e çaça...».

⁴² *Ibidem*, 2r. «...andan como alarbes y salvajes sin tener lugar cierto...».

⁴³ *Ibidem*, 3r. «...e así sería de paresçer que convernía al servicio de dios y de su mag[esta]d y a la seguridad de los caminos y de aquella t[ie]rra e de todo aquel rreyno que se les hiziese guerra e diese castigo de manera que quedasen amedrentados porque se seguiria lo uno asegurar los caminos como su mag[esta]d es obligado para descargo de su rreal conciencia...porque es jente yndomita e sovervia...y así conviene azelles prim[er]o buena guerra...».

of fighting». ⁴⁴ Mármol Carvajal distinguishes between the various groups of *alárabes* inhabiting the different regions of North Africa. Those of Berbería possessed greater riches and finer tents and horses, while those of the desert between Berbería and Egypt «are a poor and miserable people because the land where they move is sterile and harsh, and although they have sheep and camels there is so little grass that they gain little from their livestock». ⁴⁵ For Mármol Carvajal, the *alárabes* living along the coast were «the greatest robbers of the earth, and whichever foreigners fall into their hands they rob and capture them, and they sell them to the Christians, so that no Muslim dares to pass through their land, either alone or accompanied». ⁴⁶ Mármol Carvajal's description of the *alárabes*' practices of warfare is equally detailed and compelling. According to his account the «*caudillos de Alarabes*» of Fez and Tlemcen carried firearms to «frighten the other *alárabes* who are like them, because these people generally are frightened of gunfire, and say that it is a treacherous weapon that kills men before they can demonstrate their valor». ⁴⁷

The same emphasis on customs of warfare is evident in both Santa María's and Ahumada Sámano's treatises on the *Chichimeca*. Both follow a similar format, first distinguishing among the various peoples comprising the *Chichimeca*, and then turning to a more generalized discussion of cultural practices from religiosity to patterns of warfare. ⁴⁸ For example, Ahumada Sámano writes that the *Guachichiles* and *Zacatecos* are «all so brave and bellicose and experienced in archery as soon as they know how to walk...until they kill a rabbit or hare with the bow which they do at the age of five or six». ⁴⁹ Spanish authorities were also concerned with indigenous customs of taking captives during warfare, as is evident in a royal

44 Mármol Carvajal, 1953, 41r. «...tracta de la vida y costumbres de los Alarabes, y de su manera y orden de pelear».

45 *Ibidem*, 42r. «Los Alarabes que viuen en los desiertos de Barca que son entre Berberia y Egipto, son gente pobre y miserable, porque la tierra donde andan es esteril y aspera, y aunque tienen ouejas y camellos es tan poca la yerua que ay que sacan poco fructo del ganado».

46 *Ibidem*, 42v. «Son estos Alarabes los mayores salteadores del mundo, y quantos forasteros caen en sus manos los roban y prenden, y los venden a los Christianos, por manera q no osa ningun Mahometano passar por su tierra, solo ni acompañado».

47 *Ibidem*, 43r. «Y hazen poco effecto con ellas [escopetas] si no es para espantar a otros Alarabes como ellos, porque esta gente generalmente son medrosos de tiros de fuego, y dizen que es arma traydora q mata al hombre antes q llegue a mostrar su valor».

48 *Tratado de los chichimecas de nueva España*, 395-397.

49 AGI, Patronato 182, R.5, 1v. «...todos son tan balientes e bellicosos y exercitados en el arco desde q saven andar de mamar a los niños asta que matan un conejo o liebre con el arco q lo azen de hedad de cinco o seis años».

Instrucción issued in 1530 to the *Audiencia* of Mexico.⁵⁰ In it Charles V ordered the judges of the royal court to «inform yourselves about it in detail» because «the Indians have among themselves the law and custom of taking slaves, both in wars that they wage among themselves and in the thefts that they carry out».⁵¹

This preoccupation with custom becomes relevant in the debates over «just war». Invocations of customary practice played an important role during both the *Guerra de Granada* and the *Guerra Chichimeca*. The practice of enslaving prisoners of war was important during the repression of the *Morisco* uprising in the Alpujarras mountains between 1568 and 1572. During the campaigns led by Don Juan de Austria to suppress this rebellion, his soldiers enslaved large numbers of *Moriscos* as rebels, in spite of their baptism and status as «new Christians», and often regardless of whether they were involved with the fighting.⁵² Baptism likewise provided little protection to the *Zacatecos* in New Spain whom Ahumada Sámano argued «should receive punishment because they go inland [to make trouble] and return freely, some of them having accepted baptism and others who remain infidels».⁵³

Morisco testimonies following the Alpujarras rebellion decried the widespread looting and enslavement undertaken by the Spanish troops, and emphasized Christian greed (*codicia*).⁵⁴ A royal decree issued by Philip II in 1572 attempted to impose some order on the rampant enslaving perpetrated by the soldiers involved in suppressing the rebellion. In his *Pragmática y Declaración sobre los Moriscos que fueron tomados por esclavos de edad de diez años y medio, y de las esclavas de nueue [sic] medio, del Reyno de Granada* Philip II ordered that any participants captured in the *Morisco* rebellion above ten and a half years of age in the case of boys and nine and a half in the case of girls could be «sold or used as

50 «De la instruction de la audiencia de Mexico doze de Junio año de treynta que manda provean lo que convenga cerca de la costumbre que tienen los Indios de hazerse esclavos los unos a los otros» from Encinas [1596], IV, 1946, 364.

51 *Ibidem*, 364. «Y porque somos informados que los Indios entre si tienen por ley y costumbre de hazer esclavos, así en las guerras que unos con otros tienen, como por hurtos que hazen, y otras causas, informaroseys dello muy particularmente...».

52 The enslavement of *Moriscos* in Granada is discussed by Martín Casares, 2000, and Domínguez Ortiz and Vincent, 2003.

53 AGI, Patronato 182, R.5, 3r. «...convieria que resciviesen castigo por q se van la tierra adentro e se buelven libremente unos aviendo admitido el bautismo e otros que se estan en su ynfielidad...».

54 Barrios Aguilera discusses the Alpujarras rebellion and *Morisco* responses in 2002, 349.

slaves who were and are justly and legitimately taken».⁵⁵ Philip II specifically prohibited the enslavement of younger children and of *Moriscos* from other towns that were not involved in the rebellion, a decision that was backed by «persons of letters and of conscience, who have consulted with us about certain just causes and considerations that were presented».⁵⁶

Like the issue of Amerindian slavery, the legal position of the Granadan *Moriscos* following the Alpujarras rebellion continued to be redefined in spite of Spain's longer historical experience with Muslims. Debates in the *Morisco* context focused on the legitimacy of enslaving the already baptized «new Christians». In this way, the convocation of meetings of jurists and theologians to discuss issues of enslavement and just warfare had implications on both sides of the Atlantic, not only in the realm of policy, but also in conjunction with practices of warfare on the ground. In his *Tratado Santa María* acknowledged the role that the experience of warfare played in shaping these debates as he cited precedents from Iberia and the Mediterranean world: «This is according to the custom in taking captives which is done between Muslims and Christians, and it will be as in other cases in which they are in the power of the enemy».⁵⁷ This transatlantic dimension is especially noticeable in an undated judicial opinion (*parecer*) about whether the *Moriscos* captured during the Alpujarras rebellion could be enslaved.⁵⁸ The author supported his argument for their enslavement by making reference to a decision by Charles V who for «New Spain ordered something similar in a similar case for there are reliable witnesses in this city who affirm it, and among them is one who was a judge of the Chancery at that time. One cannot think the decision was reached without great agreement».⁵⁹ The decision the author referred to is likely the one expressed in the royal instruction issued by Charles V in 1523 that

55 Printed in Bauer Landauer, 1923, 139. «...vender y disponer dellos como de esclavos q justa y legitimamente fueron y son tomados».

56 *Ibidem*, 138. «...conferido sobre ello por nuestro mandado por personas de letras y conciencia, y con nos consultado por algunas justas causas y consideraciones q se representaron».

57 *Tratado de los chichimecas de nueva España*, 417. «...por q ya esto esta ansi en costumbre en las presas q hazen entre moros y xpianos y sera como las demas cosas questan en poder de los enemigos».

58 Archivo de la Catedral de Granada (ACG), Libro de Varios ,3; 520r-520v: «Parecer sobre si los moros deste reyno tomados en guerra an de ser captivos».

59 *Ibidem*, 520r. «Tambien se confirma esto por ver quel christianiss[im]o emperador Don Carlos en la Nueva España mando cosa semejante en caso semejante como ay testigos fidedignos en esta cibdad que lo afirman y entre ellos uno era oydor de la Chancilleria en essa sazón y no es de pensar se determynó sin gran acuerdo en ello».

Amerindians could be enslaved only if they were the aggressors and after the Spaniards made «the necessary *requerimientos* so that they can come under our obeisance». ⁶⁰ However, Charles V soon revoked this order in a *real provisión* in 1526 following a flurry of reports from those who opposed Amerindian enslavement. ⁶¹

In the *Historia del rebelión y castigo de los moriscos del Reino de Granada [1600]* Mármol Carvajal wrote a history of the Alpujarras rebellion that provided a vivid account of Spanish authorities' attempts to suppress and punish the Granadan *Moriscos*. ⁶² Besides having traveled across and lived in North Africa during twenty-two years, Mármol Carvajal had overseen the financial accounts of the army of Don Juan de Austria during the Alpujarras uprising in Granada. From his discussion of the debates concerning the enslavement of *Moriscos* following the rebellion, it becomes clear that their status as baptized Christians was significant. Mármol Carvajal noted that:

There were doubts from the beginning of this war as to whether the rebels, men and women and children captured in it, should become slaves; and the Council has not finished deliberating the matter until these days, because there was no lack of opinions by *letrados* and theologians who argued that they should not be enslaved; because although Spanish law permits enemies captured in war to be enslaved, this should not be the case among Christians; and because the *Moriscos* were such, at least in name, it was not just that they be made captives. ⁶³

Mármol Carvajal noted that Philip II withheld judgment temporarily and ordered the *Consejo Real* to continue examining the legitimacy of enslaving *Moriscos*. He contacted the Royal *Audiencia* of Granada to advise him on the matter as well. Following further debate the Council:

⁶⁰ Encinas, IV, 1946, 361. «...los requerimientos necesarios para que vengan a nuestra obediencia». For a discussion of the *requerimiento* and its role in the Spanish conquest see Seed, 1995.

⁶¹ «De la instruction que el Emperador Don Carlos de gloriosa memoria dio al Marques del Valle en [26 junio 1523]...y se dio a Diego Velazquez año de diez y ocho para nuevos descubrimientos que manda pudiesse hazer guerra a los Indios, y poner los que tomaren por esclavos (1523)» and «Provision que manda que los Indios naturales de la nueva Espana no puedan ser esclavos ni herrados (1526)» in Encinas, IV, 1946, 361-362.

⁶² Mármol Carvajal, 1991, 8.

⁶³ *Ibidem*, 153. «Había duda desde el principio desta guerra si los rebelados, hombres y mujeres y niños presos en ella, habian de ser esclavos; y aun no se habia acabado de determinar el Consejo hasta en estos dias, porque no faltaban opiniones de letrados y teólogos que decian que no lo debian ser; porque aunque por la ley general se permitia que los enemigos presos en guerra fuesen esclavos, no se debia entender ansí entre cristianos; y siéndolo los moriscos, ó teniendo, como tenian, nombre dello, no era justo que fuesen captivos».

Resolved that [the *Moriscos*] could and should become slaves, in conformity with a council held in the city of Toledo against the Jews who rebelled at another time, and for having called upon Muhammad and declared themselves Muslims. This ruling was approved by some of the theologians, and His Majesty ordered that the decree be carried out and enforced against the *Moriscos*, in the same way that it had been carried out against the Jews, with the pious temperance that he wished to use as a prince who was considerate and just: «that boys younger than ten years of age, and girls who are not yet eleven, could not be enslaved, but rather that they should be given in trust to be raised and instructed in matters of the faith».⁶⁴

Mármol Carvajal's account of this legal decision reflects the debates concerning the justifiability of enslaving «new Christians». This argument was also being debated both on the ground and at court, although Crown policy toward indigenous peoples opposed their enslavement officially with the promulgation of the New Laws in 1542. Significantly, Mármol Carvajal noted how Spaniards suppressing the rebellion perceived the events in the Alpujarras as «they declared that the war was against enemies of the faith and rebels against His Majesty; and which had to be carried out by fire and by sword».⁶⁵ In New Spain, the same phrase «by fire and sword» (*a sangre y fuego*) was applied to the *Chichimeca* to render them rebellious enemies of the Crown and faith in order to justify incursions against them.⁶⁶

According to Carrillo Cázares, during a previous uprising among the *Chichimeca* in Nueva Galicia during the 1540s Spaniards pushed for war «by fire and sword». In this way they sought to justify the killing and «perpetual enslavement» of rebellious Amerindians.⁶⁷ When Viceroy Antonio de Mendoza testified before Licenciado Francisco Tello de Sandoval in response to charges arising from the cruelties that had been inflicted upon the indigenous population of Miztón during the suppression of the rebellion, he compared the conflict in Nueva Galicia to the actions taken against the *Moriscos* in Granada. Mendoza stated that he never ordered the

64 *Ibidem*, 153. «...se resolvieron en que podian y debian ser esclavos, conformándose con con un concilio hecho en la ciudad de Toledo contra los judíos rebeldes que hubo en otro tiempo, y por haber apellidado á Mahoma y declarado ser moros. Este parecer aprobaron algunos teólogos, y su majestad mandó que se cumpliese y ejecutase el concilio contra los moriscos, de la mesma manera que se habia hecho contra los judíos, con una moderacion piadosa, de que quiso usar como príncipe considerado y justo: “que los varones menores de diez años, y las hembras que llegasen á once, no pudiesen ser esclavos, sino que los diesen en administracion para criarlos y dotrinarlos en las cosas de la fe”».

65 *Ibidem*, 153. «...que la guerra era contra enemigos de la fe y rebeldes á su majestad; y que se habia de hacer á fuego y á sangre».

66 Carrillo Cázares, 2000, 45.

67 *Ibidem*, 45.

Spaniards to kill the *Chichimeca* in Miztón. According to Mendoza, the situation had gotten chillingly out of hand, just as he claimed had happened «in the kingdom of Granada [where] it is customary to cane and stone many of those Muslims who had renounced our holy faith».⁶⁸

Toward an Understanding of Indigenous Ideas about Muslims

In Spanish America, juridical discussions about the status of non-Christians and «new Christians», the connections between *alárabes* and *Chichimeca*, did not only concern Europeans. The degree to which indigenous peoples became aware of, transformed, or manipulated Spanish institutions and symbols to their advantage is crucial to understanding everyday interactions among various ethnic groups in New Spain. To what extent did indigenous peoples become aware of these references to Muslims and *Moriscos*, and how did they respond to or appropriate them, if at all, during the course of the colonial period? Indigenous peoples acted alongside the Spaniards in the attempts to suppress the *Chichimeca*.⁶⁹ In roles ranging from conquistadors to porters, they may have also encountered the few North African or Morisco slaves who accompanied the Spaniards as interpreters, and formed their own judgments about these individuals.⁷⁰

A number of historians have written about the dances of conquest, some of which enacted battles between Muslims and Christians that were introduced by the friars into colonial Mexico. William B. Taylor has analyzed how «local communities of Indians actively manipulated both the symbols and the institutions of Catholicism and how such symbols and institutions have multiple meanings for the colonial history of the descendants of Native Americans in Mexico».⁷¹ One of the images that Taylor focuses on is Santiago, who in Spain «stood for the *Reconquista* – Christianity on the march, the holy war against Islam in Iberia» and who

68 *Ibidem*, 46. The «Descargos del Virrey Don Antonio de Mendoza» during the visita of Licentiate Tello de Sandoval is cited in Pérez Bustamante, 1928, 162-163. «...y en el reino de Granada se acostumbra a cañaverear y apedrear muchos moros de los que han renegado de nuestra santa fee...».

69 See Wright, 1988; and a chronicle of the Guerra Chichimeca written by an indigenous participant, Francisco de Sandoval Acacictli, [Spanish translation from Nahuatl 1641], 1996. Also see Matthew and Oudijk, 2007.

70 On Morisco and North African interpreters see AGI, Justicia 260, Altman, 2010, and Adorno and Pautz, 1999.

71 Taylor, 1994, 155.

was invoked for protection by Spaniards during the conquest of Mexico.⁷² During the sixteenth and seventeenth centuries indigenous peoples performed the *Reconquista* in the *moros y cristianos* dances. According to Taylor «the parallel with the Spanish conquest of Indian America would not have been lost on the native spectators and participants», who also appealed to the saint for protection.⁷³ Some *moros y cristianos* dances were also held to commemorate important events across the Spanish empire such as the Spanish victory over the Ottoman navy in the battle of Lepanto in 1572.⁷⁴ By the end of the sixteenth century some of these dances recast the *Chichimeca* in the role of the «*moros*», being conquered by other indigenous groups.⁷⁵ Colonial images in Mexico during this period experienced a similar shift, containing not only depictions of Santiago as *matamoros* or Moor-slayer, but also as *mata-indios*.⁷⁶

Local interactions between Amerindians and Spaniards created a space in which references to *Moriscos* and Muslims also circulated. Not only public performances and visual representations, but also direct experiences with the *Guerra Chichimeca* conveyed peninsular attitudes toward non-Christians and «new Christians» to the residents of New Spain. In this context, indigenous reports of sighting ships of «Turks and Moors» skirting the coastline of Nueva Galicia are significant. Although the *Audiencia* conducted an extensive investigation into the matter, local authorities could find no further evidence of the presence of Muslims in Nueva Galicia. While many of the witnesses of varying backgrounds who testified confirmed the existence of the vessels, they were unsure of whether they belonged to the French, the English, or the Ottoman fleets. While a number of the indigenous witnesses testified that they knew nothing of the matter, a letter by Francisco de Monroy who owned a nearby *estancia*, claimed that «the entire town of Purificación, women and children, are fleeing along the road to Autlán because the Muslims made landfall in the port of Vote which belongs to Purificación».⁷⁷ Their disembarkation was discounted by Pero Sanchez Yzquierdo, a Castilian tailor and owner of a cacao farm, who

72 *Ibidem*, 155.

73 *Ibidem*, 156.

74 Harris, 2000, 148-149.

75 Taylor, 1994, 159.

76 *Ibidem*, 176n.9.

77 AGI, Justicia 1041, N.2, 57v. «...toda la villa de la Purificación mugeres y niños van huyendo el camino de Autlan porque los moros tomaron puerto en el pueblo de Vote es de la Purificación».

claimed it to be «a joke» (*burla*), although he did hear it said publicly that the ships belonged to «Turks or Moors or the French».⁷⁸ A year later, in a letter to Philip II dated 24 March 1574, Viceroy Martín Enríquez concluded dismissively that not ships but whales were to blame for the mysterious sightings, and he lamented the upheaval that this situation had caused among both Indians and Spaniards.⁷⁹ Whether real or imagined, rumors of «*moros en la costa*» connected worlds in which Spanish and indigenous litigants, soldiers, artisans and writers grappled with changing circumstances.

Conclusion

Lauren Benton has argued that in the Spanish imperial context «legal boundaries were closely associated with the production of cultural boundaries. In the Iberian peninsula...religious distinctions both created legal boundaries marking religious and cultural differences and generated patterns for accommodating difference. As Europeans encountered new types of non-Christians, legal boundaries did not precisely parallel ethnic boundaries, but they existed as an important constraint and rhetorical resource used in shaping ethnic identities».⁸⁰ This relationship between culture, law, and practice was negotiated continuously on both sides of the Atlantic. References to Muslims in colonial documents concerning the status of Amerindians provide new insights into the relationship between European attitudes toward non-Europeans at both imperial administrative and local levels. Although relatively few in the texts, images of Muslims and *Moriscos* connected the political worlds in which individuals on both sides of the Atlantic were enmeshed.

In the early modern Spanish world, generic categorizations of complex societies such as *Chichimeca* or *alárabe* carried with them juridical implications. Precedents from Muslim-Christian relations on the Iberian Peninsula, such as taking captives, infused Spanish patterns of warfare in the Americas, in spite of official restrictions, and provided a vocabulary for those who wished to advocate extreme measures against peoples they deemed rebellious. These terms were unstable, as they continued to be con-

⁷⁸ *Ibidem*, 120r. «dixo este testigo a oydo dezir publicamente a personas que no se acuerda q la gente q viene en los dhos navios deven ser turcos o moros o franceses...».

⁷⁹ AGI, Mexico 19, N.28, 3v.

⁸⁰ Benton, 2002, 78.

tested across the Spanish empire. Heated debates raged about whether or not to enslave the already-baptized *Moriscos* following the Alpujarras uprising, whose detractors argued that they were really Muslims and apostates, or whether the *Chichimeca*, by resisting Spanish encroachment, could be labeled as rebels whose robberies and murders along the roads to the silver mines at Zacatecas justified, for some, their suppression and enslavement. Beyond direct and explicit comparisons, descriptions of indigenous customs and practices of warfare, the language used, at times paralleled contemporary Spanish accounts of North Africans, Muslims, Turks and *Moriscos*. In their accounts, Spanish soldiers carefully observed and recorded indigenous practices taking captives, as some argued that Amerindians could be enslaved if their societies permitted it, or that they could trade with local groups for slaves. Characterizations of customary practices became crucial for arguments concerning juridical identities on both sides of the Atlantic, and were in dynamic dialogue as they continued to be rearticulated during the course of new interactions «on the ground». An examination of indigenous responses to and transformations of these symbols is equally important for understanding how, as Benton notes, «conquered people [were]...incorporated in the imposed legal order».⁸¹ As can be glimpsed in the ships sailing the coast of Nueva Galicia, indigenous peoples became increasingly active as participants in the debate, and quickly began to use Spanish institutions and symbols to their own ends. The assumptions made by each group as they interacted with one another are crucial to understanding the changing nature of everyday negotiations in the early modern Spanish world.

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81 *Ibidem*, 81.

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