

MUSLIMS AS PROPERTY: SLAVERY EPISODES IN THE REALMS OF ARAGON 1244-1291

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Muslim slaves in the medieval realms of Aragon were not Mudejars -members of a community surrendering under a treaty of privilege-. Just as Mudejars formed a parallel society to the Christian, so did Muslim slaves constitute a kind of society parallel to the Mudejars. The unfree Muslim was not a member of a community, however, but a lone individual under the jurisdiction of the domestic Christian or Jewish paterfamilias, an integral component of the family which also owned him. When Alfonso X el Sabio compiled his encyclopedic code the *Siete partidas* in the later thirteenth century, he placed his explicit treatment of slaves within the *partida* on domestic arrangements, after parents, godparents, and children, and just before those more ambiguously familial components, the vassal and the friend. Slavery crops up continuously throughout the *Partidas* in many other contexts, of course; but it finds its primary locus in the treatment of the family¹.

I

In a wider sense the Muslim slave can be seen as a kind of Mudejar, however, in that he or she naturally assimilated to various elements of that status. Just as the free Muslims of Majorca were only analogously Mudejars, since they were an acephalous society without formal leader or treaty-constitution, so the scattered slaves in the Arago-Catalan realms can be viewed as non-Mudejar but as assimilating to some of the basic status of the Mudejar. Much of the slave's daily religion must have survived in ingrained habits,

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1. *Las siete partidas* (any edn.), *partida* IV, titles 21, 22. See also J.A. DOERIG, «La situación de los esclavos a partir de las *Siete Partidas* de Alfonso el Sabio», *Folia humanistica*, IV (1966), pp. 337-361, drawing from the full *Partidas*; and María del Carmen CARLÉ, «La servidumbre en las *Partidas*», *Cuadernos de historia de España*, XII (1949), pp. 105-119, a survey.

though its public expression must surely have been curtailed. Islam does not easily accommodate the separation of private and public religious expression; but survival enforced by circumstance may yet have encouraged a religious minimalism, a clinging to what remained. Enveloped by large Mudejar communities such as those of the Valencian kingdom, the thirteenth-century slave had access to nearby moral support, psychological resources, and some services. For long after the conquest there, for example, the muezzins indefatigably raised their call from the minarets for free and slave alike, despite the opposition of clerics and townsmen². The Arabic language was prevalent throughout Mudejar communities in the thirteenth century kingdom of Valencia, with its implied cultural baggage. Slaves too, despite domestic approximations to Romance, must have experienced this as a boundary-maintaining mechanism³. The norm of slavery here as domestic and densely urban, growing numerically more female than male, must have encouraged casual contacts, recreative interchange, networking, and solidarity between the slaves in many households. The particularities of Muslim costume, both traditional and eventually imposed, persisted, to judge from iconographic evidence, as did behavioral patterns. At some point, such as severe crimes that lay outside the restricted jurisdiction of a householder over his family, the slave had to enter the legal system of *qādī* and crown. Though a slave had no standing in court, he was a legally responsible human person when committing a felony; conversely, killing him was homicide. Finally, the crown seemed to claim a supervising function over the realm's Muslims, a right of intervention or control, that may have included slaves.

The shared commonalities of Mudejar and unfree Muslim need to be leased out of the charter documentation which is just beginning to accumulate. What liabilities did they share, what festival life, marriage rituals, and for the educated slave what intellectual resources? Did slaves, like other Muslims, use the access days in the ubiquitous baths? Did they generally join the Mudejar revolts in this century? Did the conversionist pressures particularly affect them? Could they be found in the mosques, particularly at

2. On the almost farcical patterns of continuity of the muezzin's call down through the fifteenth century, despite its constant condemnations, see Maria Teresa FERRER i MALLOL, *Els sarraïns de la corona catalano-aragonesa en el segle XIV: segregació i discriminació* (Barcelona: 1987), pp. 87-95, and a summary of the episodes in my review of the book in *Speculum*, LXVI (1991), pp. 152-155.

3. On the dominance of Arabic and scarcity of Romance at mid-thirteenth century, see Robert I. BURNS S.J., «The Language Barrier: Bilingualism and Interchange», in his *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia: Societies in Symbiosis* (Cambridge, Eng.: 1984), pp. 172-192. See also now Carme BARCELÓ, «La llengua dels sarraïns valencians», *Llengües en contacte en el País Valencia* (segles XIII-XV), ed. Jordi Colomina i Castanyer (Alicante: 1995), pp. 13-27.

the Friday worship? One assumes they found a pause for their brief but obligatory personal prayers; but what about the more intrusive fast and feast of ramadan? Since Muslims here had Muslim slaves, as we now know, did the Christian-held slaves fraternize with these brothers? Did they indulge in the taverns and other deprecated vices? Did they and in the Muslim cemeteries? Did their sheer number (“extremely numerous” by John Boswell’s count, with as many as sixty male slaves in the households of some individuals)⁴ affect the quality of their lives?

At the moment we have more questions than answers. Further questions might emerge from the abundantly documented life of Black slavery in the pre-Civil War United States, where the *Partidas* and Spanish law supplied a slave code otherwise absent from the prevailing English Common law. The task of studying more extensively Iberian slavery, and especially the Arago-Catalan variety with its rich archives, is especially pressing in that slavery enforced on Christian and Jew a more intimate experience of the Other than did Mudejarism. The nervous admonitions of the clergy signal that the domestic worlds of nannies, midwives, maids, domestic assistants, companions, and cooks, forced the two religious groups into inescapable interchange⁵.

A remarkable exploration of the “changing face of slavery” in the Arago-Catalan realms, by Stephen P Bensch, has offered a revisionist context for thirteenth-century relations between slaves and masters. Working from a data base of 263 last testaments by Barcelona men and women between 1100 and 1290 and from a generous selection of charters, he finds a series of “economic, cultural, and psychological transformations” of “collective attitudes”. Where slaves had been “poorly integrated into their master’s household”, he argues, “a new tone of familiarity between master and slave infuses thirteenth-century wills”. Owners now commonly refer to slaves by a name, leave them token legacies, keep them within the family, and even provide for their

4. John BOSWELL, *The Royal Treasure: Muslim Communities under the Crown of Aragon in the Fourteenth Century* (New Haven: 1977), p. 50.

5. The routine involvement of Arago-Catalonia’s church in buying, owning, and selling slaves is traced from archival records by Larry J. SIMON, «The Church and Slavery in Ramon Llull’s Majorca», in *Iberia and the Mediterranean World of the Middle Ages*, ed. Larry Simon, Donald Kagay, Paul Padilla, and Paul Chevedden, 2 vols. (Leiden: 1995-1996), 1, pp. 345-363. Professor Simon has near publication an extensive book on Majorca’s thirteenth-century Moors and Jews. On the acephalous or «decapitated» Muslim groups there, see R.I. BURNS S.J., «Muslims in the Thirteenth-Century Realms of Aragon: Interaction and Reaction», in *Muslims under Latin Rule, 1100-1300*, James M. Powell ed. (Princeton: 1990), especially p. 67. Of recent articles see especially Mark D. MEYERSON, «Slavery and the Social Order: Mudejars and Christians in the Kingdom of Valencia», *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* (Brill), 1 (1995), pp. 144-173, and his «Slavery and Solidarity: Mudejars and Foreign Muslim Captives in the Kingdom of Valencia», II (1996), pp. 286-343.

future, as “an integral part of the household”. Though conquest continued to flood the slave markets, most people now acquired slaves as a consumer product at the market, a less bellicose experience. And the missionary context, brought into urban life by the Mendicant orders, both amplified considerably the number of converted slaves in the course of the thirteenth century but also put the Muslim slaves in a new perspective as potential converts. “The convert fit more comfortably in the host society”, even though usually not freed, and this “softened relationships between masters and slaves”.

And finally, the domestication of the slave experience “has generally been associated with its feminization” in the later thirteenth century, as a preponderance of female slaves characterized the market “in response to an emerging style of patrician life”. These perceptions must be balanced, of course, with the essential degradation of humans as property and with the continual problem of fugitive slaves desperate to merge among the Mudejars or to reach Granada and North Africa. The slaves had become “partially integrated, disquieting elements of domestic life”, a “widespread and persistent feature of urban life”, affordable by artisans, with “distinctively medieval contours”⁶.

As charter documentation turns up, with its flashes of general insight from the representative particular, a body of details continues to flesh out our portrait of slave life. Such charters are often encountered at random, while researching other topics. Sustained investigations have already yielded small troves of such charters in article format, such as the classic by Johannes Vincke; more general collections of Mudejar documents, such as those by Maria Teresa Ferrer i Mallol, usually incorporate materials on slaves⁷. Bensch transcribes six in the article just analyzed and graphs the

6. Stephen P. BENSCH, «From Prizes of War to Domestic Merchandise: The Changing Face of Slavery in Catalonia and Aragon, 1000-1300», *Viator*, XXV (1994), pp. 63-94, quotations here from pages 82-84, 86-87.

7. Johannes VINCKE has transcribed no less than 116 Arago-Catalan slavery documents in his *Königtum und Sklaverei im aragonischen Staatenbund während des 14. Jahrhunderts*, in *Gesammelte Aufsätze zur Kulturgeschichte Spaniens*, XXV (1970), pp. 19-112, ranging from 1257 to 1416. The standard work on Iberian medieval slavery is the first volume of Charles VERLINDEN'S unfinished *L'Esclavage dans l'Europe médiévale*, 2 vols. (Bruges: 1955; vol. 2, Ghent: 1977). A general survey with special attention to medieval Iberia is William D. PHILLIPS Jr., *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: 1985), pp. 107-113. On Arago-Catalonia see also J.M. RAMOS y LOSCERTALES, *El cautiverio en la Corona de Aragón durante los siglos XII, XIV, y XV* (Zaragoza: 1915), a brief treatment of 188 pages; and Joaquim MIRET i SANS, «La esclavitud en Cataluña en los últimos tiempos de la Edad Media», *Revue hispanique*, XLI (1917), pp. 1-109. Among the documentary collections on Mudejars by Maria Teresa FERRER i MALLOL, see for example *Els sarrains de la corona catalano-aragonesa* above in note 2; doc. 136 (1396), for example, is a judicial sentence reviewing the privateering capture of 52 Muslims going from Majorca to North Africa, and finding in favor of freeing them all and paying their expenses and restitution.

contexts of thirty-these more. At some point these scattered materials ought to be gathered into a *documentarium* of their own, preferably in the index form of content-abstracts, rather than republishing already published documents mindlessly without their explicatory contexts. The model of an archival catalog, each item in chronological order, would afford an overview of the current evidence.

The present collection of a dozen charters may contribute toward such a future project. All come from the Archivo de la Corona de Aragón at Barcelona, ranging chronologically from 1244 to 1291 and passing through the reigns of Jaime (Catalan Jaume) I the Conqueror (d. 1276), his son Pedro III (Catalan Pere II) the Great (d. 1285), and his grandson Alfonso III (Catalan Alfons II) the Liberal (d. 1291). All but one charter derive from the crown registers; but all concern private persons whose actions intersect with crown oversight. Documents entered into the registers are by nature mostly unrelated and random; the present selection is even more randomized, encountered while searching for other topics. So far as I know, none has been published, though one can never be sure whether one or other may have appeared obscurely in other contexts.

Each document seems representative of contemporary general situations. They display the slave as property: purchased by a legally careful property contract, disposed of by public sale, used as a pledge or pawn in debtor's business, stolen like any other property both singly and in bulk, listed among the items of a ship's cargo manifest, seen as the object of fraud and sharp practice, as deriving from "a just war", or as confiscated by local authority but recovered along with the "interest" [interesse] accumulated while on deposit and unsold, and generally as available like an inanimate object of credit and trade. Like small dramas, the charters illustrate anecdotally what we know from other sources about the slave's nature as property. Testators often willed Muslim slaves along with their other properties, and often enough grouped them with their livestock⁸. Customs officers listed and collected duty on them as with any other merchandise. They were suitable gifts to offer to high ecclesiastics or to one's mother.⁹ Like many properties they were divisible, so that a legatee might receive a fraction of a slave. Paradoxically of course these humans were very animate, living in the bosom of the family, more involved with Christians than most Mudejars

8. BENSCH, *op. cit.*, note 9.

9. See for example Robert I. BURNS S.J., «Regalo para una madre: una muchacha esclava musulmana del nieto de Abū Zayd, el señor de Borriol (1301)», *Sharq al-Andalus. Estudios Árabes*, VI (1989), pp. 115-117. See also the gifts of Muslim slaves to the king of France, the German emperor, the pope, cardinals, "and to counts and barons and friends of his own" by Jaime the Conqueror, in Robert I. BURNS S.J., «slaves», in his *Islam under the Crusaders: Colonial Survival in the Thirteenth-Century Kingdom of Valencia* (Princeton: 1973), pp. 109-113.

could ever be. Unlike other property, of course, they were the object of intensive ransoming programs, thus reinforcing the sense of paradox¹⁰.

The first document, unlike the others here, does not come from the royal registers but antedates them by a dozen years. It is a private charter that made its way by some accident into the parchment collection of Jaime the Conqueror, a not uncommon anomaly in that collection. A double contract of sale and purchase of a slave, it represents a vanished body of thousands of such double contracts, today surviving largely from exemplars registered or recalled in royal or ecclesiastical archives. It is intriguing at several levels. At its most basic, it reminds us that acquiring a slave was a costly serious outlay, like buying an automobile today, so that both buyer and seller required detailed and legally binding documentation, formally witnessed, and drafted by a professional para-legal. At another level, it reassured that purchaser by excluding all the possible legal traps: that the slave was not stolen or “carried off” or in some way under one of the privileges of royal Peace or Truce, or as deriving from “any other suspicious circumstances.” The slave trade, like any highly profitable commercial enterprise, was bedeviled by such frauds. The form of the document and the boilerplate phrases were dictated in a general way by notarial formulary exemplars. Like any such contract of conveyance, it represented the notary’s proud professionalism.

At the level of context, this Muslim slave had originally come “from Jérica” in northern Valencia, suggesting that the war-torn kingdom of Valencia was background for the sale, though no specific place is affixed to the charter. Two weeks before the document’s date of 23 June 1244, King Jaime had finalized his conquest of mighty Islamic Játiva in southern Valencia by the treaty of June 5. At this moment of sale the king had gone off further south to the siege of Biar. Was the slave part of the flotsam of war, one of the thousands captured in the Valencian kingdom at this time and sold for profit? Or was his immediate provenance the relatively quiet backwater of Jérica, as just another cog in the great slave market that Valencia had become in 1244? The charter does tell us that he was white, not “olive”, or “black” as the other standard descriptions put it, and that his name was simply Qāsim (*Caçim*). His price was seventy sueldos “in the money of Jaca,” reasonable if somewhat high. The designation is in Aragonese coins or at least reckoning, therefore, rather than in Catalan sous; the Valencian sou

10. An excellent introduction to such ransoming, runaways, recovery in treaties, alms toward ransoming, crown intervention, and ransom officials like the *eixees*, with some attention also to Christian slaves abroad, see Maria Teresa FERRER i MALLOL, «La redempció de captius a la corona catalano-aragonesa (segle XIV)» *Anuario de estudios medievales*, XV (1985), pp. 237-297. And see the formal release or manumission in Robert I. BURNS S.J., «La manumisión de un musulmán: un documento doble de Valencia en 1300», *Sharq al-Andalus. Estudios Árabes*, V (1988), pp. 141-145.

would not exist until 1247. The seller also indicates that he is content with the money he has actually received, without further claims of fraud or miscalculation. The Jaca money here reinforces the possibility that the sale was made in the Jérica region, which was more Aragonese and later Castilianate in its cultural profile. Both Catalan and Aragonese moneys of course circulated in the Valencian kingdom at this early time¹¹.

The close reader can glean other bits of information. The purchaser was Arnaldo (Catalan Arnau) Reig, the vendor Ramón or Raimundo (Ramón, Raimond) de Villalba, a toponym more commonly Aragonese than Catalan. The guarantor was Vives de Cutinells, pledging “all my goods movable and immovable, present and future”. The required witnesses were Ramón de Cuviano and Arnaldo Ferrer. The notary drafting with his elaborate signum is Pedro/Pere “de Sancto Silione” (?)¹² Besides transferring ownership from the vendor Ramón de Villalba as well as physical possession of the slave, the charter pledges as security “all my goods chattel and real, present and future, wherever they are or will be”. For even greater security Ramón then introduces a separate guarantor (*fidanciam salvetatis*), Vives de Cutinells. Vives interrupts the text to attest personally that he guarantees the sale and possession “with all my goods”. An attraction of this contract, aside from its rarity as an early exemplar, is its rough reality: this is the very artifact confected on that day, relic of the transaction itself, signing away this human life.

III

The next two documents, from the registers of Pedro III (Pere II of Catalonia), directed to Camino de Peramola, the royal vicar for Tarragona and its “Camp” or associated hinterland, illustrates the trouble incurred when a claimant could not prove the validity of his ownership. Unnamed owners, in the plural, have held two Muslims; the knight and royal esquire Rogerio de Lauria (Catalan Rotger, Roger de Llúria) has persuaded the Tarragona vicar to seize the two as not being properly “from a good war”. In

11. Bensch notes that Catalan contracta for slave sales offer «limited information» about the slaves, as against Genoese slave contracta, and sees this as «a sign of the relative consistency of the source of recruitment» (BENSCH, *op. cit.*, p. 77). Bensch lists over thirty prices for individual slaves at Barcelona between 1220 and 1296, and comments on the price rise from less than a hundred sous early in the century to over two hundred at the end (pp. 78, 92-93). By King Jaime’s published rate of exchange in 1247, fifteen sueldos of Jaca equalled eighteen sous of Barcelona (and twelve of the new Valencian sous). Seventy sueldos of Jaca made 840 pennies of Jaca and 58 Valencian sous. See Robert I. BURNS S.J., «Moneys», in his *Medieval Colonialism: Postcrusade Exploitation of Islamic Valencia* (Princeton: 1975), pp. 28-34, with representative salaries and consumer costs.

12. I may have misread the surname. Could this be Latin for Catalan Santacília?

the first document the king orders the vicar to turn over the two Muslims to Rogerio, “unless those who were holding the said Saracens shall show before you, according to the order made by Us on this matter, receipts by Our officials that the said Muslims were from a legitimate war [*bona guerra*] and were former soldiers [*guerrantati*]”. The second document some two weeks later orders the vicar to send to the king through Bernardo (Catalan Bernat) de Rebot “those Sarracens of Benaguazil (Catalan Benaguazir) which the said Bernardo shows you”. These may be the same two Muslims as before, or else an additional number. The reason for the seizure is “that the lord king understands they are not from a legitimate war”. If any of the previous claimants “shall wish to come before the presence of the lord king it pleases him, and he will preserve for them their legal rights”. The drafter of the charter is the king’s notary Pere Marqués. Authorities did take care to respond to accusations of false enslavement, and such cases even for just a few Muslim slaves could go all the way to the king’s court. Whatever rights slaves had, local authorities could protest their improper enslavement.

The phrase *bona guerra* particularly catches the eye. Its usage is usually cited from later centuries as equivalent to “just and legitimate war” (*bellum aequum et legitimum*) and to “open war” (*guerra oberta*) entered by previous declaration without deceit. Not all Muslim slaves were taken immediately from warfare, though Spain in this century may have counted many of its slaves as such *cautivos* (Catalan *catiu*). Penal enslavement for illegalities multiplied slaves, while any Muslim without community or provable lord was liable to seizure. Even as booty of war, however, Christians could not take Muslims indiscriminately; not only were certain Islamic territories virtual clients, allies, or constituencies of a Spanish Christian power from time to time, but kings like Jaime the Conqueror made and enforced military truces for long periods¹³. King Jaime was particularly concerned to curtail freelance privateering, decreeing in 1250 that the crown would license and control that ubiquitous sea warfare. At one time or another indeed he exempted from attack ships of Morocco, Tunis, Egypt, Bougie, and Tlemcen¹⁴. Since a slave could command a high price, bolder spirits were also tempted to steal such

13. The very different meaning of such truces, treaties, and clientage to Christians as against Muslims is studied at length in Robert I. BURNS S.J., Paul E. CHEVEDDEN, and Mikel de EPALZA, *Negotiating Cultures: Bilingual Surrender Treaties in Muslim-Crusader Spain under Jaume the Conqueror* (Leiden: 1988).

14. Robert I. BURNS S.J., «Piracy as an Islamic-Christian Interface in the Thirteenth Century», *Viator*, XI (1980), pp. 165-178. On whole groups or classes of Muslims exempted from capture by the king’s Peace and Truce or by his safe-conduct (*guitatge*), see idem, «The *Guidaticum* Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews», *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue*, 1 (1995), pp. 51-113, especially pp. 66-77.

peaceful Mudejars as they could lay their hands on. The two documents discussed here seem to belong to that criminal underworld.

Our fifth document falls into the same category but more ambiguously. King Pedro is not so much rebuking as inquiring. He addresses Guillem Moliner of the Lérida court “or his lieutenant” in 1278, ordering “that he receive the witnesses whom Ramón de Lavansa will wish to produce for proving” that three Muslims “are from a legitimate war”. Ramón had purchased the Muslims from Pericó (Catalan Peric) de Moncada. The king wants his official at Lérida to investigate whether the three Muslims came “from the raid that Garcias Ortiz and the same Pericó made around Liria” in Valencia. A major war had just ended against Valencia’s rebel Mudejars. Their center at Montesa castle had capitulated on 29 September 1277, and the rebel leaders had been allowed to leave the country in June 1278. The raid (*cavalcata*) would seem to have been part of the closing months of the war, when both belligerent Muslims and Muslims surrendered under amnesty (as so many were) confusedly populated the Valencian landscape. King Pedro seems to incline to the view that the two raiders could “prove that [the Muslims] are from a legitimate war and from that very raid”. If that were so, Moliner was to “restore them” to their captors. The purchaser himself was from the northerly reaches of Lérida, as his toponym-surname indicates.

The sale must have taken place at Lérida, to have fallen under those authorities. The two raiders seem to be Garcés Ortiz de Azagra and Pericó de Moncada “our seneschal”. Moncada was a nephew of Ramón de Moncada and belonged to the highest baronage of the realms. He can be seen signing royal charters or engaged in crown business over thirty times in the reign of Jaime I, and his name is linked at times with Garcés Ortiz as when the two sign a reform of Valencia’s new legal system. In a criminal act similar to the raid under discussion, but at Alguaire near Lérida in 1274, Pericó broke the king’s truce in a feudal war or raid, resulting in six men wounded, four captured, and incidental loot¹⁵. That the king dictated an investigation of the later Liria incident of those powerful magnates underscores the crown’s concern that “Saracens” be taken only in military actions that were “legitimate”. The price of four Muslim captives was an issue, but the crown’s control and its relation to Mudejars was even more important.

IV

Document four takes up a clear criminal action, again in 1278. King Pedro issued an order to Galcerán or Gaucerán d’Urg, lieutenant of his

15. The careers and linkages of both men can be followed in the documents of Joaquim MIRET i SANS, *Itinerari de Jaume I «el Conqueridor»* (Barcelona: 1918), for example pp. 447, 503 (Alguaire).

brother the Infante Jaime: “We understand, through Our dear esquire Poncio (Catalan Ponç) de Mataró, that two Saracens who were stealthily stolen away from their place at Sallent [near Játiva in Valencia] were sold and are [now] in the Balearics”. Consequently the king “orders that you seize and cause to be seized the aforesaid Saracens, whom the bearer of the present [message] will point out to you; and you are to transport the same captives to Us through the same bearer of [three] presents”. The Balearics, particularly Majorca itself, were a hotbed of slavery and the slave trade, but this surreptitious theft did not go unpunished by the crown. The order does not identify whoever stole the two Muslims. The most visible protagonist, Poncio de Mataró, was active in crown business under at least three kings, and his role underlines the severity of King Pedro’s reaction. The locale of the crime, Sallent, connects the action to Jativa’s Mudejar rebellion just ended, since other Sallents (such as those near Barcelona and Huesca) seem improbable.

Another case of stealing and selling Muslims, more obviously decided already against the culprits, appears in document thirteen, under the reign of Alfonso III (Catalan Alfons II) in 1291. The king explains the situation to his justiciar of Denia, Domingo Peregrino (Catalan Domènec Pelegrí): “We understand that Juan (Catalan Joan) de la Cremadella stealthily seized and carried off to Villena ‘Āli Almengep a Saracen of Pego, along with a number of others, and sold him in the said place of Villena”. Denia, whose authorities must handle the case, was a major port in the heavily Mudejar south of the Valencia kingdom. Pego, site of the crime, lay a short distance inland. Villena was much farther to the inland west, not far from Valencia’s border with Castile, sufficiently remote to promise success for the criminal. La Cremadella, the thief’s toponym/surname, is probably La Cremaella, “muntanya de la vall de Xirona, en el terme de Verger /Vergel (Marquesat de Dénia”. The justiciar was to arrest and imprison the culprit, then await further instructions: “We order you, on receipt of the present [message], that you arrest the aforesaid Juan de la Cremadella and hold him captive and well guarded, until you will receive further orders from Us”. The phrasing is urgent and summary, leaving the impression that guilt is obvious and that the crown means to redress the situation of three Mudejars.

A more general and scandalous case occupies the lengthy document eight. A major riot or attack had broken out at Alcira, during which the rioters had carried off fourteen Muslims belonging to an important citizen of that town, Toda Zapata. This seems part of the pattern of anti-Mudejar rioting that vexed the whole kingdom of Valencia from about 1276 to 1280 or beyond. The situation so upset the king and his authorities that a sufficiency of arrest orders, punishments, recriminations, and demands for restitution document the movement. Doña Toda Zapata was no stranger to turmoil and

to lawsuits arising from that unsettled situation¹⁶. The crown's response in this case was correspondingly general and severe. In a letter of May 1280 King Pedro addressed "His beloved vicar, bailiff, and other officials of Majorca", tersely summing the crime: "Know that fourteen Saracen persons, whose names are contained below, were rioted against [*barrigate*] and carried off, [despite their] protected status, from Doña Toda Zapata a resident of Alcira". The king announced that "We wish to proceed against the kidnapers of the said persons by legal process". To that end, "We order you that you collect the confessions of the said captives and investigate by whom they were seized, and send Us those confessions [or personal accounts] closed away under your seal". The authorities are also to "suitably admonish the kidnapers of the said captives that they not sell [alienate] them nor send them to other parts until all has been settled about this matter that ought to be settled".

Under the heading "these are the narres of the captive persons", ten are listed directly, the others doubtless included from among the relatives given. In the scribe's garble from the Arabic, they are Conaulez, "daughter of Marmen the *amīm* of Peruxet", probably from Paraxet near Alcira; Axa (for °A'isha) "wife of the son of Villel"; Zafra "wife of Mazeor, and one son and one daughter of the same"; Ahmet (for Aḥmad) "the son of Muḥammad the *ra'īs* [*array*], bearer of the present" [and] Muḥammad Acolmi; "°Āisha daughter of Muhammad the *ra'īs*"; Foceyn the daughter of the *hakīm* [*alfaquimi*] Ibn Zayd; °Alī al-Ash°arī ("Alazarri"); Aḥmad the *hakīm* mad the °Ā'isha the wife of al-Ash°arī; and °Ā'isha the wife of Alcajez (for al-Ḥajjāz?). The crown notary and drafter signs last, validating the whole - Pere de Santcliment.

V

Document six features an opposite theme - local authorities illegally confiscating a slave owned by a private subject. In late July 1279, Pedro III sent from Valencia city an urgent message to Alamán de Gudol, *sobrejunter* of Tarazona in Aragon, notifying him that Juan de Orensa (Joan d'Orensa) of Calatayud "laid charges before Us, complaining that, when he had led a female Saracen of his into Tudela to sell, the justicia of Teruel snatched the aforesaid Saracen woman away from him unjustly and without legal hearing". The king ordered the *sobrejunter* "that you admonish the said justicia that he return the aforesaid Saracen to the above named Juan or cause him [to be re-

16. A half-dozen documents in the registers of Pedro III/Pere II reflect these troubles.

turned] without subterfuge and malice, which by justice and law he is bound to do". The king's seriousness of purpose is shown by the public punishment he proposes. "If the said justicia, legally admonished, refuses to act as he ought, you are to proceed from that moment to put the men of Teruel under pledge for the aforesaid female Saracen and for expenses and interest consequently incurred by the said Juan, your assessment [of properties] having been done". From these goods as listed in a manifest or inventory, the *sobrejunter* must then "satisfy the aforesaid Juan from them, for the female Saracen and for [his] expenses and the interest". Here the Mudejar woman is simply a chattel object; the king is emphatically upholding the slave holder's financial interest in her, even to the extent of irritating the community of Teruel. The king includes the new meaning of *interesse* in this century, as non-usurious interest on capital, a further dehumanization of the unnamed female slave.

Three documents from Pere III in May 1280 illumine a role of the Muslim slave functioning as property. In document nine the brother superior (Catalan *majoral*) "of the house of Tárrega of [the monastery of] Santes Creus", held a mercantile instrument upon "one Saracen" who had been impounded, presumably as a pledge. Pedro II is here ordering the high baron Rodrigo Jiménez de Luna, at that time the crown procurator over the kingdom of Valencia, "that he restore" to the superior that Saracen, or else that he send an explanation as "to a reasonable cause" for non-compliance. Document eight has the same king notifying, "all Our vicars, justicias, bailiffs, and subjects that Our knight Pedro (Pere) Zapata had stood surety [or guarantee] to Us for two Saracens, namely Mahomet Almoalem and Asmet Abencadim, whom We held captive". Now the two Muslims "have deceitfully fled, under that bail, and We have given that knight license to seize the above named Saracens on his own authority wherever he may find them". The king orders his officials "to place no obstacle to him or his men in capturing them, but rather lend him assistance".

The last in this 1280 series is a protest delivered by Pedro III to "the noble and cherished captains, the podestà, and the commune of Genoa" concerning a corsair attack on a Catalan merchant ship. "We understand through Arnaldo (Arnau) Galvany and Pedro (Pere) Negre, citizens of Tarragona, that some men from Portovenere of your jurisdiction¹⁷ had unjustly robbed them of some male and female Saracens, money, arms, wood, and other things taken from the enemies of the true faith". The king demanded brusquely that "all the aforesaid things be restored fully", or else to satisfy Arnaldo and Pedro legally in court, in such a way that "a matter of dis-

17. Portus Veneris is not to be confused with Port-Vendre on the then Catalan coast at the Pyrenees, but is south of Genoa.

sension or scandal may not arise between you and Our subjects”, since the crown was bound to seek restitution and justice. The document includes the group of slaves simply as part of an inventory or ship’s manifest of material cargo, the human assimilated to the inanimate. The Catalan ship would seem to have been itself a corsair vessel, though merchant ships easily converted to privateering functions when opportunity offered and business was slow. The document does not state where the Muslim men and women were originally garnered along with the cash, military arms, wood or wood products, and “other things”, though it hints at a bona guerra context in the phrase “enemies of the true faith”. Whether by coastal raid on Granadan shores or naval engagement on the open sea, the action illustrates how the ongoing market in slaves was sustained by small private enterprises.

Muslim slaves could serve as pledges or security in financial transactions. (That may have been true also of some Mudejars, but it seems improbable except as applying to a sharecropper’s land and contract). Charter eleven illustrates such a case. Miguel (Catalan Miquel) Guasc from the district of Cubelles castle found himself in debt or under obligation to Bernardo (Catalan Bernat) de Castellbisbal. Bernardo therefore took “a certain Saracen named Ibrāhīn [“Abrafīm”], whom the said Miguel asserts to have been seized as pledge unjustly”. Pedro III in 1284 commended this case to Simón (Catalan Simó) de Girondell the crown vicar of Tarragona, ordering him “to restore the said Saracen to the aforesaid Miguel”. Miguel had first to undertake to be answerable at law for any lawsuit over “complaints which [Bernardo] has about the same Miguel”. If Miguel will not give that assurance to Bernardo, he must do so to Simón, “and then you are to have the said Saracen restored to the said Miguel”.

VI

A final document concerns a criminal Mudejar or slave, apparently turned bandit in both Castile and the realms of Aragon. Alfonso III addressed the situation from Gandía in the kingdom of Valencia in 1291, through Jaime de Guardia (Catalan Jaume de Guàrdia) as “procurator of the noble Roger de Llùria”. This Llùria was the great admiral of Catalan military history of course (d. 1305) and co-lord of Seta. The king understands “that you have arrested and hold prisoner a certain Saracen who was from the place of Seta [in Valencia] and was in Castile to visit evil and damage on the land of the said lord king, and in causing that evil was arrested”. The Muslim was also accused “of many other crimes”. Alfonso orders the procurator “forthwith to hang that Saracen in the said place of Seta on the authority and in the place of the said lord king, in such wise that others attempting such actions may take an example”. Seta is near Cocentaina in the high mountains of Valencia. The Muslim could have raided from that region the borderlands of Castile

toward the west or south, though the grammar here seems ambiguous. At any rate we see a representative of another category of Muslims under Christian rule or supervision, not the Mudejars under treaty or the slaves under domestic control or the visiting merchants or the recently converted, but the highwaymen and bandits, outlawed from both Christians and Muslims.

The paradox of intimate domesticity together with cold mercantalist perception is not meant as a moral judgment of the past. All the great civilizations of the time -Christian, Muslim, and Jewish- had inherited a cultural experience of slavery as immemorial and inescapable, as in its roots a material if not a moral evil but in its reality as a given. When slavery had waned in the early medieval West, it persisted as common in Byzantine Christendom and even expanded there in the tenth century. As slavery then prospered again in the twelfth and thirteenth-century West, it declined in the Byzantine empire, and by the 1204 partition, "except perhaps as domestic servants, largely vanished"¹⁸. That continuity in owning humans as property is so alien to sensibilities today that we need to document for ourselves today its medieval varieties and logic.

DOCUMENTARY APPENDIX

1

ACA, Cancillería, Jaime I. Pergaminos, n.º 953¹⁹

23 June 1244, Jérica (?)

Sit notum cunctis quod ego Arnaldus Reig, per me et omnes meos, vendo et in presenti trado vobis Raimundo de Villalba et vestris quendam captivum album de Exirica nomine Caçin.

Vendo inquam pro LXX solidis monete iaccensium bonorum. Ex quibus sum bene paccatus omni mea voluntate, renunciens excepcioni peccunie non numerate et doli; promittens predictum captivum non esse ablatum, neque < furtum, neque persona [?] > pacis vel treuge domini regis, neque eciam de alio suspecto loco; eiciens predictum captivum a meo posse, iure, dominio et meorum, et in vestro vestr<orum>que transfero ius, domi-

18. Andrew CAPPEL, «Slavery», *The Oxford Dictionary of Byzantium*, ed. Alexander P. Kazhdan et alii, 3 vols. (Oxford: 1991), III, pp. 1.913-1.914.

19. Dorset: carpeta 85, Jaime I, n.º 953, with archival stamp. Each signum in the text has the usual cross between the two syllables, the notary's much elaborated. Within each document here, sigla include: < > text difficult or impossible to read; [] editorial intrusion; ° [] hole in document, with text supplied. ACA is the Archivo de la Corona de Aragón in Barcelona. Dates are translated from Incarnational to modern.

nium et posse, ad faciendum inde omnes vestras voluntates, tanquam de re vestra propria, sine obstaculo alicuius persone.

Et sic <promitto> vobis predictum captivum sarracenum facere, tenere, et habere semper in sana pace super omnia mea mobilia et immobilia, presencia et f<utur> a, ubicumque sunt vel erunt.

Insuper ad maiorem cautelam, dono inde vobis et vestris fidanciam salvetatis, videlicet Vives de Cutinellis, qui dictum Sarracenum vobis faciat tenere et habere in pace.

Ego quidem dictas Vives de Cutinellis predictam fidanciam libenter facio vobis Raimundo de Villalba <et> vestris, ut superius declaratur. Et promitto vobis dictum Sarracenum facere tenere in pace. Et hoc dono et assigno super omnia bona mea <ubicumque> sunt et erunt.

Quod est actum IX kalendas Iulii, anno domini MCCXL quarto.

Signum Arnaldi Reig, signum Vives de Cutinellis, nos qui hoc laudamus, concedimus el firmarnus, testesque firmare rogamus.

Signum nostri Raimundi de Cuvidano, signum Arnaldi Ferrarii, testium.

Signum Petri de Sancto Silione, qui hoc scripsit die et anno prenotatis.

2

ACA, Cancillería, Pedro III/Pero II. Reg. Canc. 41, fol. 1.

6 October 1278, Barcelona

Camino de Paramola vicario predicto [Tarragona]: mandamus vobis quatenus illos duos sarracenos, quos nuper in Terrachona emparastis ad instanciam dilecti scutiferi nostri Rotger de Leoria, tradatis eidem Rotgerio; nisi illi qui dictos sarracenos tenebant ostenderint coram vobis, iuxta mandatum super hoc per nos iam factum, alberana officialium nostrorum quod dicti sarraceni de bona guerra fuerint et guerrantati.

Datum ut supra [II nonas Octobris, anno domini MCCLXXVIII].

Petrus de Sancto Clementi.

3

ACA, Cancillería, Pedro III/ Pere II. Reg. 37, fol. 2v

15 October 1278, [Barcelona?]

Camino de Paramola, vicarias Terrachone et campi.

Quod mittat sibi per Bernardum de Rebst illos sarracenos de Benaguazir, quos dictas Bernardas sibi ostendet, quia dominas rex intellexit non sunt de bona guerra.

Et si illi quorum sunt voluerint venire ante presenciam domini regis, placet ei; et conservabit eis ius suum.

Idus Octobris, [anno domini MCCLXXVIII].

Petrus Marquesii.

4

ACA, Cancillería, Pedro III/Pere II. Reg. 41, fol. 4v

18 October 1278, [Barcelona?]

Gaucerando de Urgio tenenti locum karissimi infantis Iacobi fratris nostri:

Intelleximus per dilectum scutiferum vestrum Poncium de Matarone quod duo sarraceni, qui fuerunt furtive subrepti de quodam loco suo de Sallent, fuerunt venditi et sunt in Maioricis.

Quare mandamus vobis quatenus predictos sarracenos, quos lator presencium vobis ostendet, capiatis et capi faciatis, et eosdem nobis captos per ipsum latorem presencium transmittatis.

[Datum] XV kalendas Novembris, anno predicto [MCCLXXVIII].

Gabriel dixit, ex parte regis.

5

ACA, Cancillería, Pedro III/Pere II. Reg. 41, fol. 7

22 October 1278, [Barcelona?]

Guillelmo Molinerū curie Ilerde vel locum [tenenti] etc.

Quod recipiat testes quos Raimundus de Lavança voluerit producere ad probandum quod illi III sarraceni, quos emit a Pericono de Montecatheno, essent de bona guerra, scilicet de cavalcata quam fecerunt Garçias Orticii et ipse Periconus apud Liriam.

Et ipso probante quod sint de bona guerra et de ipsa cavalcata, restituat eos sibi. XI kalendas Novembris, [anno domini MCCLXXVIII].

6

ACA, Cancillería, Pedro III/Pere II. Reg. 41, fol. 118v

21 July 1279, [Valencia City]

Alamanno de Gudol, superiuntario Tirasone, salutem et dileccionem.

Iohannes de Aurenga de Calataiubo coram nobis exposuit conquerendo quod cum ipse duxisset ad vendendum quandam Sarracenam, suam apud Tutelam, iusticia Turolī iniuste et sine cause cognitione abstulit sibi predictam Sarracenam.

Quare mandamus vobis quatenus moneatis dictum iusticiam ut predictam Sarracenam prenominato Iohanni reddat vel inde sibi faciat, sine diffugio et malicia, quod de iure et foro facere tenetur.

Quod si predictus iusticia legitime monitus sicut decet facere noluerit, procedatis ex tunc ad pignorandum homines Turole pro sarracena predicta et expensis ac interesse per dictum Iohannem proinde factis, taxatione vestra prece^o[dente; et] pignora de manifesto teneatis iuxta forum, et ex tunc satisfaciatis ex ipsis predicto Iohanni in sarracena et expensis ac interesse ut superius continetur.

Datum XII kalendas Augusti, [anno domini MCCLXXIX].

7

ACA, Cancillería, Pedro III/Pere II. Reg. Canc. 48, fol. 11v

9 May 1280, Alcira

Universis vicariis, iusticiis, baiulis, et subditis nostris, ad quos presentes pervenerint, salutem et gratiam.

Noveritis quod dilectus miles noster Petrus Çapata caplevavit a nobis duos sarracenos, videlicet Mahomet Almoalem et Asmet Abencadim quos nos captos detinebamus.

Et eum dicti sarraceni affugierint fraudulenter sub dicta capleuta, et nos dederimus eidem militi licentiam capiendi ubicumque invenerit auctoritate sua propria sarracenos prenomatos: mandamus vobis quatenus in eis capiendis nullum sibi vel nunciis suis impedimentum vel gravamen faciatis, immo impendatis sibi auxilium etc.

Datum Algezire, IV nonas May, [anno domini MCCLXXX].

Petrus de Sancto Clemente.

8

ACA, Cancillería, Pedro III/Pere II. Reg. 48, fol. 12

9 May 1280, Valencia City

Dilectis suis vicario, baiulo, et aliis officialibus Majoricarum, salutem et gratiam. Noveritis quod quattuordecim persone sarracene, quorum nomina inferius continentur, fuerunt barrigate et capte de pace dompne Tode Çappate habitatori Algezire.

Et cum nos volumus contra raptos dictorum personarum procedere justicia mediante: mandamus vobis quatenus recipiatis confessiones dictorum captivorum, et interrogetur a quibus fuerint capti.

Et ipas confessiones mittatis nobis sub vestro sigilli [=sigillo] interclusas, recepta cautione idonea a detentoribus dictorum captivorum quod eos non alienent nec ad alias partes mittant donec ordinatum super eo fuerit quod debeat ordinare.

Datum Valencie, VII idus May, anno domini MCC octogesimo.

Nomina personarum captivorum sunt hec:

Conaulez, filia del Marmen, alami de Peruxet

Axa uxor filii de Villel

Zafra uxor de Mazeor, et onus filius et una filia ipsius.

Et Ahmet filius Mahomet array presencium exhibitoris Mahomet Acolmi

Axa filia Mahomet array

Foceyn filia alfaquimi Abenzeyt

Ali Alazarri

Ahmet alfaquim

Axa uxor Alazarri

Axa uxor Alcajez

Petrus de Sentcliment

9

ACA, Cancillería, Pedro III/Pere II. Reg. 48, fol. 29

22 May 1280, Termens

Roderico Eximeni de Luna:

Quod restituat fratri maiorali domus Tarrage Sanctorum Crucum unum sarracenum quem sibi emparaverat, cum habeat albaranum de quinta, vel mittat dici si quam iustam causam etc.

Datum apud Termens, XI kalendas Iunii, [anno domini MCCLXXX].

Idem [Petrus Marquesii].

10

ACA, Cancillería, Pedro III/Pere II. Reg. 48, fol. 30

23 May 1280, Termens

Petrus etc. nobilibus et dilectis capitaneis, potestati, et communi Ianue, salutem et dileccionem.

Intelleximus per Arnaldum Galvani et Petrum Nigrum cives Terrachone quod aliqui homines de Portu Veneris vestre iurisdiccioni eos spoliaverant indebite de quibusdam sarracenis et sarracenabus, peccunia, armis, ligno, et rebus aliis ab inimicis vere fidei adquisitis.

Quare vos requirimus et rogamus quatenus predictis Arnaldo et Pedro omnes predictas res integritur restitui faciatis; vel faciatis eisdem fieri absque dispendio, diffugio, et malicia iusticie complementum; taliter facientes quod inter vos et subditos nostros non oriatur materia dissensionis seu scandali.

Nos enim dictis civibus nostris defficare non possemus quin, pro recuperandis rebus ipsis ablatis, vestrum si impendamus consilium et iuvamen.

Datum apud Termens, X kalendas Iunii, [anno domini MCCLXXX]. Petrus Marquesii.

11

ACA, Cancillería, Pedro III/Pere II. Reg. 46, fol. 160

4 February (1283) 1284, [Barcelona]

Simoni de Gerundella, vicario Terrachone.

Intelleximus quod Bernardus de Castro Episcopali pignoravit Michaeli Guasch de termino castri de Cubelles quendam sarracenum nomine Abrafim, quem dictus Michaelis sibi asserit iniuste, fuisse pignorum.

Quare mandamus vobis quatenus restitui [faciatis] dictum sarracenum predicto Michaeli, ipso tamen prius assecurato in posse dicti Bernardi de Castro Episcopali quod faciat sibi in posse suo querimonias, quas ab eodem Michaeli habeat, iusticie complementum.

Alioquin si ipsam firmam in posse suo recipere noluerit, firmet in posse vestro quod faciat sibi ius, et deinde dictum sarracenum dicto Michaeli restitui faciatis.

Datum Barchinone, II nonas Februarii, [anno domini MCCLXXXIII].

Magister Romeu [de Bisulduno].

12

ACA, Cancillería, Alfonso III/Alfons II. Reg. 85, fol. 144v

27 April 1291, Gandía

Iacobo de Guardia procuratori nobilis Rogerii de Loria.

Intelleximus quod vos cepistis et captum tenet quendam sarracenum, qui erat de loco de Ceta et fuit apud Castellam pro inferendo malo et dampno terre dicti domini regis, et in ipso malo inferendo fuit captus, qui quidem de pluribus aliis criminibus ut intelleximus inculpatur.

Quare vobis dicimus et mandamus, cum auctoritate et vice dicti domini regis, ipsum sarracenum in continenti in dicto loco de Çeta suspendatis, taliter quod alii taliter attemptantes exemplum accipant in eodem.

Datum Gandie, V kalendas May, [anno domini MCCXCI].

13

ACA, Cancillería, Alfonso III/ Alfonso II. Reg. 85, fol. 144v

28 April 1291, Gandía

Dominico Pelegrini, iusticie Denie.

Cum intelleximus quod Iohannes de la Cremadella furtive rapuit et duxit apud Bilenam Ali Almengep sarracenum de Pego simul cum quibusdam aliis, et ipsum vendiderunt [=vendidit] in dicto loco de Bilena, dicimus et mandamos vobis etc. quatenus visis presentibus predictum Iohannem de Cremadella capiatis, et ipsum captum et bene custoditum teneatis, donec a nobis aliud receperitis in mandatis.

Datum ut supra [Gandie, IV kalendas May, anno domini MCCXCI].

RESUMEN

Aunque se están realizando exploraciones acerca de la esclavitud musulmana en los territorios del Aragón medieval, todavía queda mucho por investigar en torno a estos esclavos musulmanes que, de alguna forma, constituyen una sociedad paralela a la de los mudéjares aragoneses: su nivel de práctica religiosa, su grado de integración en las familias, etc. Se hace necesario un *documentarium* sobre el tema, al que puede contribuir la presente publicación de doce documentos procedentes del Archivo de la Corona de Aragón, situados entre 1244 y 1291, que ilustran el concepto del esclavo como propiedad privada.