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Bordering the Empire

Romani Women (Gitanas) and the Inquisition in the Spanish Atlantic

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INTRODUCTION

During the 1668 inquisitorial trial heard in Veracruz, Mexico, María de la Concepción stood accused of "tying" a mulata woman, Pancha Montes, with a white man of Portuguese descent, Mateo Andrés Sánchez, using diabolical formulas. *Amarre* (magical ligature), a love-domination spell condemned by Renaissance and Baroque demonological texts, often appears in inquisitorial trials in New Spain as a form of impotence magic that used knots or potions to control a desired body.[1] According to Concepción's testimony, she had persuaded Pancha to use a remedy to make Mateo fall in love with her and requested money to buy candles and other ceremonial supplies. Concepción reveals through the standard inquisitorial protocols that:

> Her parents were Gitanos,[2] her father from Old Castile and her mother from Lisbon, and she did not know who her paternal or maternal grandparents were, nor did she know if any of her ascendants had been imprisoned or punished by the Holy Office; and that she was a Christian, baptized and confirmed and heard mass, and went to confession and communion when commanded by the holy mother church and had the bull of the holy crusade. She signed and sanctified herself and said the four prayers of general confession and the commandments of the law of God. She gave good reasons for the Christian doctrine regarding what

[1] María Jesús Zamora Calvo, *Women, Witchcraft, and the Inquisition in Spain and the New World* (Louisiana State University Press, 2021), 44.

[2] In this chapter, we will use the feminine Spanish noun Gitana (Gitano masc. and Gitanos masc. pl.) or the Portuguese Cigana to speak about women who were named that way in inquisitorial documents.

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was mandatory and her dealings and communication. After she left the Catholic kingdoms, she had always been with Christian and Catholic people.[3]

From her testimony, we learn that Concepción abided by Catholic religious principles and was a subject of the Spanish Catholic Monarchy, although she had lived in Portugal prior to her move to the Americas. She was a widow of about fifty years old who made a living using prayers and rituals to cure diseases such as *mal de ojo* (evil eye), *mal del sol* (sun disease) and *erysipelas* (a bacterial infection). The Inquisition accused her of superstition, vain observances and sorcery. Her three-year trial and ten-year penitence left a paper trail that provides the most in-depth evidence of Romani life in colonial New Spain.

Spanish institutions, such as the Inquisition, transplanted to colonial settings, functioned differently from those on the Peninsula.[4] Romani women in Spain – called Gitanas – appear on some occasions as explicitly monitored and targeted by inquisitorial processes.[5] These Gitanas, as much as inquisitorial officials, created, maintained and navigated shifting religious, social and political borders. Both physical and metaphorical, these borders conjoined even while separating the diverse Spanish colonial population. A comparison of inquisitorial cases from the Americas with Iberian evidence shows, moreover, a more lenient oversight in the colonies that allowed some space for Gitana love magic and healing practices. Although legal records marked at least some individuals as Gitanas and offer insights into contemporary views about them, Gitanas do not appear as often as others in such records. This is because they did not pose as much of a threat to the Catholic social order and imperial

[3] Archivo General de la Nación (AGN), Instituciones Coloniales, Inquisición, Expediente 1502, unnumbered but subsequently foliated 2. All translations of Concepción's case are from the original in Spanish by Mariana Sabino-Salazar.

[4] Mercedes Temboury Redondo, *La Inquisición desconocida. El Imperio Español y el Santo Oficio* (Arzalia Editores S.L., 2024); Fernando Ciaramitaro and Miguel Rodriguez Lourenço, eds., *Historia Imperial del Santo Oficio (siglos XV–XIX)* (Bonilla Artiga Editores, 2023); François Soyer, "Enforcing Religious Repression in an Age of World Empires: Assessing the Global Reach of the Spanish and Portuguese Inquisitions," *History* 100, no. 3 (2015): 331–53, https://doi.org/10.1590/0104-87752021000200003; John F. Chuchiak IV, ed. and trans., *The Inquisition in New Spain 1536–1820: A Documentary History* (The Johns Hopkins University Press, 2012); Mary E. Giles, *Women in the Inquisition: Spain and the New World* (The Johns Hopkins University Press, 1999).

[5] We should highlight that except for two women who declared their descent or described their genealogy (as being daughters of "Gitanos," for instance), it is impossible to know whether cases analyzed in this chapter refer to Romani women or simply women with characteristics or abilities attributed to Gitanas.

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stability as did formal heretics, such as conversos and Protestants, despite their other border-crossing transgressions.

By adding Romani women to the narrative of the early modern Spanish Atlantic, this chapter nuances our understanding of the Spanish empire, while detailing the lives of Gitana subjects living within it. Concepción's court proceedings from New Spain are exceptionally insightful in this respect, as it is the only known case of a Romani woman tried by the Inquisition there in which the accused went to trial, was prosecuted and rendered testimony. Although there were three Inquisitorial jurisdictions in the New World, in Cartagena, Lima and Mexico City, many archival collections have since been destroyed. Of the Cartagena archival materials that remain, there are no known cases against Gitanos.[6] According to Carlos Pardo-Figueroa, author of one of the few works written about Romanies in the Andean region, there is also no evidence of any Gitanos being processed by the Inquisition in Lima's Tribunal.[7] The Mexico City jurisdiction, on the other hand, does house a few records related to Gitanas, which are considered in this chapter.

Administrative policy generated in the Iberian Peninsula held validity over the colonial territories from the earliest years of the Spanish Atlantic to the end of the Philippine period in 1668, the very year of Concepción's trial.[8] This includes the decades when the House of Habsburg also ruled over Portugal and its colonies between 1581 and 1668, known as the Iberian Union. Thus, this chapter also considers administrative processes that impacted Concepción's life. At the same time, this study centers cases of Gitanas processed in New Spain's tribunals from what is today Mexico and compares these with Spanish cases during the same era. It references Portuguese cases in passing, since the union of the crowns allowed people like Concepción, a Romani woman who left Lisbon to begin her transatlantic journey, to move between these two domains and emergent maritime empires.

[6] The Tribunal of New Granada was based in Cartagena de Indias in 1610. According to Henningsen and Contreras this court heard 699 cases between 1614 and 1690 throughout the archbishoprics of northern South and Central America, including Bogotá, Santo Domingo, Panama, Santiago de Cuba, Santa Marta and Venezuela. Gustav Henningsen, "El 'Banco de Datos' del Santo Oficio. Las relaciones de causas de la Inquisición Española (1550–1700)," *Boletín de la Real Academia de la Historia*, CLXXIV (1977): 547–70.

[7] Carlos Pardo-Figueroa Thays, *Gitanos en Lima; Historia, cultura e imágenes de los rom, los ludar y los calé peruanos* (Instituto Riva-Agüero, 2013), 47.

[8] The uprising of Portugal against the monarchy in 1640 initiated the confrontations between Portugal and Spain that culminated with the Treaty of Lisbon of 1668, ratifying Portugal's independence from Spain.

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In the Spanish Atlantic context, women identified as fortune-tellers sometimes appear in inquisitorial proceedings, although their actions were usually treated as trickery rather than heresy, and punishments were typically minor. In general, the processes against Gitanas began after either an anonymous or a public denunciation and concerned accusations of sorcery, superstition and heretical propositions. Although evidence exists of several denunciations against Gitanas in New Spain, only María de la Concepción's case ever made it to trial or interrogation.

This chapter extends the historiographical inquiry about Romani people on both sides of the Hispanic Atlantic.[9] In addition to edicts, pragmatic sanctions, ordinances and other legal documentation, it analyzes inquisitorial cases and trials against Gitanas and uses Concepción's process as a guiding thread. Except for the trials of Concepción in New Spain and María de Montoya in Spain, in which the accused testified and self-identified as Gitanas, the other cases involved women who were labeled as such by others. The observations from the pretrial qualifications of ten cases in total – six women tried by the Cuenca tribunal in Spain between 1604 and 1636, and four cases in New Spain from between 1607 and 1690 – bring into relief the structures that regulated and limited Romani lives.

The case studies also reveal the measures individuals took to evade the political and ideological boundaries that circumscribed their lives. Concepción's case shows her skillfully dodging, with varying degrees of success, physical and metaphorical borders to lead a meaningful life, maintain her culture, make a living and simply survive. Such agency becomes most clear in inquisitorial records that depict Gitanas as Catholic subjects whose white magic aimed to comfort Peninsular women facing new family dynamics following their husbands' departures. In this, both religious and social borders were breached. These records also reveal that Gitanas helped non-white women like Pancha Montes access

[9] For other works that have considered Romani people and the Iberian Inquisition, see María Helena Sanchez Ortega, *La Inquisición y los Gitanos* (Taurus, 1988); Richard J. Pym, *The Gypsies of Early Modern Spain, 1425–1483* (Palgrave Macmillan, 2007); Francisco Mangas, "A Outra Minoria: Uma história dos Ciganos portugueses durante a Época Moderna" (PhD diss., University of Porto, 2023); Francisco Mangas, "Ciganos (Roma) no Brasil: mobilidades e quotidianos. Algumas notas a partir dos processos da Inquisição de Lisboa (séculos XVI–XVIII)," *Portuguese Studies Review* 31, no. 2 (2023): 137–59; Elisa Maria Lopes da Costa, *O povo cigano entre Portugal e terras de além-mar (séculos XVI–XIX)* (Editora GTMECDP, 1997); Adolfo Coelho, *Os Ciganos de Portugal* (Imprensa Nacional, 1892).

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Peninsular men. In so doing, they were intimately involved in transgressing the borders of race and class that held the Spanish social order together.

ATLANTIC VOYAGES

Concepción's journey, as told to the inquisitors, exemplifies the complexity of colonial Atlantic voyages. It also provides insights into the institutional structures – or lack thereof – that allowed her and her family to reside on four different continents:

> [Concepción] continued with the story of her life saying that accompanied by her husband she went from Lisbon [Portugal] to Maranhão and Pernambuco [in present-day Brazil], and they arrived from Cabo Verde [Cape Verde] to Santa Marta [Colombia], and from there to Cartagena [Colombia], passing through Habana [Cuba], and from there to Veracruz [Mexico].[10]

Concepción's extensive travels before her trial represent a mobility not common for most Spanish women at the time. Her original sojourn may or may not have been against her will, but the records suggest that much of her later perambulations, over many years to several locations throughout the Spanish Atlantic, were of her own design. Her and her family's repeated crossings of territorial borders reflect both their determination to remain together and their persistence in seeking a place to make a living.

Whether or not Concepción and her family had been originally banished, other Romani people had certainly experienced this fate.[11] As such, they were forced to contribute to the conquest and colonization of American territories, whether they wanted to or not. The galleys and penal banishment supported the expansionist and military efforts that cemented the economic and religious interests of the newly formed Ibero-Atlantic kingdoms. For these purposes, the kingdom of Castille had required some of those sentenced to death to serve in the galleys during the Columbine voyages, according to the cédula from November 2, 1502. Commutation of sentences had been granted on a case-by-case basis in crimes other than treason, premeditated murder, sodomy, counterfeiting currency or heresy.[12] Records in the entry books from Columbus' third voyage, under the heading *homicianos* (a term denoting those pardoned

[10] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 224 V.
[11] See Fotta, Chapter 2 in this volume, for Portuguese cases.
[12] Manuel Pérez Gallego, "El derecho de homicianos en la Antequera de finales del siglo XV," in *X Congreso de Profesores–Investigadores* (Hespérides, 1992): 135–44.

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or granted penal commutation for homicide, most often unintentional), indicate that four "egiptanos" (i.e., Gitanos), two women and two men (possibly couples), were coerced to work onboard.[13]

Though evidence remains silent on her impetus to travel, Concepción and her husband may have originally been banished from the Peninsula. Though not a common practice in Spain, even during the Philippine period (1581–1668) Portuguese jurisdictions continued to enact laws targeting Romani people (referred to as Ciganos) for deportation. Although there is evidence of women serving commuted sentences by working onboard ships, women were not used as galley rowers. It is also unlikely that Concepción's husband, Vasco Borrallo, was recruited for this purpose, as trial records described him as "sick and crippled."[14] They were more likely deported as a family under broader colonial settlement or penal policies common to the late seventeenth-century Portuguese empire, although a voluntary departure cannot be ruled out. The following section considers the historical circumstances and administrative structures that would have shaped other transit possibilities for Concepción and her family.

CARTOGRAPHY OF THE SPANISH ATLANTIC BUREAUCRACY

In 1493, the Alexandrine Bulls asserted that the Catholic monarchs held exclusive control over newly acquired territories for conquest, evangelization and colonization. But governing and capitalizing on the conquest presented new challenges to the Spanish monarchy, especially due to the drastic demographic effects it had on Indigenous populations and the transformations brought to their lives with the new rule. The Crown produced a bureaucratic response in the form of "government by paper" to manage disparate territories at a distance.[15] This involved the creation of an administrative structure staffed by *letrados* (lawyers and bureaucrats) for the growing number of councils established by the monarchy; the *Casa de Contratación* (Board of Trade) and the Council of the Indies

[13] István Szászdi León-Borja, "Españolas en Haití. La condición jurídica de las primeras pobladoras europeas en el nuevo mundo," *Revista de Indias* 53, no. 198 (1993): 617–25; Antonio Gómez Alfaro, "Veto español a la presencia de gitanos en el nuevo mundo," in *Deportaciones de Gitanos*, ed. Antonio Gómez Alfaro, Elisa Maria Lopes da Costa and Sharon Sillers Floate (Centre de recherches tsiganes/Editorial Presencia Gitana, 1999), 9–42.

[14] AGN, Instituciones Coloniales, Inq., Exp. 1502, FSN, FN12 R.

[15] J. H. Elliott, *Spain and Its World 1500–1700* (Yale University Press, 1989), 15.

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became the two highest bodies in metropolitan Spain devoted to the regulation of transoceanic transit and the administration of the American territories. These two bodies, located in Seville, "the center of the so-called Spanish-Atlantic system,"[16] linked the seat of the Spanish Monarchy in Madrid with overseas territories through a network of viceroyalties and *audiencias* (civil tribunals). Their function was the administration of power and justice, which they carefully enacted so as not to encroach on other Spanish imperial jurisdictions, while remaining close enough to them to maintain operations. After Mateo denounced Concepción and the mulata Pancha for "tying him using diabolical and superstitious means,"[17] the ordinary mayor of Veracruz encountered a jurisdictional impasse. Although the accusation was made before civil authorities, it involved a matter under inquisitorial jurisdiction, revealing how these two spheres of justice (the religious and civil) interacted and recognized their respective limits within the broader administrative structure.

The colonization of overseas territories involved major investments of people and resources. While Romani people were certainly a part of these processes, no solid numbers can be drawn about their participation. At the start, people were relocated to build new settlements and missionaries were sent to convert the Indigenous populations. In the following centuries, the arrival of fleets at American ports became routine. As Concepción told the inquisitors, people would often see the fleets arriving and, in celebration, go out into the streets and rooftops, rejoicing and saying, "The fleet has arrived in Puerto Rico!"[18] No conclusive numbers are available, but the most widely accepted estimates suggest that around 240,000 men and women emigrated from Spain to the Americas during the sixteenth century, with approximately 450,000 emigrating in the seventeenth century.[19] Members of the Romani minority would have been some of these immigrants, whether or not they officially had been allowed to relocate.

Mobility and transit in the sixteenth century were regulated through policies such as the safe conduct letters that had been used since late medieval times. These enabled the dispersion of Romani groups throughout the Iberian Peninsula between 1425 and 1497, when the last known safe conduct letter was issued to a Gitano leader in the Kingdom of

[16] Elliott, *Spain*, 18.
[17] AGN, Instituciones Coloniales, Inq., Exp. 1502, unnumbered but subsequently foliated 1.
[18] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 231 V. [19] Elliott, *Spain*, 11.

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Castile.[20] Two years later, the *Pragmática de 1499* (Pragmatic Sanction of 1499) mandated that Gitanos abandon their nomadic lifestyle and establish residency within sixty days. Failure to comply with this policy would result in their expulsion from the Spanish Iberian territories. After its issue, local and municipal records documented some Gitanos as sedentary, and mobile Gitanos and vagrants became the primary focus of the legislation.[21]

The Crown then required Gitanos to register a physical residence in a town as a *vecino* (neighbor). This status of *vecindad* (residency) involved the payment of taxes for both ordinary and extraordinary services. According to royal policies, Gitanos were obliged to pay the same tribute and perform the same services as other subjects. This obligation impacted them when they engaged in economic activities or declared residency in a specific location. The Crown also extracted ordinary revenues from commercial exchanges in large and small marketplaces. The state's objective was to promote their sedentarization to enhance taxation and improve migration control within Spain and its colonies. In Concepción's case, a declarant testified that she "lived in the said city of Lisbon, on Cavo Street, in the slum quarter called Vila Galega, in a rented house."[22] After years of traveling, when during the trial she was asked about her residence in New Spain, Concepción named the crossroads town of Rinconada, about sixty kilometers north of Veracruz. Clearly, some Gitanas were sedentary and probably also considered *vecinas* (neighbors) in both the Iberian Peninsula and the Americas.

The state also gained control over who could travel to the New World by imposing certain prerequisites. Transit to overseas territories was restricted to a wide range of people by extremely specific legislation. This involved the provision of a license given to those who met the requirements established in the *Leyes de Indias* (Laws of the Indies). Since the *Casa de Contratación*'s foundation in 1503, the Crown's underlying apostolic initiative in the Americas forbade the passage, without an express license, of those "newly converted to our Holy Catholic Faith of Moor or Jew" and their descendants.[23] New Christians and members of

[20] María Helena Sánchez Ortega, "Los gitanos españoles desde su salida de la India hasta los primeros conflictos en la península," *Historia moderna* Serie IV, no. 7 (1994): 319–54, https://doi.org/10.5944/etfiv.7-2.1994.3301.

[21] Carmen Juan Lovera, "Aportaciones documentales a la historia de los gitanos en Andalucía," *Boletín de Estudios Gienenses* 102 (1980): 41–56.

[22] AGN, Instituciones Coloniales, Inq., Exp. 1502, FSN, FN12 R.

[23] *Recopilación de las Leyes de los Reynos de las Indias*, Book 9, Title 26, Law 15.

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other disadvantaged groups, who were always more liable to emigrate in order to escape the watchful eye of the state, faced significant challenges in obtaining licenses to travel to the other side of the Atlantic. Despite this, entry rules into American territories were regularly bypassed.

Besides these challenges, certain groups encountered additional barriers that specifically targeted their movements. Even though Romanies had been regarded as Christians since their arrival in Spain in the mid-fifteenth century, Spanish authorities prohibited them from traveling to the Americas.[24] Although Gitanos did not pose a significant threat to the Philippine religious order, as their claim to Catholicism went largely unchallenged, the vast expanses of the Americas were perceived as an opportunity for Gitanos to evade the settlement requirement in force on the Iberian Peninsula. A decree signed by Philip II in February 1570, about passengers and the licenses needed to travel to America, banned the passage to the Indies of Gitanos, their offspring and their servants. Despite this, the earliest reports from the Americas of Gitanos date from 1568, when they were suspected of crossing illegally from Portugal to the Viceroyalty of Peru. This group of Gitanos was subsequently required to return to the Iberian Peninsula along with the Portuguese who had entered without a license.[25] The Gitanos' ambiguous living arrangements and dealings among local populations were seen as obstacles to the development of a tributary system that taxed Indigenous Americans to sustain the Empire. Since, from an administrative perspective, wandering Gitanos could not demonstrate a stable occupation or residence, the Crown preferred to keep them under close control within Spain unless they had special abilities that made them useful in the colonies.

Transoceanic transit was largely contingent upon an applicant's occupation and suitability for fulfilling imperial aims. For instance, Jorge Leal, a Gitano blacksmith from Seville, was granted a license to emigrate with his family to Cuba in 1603. It is plausible that Concepción and her blacksmith husband embarked on a journey from Lisbon to (eventually) Veracruz for similar reasons. During the inquisitorial sessions, Concepción described Vasco as having been disabled, yet he had also worked as a blacksmith, which may have qualified him for travel to Spanish colonies from Portuguese ones under a transit license. His skills would have been required for the development of any Spanish American

[24] Manuel Martínez, "Los gitanos y la prohibición de pasar a las Indias españolas," *Revista de la CECEL* 10 (2010): 71–90.

[25] *Recopilación*, Book 7, Title 4.

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community. Blacksmiths were also needed on ships, in the mines and in the military. More generally, emigrants typically came from the more capable and dynamic segments of the Castilian and Andalusian populations,[26] provided they could demonstrate that they hailed from a social background free from any indications of "dishonor." Although Romani people were Catholics and some were classified as neighbors, this did not automatically extend to them all the rights of a Spanish "native," since nativeness depended on social integration.[27] According to Tamar Herzog, Romani residents were still considered foreigners even if they had been born and raised in Spanish territories. However, in some cases, Gitanos could try to prove their nativeness by requesting reclassification based on their occupation and perceived usefulness to society.[28]

Unlike her husband, Concepción's talents would have been less welcomed by officials. Informal ritual practices, often the work of women, could threaten the official ritual work of Catholic priests. It is also quite possible that Romani women who engaged in love magic were more closely watched by the authorities because of concerns about conversos and heresy. The often-ambiguous status of Romani people, especially their perception as not quite full community members, could make them more likely to be suspected as committing errors of belief. This is especially true in the context of the Inquisition most often being activated by local informants as well as the *limpieza de sangre* (purity of blood) requirements. The latter forced individuals to prove their social status by showing they did not come from a recently converted religious minority. This was the first step in a complex process that eventually applied to anyone suspected of harboring the stain of heresy. The responsibility for these investigations had been assigned to the Holy Inquisition, which focused primarily on conducting inquiries to profile illegitimate members of society. They operated in such a way until the mid-sixteenth century, although the hindrances of impure blood continued. Even though Gitanos were not categorized as a newly converted religious minority, they nonetheless faced mistrust. This was due to the suspicious atmosphere related to identity and heritage in general created by the *limpieza de sangre* statutes, even though Gitanos were not directly implicated in the same religious suspicions as conversos.

[26] Elliott, *Spain*, 13.
[27] Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (Yale University Press, 2003), 139–40.
[28] Herzog, *Defining Nations*, 128–30.

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The authority of the Spanish Inquisition had direct control over securing religious homogenization. It was a structured, reliable and centralized organization that functioned as a civil entity and that reported directly to the Crown rather than to Rome. It was led by a General Inquisitor, appointed through an agreement between the Pope and the monarchs. The General Inquisitor served as the head of the Council of the Supreme and General Inquisition (abbreviated as the *Suprema*), and held the power, together with eight additional councilors, to decide, revoke or invalidate any procedural resolution addressed in any of the twenty-one provincial courts under its jurisdiction. In 1569, following consultations with the Council of the Indies, the Holy Office was established in the first overseas territories and set up tribunals in the towns of Lima in 1571 and Mexico City in 1573.[29] Until 1696, a single inquisitorial jurisdiction stretched over these provinces, enabling inquisitorial courts to prosecute 1174 people in Lima and another 950 individuals in Mexico City.[30] Only five New Spain inquisitorial cases are known to have involved Gitanos, four of which concern the women whose stories will be examined in the following section. However, only one of these women, María de la Concepción, was ever actually prosecuted for her offense. Her prosecution led to her trial and then testimony from which her life story can be extracted and analyzed.

The Spanish empire delegated the Inquisition to oversee religious practices in the Americas – a process marked by complex bureaucratic procedures and significant delays in legal proceedings. Each American tribunal was required to keep the General Inquisitor in Spain informed about ongoing cases; however, tribunal members could not issue a sentence without the oversight of the *Suprema* in Spain. Communication with the *Suprema* took approximately one month within the Iberian Peninsula and over a year between Spain and its overseas territories. The delays in generating legal responses were attributed to the bureaucratic challenges of maintaining a transatlantic tribunal, rather than a deliberate intention to cause suffering to the accused.[31] Concepción underwent a three-year trial in the inquisitorial courts of Veracruz, Puebla and Mexico City. After spending eight months in the Veracruz prison, she confessed in November 1668 to learning formulas for

[29] *Recopilación*, Book 1, Title 29, Law 3.
[30] Henningsen, "El 'Banco de Datos' del Santo Oficio," 547–70.
[31] Solange Alberro, *Inquisición y Sociedad en México, 1571–1700* (Fondo de Cultura Económica, 1988), 22.

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enchanting from other women in Cartagena and Lisbon. This led to a second trial against her in Portugal, although she did not make the journey. Concepción's presence in inquisitorial records demonstrates the complex and slow inquisitorial process the accused underwent.

GITANAS IN THE INQUISITION IN SPAIN AND NEW SPAIN

The number of Gitanos and Gitanas prosecuted in peninsular tribunals was significantly higher than in Spanish Americas; for the period between 1549 and 1794 there are thirty trials in the archives of the former, but only one in the latter.[32] Although a substantial portion of these cases were suspended or interrupted, they left a paper trail with relevant information. Inquisitorial proceedings began with a denunciation that set in motion a *calificación* (specification), during which the inquisitors gathered information from witnesses regarding the accused, their role, the circumstances and their responsibilities. These *calificaciones* generated case entries that made up a good portion of the documents produced by the Holy Office, but they were not trials, properly speaking. After the *calificaciones*, the Holy Office initiated *procesos* (processes) in the cases that they deemed relevant. For a denunciation to become a trial, accusations had to be examined to determine whether certain actions or words qualified as crimes according to Canon Law. Once they recorded the witnesses' depositions and the prosecutor wrote the appraisal report, the accused had to corroborate the related facts. These might be followed by interrogations, by far the most unsettling phase in a trial, and might involve the use of "persuasive" tools to obtain the defendant's confession, the only evidence the inquisitors could use to substantiate the information provided by the witnesses. Since torment was the most extreme and feared procedure to extract a confession, it required the tribunal's unanimous vote.[33]

Concepción is the only known Gitana either in Spain or the Americas who was subjected to the ropes' technique, one of three torture methods and the most innocuous employed by the Inquisition. She may have been forced to endure this type of interrogation because she had transgressed the social order in an especially dangerous way by aiding a mulata in gaining power over a high-status white man, who had then denounced

[32] Ortega, *La Inquisición*.

[33] Leandro Martínez Peña, "El tormento como instrumento jurídico del Santo Oficio," *Revista de la Inquisición: Intolerancia y derechos humanos* 26 (2022): 159–76.

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her. In this method of torture, the prisoner was tied to a wooden frame with ropes connected to cranks. As the cranks were turned, the ropes pulled tighter and began to cut into the victim's skin.[34] During this interrogation Concepción admitted to the charges brought against her. After the interrogation, in a public penance ceremony, Concepción was then "taken out to the streets of the city, riding a donkey, and naked from the waist up; and ... was given two hundred lashes; after being severely reprehended by the court."[35] This form of punishment was common in New Spain and other colonies, serving as a middle ground between light penance (prayers or pilgrimages) and execution (reserved for unrepentant heretics). Only on rare occasions did the Inquisition enforce its procedures on Gitanas, as it did in Concepción's case.

Cases against Gitanas in Spain and New Spain were seldom pursued and rarely punished because their crimes were deemed superstition or sorcery and not witchcraft. Between 1604 and 1636 in the Tribunal of Cuenca (Spain), six women labeled as Gitanas appeared in cases that were either inconclusive or suspended. They included offenses ranging from blasphemy to sorcery. Sorcery was a religious transgression; though often seen as mild superstition, it was closely related to witchcraft, a much more severe offense. Unlike witchcraft, which called for the devil's direct assistance through incantations, sorcery made use of commonplace or natural objects to establish a satanic pact.[36] In New Spain, three cases involving Gitanas, in 1607, 1610 and 1620, never reached trial, as inquisitors classified them as superstition rather than witchcraft. These three women had made their living, or had complemented their household income, with the money they earned from fortune-telling and love magic.

As Concepción's case demonstrates, Gitanas engaged in common magical practices with women of other ethnic backgrounds.[37] She earned a living through healing techniques she learned from other women in Cartagena de Indias and Lisbon. In New Spain, Gitanas acted in collusion with non-Gitanas, while in the Peninsula, they more often acted alone.

[34] Martínez Peña, "El tormento," 170.
[35] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 221 R.
[36] Julio Caro Baroja, *Las brujas y su mundo: Un estudio antropológico de la sociedad en una época oscura* (Ediciones del Prado, 1993).
[37] Mariana Sabino-Salazar, "El proceso inquisitorial a María de la Concepción de nación gitana (1668–1680)," in *Nombrar y circular, gitanos entre Europa y las Américas Innovación, creatividad y resistencia*, ed. Neyra Alvarado (El Colegio de San Luis, 2020), 177.

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In the Americas, Gitanas and women of African descent (frequently associated with each other in colonial discourse) shared a common condition as "emigrants," which fostered a sense of community through shared experience. In Spain, Gitanos were still regarded as "semi-foreigners," and those who remained mobile were often seen as existing outside the bounds of society. This marginalization may have encouraged a preference for autonomy over integration. In contrast, in the Americas, vast territories limited administrative oversight and extreme demographic diversity often led to the circumvention of social conventions. Descriptions from all cases suggest that seeking the services of a Gitana was a common and convenient option for many. However, at times, their clients found the prescribed rituals ineffective. Indeed, most denunciations were initiated by disenchanted clients. Paradoxically, this fact served as enough proof to the inquisitors that Gitanas were not engaged in threatening sorcery, a fact that carried weight during the proceedings.

Two cases exemplify how personal grievances could fuel denunciations against Romani individuals in New Spain, one involving "la Maldonada" and another Francisca. In 1607, a Gitana in Veracruz known as "la Maldonada" was denounced for telling fortunes using spells with unfamiliar words. Eugenia – one of the witnesses testifying against her – confessed she had been tricked by Maldonada while seeking a remedy to stop her husband's mistreatment. The pretrial proceedings prompted further investigations following the witnesses' depositions. In this case, Eugenia's testimony led to the investigation of Francisca de Vera, a woman not identified as Gitana, who provided remedies to several women distressed by the absence of their husbands. In a different investigation, another woman known as Francisca, this time identified as Gitana, was later denounced in 1610 in the neighboring state of Puebla for stealing the money she had requested for a ritual. As the inquiries continued, a second declarant in the same case mentioned that this Francisca also came to her house begging for money. A third woman from the Canary Islands mentioned she had met Francisca under similar circumstances when trying to find out her husband's whereabouts. It is possible that Francisca de Vera – Maldonada's companion in 1607 – was the same Francisca identified as Gitana mentioned in the 1610 *calificación*. If this is the case, it suggests that the tribunals' identification procedures were not always consistent, that individuals were not always recognized or treated as Gitanas, or that they were able to hide their descent. If the latter, this also exemplifies the ability of Gitanas to circumvent constructs of control through regulating their self-presentation.

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Francisca's and Maldonada's clients were men and women desperately seeking news of missing family members. María de Nis, for instance, from the Canary Islands, had observed Francisca praying the rosary for at least two months before Francisca unexpectedly told her "without even seeing her hand, that her husband would return." De Nis dismissed it as foolishness, since her husband was in China. When inquisitors later asked whether Francisca had ever said or done anything against "our Catholic faith," de Nis replied that she had not. Similarly, in a case from 1620, an unnamed Gitana deceived Juana de Ortega by claiming to communicate with spirits to locate her husband. She performed rituals using prayers, spells and fava beans to interpret patterns as divine answers. She invoked "Saint Peter, Saint Paul, the apostle Saint James, and the three nails that the blessed Saint Helen alloyed in the sea," and prayed to "San Sibrian" (Saint Cyprian), a figure associated in popular culture with love magic and reversing sorcery. These cases reveal how Gitana practices filled emotional and informational voids for people in times of uncertainty and loss, especially due to separations prompted by transatlantic and transpacific imperial dislocations. Despite their questionable methods, figures like Francisca and the unnamed Gitana operated within a cultural landscape where the boundaries between faith, superstition and deception were often blurred.

Except for Concepción, who treated *erysipelas* and sun disease, the Gitanas in New Spain's inquisitorial records did not seem to heal physical illnesses as *curanderas* (traditional healers). Instead, their services resembled modern therapy by focusing on love magic. On the other hand, based on the mainland Spanish inquisitorial records, Gitanas there practiced both love and health remedies. For the latter, they engaged in conversations with potential clients and then made predictions or diagnoses. For instance, María Ximénez, a widowed Gitana of San Clemente's village (Cuenca, Spain), was curing a knife sharpener when she told a woman present at the healing, María de la Paz, she looked ill. Since de la Paz and her sister Ana had been suffering from "bad health," they asked Ximénez to cure them of "the bad humors they were suffering from."[38] The sisters paid for an ointment made "with oil and cloves and cinnamon" that they applied to their stomachs and ribs for three days. Another woman present at the knife sharpener's healing asked Ximénez whether she knew a

[38] Quotations from all trials in Spain are translated from the original in Spanish by Susana Macías Pascua.

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remedy "so that her husband would not run off with another woman."[39] The Gitana encouraged the sister, Ana, to participate in the spell although "her husband loved her well." Ximénez asked the two women for money in the form of twenty-seven quarters, and told them to rise "when a certain star came out before dawn," and utter some phrases in "our Castilian language" they could not quite remember, something like "when the bust was clothed in a white garment" naming "God, and his mother, and the Holy Trinity."[40] They had to place a bundle made with a ruff, a bonnet and a linen strip "in between each of them and her husband," and "this was enough for their husbands to love and cherish them very well."[41] Not convinced of the reliability of the spell, they denounced Ximénez for superstition and deception a few days later.

Two other women in the same Spanish village resorted to Magdalena Maldonado, a Gitana known as "Maldona," for a love remedy. Catalina Lucas, a shepherd's wife, told her friend, Catalina López, to consult Maldona to help López have a "connubial life," after she noticed her husband's distance and suspected he was cohabiting with another woman. López was reassured by the fact that Maldona was carrying nine ducats that another client had just given her, rejoicing at hearing that "others would have called her for the same thing, and they were all having a pleasant time." Maldona made López a basket of barley while saying: "As I cut this strand, let the evil thoughts that your husband carries with that bad woman be cut off [from] your husband and let god return him like this . . . ."[42] Maldona's effective magic appears to have made her a sought-after specialist.

Other Gitanas did not inspire the same level of trust, often due to their methods or reputation within the community. In 1671, in the Tribunal of Toledo (Spain), four women testified against María de Montoya, a fifty-year-old Gitana native of Valencia. She was selling *cojales*[43] in the streets and saw the women having a conversation. Montoya claimed in her interrogation that the witnesses recognized her as a Gitana and thus asked her to predict their future. As Montoya elaborated: "She gave me something to spend my life, as she gave [me] two quarters, I took her hand and told her four '*pataratas*' [phony things], according to the custom of Gitanas, like saying you have a long life, you are not envious, you have a person who

[39] Archivo Diocesano de Cuenca (ADC), Legajo 400, Expediente 5676, folio 6.
[40] ADC, leg. 400, Exp. 5676, fol. 3. [41] ADC, leg. 400, Exp. 5676, fol. 6.
[42] ADC, Leg. 400, Exp. 5673. [43] Kneepads worn while carding wool.

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loves you well."[44] The witnesses stated that Montoya had enticed them to participate in a charm with the phrases "to have joy," "the joy that awaits you" or "to have peace with your husband." Montoya asked for silver objects, which she wrapped up and later stuck in a pot filled with water that she tightly covered with a white cloth and tied with a red ribbon. The bundle was kept away in a small chest for a day while she lit three candles to call the *familiares* (relatives), whom she described as "the eldest relative, the youngest relative, and the *diablo cojuelo* (the naughty devil)."[45] When the prosecutor accused Montoya of sorcery, superstition, making a pact with the devil and heresy, she denied the charges and declared that she had only engaged with the four women "to get some money for her living."[46] It is unclear whether other Gitanas believed in the efficacy of their rituals, or knew enough to deny this to inquisitors. Even if some did, though, they might also have strategically taken advantage of the credulous or desperate who needed reassurance and support. This pursuit of economic opportunity also motivated Concepción, who told the inquisitors that she had spent ten years in Veracruz working in "whatever she could and whatever was available to her."

Unlike the above women whose cases were swiftly dismissed, Concepción endured a long process filled with inquisitorial doubt and fear that heresy and superstition could be spreading. This led to a vote for her torment in September 1669. As she was tortured, she declared the formulas she used while tying three knots on a string to "tether" Mateo Andrés to the mulata Pancha:

> In the first one, the devil come and tie Mateo Andrés and enchant him and hold him so that he does not have another woman but Pancha to do him good. In the second knot, she said . . . devil do with Mateo Andrés to free Pancha Montes and that the devil worked and freed her who was a slave, and in the third knot she said: Mateo, tied and enchanted, the devil has you, because, do not forget Pancha that you always do her good and give her whatever you have.[47]

As Laura Lewis has argued, witchcraft "helped people to overcome their marginality, to gain mobility without engaging the authorities' wrath."[48] For Concepción, it was a means of survival, as she admitted

[44] Archivo Histórico Nacional (AHN), Inquisición 93, Expediente 3, F 19v.
[45] AHN, Inq., 93, Exp., 3, fol., 10r. [46] AHN, Inq., 93, Exp., 3, fol., 28.
[47] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 11 V.
[48] Laura A. Lewis, *Hall of Mirrors: Power, Witchcraft, and Caste in Colonial Mexico* (Duke University Press, 2003), 170.

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to acting "out of interest and compelled by necessity."[49] But for Pancha, it was a way to subvert the existing power structure and access the privileges that accompanied a relationship with a free white Portuguese man. Witchcraft provided Concepción and her clients with the possibility of navigating, and at times overcoming, social exclusion, as well as material and structural constraints. Through this symbolic practice, she contested and transcended the boundaries imposed on individuals of her gender, ethnic origin, age, status and race. While witchcraft offered marginalized people a form of control, it simultaneously threatened elite authority, prompting them to reassert their dominance through judicial institutions.[50] Therefore, the *Suprema* had to punish Concepción to restore the social order she had transgressed by "emancipating" an enslaved woman and compelling a peninsular man to submit to her will.

In the end, the association of Concepción's case with witchcraft led to a harsher punishment than she might have otherwise received. Yet, had she not been tortured – an extreme confessional technique likely applied to her in response to her attempt to facilitate an extreme social transgression – she would never have confessed to absurd diabolical activities. For instance, she admitted to flying over fields in search of children whose blood she planned to suck and she acknowledged that the devil himself "with a black face, like a small man, with thinning hair, big burning eyes, a big nose, a very thick mouth, legs very badly shaped, all ugly" had been working in Mateo's potion.[51] As a result, she was sentenced to whipping, required to serve the ill in the Hospital Amor de Dios for ten years (1670–1680), and required to pay the expenses of her 765-day imprisonment. In 1680, at the end of her sentence, Concepción met with the inquisitor and asked to be allowed to leave the hospital. Records documenting this show she had never stopped performing magic and healing rituals for other women while serving out this sentence.

In most instances, the Gitanas mentioned in the *calificaciones* on both sides of the Atlantic were exonerated from crimes against the faith. Their deeds had no "quality of offense" in the eyes of the inquisitors and their words were dismissed as lacking any implicit or explicit pact that rendered them sorcerers. The testimonies from non-Gitanas helped alleviate suspicions of heresy by portraying them as devout Christians with competent religious knowledge. Their practices aligned with a type of

[49] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 10 V.
[50] Lewis, *Hall of Mirrors*, 171.
[51] AGN, Instituciones Coloniales, Inq., Exp. 1502, F 12 R.

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"white magic" manifest through the intervention of benevolent forces, as emphasized by Maldona when she referred to "God's favor" or the unnamed Gitana's invocations of Saints Peter and Paul.

Gitana practices were shaped by tradition, belief and financial necessity, as they navigated both religious and cultural norms. Women repeated certain practices and taught them to other women in their circles, occasionally adjusting them and improvising based on their clients' needs. The formulas they used incorporated religious practices common in that era, including names, prayers and images, to persuade clients and authorities of their legality. This does not call into question their Christian faith but exposes their ability to adapt. Although these practices were not considered religiously orthodox, they blended religion and culture to legitimize their actions. On many occasions they confessed, with a tone of self-affirmation, that they performed hoaxes, excusing their doings as Concepción did, "carried away by interest as poor." This interplay of pragmatism and financial motivation reveals the multifaceted nature of Gitanas' practices, where the line between faith and necessity was often blurred.

CONCLUSIONS

The Spanish Inquisition sought to unify Spain under a singular Catholic identity, which required the assimilation of those perceived as outsiders or threats to that identity. The establishment of administrative mechanisms to enforce compliance and facilitate the consolidation of power created ideological borders that delineated acceptable belief systems from those deemed dangerous.

Bordering also occurred along the social divisions and hierarchies that emerged during inquisitorial proceedings. Gitanas were not prosecuted for Judaism, Protestantism or heresy, since their knowledge of Catholic doctrine appeared appropriate for their social level. Instead, they were prosecuted for witchcraft and making pacts with the devil, often blending popular wisdom with Catholic prayers and rituals. Within the distinctions between Old and New Christians, Romanies were considered Old Christians who maintained religious purity and orthodoxy but seemingly existed outside the social system in other ways. Their social exclusion at times made them more like certain converso groups who refused to integrate and were thus deemed "semiforeigners."[52] In addition, the

[52] Another converso group who refused to integrate were the Chuetas in Majorca, also considered semiforeigners. Their case is studied by Herzog, *Defining Nations*, 120.

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concept of *limpieza de sangre*, conceived originally in the Iberian frame of Old and New Christians, became intertwined with notions of race and ancestry with the integration of the Americas. This complicated social dynamic positioned Gitanas, at times, closer to populations of mixed ancestry rather than to members of other minority groups, especially those of Indigenous or African origin. In New Spain specifically, *Peninsulares* and *Criollos* (Spanish born in New Spain) reached out to Gitanas and fraternized around the businesses of love magic. Although many clients were not always sure whether these women were Gitanas, they had a certain familiarity with them. Declarants described Gitanas as a familiar face in an unknown space; they were used to their presence even when the setting had changed to a new continent. Familiar with the realities of transatlantic mobility, Gitanas catered to the emotional needs of women and men separated from their spouses by colonization and settlement.

As the inquisitorial cases show, while Gitanas in Spain typically offered their services to women of their class, and even their neighbors, in New Spain, they most often engaged with *Criollos* and *Peninsulares*. This became evident in moments like Mateo's confrontation with Concepción during her arrest. "Why have you done this to me, *paisana* (compatriot)*?*" he asked, to emphasize their shared Iberian heritage. This affinity between Gitanas and *Peninsulares*, rooted in shared language, religious practice and Iberian origin, enabled American Gitanas to cultivate trust and familiarity across geographic and social boundaries. Their ability to evoke a sense of *Hispanidad* – as seen in Mateo's plea to Concepción – allowed them to move fluidly within colonial society, forging intimate connections that defied rigid social hierarchies. In the unfamiliar terrain of New Spain, Gitanas became familiar figures to *Peninsulares*; simultaneously outsiders and insiders, they established new forms of social integration and affective labor in the colonial world.

In the Americas, where the social landscape was more diverse and complex, the position of Gitanas was elevated in comparison to other marginalized groups, particularly because they were considered Old Christians, from Europe (even if semiforeign), and neither enslaved nor subjected to indentured servitude. Concepción was to some extent able to evade colonial surveillance, move within the Iberian imperial sphere and establish business relations with those of diverse social and racial positions. These relations connected her not only to *Peninsulares* and *Criollos* but also to individuals of mixed ancestry who likewise inhabited liminal spaces and transgressed social boundaries in many ways. Gitana love magic, while

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always a strategy for survival, assumed new power in the Americas, where ritual practices became a means of navigating – and at times subverting – systems of colonial authority. In doing so, Gitanas strategically instrumentalized their ambiguous social position to negotiate and resist imperial power structures intent on controlling their possibilities.

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