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## December 2006 Newsletter

### **From Microscope to the Marriage Contract of Castile's Trastamara Dynasts Isabel and Fernando: Evidence of African Berber and Germanic Cultural Fusion**

By Marsha Robinson

**Abstract:** This paper explores aspects of African diasporas beyond the context of the trans-Atlantic slave trade. The author examines genetic evidence that calls for a syncretic history of Spain. Exploring the fusion of cultural practices with respect to gender and power as found in the fifteenth-century marriage contract between Isabel of Castile and Fernando of Aragon, this paper further analyzes the historiography of the Christian expansion on the peninsula, the Berber legal system that arrived in Iberia with the Islamic conquest, and the Visigothic legal system that dominated in Aragon. The author further examines evidence of cultural fusion of African Berber customs in a Germanic zone, by focusing on the domestic practices and elements of material culture illustrated by the conduct of Isabel I and her brother, Enrique IV, and by analyzing the customs reflected in Isabel and Fernando's marriage contract.

African colonizers transferred feminist values to Iberia and these values are evident in the fifteenth-century marriage contract of Isabel Trastamara, Queen of Castile, and Fernando, King of Aragon and Sicily, as this marriage contract had more in common with Berber practices than it did with the Germanic system undergirding Aragonese law. Africans colonized Iberia in several waves: the Almoravid and Almohad dynasties, the Berber invasion led by Tarik Ibn Ziyad in 711 C.E., the Barca invasion led by Hannibal and contested by Roman general Scipio, and, according to research by Spanish geneticists, waves of migration dating to the desiccation of the Sahara. The Spanish Trastamara dynasty to which Isabel and Fernando belonged arose in an

ancient world trade system encompassing the basin between the Atlas and the Pyrenees mountains wherein matrilineage matters consistently across time, language, religion and regime. While twentieth-century scholars emphasized the Germanic historical contributions in Iberia, reflecting European colonial and racial priorities, results of genetic anthropological comparative studies require historians to revisit Iberian history and account for the African component in the peninsular cultural equation as it occurred, especially with respect to women's roles as reproducers of civilization and humans, even when that evidence contradicts history as some would like it to have happened.

Recent genetic studies of Iberians and Saharan Berbers endorse research trajectories of scholars, inspired by Diop and Bernal, who explore the African diaspora as a narrative greater than the Atlantic slave trade. This broader perspective was recently argued, for example, in 2006 by Gwyn Campbell at the Goa Conference on the African Diaspora in Asia when he proclaimed in the keynote address that “not all Africans came to Asia as slaves; not all slaves were Africans.” There is more to the African presence in world history than what Campbell calls the “victim diaspora” narrative.<sup>1</sup> This latter narrative, one which rightly vivifies the trauma of the Middle Passage and slavery, constrains some scholars to present African diaspora cultures as universally and eternally marginalized and subaltern, whether in India with the Siddhi population or in the United States even though a measurable free African-American population owned property, both real and human. I believe that the “victim diaspora” narrative, when taught exclusively, serves as a self-replicating, ideological repressive structure that feeds a malaise among African diaspora youth. As Paul Tiyambe Zeleza wrote, “the challenge is to build up the

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1. As reported by Ineke van Kessel, “Conference Report: Goa Conference on the African Diaspora in Asia’,” *African Affairs* 105, no. 420 (July 2006): 462.

histories of the other diasporas [intra-African, Indian Ocean and Mediterranean], and to develop comparative methodologies that will yield a more comprehensive and complex picture of the global dimensions of the African diasporas over the last millennia.”<sup>2</sup> I urge additional caution in restricting our research to comparative methodologies lest we generate texts that are unintentionally imbued with a dominant/subordinate or normal/pathological power structure. I believe that the research path plotted by the genetic evidence leads to syncretism at cultural intersections which can greatly enhance our knowledge gained by comparative histories.

This paper is an attempt at syncretic history, exploring the fusion of cultural practices with respect to gender and power as found in the fifteenth-century marriage contract between Isabel of Castile and Fernando of Aragon. As supported by genetic evidence, the Trastamaras’ kingdom was situated on a peninsula that was in some aspects, from prehistoric time to the sixteenth century and continues to be, the northern reach of a coherent cultural and geographical zone, a valley bounded by the Cantabrian, Pyrenees, Alps, Rif, and Atlas mountain ranges. While some historical documents written by Near Eastern or West European patriarchal imperialists over the centuries suggest absolute cultural conquest of the zone, the marriage contract of Isabel and Fernando reveals that some forms of Western male dominance never reached deeply enough in the Berber/Iberian Atlantic world to extinguish the matrifocal gender

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2. Paul Tiyambe Zeleza, “Rewriting the African Diaspora: Beyond the Black Atlantic,” *African Affairs* 104, no. 414 (January 2005): 44. While Zeleza does mention the Moorish occupation of Iberia, he passes on this empowered historical moment to remain in the conceptual diaspora world that features Africans as universally subordinated slaves.

system that predated it.

In this essay, I review the genetic evidence that calls for a syncretic history of Spain. Then I review some of the historiography of the Christian expansion on the peninsula. This is followed by a presentation of the Berber legal system that arrived in Iberia with the Islamic conquest and the Visigothic legal system which dominated in Aragon. Finally, I examine evidence of cultural fusion of African Berber customs in a Germanic zone, by visiting the domestic practices of Isabel I and her brother, Enrique IV, and by analyzing Isabel and Fernando's marriage contract.

### ***Approaching Cultural Fusion: From Microscope to Microhistory***

Power, dominance and nationalism are frequently common factors in historical investigations of cultural contact zones and these discussions lend themselves to contests between imperial narratives. However, hard scientific evidence now emerges from the European side of this zone and the results will force historians to adjust the weight accorded to imperial narratives in our interpretations of events at the Strait of Gibraltar. Where primary texts written by Arabs and Europeans claim the title to history, primordial genetic evidence has given voice to a different story.

According to the genetic analyses of such scientists, southern Europe was initially colonized by Saharan and sub-Saharan Africans. In 2001, geneticists Gerard Lucotte, Nathalie Gerard, and Geraldine Mercier released a study of "Berber haplotype" 5 in a patrilineal y-chromosome flow, having sampled four hundred eighty-seven persons (roughly 15% Berber/Marrakech, 20% French and Spanish Basques, 15% Catalonian, 28% Northern and Southern Portuguese, and 15% Andalusian/Seville). These researchers agreed with the findings of other genetic studies that genetic material flowed from the south to the north at the Strait of

Gibraltar from paleolithic times forward.

It seems that the significance of the detected genetic links between North Africa and Iberia reflect both an ancient common substratum and, to a lower degree, possible contacts between Christians and North African Muslims (711-1492 AD) in Iberia, who had basically a Berber genetic substratum.<sup>3</sup>

Some eastern hegemonic discourses, promoted by Western Europeans and Near Easterners, purport an essentially Arab culture dominated North Africa beginning in the seventh century, but there is little support from genetic confluence studies. "Possibly, only aristocrats and army high officers living in North Africa by the eighth century came from the east. . . . Indeed, the present study confirms that . . . the gene flow from seventh century AD newcomers from the Arabian peninsula was low in North Africa."<sup>4</sup> The findings of Arnaiz-Villena, Gomez-Casado, and Martinez-Laso go even further. Some of their conclusions are:

- "There is no HLA genetic trace of the so called Aryan invasion."
- "Iberians, including Basques, are related to North-African Berbers."
- "Greeks share an important part of their genetic pool with sub-Saharan Africans (Ethiopians and West Africans)" dating to 5000 BC and the dispersal of Saharan populations during the early desiccation era.<sup>5</sup>

If further scientific studies affirm these findings, that the original inhabitants of southwestern Europe were from Africa and that the infusion of Asian genetic material has not in two

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3. Gerard Lucotte, Nathalie Gerard, and Geraldine Mercier, "North African Genes in Iberia Studied by Y-Chromosome DNA Haplotype 5" *Human Immunology* 62, no. 9 (September 2001): 887.

4. E. Gomez-Casado, et al., "HLA Genes in Arabic-Speaking Moroccans: Close Relatedness to Berbers and Iberians," *Tissue Antigens* 55, no. 3 (March 2000): 247.

5. A. Arnaiz-Villena, E. Gomez-Casado, and J. Martinez-Laso, "Population Genetic Relationships Between Mediterranean Populations Determined by HLA Allele Distribution and a Historic Perspective," *Tissue Antigens* 60, no. 2 (August 1, 2002):111-121.

or three millennia replaced the original stock, then historians might have to include African cultural patterns in their analyses of Western European civilization. Of course, culture is not genetically encoded. However, the arrival of a new governing population or colonial culture does not guarantee an eradication of the indigenous culture.

Such microscopic evidence ultimately calls into question transnational Western narratives based upon racial identities. For many U.S. scholars, Americans are former colonial subjects who walk a peculiar, jealous path of identity with Britishness as the definition of whiteness and power in our post-segregation culture. To that end, some scholars explore the history of white people as if all Europeans were universally empowered people worldwide. Some might unintentionally impose this carefully defined historical sub-field upon what ought to be an inclusive field called “transnational” history, reducing it to a comparative history of the impact of an imperial culture in several locations while looking for consistencies, variations and perhaps evidence of cultural potency to reaffirm the colonial project. Examples of this include David Cannadine’s *Ornamentalism* and Kathleen Wilson’s *Island Race*.<sup>6</sup> Such a construct privileges British culture in each location so that people, now colonial subjects, can ultimately be dismissed by scholars as if the colony was devoid of any other humans. This is possible when one concentrates on economics and the politics that protect the colonizers’ markets in which case colonized people are only vague labor automatons. In order to be historical subjects, then, white descendants of colonial subjects must stress their Britishness or metropolitan-ness in order to exist and not be consigned to the void of economics reserved in these models for persons of

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6. David Cannadine, *Ornamentalism: How the British Saw Their Empire* (London: Allan Lane, 2001); Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London: Routledge, 2003).

color.

Women's history offers discourses that restore many colonized peoples, regardless of their genetic relationship to the metropole, by recognizing their human status and agency, allowing as a consequence the consideration of historic trends as processes negotiated by individual people. For Chandra Mohanty, women's history "explain[s] the connectors and border crossings better" so that one can "theorize universal concerns more fully." A transnational history of women will "position historical narratives of experience in relation to each other . . . as both historical and simultaneously singular and collective."<sup>7</sup> Mohanty's challenge calls for a reversal of direction in the writing of women's history by de-centering the metropole that has long dominated historiography. This reversal cannot be done without attention to difference in the form of cultural contexts: the history of each population prior to its entry into the intersection under study. This seems to be the type of history needed to answer the challenges raised by the aforementioned genetic studies. Restored people often have stories but frequently lack audiences.

Language and the meaning of words is one such context that transnational women's historians must address. Formulating a "transnational" women's history involves dealing with issues of terminology, among them "modern," modernism, and modernization. Valentine M. Moghadam lauds "the efforts of believing women of the monotheistic faiths" who seek to "modernize religious thought."<sup>8</sup> Modernizing should be a commonly understood concept, but it

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7. Chandra Talpade Mohanty, "Under Western Eyes' Revisited: Feminist Solidarity through Anticapitalist Struggles," *Signs* 28, no 2 (2003): 499-535.

8. Valentine M. Moghadam, "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate," *Signs* 27, no. 4 (2002): 1135-1171.



is not. For Western scholars, one definition of the project of modernity is a continuation of the Western Enlightenment. However, for speakers of Arabic, modern, the word, can translate into the word “hudath” which points to the latest fad or to the sudden appearance of a thing, a meaning that has no immediate connection to the European Enlightenment. Such differences of terminology cause incomplete communication and may lead to confusion when scholars work at the transnational level. Frustrated, some may retreat to conceptual comfort zones within their national borders. It can be very difficult for scholars to enter the historical intersections that genetic studies have identified. How can one have a transnational history when one can not even speak to another across the border?

Elizabeth Thompson argues that one can achieve “the reality of transnational historical experiences” if one foregoes “a purely local focus.”<sup>9</sup> I would argue further that transnational histories that diminish the artificiality of national borders and are democratically centered, meaning they are truly focused on ordinary people, are necessary and cannot be comprehended as long as transnational histories support polar positions and attendant constructions of power embedded within comparative national histories. In drawing the connections necessary to write the “reality of transnational histories” we must proceed from the ground, from the road, from the trade network up. We need to write the history of ordinary people and especially of women in regions, trading networks, and diasporic contexts. Conceptualizing a collective historical experience across borders is a tempting challenge but daunting, for one must be versed in disparate national histories of each region. By removing the nation-state and the colonizer-colonized framework, one can be free to see the cultural fusions that occur in regions that are

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9. Elizabeth Thompson, “*Public and Private in Middle Eastern Women’s History.*” *Journal of Women’s History* 15, no. 1 (May 8, 2003): 59.

sites of multiple colonizations. Transnational history becomes intersection history and intersection history reveals syncretic history to those who wish to see it.

### *Surmounting National Biases*

In order to read the marriage contract of Isabel and Fernando as evidence of African matrifocal values manifested north of the Strait of Gibraltar, we must trek through Reconquista hagiography into Iberian history because on the Iberian side of the Strait, the political narrative trumps gender history. Reconquest narratives speak of the righteous expansion of Christian Spain in the saga of “Eternal Spain,” to use Claudio Sanchez-Albornoz’s term.<sup>10</sup> This is a centuries-old school of history, according to J.N. Hillgarth, with origins in theocratic texts written by people like of Isidor of Seville (d. 636 C.E.). According to Isidor, God selected the Goths to succeed Rome because the Goths were superior to the Romano-Germans and the Byzantines. Some Iberian Christians (Mozarabs) had so accepted the Arab conquest that, like Eulogius of Cordoba (810-859 C.E.), their teleology convinced them that the Arab conquest of the Goths was divinely ordained. Luis A. Garcia Moreno suggests that these Mozarabs preferred a subordinate status within the culturally sophisticated Muslim society rather than follow the “Prophetic Chronicle” of 883-884 C.E. which named the relatively rough Asturians of northern Iberia as the best hope of restoring Gothic sovereignty.<sup>11</sup>

Not all scholars anchored their narratives in the Goths, however. Hillgarth saw a pre-Roman national identity whereas Garcia Moreno saw a Hispano-Gothic identity. Pedro Lopez

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10. J.N. Hillgarth, “Spanish Historiography and Iberian Reality,” *History and Theory* 24, no. 1 (February 1985): 23-43.

11. Luis A. Garcia Moreno, “Spanish Gothic Consciousness among the Mozarabs in al-Andalus (VIIth-Xth Centuries),” in *The Visigoth: Studies in Culture and Society*, ed. Alberto Ferreiro, (Leiden: Brill, 1999), 306, 314-315, 317.

de Ayala was not interested in Gothic influence during the fourteenth century. Memories of Asturians, led by Pelayo, who resisted invaders, had more currency. According to Hillgarth, the song of the Gothic descent of Castilian kings was championed by the Santa Maria family (converted Jews) and Soliman Halevi in the fifteenth century. By the seventeenth century, Don Francesco de Quevedo argued that Spain's explorers were "transporting the Goths to the unknown edge of the globe." Hillgarth concluded that the Eternal Spain and Gothic myths fed a need to present Spain as a unified, Gothic kingdom and not as a former client of Asian Muslims. Such assertions, according to Hillgarth, materially biased Spanish history by denying two of its three cultures. "Meanwhile, Spain, which had rested on the support of three religions, was thrown out of balance by the removal or denial of two out of these three."<sup>12</sup> The Berber/African element factored not at all.

Another theory made more sense to Hillgarth: the *convivencia* narrative of Américo Castro, who in 1948 asserted that Spanish history and culture are the byproducts of "the combative but often also productive tension between these groups" of Muslims and Christians.<sup>13</sup> Hillgarth follows this "Copernican revolution in Spanish history," which was enhanced by the contact theory analysis of Thomas F. Glick and Oriol Pi-Sunyen. They criticize "Eternal Spain" because it "confused race with culture" as it emphasized "Seneca, the Numantines, the Visigothic King Roderick, and even the Caliphs of Cordoba, who are descended from the Goths through their maternal lines." They argue that the Visigothic state was "a brittle society in which Gothic and Hispano-Roman components had been imperfectly and uncomfortably wedded."

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12. Hillgarth, 27-30, 26, 32.

13. *Ibid.*, 33.

Had the Goths been as strong as reputed in that historiography they should have been able to hold onto more territory than the northern mountains.<sup>14</sup> In refuting the argument of Isidore and others, they stress that the Visigoths were no more Spanish than the Franks were French and that Muslim Spain was only an imagined nation. “Al-Andalus was a nation as oriental as Egypt or the Maghrib, and it no longer exists.”<sup>15</sup> Another mistake in the Gothic myth is that it privileges Castile and silences the rest of Iberia. “From a Catalan, Aragonese, Valencian, or Portuguese point of view this century [1369-1479] saw rather a struggle by Castile to impose its hegemony on the rest of the Iberian peninsula . . . .”<sup>16</sup>

Robert I. Burns, who spent much of his career researching Valencia and Catalonia, went further to discount division between Muslims and Christians in the thirteenth century. “They mixed together in a sort of rough acceptance of each other, . . . many of their folkways and externals of life were the same, and . . . the warfare had often enough been productive of a certain mutual respect and even at times of admiration.” Further, he claimed, “a Christian Moor would be no safer in time of rioting than was his Moslem brother.” There was over the centuries “a considerable amount of fraternization and mixing. Even to designate them as separate peoples, in a scientific sense, is inaccurate.”<sup>17</sup> He did not add the sanctity of marriage to this race mixing. He seemed to attribute this mixing to “frontier psychology” and “freedom of the

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14. Thomas F. Glick and Oriol Pi-Sunyer, “Acculturation as an Explanatory Concept in Spanish History,” *Comparative Studies in Society and History* (1969): 144, 142.

15. *Ibid.*, 146.

16. Hillgarth, 36.

17. Fr. Robert I. Burns, S.J., “Social Riots on the Christian-Moslem Frontier (Thirteenth-Century Valencia),” in Robert Burns *Moors and Crusaders in Mediterranean Spain: Collected Studies*, ed. (London: Variorum Reprints, 1978), 381, 380.

frontier” which feeds into the culture contact work of Glick and Pi-Sunyen. By demonstrating the futility of using phenotypical features as a marker of ethnicity, Burns’ work is foundational to their cultural transfer argument. Glick and Pi-Sunyen stressed the coexistence of Christian, Muslim and Jewish cultures and argued for a modification, an improvement even, of Christian culture by

non-formal absorption of Islamic traits. . . through the agency of Arabized Mozarabs moving northwards, especially during “the Taifa periods (1031-81/1145-70) which were characterized by free passage of cultural influence in both directions and a general prevalence of tolerance, which contrasted sharply with the rigid intolerance of the Berber dynasts.<sup>18</sup>

How might the inclusion of gender as an axis change these imperial narratives? Nada Mourtada-Sabbah and Adrian Gully addressed this question in their review of women’s role in Andalusia as seen in Spanish historiography.

A plausible *a priori* argument to our thesis is that if the women . . . helped to shape the course of Andalusian political history it must have had something to do with the more liberal role given to women in accordance with Christian customs in Islamic Spain. But it is clear that one’s interpretation of this issue will be influenced to a certain degree by one’s own perception of historiography; in particular, the extent to which one wishes to acknowledge the impact made by the Muslim conquest of Spain. . . . Spanish historians have been inclined to focus on the continuity between Islamic Spain and the pre-Islamic past, asserting that Hispano-Muslim civilization was but a ‘phase’, or even a parenthesis, an ephemeral episode in their national history that added no specific character to the Peninsula by virtue of the conquerors’ customs and their import or input. . . . Other historians have adopted quite a different line of thought, however, [that Islam was] . . . imported by the conqueror [and] prevailed after the conquest.<sup>19</sup>

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18. Glick and Pi-Sunyer, “Acculturation as an Explanatory Concept in Spanish History,” *Comparative Studies in Society and History* (1969): 142, 143.

19. Nada Mourtada-Sabbah and Adrian Gully, “‘I am, by God, Fit for High Positions’: on the Political Role of Women in al-Andalus,” *British Journal of Middle Eastern Studies* 30, no. 2 (November 2003): 185. Other scholars have studied indigenous and imported gender systems in the Near East. Marcia K. Hermansen and Ketayun H. Gould have chapters on female heroes in the Islamic tradition and on women in Zoroastrianism respectively in Arvind Sharma, ed., *Religion and Women*, (Albany: State University of

While Mourtada-Sabbah and Gully are correct in their argument that one cannot attribute the “greater level of emancipation allegedly enjoyed by Andalusian women over their counterparts in the Eastern part of the Muslim world” strictly to the influence of Iberian Christians,<sup>20</sup> these scholars do fall into another conceptual trap of essentializing an east-west dichotomy from the Hellenistic era, one which makes “Mozarab” and “Arabized Berbers” binary population categories. The influence of those Berbers who preferred matrilineal and matrifocal social structures to the patriarchy and purdah imported from the East remains under-examined.

### ***Some Berber/Iberian Cultural Influence on Iberian Legal Codes***

Matrilineage mattered among many Maghribi Berbers, although it was not always recognized as such by outside observers. According to Amal R. Vinogradov, women’s “access to resources was by virtue of their being mothers, wives and daughters of the men.” So it would appear to an observer from a patriarchal ontology. Vinogradov also noted that “under certain circumstances, though, they could constitute a sort of ‘carrier’ of tribal rights, and could serve as links to perpetuate the patrilineal family in the absence of males.” Vinogradov described the *amhars* marriage form in which a man from outside the clan contracted to a patron for a time period, two to six years or so, and married the daughter or niece of the patron. Any children born to the union inherited from the patron, via the mother and belonged to her. The client-husband could not take another wife during the time period. If he died during the contracted period, his goods remitted to the patron. When the contract was over, the man could leave, but

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New York Press, 1994). See also Camille Adams Helminski’s introduction to *Women of Sufism: a Hidden Treasure, Writings and Stories of Mystic Poets, Scholars and Saints* (Boston: Shambhala, 2003).

20. Mourtada-Sabbah and Gully, 201.

the wife and children stayed with her family. If he chose to stay, he could be adopted into the family and become a free man, entitled to a portion of land, the right to bear arms and the obligation to fight in wars. He could also join the *jumaa*, the communal decision making body.<sup>21</sup> All of this he acquired through the wife. In these cases, maternal lineage and matri-location were everything: the channel of inheritance, the acquisition of land use, and even the basis for citizenship rights.

Robert Murphy's study of the social structure and performance of gender among a subset of Berbers known as the Tuaregs is striking for what it reveals about Western society. In his model of Islamic society, the Bedouin of northern Arabia are the orthodox standard and the Tuareg are the heterodox exception, meaning patrilineal descent is the rule and children belong to the father upon divorce. Murphy looked for a matrilineal descent rule with exogamic marriage but instead he found bilateral descent with public office "pass[ing] through the male sibling group and then to the eldest son of the eldest sister."<sup>22</sup> Murphy also assumed the norm for Muslim women to be "the Near Eastern purdah" with its presupposed seclusion, polygyny and silencing of women's voices. Tuareg women unsettled Murphy. He did not understand these women who *could* and *did* demand monogamy, who reneged social intercourse restrictions designed to assure chastity and fidelity, and who enforced with ease the Koranic prescription that women have the right to initiate divorce. Furthermore, Murphy struggled to understand the relationship of male power and male veiling. When in the presence of his wife's parents, "the

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21. Amal R. Vinogradov, "The Socio-Political Organization of a Berber 'Taraf Tribe: Pre-Protectorate Morocco," in Ernest Gellner and Charles Michaud, ed. *Arabs and Berbers: From Tribe to Nation in North Africa* (Lexington, MA: Lexington Books, 1972), 73.

22. Robert F. Murphy, "Social Distance and the Veil," *American Anthropologist* n.s., 66, no. 6, pt. 1, (December 1964): 1270, 1262.

son-in-law is careful to adjust the veil so that only a very narrow aperture is left open, and the eyes are hooded and left in shadow” which he correctly interpreted as “his symbolic withdrawal from the threatening situation vis-a-vis the superordinate” but perhaps incorrectly modified as “Ego . . . furthering the maintenance of his self image” because the same decorum applied during formal courtship to his prospective wife.<sup>23</sup> In sum,

one of their most obvious points of heterodoxy is in the treatment of their women. The Tuareg woman enjoys privileges unknown to her sex in most Moslem societies. She is not kept in seclusion nor is she diffident about expressing her opinions publicly, though positions of formal leadership are in the hands of the men. Frequently beautiful and commonly mercurial in temperament, she places little value upon pre-marital chastity, proudly defends the institution of monogamy after marriage, maintains the right to continue to see her male friends, and secures a divorce merely by demanding it — and she is allowed to keep the children.<sup>24</sup>

Susan Rasmussen’s later study of the Kel Ewey A’r Tuareg sheds light on Murphy’s quandary. Rasmussen found that a groom had to make “bridewealth payments, contribute to his parents-in-law’s granary, and ‘please’ his mother-in-law during the married couple’s initial two- or three-year period of matrilineal residence.” Only when the mother-in-law was satisfied would she declare the marriage to be firm. Rasmussen confirmed that women practiced their Koranic right to inherit property and initiate divorce. Upon divorce the woman kept the bridewealth

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23. Ibid., 1268.

24. Murphy, “Social Distance,” 1262. Murphy’s astonishment is not singular. In the 1950s, Peter Fuchs and two fellow Germans spent an extended time with a Tuareg clan in Algeria. He noted, “the woman is the mistress of the tent and in every respect her husband’s equal: in fact, if anything, the advantage is with the woman, for example, a child’s rank and standing is always that of his mother, his father’s position being relatively unimportant. Again the child does not inherit from his father but from his mother’s brother, that is, from his maternal uncle, who has considerable say in all matters concerning the child.” Peter Fuchs, *The Land of Veiled Men* (New York: the Citadel Press, 1956), 45.



because “it is considered ingracious in a man to take it back.”<sup>25</sup> With this information, it becomes clearer that the Tuareg son-in-law deferred to the authority of his wife’s mother in order to show that he was no threat to the safety and happiness of his bride. If, in Murphy’s study, there were any threats to the ego and self image, it was perhaps the Western male self-definition that was challenged. Rasmussen’s findings are supported by a comparison of the performance of gender by urban and rural Moroccans conducted by Vanessa Maher. Among rural women, “I am told it is common for women to marry six times, and some even fifteen.” Maher’s field work was conducted in a rural town where a woman told her that “girls don’t like marriage” and a man told her “people divorce because a girl’s parents welcome her home instead of making her stay with their husband.”<sup>26</sup> The practice of seclusion, Maher found, was valued in urban areas. Initially one might assume that this difference in value was a sign of prestige, of absence of manual agricultural work. Maher came to a different conclusion.

First, put crudely, marriage is less important and more unstable when men and women inherit mainly land, and more important and more stable when they inherit saleable capital. This distinction is especially significant in the case of women. Secondly, if men and women inherit land, and again the form of the women’s inheritance is crucial, they are likely to retain reciprocal property rights, and therefore service obligations, with their kin, which are incompatible with a primary allegiance to the conjugal unit.<sup>27</sup>

The relationship of women’s marriage rights to the amount of real property they stood to inherit also holds in the Iberian frontier between Castile and Granada, a border region about

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25. Susan J. Rasmussen, “Lack of Prayer: Ritual Restrictions, Social Experience and the Anthropology of Menstruation among the Tuareg,” *American Ethnologist* 18, no. 4 (November 1991): 752-753, 762.

26. Vanessa Maher, “Divorce and Property in the Middle Atlas of Morocco,” *Man*, n.s., 9, no. 1 (March 1974): 107, 111.

27. Maher, 104.

which historians are divided on the issue between Europeanists and Arabists, champions of the plight of Christians (especially Catholics) or of Muslims. A school has been developing which argues for syncretism. Most of what became the great nation of Castile had been Muslim possessions before they became a frontier zone known as the Spanish March or the *extremadura*. Borders shifted over the centuries. Heath Dillard described the colonization agenda of Castilian Christian settlements. No valley was settled until women moved there because bachelors did not make a settlement permanent. Mothers, who were loathe to move children and household, did. This reality led to a matrifocal settlement policy in the *extremadura* by the eleventh century. Mothers had as much input into the decisions about daughters' marriages as did fathers to ensure that both bloodlines of the bride consented to the marriage and the property reallocation that accompanied the union. By the twelfth century, fines were assessed against widowed parents who failed to secure consent from the deceased parent's lineage for the marriage. "This custom attributed more clout to the bride's mother than under the more patriarchal Visigothic system that prevailed in Leon," in which there was bilateral inheritance but patriarchal authority.<sup>28</sup> A bride from an early settler family stood to inherit considerable property and was also a member of one of the founding families of the town. Land and access to power were attractive assets to lately arrived bachelors. Such assets were also not transferable to new locations. Hence, it was in the best interest of the groom to remain with the bride's family. By the thirteenth century, the value of these brides had risen to the point that a Castilian groom pledged bridewealth of as much as one half of his assets, whereas his Leonese counterpart followed the Visigothic custom

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28. Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300*, Cambridge Iberian and Latin American Studies Series (Cambridge: Cambridge University Press, 1984), 42, 26.

of proffering only one tenth.<sup>29</sup>

Dillard placed the legal bases of these developments squarely on the Visigothic and canon law of the fourth through seventh centuries and on the eleventh century *Liber Ordinum*. That leaves unaccounted for over three hundred years of legal development, including Islamic jurisprudence and Berber customs which do account for the nebulous “Castilian customs” that Dillard can not trace to these European systems, the introduction of which did not occur until Castile acquired land that had been part of Andalusia. What is especially telling is that European systems did not change in the regions that never entered Andalusia’s borders. Hillgarth noted that the Iberian peninsula should not be assumed to be a single cultural entity. The northern Christian states of Asturias, Navarre, Aragon, etc. were allied with the Franks just as they had long been occupied by Celts, whereas the southern portion had been inhabited by Iberians who had contact with North Africa all the way back to the Stone Age. “The Islamic conquest of the south reinforced its links with Africa and separated it from Europe . . . .”<sup>30</sup> For example, in the thirteenth century it was illegal to enter into bribery to sway a marriage contract.<sup>31</sup> This was also illegal in the Islamic Maliki legal system used by the Berber conquerors of Iberia. Furthermore, while the Visigothic Code required matrilineal approval of a marriage, uxorial residence resonates with the Tuareg custom of the young couple living with the bride’s mother until the mother pronounces the marriage solid - even if took two years or more of residence to satisfy her. Furthermore, men who married *extremadura* women had “unique opportunities for

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29. Ibid., 49.

30. J.N. Hillgarth, *The Spanish Kingdoms 1250-1516* (Oxford: Clarendon, 1976), 1:3-4.

31. Dillard, 46.

leadership in the military and public arena.”<sup>32</sup> Where Dillard saw this as an affirmation of male privilege, I see it as further evidence of the *amhars* marriage to Berber women in which the husband had no standing in the community except that which he acquired by serving the bride’s family. The frontier bride awarded political legitimacy to her groom.

Alfonso X (the Wise) undertook the formal codification of this legal synthesis in Castile. The document is the *Siete Partidas*, which is a peculiar fusion of the legal codes, raising the power of the Catholic Church, formalizing patriarchy from the Germanic systems, and guaranteeing some of the rights of women and slaves from the Berber Islamic system. Samuel Parsons Scott, in the introduction to his translation of the legal code, listed the contributing systems as Roman law, canon law, maritime law and native law.<sup>33</sup> What was native law? He excluded two very important realities of Spanish history: the Germanic and the Islamic contributions. For example, he discussed the selection of the term matrimony as opposed to patrimony. Matrimony meant “in Castilian, the duty of a mother.” Men begat but women did all the work and suffered the pain thereafter.<sup>34</sup> Therefore, he concluded, the institution belongs to women. Meanwhile, primogeniture with respect to royal succession was instituted so that the first eldest male, then the eldest female, inherited the throne when no son existed.<sup>35</sup> This was not the case in Aragon where women were not allowed to rule directly. In Castile, men were allowed to use their wives’ property but a wife still had access to it and the right to sue her

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32. Ibid., 68.

33. *Las Siete Partidas*, trans. Samuel Parsons Scott (Chicago: Commerce Clearing House, Inc, 1931), liv.

34. *Las Siete Partidas*, 886, Part IV, Title II, Law II.

35. *Las Siete Partidas*, 367, Part II, Title XV, Law II.

husband to conserve her property.<sup>36</sup> If a woman had interests in property which her husband wished to sell, the transaction was not valid until the wife had signed off her interests in a formal document.<sup>37</sup>

### ***Some Berber Cultural Influence on Trastamara Family Values***

The fusion of Castilian and Andalusian cultures was also reflected in the personal habits of the last Trastamara rulers, Isabel I and her brother, Enrique IV. Isabel was exposed to Moroccan cultural practices when, as a princess, she resided at Enrique's court. Enrique IV's Moroccan cultural identification was fairly obvious to his contemporaries. An eyewitness wrote "he eats, drinks, and clothes himself in the Moorish fashion."<sup>38</sup> Even his personal guard consisted of hand-picked Moroccans.<sup>39</sup> Townsend Miller is one of the scholars who Orientalized Enrique's fondness for things Moorish in a rebellious and ethnocentric hue. "Jews, Negroes, Moslems – Henry warmed to outcasts of any sort." Miller referenced the eyewitness account of Tetzal, a foreign visitor to the court, who labeled the king as a man who prayed in the Muslim style. Miller could not explain the king's preference to wear "moth-eaten rags" instead of

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36. *Las Siete Partidas*, 538, Part III, Title II, Law V. This law probably derived from Visigothic or Salic practices under which her property was not held in common with her husband while her "husband administered his wife's property even through he could not dispose of it without the consent of his wife or her relatives." *The Laws of the Salian Franks* trans. and introduction by Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 43.

37. *Las Siete Partidas*, 720, Part III, Title XVIII, Law LVIII.

38. Ierne L. Plunket, *Isabel of Castile and the Making of the Spanish Nation, 1451-1504* (New York: G. P. Putnam's Sons, 1919), 160; Townsend Miller, *Henry IV of Castile 1425-1474* (Philadelphia: J. B. Lippincott Co., 1972), 80.

39. Plunket, 159.

clothing more befitting a monarch.<sup>40</sup> Such clothing may indicate that Enrique was a subscriber to Sufism, which often advocates asceticism in pursuit of spiritual growth. This would also explain Enrique's reluctance to attack Granada. Miguel Angel Ladero Quesada is one of the few scholars to argue that Isabel, like her brother Enrique, was bi-cultural. She and her ladies-in-waiting wore Moorish fashions at home, including stockings and burnouses (Moroccan cloaks with large, oversized hoods worn by both genders). Unlike Enrique, Isabel sported these garments trimmed in *tiraz* (trims featuring Arabic letters woven in gold thread). In court she wore European-style dresses.<sup>41</sup>

Isabel was an abnormal Renaissance European queen because she actually ruled. Elizabeth A. Leffeldt comments upon the "ambiguous and limited tradition of female monarchical rule in the peninsula: most had acted as regents and many were a dim memory at best" because "European consensus on the question of female rule was to avoid it whenever possible. Women were fickle . . . and weak. Women lacked such qualities as reason, courage, and strength that were so desirous in a monarch."<sup>42</sup> However, there was a legal tradition that may have been unique to Castile, that of the *senor/a natural*. This ruler, whether local or monarch, was one

who, by inherent nature of superior qualities, goodness, and virtue, and by birth of superior station, attains power legitimately and exercises dominion over all within

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40. Miller, *Henry IV of Castile*, 17, 80-81, 100.

41. Miguel Angel Ladero Quesada, "Isabel and the Moors," in ed. David A. Boruchoff, *Isabel, La Católica. Queen of Castille: Critical Essays* (New York: Palgrave MacMillan, 2003).

42. Elizabeth A. Leffeldt, "Ruling Sexuality: the Political Legitimacy of Isabel of Castile," *Renaissance Quarterly* 53, no. 1 (Spring 2000): 33. Leffeldt is concerned about Isabel performing her sexually appropriate social role in being obedient to Fernando. She does not include the terms of the marriage contract.

his lands justly and in accord with divine, natural, and human law and reason, being universally accepted, recognized and obeyed by his vassals and subjects and acknowledged by other lords and their peoples as one who rightfully possesses his office and rightfully wields authority within his territory.<sup>43</sup>

Isabel used Alfonso X's legal code and she applied Berber matrifocal standards to her marriage contract with Fernando of Aragon while rejecting Salic customs. Although in Aragon, only male children inherited the throne, Isabel was the fourth female to rule Castile. There is no question that the following terms of marriage proposed by Isabel are matrifocal. This marriage contract specified that:

- “he would live permanently in Castile,”
- he “would ask Isabel’s permission before leaving the kingdom,”
- he needed her permission to take the children out of the kingdom,
- he had “to agree to leave the crown’s property intact, to wage no wars through conspiracies,”
- “he could not “reclaim any Castilian lands once owned by his father King Juan,”
- “he could not ‘make any ecclesiastic appointments,”
- he could not “make any municipal or civil appointments without Isabel’s consent.”<sup>44</sup>

Without a doubt, Isabel and Fernando had an *amhars* marriage contract. Fernando’s function was to be Isabel’s consort, her military defender, and to obey Isabel’s brother Enrique, who was still on the Castilian throne. In addition, he had to pay a bridewealth that was “far more generous than was usually given Aragonese queens for their dowries. It was to include a rich parcel of Aragonese and Sicilian towns and 100,000 gold florins” to be paid four months after

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43. Robert S. Chamberlain, “The Concept of the Senor Natural as Revealed by Castilian Law and Administrative Documents,” *Hispanic American Historical Review* 19, no. 2 (May 1939): 130-137. This term was used in the thirteenth century by Alfonso the Wise. According to Chamberlain’s 1939 exploration of this term, “a tyrant is the direct opposite of a *senor natural*” and can be removed from office but an emperor must recognize a king as the *senor natural* of his kingdom over which the emperor also claims authority.

44. Nancy Rubin, *Isabella of Castile: the First Renaissance Queen* (New York: St. Martin’s Press, 1991), 52, 93.

the marriage took place. The initial bridewealth consisted of “20,000 gold florins and a magnificent ruby and pearl necklace once owned by his mother and valued at 40,000 ducats” to be transferred to her possession once Isabel freed herself from Enrique’s supervision.<sup>45</sup> “Her marriage contract with Fernando unequivocally affirmed the supremacy of her rights over his in Castile.”<sup>46</sup> This contract reflected suspicion that Fernando might be more loyal to Aragon and Sicily than to Castile and might resort to using this marriage to subsume Castile into his own royal domain.<sup>47</sup>

### ***Conclusion***

Geneticists have provided hard evidence of suspected and over-looked African cultural influence in Castile. From a Berber perspective, Fernando became a client of the Trastamara family. He paid for the privilege of marrying into the family and owed allegiance to the eldest male, Isabel’s brother. It was matrifocal in that the children stayed with Isabel unless she gave permission otherwise. Rubin attributed this to the relative greatness of Castile’s wealth and power compared to Aragon. One such standard was that “a man under matrilineal rule has no control over ‘his’ children . . . . the young male learns that the man who is his mother’s sex partner does not have authority or control over her.”<sup>48</sup> It was matriarchal in that he had no political power without her consent. He was also her military defender. Peggy K. Liss noted

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45. Rubin, *Isabella of Castile*, 70.

46. Rubin, *Isabella of Castile*, 129.

47. Plunket, *Isabel of Castile*, 79.

48. It is also possible that Carrillo, Isabel’s advisor, thought he was putting a puppet on the throne. See Maria-Barbara Watson-Franke, “A World in Which Women Move Freely without Fear of Men: an Anthropological Perspective on Rape,” *Women’s Studies International Forum* 25, no. 6 (November-December 2002): 599-606.



that Isabel was “legally queen regnant in Castile, and Fernando only king consort.” Sensitive to the patriarchal culture of Aragon, Liss argues that Isabel “promoted the myth that they constituted a single royal entity ever after.”<sup>49</sup> Alison Caplan contends that this was more than myth, citing the 1475 Accord of Segovia in which “Isabel nullified all of the legal strictures on Fernando’s power by extending to him the right of proxy when the two were apart.”<sup>50</sup> Regardless of the later modifications to Fernando’s consort or *amhars* status, the initial power relations in his marriage to Isabel Trastamara were neither Salic, nor Merovingian, nor Frankish. The closest model in this time period that matched the gendered power issues in Isabel’s and Fernando’s marriage contract was the indigenous, Berber model developed in North Africa and practiced along the Andalusí-Castilian frontier.

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49. Peggy K. Liss, “Isabel, Myth and History,” ed., David A. Boruchoff, *Isabel, La Catolica: Queen of Castile: Critical Essays* (New York: Palgrave MacMillan, 2003), 60.

50. Alison Caplan, “The World of Isabel la Catolica,” ed. David A Boruchoff, *Isabel, La Catolica.: Queen of Castille: Critical Essays* (New York: Palgrave MacMillan, 2003), 31.