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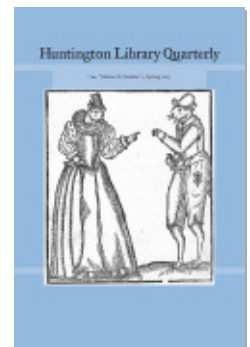
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“Those in Their Possession”: Race, Slavery, and Queen Elizabeth’s “Edicts of Expulsion”

Emily Weissbourd

ABSTRACT At the turn of the seventeenth century, Queen Elizabeth’s Privy Council issued three documents that authorized the removal of “negars and black-amoores” from England. These documents have become a frequent point of reference in studies of race in early modern English literature, with most critics reading them as edicts of expulsion. Turning to histories of the Iberian slave trade and the Tudor government, Emily Weissbourd argues that these documents in fact implicate the Privy Council in a nascent slave trade in black Africans. This suggests that a discourse that linked blackness with slavery already circulated in the late sixteenth century in England. **KEYWORDS:** seventeenth-century Anglo-Spanish relations; expulsion of minorities from early modern England; England’s sub-Saharan slave population; slave trade in Iberia; Caspar van Senden

He made an infallible account that he would marry that princess, and at least be king of Micomicon. But yet it grieved him to think how that the kingdom was in the country of black Moors, and that therefore the nation which should be given to him for his vassals should be all black, for which difficulty his imagination coined presently a good remedy, and he discoursed with himself in this manner: Why should I care though my subjects be all black Moors? Is there any more to be done than to load them in a ship and bring them to Spain, where I may sell them and receive the price of them in ready money? And with that money may I buy some title or office, wherein I may after live at mine ease all the days of my life.

—Miguel Cervantes Saavedra, *The First Part of the Delightful History of the Most Ingenious Knight Don Quixote of the Mancha*,
trans. Thomas Shelton (London, 1612)

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IN THE EPIGRAPH ABOVE, Don Quijote's faithful servant, Sancho Panza, meditates on his future if he were to marry the princess of the imaginary African country of Micomicon. Initially dismayed by the prospect of having black subjects, he soon lights on a business proposition that sweetens his mood considerably: why not take these blacks to Spain and sell them? Sancho's unsavory plan evokes a history that has often been overlooked: that of a sizeable community of slaves of sub-Saharan African origin within Iberia in the sixteenth and seventeenth centuries. Indeed, Sancho's proposal demonstrates that blacks were already linked to a slave economy in Spain at the turn of the seventeenth century; although these "black Moors" are undesirable as vassals, they are apparently valuable commodities—if, that is, they are brought into Spain.

The fictional universe of *Don Quijote* may seem worlds away from government policy in Elizabethan England. Nonetheless, Sancho's casual reference to the sale of blacks can illuminate a series of government documents that have become central to studies of race—and specifically blackness—in early modern England. At the turn of the seventeenth century, Queen Elizabeth's Privy Council issued three now-infamous official statements in support of deporting a specific number of "negars and black-amoores" from England, variously referred to as "open letters" and "open warrants."¹ While these documents have been most frequently read as edicts of expulsion, an attempt—perhaps more symbolic than effective—to rid England of an unwanted black population during a time of famine, I argue that they can be better understood in the context evoked by Sancho's proposal: that of the Iberian slave trade within Europe. More specifically, I argue that the Iberian slave trade reached into Elizabethan England, and that the "open warrants" mentioned above do not expel all blacks from England as undesirable subjects; rather, they authorize the gift of blacks—as commodities—in reward for services rendered.²

The Open Warrants in Twentieth-Century Scholarship

Although these three official statements have most frequently been described as edicts of expulsion, their precise function is not so clear; and while many scholars have cited them, they have only rarely been examined in detail. To better explore the warrants' implications, I cite them in full here.

The first is dated July 11, 1596:

1. The first two of these texts, labeled an "open letter" and an "open warrant" respectively, are preserved in the scribal record of the Privy Council. The third survives in draft form among the manuscript records of Robert Cecil, secretary of state under both Elizabeth I and James I, and is entitled "licensing Caspar van Senden to deport Negroes." For the sake of consistency and clarity, I refer to all three texts as "warrants" or "open warrants" throughout.

2. In the process of writing this essay, I came across another paper that presents a similar thesis. Historian Miranda Kaufmann argues that "Elizabeth's government never envisaged an expulsion of blacks, but was merely trying to fend off another debtor with a patent." Here, I hope I have substantiated this claim more thoroughly, as well as contextualized its significance to studies of English literature. See Kaufmann, "Caspar Van Senden, Sir Thomas Sherley and the 'Blackamoor' Project," *Historical Research* 81, no. 212 (2008): 366–71.

An open letter to the Lord Maiour of London and th'Alderman his brethren, and to all other Maiours, Sheryfes, &c. Her Majesty understanding that there are of late divers blackamoores brought into this realm, of which kinde of people there are allready here to manie, considering howe God hath blessed this land with great increase of people of our owne nation as anie countrie in the world, whereof manie for want of service and meanes to sett them on worck fall to idlenesse and great extremitye. Her Majesty's pleasure therefore ys that those kinde of people should be sent forth of the lande, and for that purpose there ys direction given to this bearer Edward Banes to take of those blackmoores that in this last voyage under Sir Thomas Baskerville were brought into this realme the number of tenn, to be transported by him out of the realme. Wherein wee require you to be aydinge and assyting unto him as he shall have occasion, and thereof not to faile.³

The warrant begins by proposing a problem: there are too many blacks in England, and they drive “native” English people out of work. In order to solve this problem, black people should be “sent forth of the lande.” Up until this point, the warrant appears to advocate the expulsion of blacks. But the solution proposed to that problem seems limited at best: “for that purpose,” Edward Banes is given “direction” to “take” ten blacks and transport them “out of the realme.” If the purpose is expulsion, it seems incongruous that Banes is only required to take ten of the blacks brought in on Thomas Baskerville's voyage. It is also striking that, although the document informs us that there are “allready” too many blacks in England, it advocates no action against those who were there prior to Baskerville's voyage.

A second document in a similar vein is dated one week later: July 18, 1596; this time, it is labeled an “open warrant”:

An open warrant to the Lord Maiour of London and to all Vyce-Admyralls, Maiours and other publicke officers whatsoever to whom yt might appertaine. Whereas Casper van Senden, a merchant of Lubeck, did by his labor and travel procure 89 of her Majesty's subjectes that were detained prisoners in Spaine and Portugall to be released, and brought them hither into this realme at his owne cost and charges, for the which his expences and declaration of his honest minde towardses these prisoners he only desireth to have lycense to take up so much blackamoores here in this realme and to transport them into Spaine and Portugall. Her Majesty in regard of the charitable affection the suppliant hath shewed, being a stranger, to worke the delivery of our countrymen that were there in great misery and thralldom and to bring them home to their native

3. *Acts of the Privy Council, New Series*, 46 vols. (London, 1890–1964), 26:16–17. Further citations from the *Acts of the Privy Council* will appear as *APC*, followed by volume and page number.

contry, and that the same could not be don without great expence, and also considering the reasonableness of his requestes to transport so many blackamoors from hence, doth thincke yt a very good exchange and that those kinde of people may be well spared in this realme, being so populous and numbers of hable persons the subjectes of the land and Christian people that perishe for want of service, wherby through their labor they might be maintained. They are therefore in their Lordships' name required to aide and assist him to take up such blackamoors as he shall finde within this realme with the consent of their masters, who we doubt not, considering her Majesty's good pleasure to have those kinde of people sent out of the lande and the good deserving of the stranger towards her Majesty's subjectes, and that they shall doe charitably and like Christians rather to be served by their owne contrymen then with those kinde of people, will yelde those in their possession to him.⁴

The second warrant provides more information but no greater clarity than does the first. It tells us the intended destinations of the “blackamoors,” Spain and Portugal, and informs us who their bearer is to be: Caspar van Senden, a “merchant of Lubeck” who has previously served the Crown by arranging for the release of English prisoners from Portugal and Spain. This warrant also explains a more precise relationship among van Senden, the Crown, and the “blackamoors” than does the first one. In recompense for the service he has done for the Crown in liberating prisoners from Spain and Portugal, van Senden has been granted “lycense” to transport “blackamoors” from England to Spain and Portugal, in order to recoup his “great expence” in liberating English prisoners.

Thus, this second warrant provides a different reason for the removal of “blackamoors” than does the first: to reward van Senden for liberating English prisoners. The same economic situation is evoked in both warrants; there is not enough work in England, and there are plenty of “native” English subjects. But in the second warrant the presumed superfluity of blacks in England is mentioned in order to make van Senden's case seem more persuasive; it is never described as being the primary motive for the blacks' removal. Further, the second warrant, like the first, does not demand the removal of *all* blacks from England, although it increases the number to precisely eighty-nine. While the reason for the removal of only ten blacks from England demanded in the first warrant is not given at all, the second does supply a motive. That motive does not concern the (unwelcome) presence of blacks in England but rather van Senden: he is granted license to “take up” exactly as many blacks as he liberated English prisoners from the Spanish.

One final document, which survives only in draft form among Sir Robert Cecil's papers, addresses this topic in the most emphatic terms. This warrant is undated, but its position in the Cecil papers suggests that it was written in 1601:

4. Ibid., 26:20–21.

After our heartie commendations; whereas the Queen's majesty, tendering the good and welfare of her own natural subjects, greatly distressed in these hard times of dearth, is highly discontented to understand the great number of Negroes and blackamoors which (as she is informed) are carried into this realm since the troubles between her highness and the King of Spain; who are fostered and powered here, to the great annoyance of her own liege that which co[ve]t[er] the relief which these people consume, as also for that the most of them are infidels having no understanding of Christ or his Gospel: hath given a special commandment that the said kind of people shall be with all speed avoided and discharged out of this her majesty's realms; and to that end and purpose hath appointed Caspar van Senden, merchant of Lübeck, for their speedy transportation, a man that hath somewhat deserved of this realm in respect that by his own labor and charge he hath relieved and brought from Spain divers of our English nation who otherwise would have perished there.

These shall therefore be to will and require you and every of you to aid and assist the said Caspar van Senden or his assignees to taking such Negroes and blackamoors to be transported as aforesaid as he shall find within the realm of England; and if there shall be any person or persons which be possessed of any such blackamoors that refuse to deliver them in sort aforesaid, then we require you to call them before you and to advise and persuade them by all good means to satisfy her majesty's pleasure therein; which if they shall eftsoons willfully and obstinately refuse, we pray you to certify their names to us, to the end her majesty may take such further course therein as it shall seem best in her princely wisdom.⁵

This warrant, unlike the previous two, does not specify a number of blacks to be taken from the kingdom, instead asserting that the queen “hath given a special commandment that the said kind of people shall be with all speed avoided and discharged out of this her majesty's realms.” Unlike the previous two, then, the document *does* seem to advocate the deportation of all blacks from England. However, the appointment of Caspar van Senden as the sole agent of this deportation and the assertion that such an appointment is a reward for his earlier services complicates a reading of the warrant as an edict of expulsion. Further, as I will discuss in greater detail below, this third text survives only in draft form in the Cecil papers, making its status as an officially sanctioned piece of correspondence uncertain.

Each of the first two warrants, then, authorizes someone to deport a specific number of blacks from England. One reason they give for this is that there are “to manie” blacks in England in a time of dearth; the other is that these blacks are a suitable

5. *Tudor Royal Proclamations*, ed. Paul L. Hughes and James F. Larkin, 3 vols. (New Haven, Conn., 1964–69), 3:221. This third warrant is most readily available in modernized spelling, which is how I have cited it here.

reward for the services of a merchant to the English crown. The third surviving warrant does argue that all blacks should be taken from England; its goal, though, appears to be the legitimization of Caspar van Senden's authority to take them.

Taken as a group, these documents certainly represent blacks as a foreign and expendable population. But they also seem to offer "negars and blackamoors" as a reward for services rendered. Thus far, most scholars have focused on the first of these points, often at the expense of exploring the implications of the second. The first literary critic to address the open warrants was Eldred Jones, in his pathbreaking 1971 monograph *The Elizabethan Image of Africa*, one of the first books to discuss the presence of a sub-Saharan African population in early modern England. Jones argues: "By the end of the century, in fact, Queen Elizabeth had begun to be 'discontented' at the 'Great numbers of Negars and blackamoors which . . . are crept into this realm,' and issued two edicts, one in 1599 [*sic*] and a stronger one in 1601, in which she complained of the influx and appointed a certain Caspar van Zenden (Zeuden), a merchant of Lübeck, to transport them out of the country."⁶ Jones offers no further analysis of what he calls "edicts" and quotes only the third one. Jones uses these documents to make two points—which were, at the time, crucial interventions in the field. First, he establishes that there were, in fact, blacks in Elizabethan England. Second, he shows that this early official response to them was xenophobic in the extreme. In making these points, Jones established an interpretative framework for the warrants that became the standard reading: Queen Elizabeth reacted to the threat of too many "blackamoors" in England by transporting them from the country, and appointed a merchant from Lübeck to do so.

As studies of race in early modern English literature and history rose to prominence, scholars such as Ania Loomba, Karen Newman, and Peter Fryer also drew on these open warrants. They, like Jones, primarily used them to demonstrate that "in England itself, by 1596, blacks were numerous enough to generate alarm."⁷ Fryer, however, also draws attention to an economic exchange that may underlie the transport of these Africans, describing it as "an astute piece of business, which must have saved the queen a lot of money. The black people concerned were being used as payment for the return of 89 English prisoners. The government simply confiscated them from their owners—there is no mention of compensation—and handed them over to a German slave trader." Fryer's reading of the economics underlying these warrants is insightful. Nonetheless, in describing the 1601 warrant he also returns to the notion that the purpose of the documents was to expel blacks from England: "And, once again, Elizabeth

6. Eldred D. Jones, *The Elizabethan Image of Africa* ([Charlottesville, Va.], 1971), 20.

7. Karen Newman, "'And Wash the Ethiop White': Femininity and the Monstrous in *Othello*," *Essaying Shakespeare* (Minneapolis, 2009), 148. Newman's essay first appeared in *Shakespeare Reproduced*, ed. Jean Howard and Marion O'Connor (London, 1987), 141–62. See also Ania Loomba, who argues that "the crucial point is that the black presence was both perceived and constructed as a threat by the state"; *Gender, Race, Renaissance Drama* (New York, 1989), 43.

commissioned handy Caspar van Senden to arrest and transport them. But this second attempt to get rid of black people was no more successful than the first.”⁸

The assumption that expulsion—“get[ting] rid of black people”—was the primary purpose of the warrants has continued to hold sway. Kim Hall’s important 1993 essay “Reading What Isn’t There” has set the pattern followed by most critics who cite the warrants. Hall draws on Fryer, noting that we should “attend to the real political and economic factors underlying the expulsions.” Nonetheless, she ultimately argues that these warrants, which she describes as “expulsion edicts,” suggest that “Queen Elizabeth draws on a series of associations about Moors as a group that seem to persist in contemporary Anglo-American racial discourse: in times of economic stress, visible minorities often become the scapegoat for a national problem.”⁹ While Hall acknowledges that the numbers discussed in the warrants—10 and 89—are not sufficiently large to materially change the living conditions and work opportunities of “native” Englishmen and women, she reads these warrants as a symbolic attempt to address those problems as well as an early exhibition of color-based discrimination. In another essay, Hall presents this version of the warrants even more emphatically. Here, tellingly, she omits any reference to Caspar van Senden or Edward Banes, and refers to the documents as “proclamation[s]” and “order[s] of expulsion.”¹⁰ Later citations of the warrants follow this model: they either simply mention the warrants in passing as edicts of expulsion, or gesture to the warrants’ transactional nature while placing more emphasis on their xenophobic call to “discharge” blacks from England.¹¹

While scholars of literature have most often referred to the warrants in the context of early modern English xenophobia, a brief historical study offers an alternative to this reading. Miranda Kaufmann’s essay “Caspar Van Senden, Sir Thomas Sherley and the ‘Blackamoor’ Project” situates the warrants in the context of early modern patents, suggesting that, “perhaps the most scandalous feature of this project was the

8. Peter Fryer, *Staying Power: Black People in Britain since 1504* (Atlantic Highlands, N.J., 1984), 11–12.

9. Kim Hall, “Reading What Isn’t There: ‘Black’ Studies in Early Modern England,” *Stanford Humanities Review* 3 (1993): 31, 28.

10. Kim F. Hall, “Guess Who’s Coming to Dinner? Colonisation and Miscegenation in *The Merchant of Venice*,” in *The Merchant of Venice*, New Casebooks (New York, 1998), 92–116.

11. There are too many references to these letters as “edicts of expulsion” to cite them all here. I do, though, include a number of examples in order to demonstrate the extent to which this reading has become common knowledge. See, for example, Alex Davis, “Savagery, Civility, and Popular Literature: Richard Johnson’s *Tom a Lincolne*,” *Studies in Philology* 103, no. 3 (2006): 272; Sharon O’Dair, “Teaching *Othello* in the Schoolhouse Door: History, Hollywood, Heroes,” *Massachusetts Review* 41, no. 2 (2000): 226; Scott Oldenburg, “The Riddle of Blackness in England’s National Family Romance,” *Journal for Early Modern Cultural Studies* 1, no. 1 (2001): 46; Kimberly Woosley Poitevin, “‘Counterfeit Colour’: Making up Race in Elizabeth Cary’s *The Tragedy of Mariam*,” *Tulsa Studies in Women’s Literature* 24, no. 1 (2005): 24–25; Francesca T. Royster, “White-limed Walls: Whiteness and Gothic Extremism in Shakespeare’s *Titus Andronicus*,” *Shakespeare Quarterly* 51, no. 4 (2000): 439; Ian Smith, “Barbarian Errors: Performing Race in Early Modern England,” *Shakespeare Quarterly* 49, no. 2 (1998): 184; and Alden T. Vaughan and Virginia Mason Vaughan, “Before *Othello*: Elizabethan Representations of Sub-Saharan Africans,” *The William and Mary Quarterly* 54, no. 1, 3rd ser. (1997): 42.

intended commodity: the ‘negars and blackamoors’ of England.”¹² While some of her claims remain speculative (in particular her suggestion that van Senden was a spy), her analysis of the correspondence surrounding van Senden in the Cecil papers makes a compelling claim for emphasizing the transactional nature of the open warrants. I examine this correspondence in greater detail below; first, though, I turn to the history of the warrants as material documents: both their function in early modern England and the form in which they have circulated in recent years. Doing so demonstrates the problems inherent in reading the open warrants as edicts of expulsion, corroborating Kaufmann’s reading, and also indicates why they have been so often interpreted as such.

~ The Acts of the Privy Council and the Cecil Papers

Although most critics describe the warrants as “edicts” or “proclamations,” their history does not suggest that they were ever publicly proclaimed. The first two warrants, as I mention above, were preserved in the *Acts of the Privy Council*. The Privy Council was a small group (its membership ranged between thirteen and eighteen during Elizabeth’s rule) responsible for overseeing and implementing royal policy. As historian Norman Jones explains, “Through them passed the warrants, the Bills under the Great Seal, and other instruments that dealt with the Queen’s property and expressed her influence at the local level. In any meeting they might create an ad-hoc commission to investigate anything, anywhere, approve a string of appointments to ecclesiastical benefices, grant licenses to the keepers of alms houses to raise money, order a murder investigation, grant a license to sell wine, pardon felons, forgive merchants who had forfeited their rights by marrying foreigners, or ensure the defense of the realm.”¹³ The Privy Council was England’s most powerful and far-reaching administrative body, responsible for implementing policy and keeping the state running smoothly.

During the period discussed here, one or more clerks were on hand at all meetings for the purpose of keeping an official record. These records note only the date, which members were in attendance, and either summaries or transcriptions of letters and warrants that were written by the council in the name of Elizabeth. It is in these records—as manuscript copies—that the first two open warrants have survived, two among “a stream of letters sent to local rulers.”¹⁴

As “open letters” or “open warrants,” these two texts would have been used by the bearer to commandeer goods, and at times even people, in the name of the queen. Other warrants and letters preserved in the *Acts of the Privy Council* allow those who have been commanded to travel to court to take charge of post horses and outfit ships as needed to expedite their journeys.¹⁵ A “warrant” from 1591 authorizes an agent of the Crown to impress sailors into service in the queen’s navy, enjoining “all Maiours,

12. Kaufmann, “Caspar Van Senden, Sir Thomas Sherley and the ‘Blackamoor’ Project,” 367.

13. Norman Jones, “Governing Elizabethan England,” in *The Elizabethan World*, ed. Susan Doran and Norman Jones (New York, 2010), 21.

14. *Ibid.*, 21.

15. See, for example, among many others, in *APC* volume 22 (1591–92) alone, 113, 118, 316, 332, 333, 348, 387, 389, 402, 405, 412, 504, 589.

Viceadmiralls, Bailiffes of corporate townes, justices of the peace & co.” to gather together “marryners and seafaring men” in a public place so that the “bearer hereof [that is, of the warrant], Thomas Manley” can “choose out of that number so many as shall be thought convenient for the present service.”¹⁶ This warrant conscripts a particular subset of the population for a specific purpose. It is one of many letters of the Privy Council that take charge of goods or even of men’s lives, and that do so to fulfill the goals of the state.

Such letters are not, however, either proclaimed or published, nor do they constitute a nationwide policy. Indeed, the material form of an open warrant or letter—a manuscript of which few copies are made—does not lend itself to decrees meant to reach a large group of people. Thus, while Elizabeth’s Privy Council did endorse the “transport” of blacks from England, such an endorsement was not a publicly proclaimed official position, nor did it extend beyond the ten—and then eighty-nine—blacks whom Banes and then van Senden were licensed to “take up.” Further, if these open warrants are consistent with the other open letters and warrants in the *Acts of the Privy Council* (and there is no reason to assume that they are not), then their purpose is to commandeer men or goods for a specific purpose, not to set in motion the general expulsion of an undesirable segment of the population.

A comparison of the open warrants to several public proclamations of expulsion emphasizes this distinction. A 1594 decree expelling the Irish demands that all Irish people without a particular reason to be in England must “without delay repair into the realm of Ireland to the places of their natural habitation where they ought to live; upon pain of imprisonment and punishment as vagabonds.” A 1554 proclamation issued by Queen Mary against all foreigners gives those not born in England and without official business in the country a more specific deadline: twenty-four days to “avoid the realm,” “under pain of most grievous punishment.” A 1593 proclamation addressed to “unlicensed lodgers near court” (as part of an attempt to stop the plague from spreading to Windsor) specifies that the owners of all houses in the area must expel all those not in service to the court within two days of the “publication” of the proclamation “at the market cross in Windsor,” and further charges those living near Windsor without permission “that they do depart from the court and from five miles near the court within two days after the publication thereof.” And a 1602 proclamation “Banishing all Jesuit and Secular Priests” similarly “require[s] and charge[s]” all Jesuits to “forthwith depart out of our dominions and territories” and asks “secular priests” to do the same between the issuance of the proclamation and the first of January.¹⁷ (This example is perhaps unexpected, since it was already illegal for priests to be in England; the proclamation elsewhere makes clear that the Crown intends to pursue priests more diligently than it had previously.)¹⁸

16. *APC*, 21:212–13.

17. *Tudor Royal Proclamations*, ed. Hughes and Larkin, 3:134 (expulsion of Irishmen), 2:31–32 (all foreigners); 3:126–27 (unlicensed lodgers); 3:250–55 (Jesuits).

18. I do not discuss the repeated edicts of expulsion against another minority group: gypsies. This is because the expulsion of Gypsies was largely implemented through statutes, or parliamentary law, rather than by royal decree. Nonetheless, it is worth noting that the form of Gypsy expulsions in parlia-

These proclamations of expulsion differ from the open warrants in several significant ways. They specify a date by which those to whom the proclamation is directed must depart (whether “without delay,” within twenty-four days, within two days, or by January 1st). More importantly, the proclamations all directly charge the people they are expelling with leaving; it is their responsibility to find the means to depart the region, or the country. The open warrants, as we have seen, function very differently. There is no time or date by which the “negars and blackamoors” are to be transported. Further, whereas proclamations of expulsion directly address those people who are asked to leave, the open warrants in no way suggest that the Africans they discuss have agency. Instead, they are treated as property to be redistributed from their “masters” to van Senden or to Banes.

Here and elsewhere in this essay I echo the warrants in applying the term “master” to those whose permission van Senden must obtain in order to transport “blackamoors.” I do not do so, however, in the modern sense of the word, in so far as it necessarily evokes slavery. In England at the turn of the seventeenth century, “master” more commonly referred to an employer or the head of a household. Thus the warrants’ use of the term does not indicate that the blacks “taken up” were enslaved, but rather that they were in positions of service. Nonetheless, the fact that the warrants address these “masters” rather than directly commanding the “blackamoors” to depart complicates a reading of the warrants as mandating an expulsion.

Why, then, have these warrants been referred to as edicts of expulsion? One answer to this question is remarkably concrete. Thus far, I have discussed the textual history of only the first two open warrants, which are preserved in the *Acts of the Privy Council*. The third document—the one that most emphatically asserts, “the said kind of people shall be with all speed avoided and discharged out of this her majesty’s realms”—was printed in the edited collection *Tudor Royal Proclamations*. The editors are careful to label this text as a draft, and to note in the introduction that they have erred on the side of inclusiveness of official documents, but the publication of the third warrant in a book of proclamations does lead to the assumption that it was proclaimed, or at least that it was intended to be.

However, in the case of this particular entry, it is unlikely that this was the case. The warrant—which I suspect was included because of its unusual topic—is one of only fifteen drafts included among 370 proclamations from Queen Elizabeth’s reign. Of those fifteen drafts, it is one of only two documents to have the Cecil papers as its only source.¹⁹ The Cecil papers, a collection of over 30,000 documents containing

mentary law is comparable to that of proclamations discussed above: Gypsies are commanded to leave on their own agency (rather than being entrusted to a bearer) and are given a specific date by which they must depart. For statutes against Gypsies, see *Race in Early Modern England: A Documentary Companion*, ed. Ania Loomba and Jonathan Burton (New York, 2007), 81–82, 91–92.

19. Both William Cecil and his son Robert presided over the Privy Council. The documents in the Cecil papers generally pertain to state business, both official (grants from the Crown and Lords Privy Seal) and unofficial (correspondence and political memoranda). These documents were gathered into “a set form or library” at the request of Sir Robert Cecil himself.

both official business and personal correspondence from the careers of Robert Cecil and his father, William, contains a wide range of materials; it can be difficult to ascertain the precise nature of individual documents in it. And in fact the text of this third warrant does not explicitly state its function, nor does it anywhere mention publication or proclamation (as many proclamations do). The salutation with which it opens, “after our most hearty commendations,” often appears in open warrants or letters from the Privy Council like those discussed above, but does not appear in proclamations.²⁰ Further, it closely approximates the open warrants issued by the Privy Council discussed above in both tone and content.

A more careful examination of the archival record also provides quite specific information about Caspar van Senden and his interest in exporting Africans. The Cecil papers contain correspondence among Caspar van Senden, Robert Cecil, and Thomas Sherley (former treasurer-at-war and a patron of van Senden) that makes clear that van Senden hoped to profit by “tak[ing] up” African servants in England. The *Calendar of the Manuscripts of the Most Honorable Marquess of Salisbury* (that is, Robert Cecil), a detailed record of the Cecil papers, provides a summary of a petition van Senden submitted to the queen.²¹ The letter is undated but its position within the Cecil papers suggests that it was sent in 1600:

In reward for his procuring the release in 1596 of 89 of the Queen’s subjects who were prisoners in Spain and Portugal, and transporting them to England, the Queen granted him license to take up all such blackamoors as he could find in the realm and transport them into those countries. The masters of the blackamoors, however, seeing by his warrant that he could not take them without the master’s good will, would not suffer him to have any one of them. Since that time he has procured the release of 200 prisoners in Lisbon, and has sent them home to England. In consideration of these services, and seeing that all blackamoors in England are regarded but only for the strangeness of their nation, and not for service to the Queen, and may very well be spared out of the country, prays again for license to take up and carry away into Spain and Portugal all the blackamoors he shall find, without interruption of their masters or others.²²

20. Incidentally, it is worth noting that most critics omit this salutation when citing the letter, even when they cite it in its entirety.

21. For an additional discussion of these documents, see Kaufmann, “Caspar Van Senden, Sir Thomas Sherley and the ‘Blackamoor’ Project.”

22. *Calendar of the Manuscripts of the Most Honorable Marquess of Salisbury*, 26 vols. (London, 1888–1976), 14:143. Miranda Kaufmann cites a selection from the full manuscript petition that reads as follows: “[Sherley] together with a Pursivant did travell at his great Charges into dyvers partes of your highness Realme for the said Blackamoors, But the masters of them, perceiving by the said warrant that your orator could not take the Blacamoors without the Master’s good will, would not suffer your Orator to have any one of them”; quoted in Kaufmann, “Caspar Van Senden, Sir Thomas Sherley and the ‘Blackamoor’ Project,” 368. There are four other references to van Senden in the Cecil papers.

The letter makes clear that van Senden was “granted license” to transport “blackamoors” from England as a “reward.” However, he subsequently encountered an obstacle: the “masters” of these “blackamoors” did not wish to yield them to his possession.

Van Senden is also the subject of a letter dated December 29, 1600, from Thomas Sherley to Robert Cecil. The *Calendar* of Cecil papers reproduces this letter in its entirety, and I cite it in full here:

I most humbly thank you for your willingness touching the suit of Van Zenden for the transport of Moores, at my request. And because I did perceive by my son that you thought it not meet to have those kind taken from their masters compulsorily, I will forbear to urge you therein; but for expedition's sake, I beseech that the letter which Van Zenden formerly had may be renewed to some stronger purpose than before; for which purpose I am bold to send you enclosed how far it is desired to stretch. This matter being by your favor committed to Mr. Secretary Herbert 10 days past, lies yet as it did, in respect that Mr. Caesar his servant has lost, as is said, the note of her majesty's pleasure therein.²³

The correspondence among van Senden, Cecil, and Sherley confirms that the expulsion of “blackamoors” was not the primary motivation for these warrants' issuance. Rather, van Senden has done the Crown a service in liberating English prisoners from Lisbon, and he has been given a license to transport “Moors” as his reward. The problem is that Lord Cecil does not think it appropriate to take the Moors from their “masters” by force (“compulsorily”). Thus, although the open warrants, as well as van Senden, mark these “blackamoors” as outsiders, “regarded but only for their strangeness to the nation, and not for service to the Queen,” the motive for their transport is not primarily the threat they pose to England as such, but rather their value to van Senden, whose “suit” to the queen is that he be rewarded with a license to take them.

Sherley's letter also tells us that he has enclosed a new version of the “letter” in van Senden's possession (presumably the second warrant), which he hopes to renew in stronger terms. This may indicate that the third warrant was not in fact an official draft brought before the Privy Council, but rather the letter that Sherley enclosed. Miranda Kaufmann asks, “is this draft merely what Sherley was ‘bold to send your honour enclosed how farr it is [*sic*] to stretch’ with his letter of 29 December 1600?” The absence of documentary evidence leaves this question unresolved; nonetheless, Kaufmann's suggestion is certainly plausible.²⁴

Aside from those discussed in the body of the essay, an undated letter from van Senden from 1598 or later “prays for protection from his creditors for three months, in consideration of his having released 200 English detained prisoners in Portugal” (14:89). Van Senden also appears in a letter from William Andrews, who arrested him because van Senden owed him sixty pounds and released him once van Senden showed him a warrant of protection from Lord Cecil. Andrews entreats forgiveness for having arrested van Senden and claims ignorance of Lord Cecil's protection (14:154).

23. *Calendar of the Manuscripts of the Most Honorable Marquess of Salisbury*, 10:431.

24. Kaufmann continues: “Sherley wrote that the ‘matter beyng by your former favor comyted to Mr Secretary Herbert x dayes past lyeth yet as it dyd in respect that Mr Caesar his servant hath lost as is

Finally, one more letter from November 1600, again written from Sherley to Lord Cecil, urges Cecil to support van Senden’s petition, despite the fact that Cecil “seemed not to like that a commission of that nature, to take what pleased him, should be committed to Van Senden.”²⁵ This letter makes clearer still that the taking up of “blackamoores” was a reward for van Senden rather than a duty with which he was charged. It also represents these black subjects as commodities without agency; Cecil was apparently displeased that van Senden had the right to “take what pleased him.” This correspondence clarifies the issue at stake in the renewal of van Senden’s letter. The problem is not that the initial document failed in its purpose of expelling blacks from England, as several of the critics cited above assert; rather, the problem is the unwillingness of the “masters” of the Africans to part with their possessions.

Slavery in Europe Reconsidered

Reading the warrants in the context of Tudor legal history indicates that they are *not*: namely, edicts of expulsion. This final section embeds them in a different history—that of the Iberian slave trade and its influence on black populations in early modern England—to argue for what they *are*: evidence for both the presence of enslaved blacks in England and for an emergent discourse in English culture that naturalized the enslavement of black Africans.

First, though, it is important to address one other recent interpretation of the warrants, which offers an alternative to reading them as edicts without implicating them in the slave trade. In her 2008 monograph *Speaking of the Moor: From Alcazar to Othello*, Emily Bartels suggests that the warrants provide a record of a prisoner exchange between Spain and England. Since the “blackamoores” are to be taken to Spain, and since England and Spain did periodically exchange prisoners of war at this time, Bartels asserts that the purpose of their deportation was to use them as part of a prisoner exchange: black Africans (most likely taken from Spanish colonies in the New World) for English prisoners in Spain, most likely merchants who ran afoul of the Inquisition. For Bartels, the implications of this presumed exchange are that the political position of the “blackamoores” was of greater importance than their race: “the Negroes from the Baskerville campaign came to England as prisoners of the Anglo-Spanish war, and it was that political position, I would argue—more than, say, any presumed African identity, heritage or history—that made them especially useful to the queen.”²⁶ Bartels rightly asserts that the primary purpose of the warrants is as pragmatic as it is ideological; the transport of “blackamoores” is justified by classing them as members of a marginalized and expendable community but is prompted by the needs of Elizabeth’s government.

The “blackamoores” are certainly implicated by the warrants in a complex network of Anglo-Spanish relations, of which prisoner exchange forms a part. (After all,

said the note of her majesties pleasure therein.’ From this letter it is unclear whether Queen Elizabeth ever authorized the 1601 draft. It certainly seems foolhardy for historians to insist on putting the words of the 1601 document into her mouth.” (“Caspar Van Senden, Thomas Sherley and the ‘Blackamoor’ Project,” 369).

25. *Calendar of the Manuscripts of the Most Honorable Marquess of Salisbury*, 10:399.

26. Emily Bartels, *Speaking of the Moor: From Alcazar to Othello* (Philadelphia, 2008), 106.

van Senden asks to be recompensed for liberating English prisoners from Spain.) But it does not follow from this that they themselves are prisoners of war, nor that they are the subjects exchanged. Bartels draws on the language of the warrants themselves to support her argument: “the document makes clear that Elizabeth planned to send 89 prisoners in exchange—‘very good exchange’—for the eighty-nine English prisoners that Van Senden had already recovered.”²⁷ But as we have seen, the “very good exchange” discussed in the warrant is not between the English and the Spanish Crowns, but rather between the English Crown and Caspar van Senden, who has asked to be rewarded for a service he has already completed. Bartels argues that the fact that the warrants situate themselves in the context of Anglo–Spanish relations minimizes the importance of the “presumed African identity” of the “blackamoors.” I suggest by contrast that it is more productive to read the warrants (and particularly the second warrant’s reference to Spain and Portugal) in light of the history of the Iberian slave trade. In this context, the fact that the subjects slated for deportation are labeled “blackamoors,” and thus set apart by their color, is in fact quite significant.

Histories of the enslavement of sub-Saharan Africans have most often focused on the Middle Passage and the New World. This is so because the New World plantation system undeniably presents an unprecedented shift in the scale of slavery, the globalization of the economy, and the institutionalization of racism. Within this larger history, the presence of black slaves within early modern Europe has often appeared as a footnote at most. William D. Phillips clearly articulates what was for many years the most common critical perspective: “In sum, the Atlantic slave trade to Europe never reached great numbers, and slaves imported into Europe were increasingly little more than luxuries. They were helpful, perhaps, for artisans and small merchants and shopkeepers; more frequently they were domestics, and at times concubines. As a result, black slaves were rarities outside a few Spanish and Portuguese cities.”²⁸

More recently, however, Europe’s sub-Saharan slave population has begun to receive more attention from scholars. In part, this is the result of a larger movement to de-marginalize the Iberian Peninsula. After all, the “few Spanish and Portuguese cities” Phillips cites did not exist in a vacuum; on the contrary, they were at the center of Europe’s dominant imperial power, and people and goods traveled from Seville and Lisbon to cities throughout Europe. Whereas slavery in Northern Europe had largely disappeared by the thirteenth century, on the Iberian Peninsula, slavery never went away. It had existed for hundreds of years under the dynasty that ruled Al-Andalus, and it continued on both sides throughout the Christian *reconquista*.

In the fifteenth century, Iberia’s slave system underwent a fundamental shift. Initially, many slaves in Christian Iberia were Muslims who had been captured in battle, part of a system of raids, called *razzias*, practiced by Muslims and Christians alike throughout the Mediterranean. Slaves also arrived via trade from such locations as

27. *Ibid.*, 89.

28. William D. Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Manchester, 1985), 169.

North Africa, Eastern Europe, and the Ottoman Empire. Then, in the 1430s, the Portuguese began to explore the western coast of Africa, looking for gold. Gold, as it turns out, was in short supply; slaves, however, were not. In 1444, Portuguese merchants brought 235 Guineans to Lisbon; some were given as gifts, and others were sold into slavery. The first permanent slave-trading post was established off the coast of Mauritania in 1448.²⁹ This development transformed the scope and demographics of slavery in Iberia and beyond, as black slaves brought to Europe by the Portuguese began to be sold throughout the Mediterranean.³⁰

Fifteenth-century Valencia offers a striking example of the changes Iberia's slave trade underwent in this period. As historian Debra Blumenthal has meticulously documented of that city, “the slaves directly captured in warfare were outnumbered by shiploads of sub-Saharan Africans and Canary Islanders sent by Portuguese and Italian traders based in clearinghouses along the Atlantic coast.” As a consequence of this shift, “contemporaries increasingly were associating black skin with slave status.”³¹

Iberia's slave population also grew in size over this period. Although the exact number of slaves in fifteenth- and sixteenth-century Spain is difficult to ascertain, one census taken in Seville in 1565 records 6,327 slaves out of a population of 85,538, making slaves roughly 13.5 percent of the total population.³² Drawing on censuses like this and on parish records, historian Manuel Fernández Álvarez gives the conservative estimate that there were approximately 44,000 slaves in Spain by the end of the sixteenth century; other historians have estimated that there were as many as 100,000.³³ Not all of these slaves came from sub-Saharan Africa, of course: established models of capture (particularly of Spanish *moriscos*) and trade in slaves from multiple places of origin continued throughout the period. But it is evident that black slaves were understood to be a visible part of Spanish—and particularly Andalusian—culture; for example, visitors to Seville in the middle of the sixteenth century compared it to a chessboard with an equal number of black and white pieces.³⁴

What impact, though, did Iberia's sub-Saharan slave population have on the black population and representations of blackness in early modern England? While there is still much we do not know about the status of blacks in sixteenth-century England, Gustav Ungerer's monograph *The Mediterranean Apprenticeship of British*

29. James H. Sweet, “The Iberian Roots of American Racist Thought,” *William and Mary Quarterly* 54 (1997): 160–61.

30. I discuss the history of slavery in early modern Spain at greater length elsewhere. See Emily Weissbourd, “‘I have done the state some service’: Reading Slavery in *Othello* through *Juan Latino*,” *Comparative Drama* 47 (2013): 529–51. See also Alessandro Stella, *Histoires d'esclaves dans la Péninsule Ibérique* (Paris, 2000); and Hugh Thomas, *The Slave Trade* (New York, 1997), 33–149.

31. Debra Blumenthal, *Enemies and Familiars: Slavery and Mastery in Fifteenth-Century Valencia* (Ithaca, N.Y., 2009), 267, 2.

32. William D. Phillips Jr., *Historia de la esclavitud en España* (Madrid, 1990), 169.

33. Cited in *ibid.*, 236. In his seminal 1952 essay, Antonio Domínguez Ortiz estimates 100,000; reprinted in *La esclavitud en Castilla en la edad moderna y otros estudios de marginados* (Granada, 2003), 9.

34. Sweet, “Iberian Roots,” 164.

Slavery provides invaluable archival information on that topic. Ungerer argues that slaves of African origin brought from Spain and Portugal were a visible presence in sixteenth-century England. Unlike in Spain and Portugal, which had a regulated (and thus recorded) slave economy, the status of slaves in England was largely uncodified.³⁵ Whereas in Iberia, the purchase and sale of slaves was well documented, the absence of a clearly defined legal policy in England meant that the presence of black slaves in England would have remained largely unrecorded. The fact that England possessed no institutional apparatus to record the presence of slaves should not lead us to conclude that there were no slaves in England, but rather that their presence left few traces in the archives.³⁶

In fact, Ungerer draws attention to a small but noticeable population of enslaved Africans in England who had been acquired through Anglo-Iberian commercial transactions. The owners of these slaves included English merchants working in, and then returning from, Andalusia. Additionally, Portuguese New Christians or *conversos* who migrated to London following Portugal's establishment of an Inquisition in 1536 brought over slaves who had been in their possession in Portugal.³⁷ While it is impossible to determine how many Africans were brought into England, Imtiaz M. Habib has recently combed the archives and found eighty-nine references to black Africans in Elizabethan records, primarily parish recordings of baptisms and deaths. Presumably, these eighty-nine references suggest the presence of a larger, but largely unrecorded, group of black Africans in England, most of whom arrived via the Afro-Iberian slave trade.³⁸

One particularly telling citation appears in the records of the Court of Requests from 1587. Hector Nunes, a New Christian doctor residing in London, purchased an "Ethiopian" slave from an English mariner only to find that the slave refused "to tarry and serve him." His request asks that the court either "compel the sayde Ethiopian to serve him during his liffé" or force the mariner to refund his money. However, he apparently found that English law had no "remedy" for his situation.³⁹ This case

35. Of course, slavery in England—as in most of Europe—has a long history. But in England, as in much of Northern Europe, slavery was phased out by the rise of feudalism; by 1200, slavery seems to have disappeared from England. See Thomas, *The Slave Trade*, 36.

36. Ungerer goes on to suggest that Hakluyt's failure to record the slaving ventures of some of the English merchants he wrote about contributed to the popular belief that there were no slaves in England: "Hakluyt's suppression of the English slave record, whether deliberate or inadvertent, was instrumental in misleading modern historians into believing that keeping black domestic slaves by English men and women at home and abroad was a 17th-century phenomenon." Gustav Ungerer, *The Mediterranean Apprenticeship of British Slavery* (Madrid, 2008), 69.

37. *Ibid.*, 15–63 (English merchants in Andalusia), 91–95 (Portuguese New Christian slaveowners in England).

38. Imtiaz H. Habib, *Black Lives in the English Archives, 1500–1677: Imprints of the Invisible* (Aldershot, U.K., 2008), 115. Habib suggests multiplying this number by ten to "estimate the real value of the symptomatic total number of black people" (116), ending with a number close to nine hundred. This estimation seems to me quite speculative, but nonetheless serves as a reminder that eighty-nine references to blacks in the archives does not mean that there were eighty-nine blacks in Elizabethan England.

39. This episode is discussed in Ungerer, *Mediterranean Apprenticeship*, 94–95, and in Roslyn L. Knutson, "A Caliban in St. Mildred Poultry," *Shakespeare and Cultural Traditions: The Selected Pro-*

demonstrates the tenuous status of slaves in early modern England. It certainly informs us that slaves were not bound by law to serve their masters. However, it also demonstrates that despite the lack of a regulated market, slaves were still bought and sold in England, particularly by those who had been in places where slavery was part of daily life, such as the Portuguese Hector Nunes and the English mariner who presumably acquired the “Ethiopian” in his travels. And while the slave discussed in this court case did seek legal recourse, the vast majority of black Africans sold into service presumably were not aware that English law did not bind them to their “masters.”⁴⁰

While the institution of slavery did not have an official, legislated presence in England as it did in Iberia and other parts of the early modern Mediterranean, the impact of Iberia’s slave trade in sub-Saharan Africa was certainly felt in Elizabethan England. If we read the open warrants with this history in mind—particularly in conjunction with the correspondence found in the Cecil papers discussed above—it seems increasingly plausible that the “blackamoors” discussed in the warrants are indeed being treated as commodities within an uncodified (but nonetheless present) slave economy.

Conclusion

Reading the open warrants in the context of the Iberian slave trade has several important implications for our understanding of developing discourses of race in early modern England. First, these warrants speak to the much-discussed question of the origins of a rhetoric that assumes a connection between blackness and slavery. It is telling, in this context, that the open warrants assume the status of “blackamoors” as objects or commodities. A comparison of the open warrants with the expulsions of vagabonds, Jesuits, and Irishmen discussed above makes this point still clearer. These latter groups are all described as threatening undesirables in proclamations of expulsion; nonetheless, the proclamations treat them as subjects with agency, directly enjoining them to leave the country. The “blackamoors,” by contrast, are consistently described in both the open warrants and the correspondence in the Cecil papers as property, which van Senden may or may not have the right to take. The warrants represent blacks as a uniquely commodifiable subset of the population.

Conversely, it is important to note that van Senden’s license extends *only* to “negars and blackamoors.” If we accept the theory that van Senden planned to sell his charges into slavery, the fact that the warrants specify that those charges must be black is important evidence for a connection between blackness and slavery in the early modern English imaginary. One of the arguments for understanding slavery in

ceedings of the International Shakespeare Association, ed. Testuo Kishi, Roger Pringle, and Stanley Wells (Tokyo, 1994), 116. Unfortunately, the fate of this “Ethiopian” after the court presumably failed to force him into continued servitude is unknown.

40. See, in addition to Ungerer, Imtiaz Habib, who notes, “Black people casually brought in . . . were not legal in the sense that they were not the objects of law but the exceptions of it and irrelevant to it. This anomalous location, where the law cannot identify black people because it does not know how to see them, describes the particular compounded spectrality of black people in the Elizabethan period” (Habib, *Black Lives*, 70).

medieval and early modern Europe as fundamentally different from later New World slave systems is that early modern European slavery was not necessarily color-based.⁴¹ And it is true that in the medieval Mediterranean, slave populations were heterogeneous, containing Slavs, Northern Africans, Turks, Spanish *moriscos*, and Canary Islanders as well as a few black Africans. By the middle of the sixteenth century, though, as scholars such as Deborah Blumenthal have demonstrated, black slaves had become prominent in Spain and Portugal. The fact that the subjects whom van Senden was licensed to “take up” to sell as slaves were defined by their skin color indicates that a similar association was beginning to crystallize in early modern English culture. While a link between blackness and slavery was certainly not as entrenched as it was to become in later plantation systems in the New World, it was still present.

This essay emerged as a response to the significant role that these warrants have played in critical studies of race in early modern English literature and culture. Scholars such as Kim Hall, Ania Loomba, and Karen Newman, among others, did pioneering work to establish the viability of this area of study in the 1980s and 1990s, and referred to the open warrants as they did so. Kim Hall’s article “Reading What Isn’t There” exemplifies the way the warrants have often been read. Her essay enjoins critics to study “other” documents like the open warrants with “the same critical consciousness as we read Shakespeare’s [plays];” doing so, she suggests, will help us to understand Elizabethan cultural assumptions about racial difference.⁴² This approach relies on close readings of brief references to black Africans in the archives in order to attempt the difficult, even paradoxical, project of recovering histories that were largely unrecorded. The number of literary critics cited above who discuss the open warrants are a testament to the significance of such interventions.

The validity of studying these open warrants has been clearly established, and we have learned to read what “isn’t there.” I propose that it is now time to shift focus once again and to broaden our understanding of what *is* there. More concretely, I propose that studies of race in early modern England—and particularly English literature—would benefit from a larger archive that draws on more transnational and interdisciplinary studies. By exploring the specific historical circumstances surrounding these three open warrants in the context of Tudor legal history, for example, we can understand more precisely how they implicate the Elizabethan government in a nascent slave trade. Similarly, moving beyond the borders of England and engaging with Spanish history—that of the sub-Saharan African slave trade in Iberia—can help demonstrate the presence of black slaves in England. Much is unknown and unknowable about the experience of black Africans in Elizabethan England. But if we embrace a more transnational and interdisciplinary approach, we will find that there is a great

41. See, for example, Gary Taylor, who argues, “In 1623 slavery had not yet been stabilized by being color-coded. . . . The use of any reference to slavery as a cue to cast a black actor in a Renaissance play reproduces the characterization of blacks as disempowered accessories.” Taylor, *Buying Whiteness: Race, Culture, and Identity from Columbus to Hip-Hop* (New York, 2003), 146–47.

42. Hall, “Reading What Isn’t There,” 30.

deal more to uncover. Such an approach could allow us to develop a more complete and accurate understanding of the complex history of racial ideologies and of their role in the development of the devastating institution of slavery in the Old and New World alike.

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