‘Her good service’: A Comparative Study of Sexual Labour in Sixteenth Century Lyon, Seville and Mexico City

Clare Burgess
University College
University of Oxford
Candidate Number: 1050134

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Table of Contents

Acknowledgements 3

Abbreviations 4

Introduction 5

Chapter 1: 'Filles communes publicques': Municipal Brothels, the Counter-Reformation and the End of State-sanctioned Prostitution 49

Chapter 2: Rameras, cantoneras y mujeres de mal vivir: Extralegal Prostitution over the Long Sixteenth Century 94

Chapter 3: 'Como si fueran marido y muger': Cohabitation, Master-Servant Relationships and Transactional Sex 135

Chapter 4: 'Subornée, cogneue, et engroissée': Sexual Violence, Unfree Labour and Issues of Consent 177

Conclusion 215

Appendix 1: Timelines 224

Appendix 2: Glossary 245

Appendix 3: Maps 250

Bibliography 251

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Abbreviations

ADPS – Archivo Diputación Provincial de Sevilla

ADR – Archives Départementales de Rhône

AGI – Archivo General de Indias

AGN – Archivo General de la Nación, Mexico City

AGS – Archivo General de Simancas

AHN – Archivo Histórico Nacional, Madrid

AML – Archives Municipales de Lyon

AMS – Archivo Municipal de Sevilla

BCC – Biblioteca Capitular y Columbina de Sevilla

BL – British Library

NR – Novisima Recopilación de las Leyes de España

PDL – Pedro de León, *La Mala Vida en la Sevilla de 1600: Memorias secretas de un jesuita 1575-1610* (Biblioteca de la Memoria Renacimiento, 2020)

RGS – Registro del Sello de Corte

Introduction

Los deseos supitaños,
el colérico apetito,
adónde irán que no aguarden
el melindre o el marido?
Pecados de par en par,
ya se acabaron contigo,
y no siendo menos son
más caros y más prolijos.[1]

Where will those of the stockings go
Improvisational sinners … the sudden desires
the choleric appetite
where shall they go where they are not awaited
by the loose woman or her husband?
Fully open sins,
They've already finished with you,
while they are not fewer, they are
more costly and more drawn out.

Il est vraye monsieur le Syndic
Le bordel n'est plus si public
On vous craint comme le tonnerre
Mais ne faire pas tant le vain
Ce n'est pas après tout un grand exploit de guerre
De prendre à force un [sic] putain.[2]

It's true, Monsieur le syndic
the brothel is no longer public.
they fear you like the thunder,
but don't let that go to your head.
it's not, after all, a great feat of war
to take by force a whore.

[1] Francisco de Quevedo, *Sentimiento de un jaque por ver cerrada la mancebía* (1623), translation partly my own with the assistance of Professor Imogen Choi, and partly drawn from Emily Kuffner, *Fictions of Containment in the Spanish Female Picaresque: Architectural Space and Prostitution in the Early Modern Mediterranean* (Amsterdam University Press, 2019), 77.
[2] Bernard de la Monnoye, *Bordel,* Bibliothèque Municipale de Dijon, Mss 876 vols. A-B, as quoted and translated in James Farr, *Authority and Sexuality in Early Modern Burgundy (1550-1730)* (Oxford University Press, 1995), 138.

The first of the poems quoted in the epigraph was written by Francisco de Quevedo in response to the closure of public brothels across Spain in 1623, under the title *Feelings of a rake upon seeing the brothel closed*. The second comes from the private notebook of Bernard de la Monnoye, a French royal official and man of letters, and was written in the early eighteenth century as a humorous aside under the title *Bordel* (brothel). Both convey a rather pragmatic attitude towards prostitution and illicit sexuality, in contrast with – and in response to – the strict approach that authorities were taking at the time each poem was written. At a moment when royal authorities were shuttering brothels and condemning those who worked there, and when religious authorities were increasingly railing against sexual immorality, these poems indicate the widespread ambivalence towards such measures, and the slowness with which ordinary opinion shifted to meet official opprobrium. They also allude to the privatisation of sexuality, its relegation to a private sphere which precluded public brothels or publicly known concubinage.

This thesis tracks the decline of the public brothel and the marginalisation of its inhabitant the public prostitute, situating both in the broader societal move away from viewing sex as labour and as a legitimate social service provided by workers. Unlike the official mandates, Quevedo and La Monnoye felt that closing the public brothel was not in fact the solution to prostitution – and perhaps no solution was needed at all. I examine the shift from the late medieval period, which saw municipally run brothels across much of Europe, to the seventeenth century and beyond, where sexual labour was unthinkable, unseeable, and instead sex was perceived as the result of women's natural lasciviousness. I argue that sex was confined to private life, a situation threatened by sexual labour which risked making public and visible the work involved in so called 'natural' tasks such as sex, reproduction, and domestic labour. In doing so I situate Quevedo and La Monnoye's flippant appraisals in the context of societal and religious ideas, to question how and why the understanding of sexual labour changed in the intervening century. It is important to note that this shift did not preclude the later return of legalised prostitution in the eighteenth and nineteenth century, and their continued existence into the twentieth century in some places. In fact,

striking similarities can be found between the *mancebía* of Seville and the French-run brothels of twentieth century colonial Morocco, to offer just one example.[3]

This study takes as its starting point the idea that sex can be labour. Not always, not exclusively, but in some circumstances, sex becomes a form of labour and in many cases that labour is gendered. Labour is in itself a tricky concept to pin down, and one that historians, anthropologists and philosophers have grappled with for centuries.[4] In this study, labour is understood as work undertaken for the maintenance and reproduction of human life, either through the production of goods or the provision of services in exchange for goods or money, or the benefit of the task itself – as in the act of cooking and maintaining a home. This is labour whether that benefit is accrued to the labourer (as in the case of a free man or woman) or to another (as in the case of an enslaved labourer, whose work benefits a slave owner). It encompasses traditionally recognised forms of work such as those of the day labourer, the domestic servant, or the craftsman, as well as forms more recently delineated such as service work, domestic labour in one's own home, or the work of bearing and raising children. This definition takes into account the arguments of feminist scholars who have campaigned for the inclusion of sex work in all its forms, and domestic and reproductive labour.[5]

In the late medieval period, municipal brothels had normalised the idea that sex could be labour, a perception which persisted into the sixteenth century.[6] Public brothels existed in many cities in France, Spain, Italy, Germany, and the Netherlands, and were staffed by 'public' prostitutes. They contributed to an understanding of sex as a service that could be bought or exchanged, and which was seen as necessary. It was certainly disagreeable, as

[3] Catherine Phipps, 'Between Metropole and Colony: Bordels Militaires de Campagne in Colonial Morocco and France in the Twentieth Century' *French History* 37, 3 (2023): 254-272.
[4] A particularly formative perspective in the writing of this study was Susana Narotzky, "Rethinking the concept of labour", *Journal of the Royal Anthropological Institute,* vol. 24, no. 1 (2019): 29-43.
[5] Useful interventions here include Marion Pluskota, "'We use our bodies to work hard, so we need to get legitimate workers' rights': Labour relations in prostitution 1600-2010" in *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s,* eds. Elise Van Nederveen Meerkerk, Lex Heerma Van Voss, Magaly Rodríguez García (Brill, 2017); Raffaella Sarti, Anna Bellavitis, and Manuela Martini, *What is Work?: Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present* (Berghahn Books, 2018); Maria Ågren ed., *Making a Living, Making a Difference: Gender and Work in Early Modern European Society* (Oxford University Press, 2016);
[6] Jacques Rossiaud, *Medieval Prostitution* trans. Lydia G. Cochrane (Blackwell, 1988), 58.

indicated by the proximity (or even relocation) of public brothels to Jewish ghettos or their management by executioners in many parts of Europe, but its existence and use was rarely questioned.[7] This was complemented by other societal practices which positioned sexual labour as a commodity for sale or exchange, such as the giving of an *arras* or the custom of 'paying' a rape victim in jewellery or money – in the words of Eugene Larra Lacranz, 'marriage … was an exchange of goods … the object to be exchanged ,,, was generally a young woman'.[8] Her sexual services and good name were exchanged for a dower, in a tradition that placed a price on a woman's virginity and sexuality. By the seventeenth century, sex as labour had been delegitimised and those who performed it had been further marginalised. I argue this change was caused by the development of Reformation and Counter-Reformation attitudes towards women and sexuality, by emergent colonial racial hierarchies and stereotypes of non-European sexuality, and by the greater impulse towards patriarchal control in the home and the public sphere.[9] Work gendered as female was devalued, and naturalised – it became understood as something women did because of their nature, not something society compelled them to do – and this included sex work but also other forms of reproductive and productive labour.[10] Simultaneously, societal structures for the control of various groups were created or reinforced: the patriarchal (and gradually, more nuclear) household, institutions to enclose the poor, and the development of a public/private divide which placed women firmly in the home (at least theoretically). These factors influenced societal understandings of sexual labour and those who performed it and resulted in the end of public prostitution and the enclosure of sexuality within the supposedly private realm of the domestic.[11]

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[7] Dana E. Katz, *The Jewish Ghetto and the Visual Imagination of Early Modern Venice* (Cambridge University Press, 2017), 40; Lyndal Roper, 'Discipline and Respectability: Prostitution and the Reformation in Augsburg' *History Workshop* (1985): 8. In Venice, this segregation was coupled with being forced to wear yellow scarves – Jews were the only other group to wear this colour. Richard Sennett, *Flesh and Stone: The Body and the City in Western Civilization* (W. W. Norton and Company, 1994): 241.

[8] Tessa Storey, *Carnal Commerce in Counter-Reformation Rome* (Cambridge University Press, 2008), 137, 164; Tessa Storey, 'Fragments from the "life histories" of jewellery belonging to prostitutes in early-modern Rome' *Renaissance Studies* vol. 19 (2005): 654; Eugene Larra Lacranz, *Marriage and Sexuality in Medieval and Early Modern Iberia* (Routledge, 2016): 94

[9] Rossiaud, *Medieval Prostitution,* 51.

[10] Sarti et al, *What is Work?*, 16; James R. Farr, *The Work of France: Labor and Culture in Early Modern Times, 1350-1800* (Rowman and Littlefield, 2008), 8.

[11] Merry E. Weisner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* 3rd ed. (Routledge, 2020), 121.

To introduce this thesis and its aims, I first discuss methodology and the process through which my research questions and framework evolved, including the use of a comparative and labour lens, and the terminology used throughout this study. Then, I turn to the historiographies of prostitution and situate the position of this work within them, before providing a broad overview of the three cities that form the core of my research. An analysis of the documentary basis in each city allows the reader to better understand the sources at hand and how I have employed them, and finally I provide outlines of the four chapters which make up the thesis.

Methodology

This thesis examines the transition in perceptions of sexual labour that occurred across the early modern Atlantic and does so with the intention of understanding what it meant for sex workers themselves. The timeframe considered is the long sixteenth century, from c.1470 to c.1631. My goal is to examine the various situations in which sexual labour was carried out, to consider working conditions, relationships with authorities and management, to chart the change of societal attitudes which turned sexual labour from work to a moral failing and consider how this changed the practice of sexual labour. To do so, I use a comparative analysis: the central case studies are Lyon, Seville, and Mexico City. This is comparison with a propositional emphasis – 'a comparison *of*, not a comparison *to*': there is no hierarchy here, no normative case against which the others are measured.[12] This project is transatlantic in nature and builds on the dialogic character of colonial societies, in which colony influenced metropole just as much as the inverse, to examine how metropole and colony differed, how they were similar, and then to put this in further conversation with another case.[13] By taking Seville as the lynchpin of this study, the hinge which joins Lyon and Mexico City on either side, this study decentres conventional histories focused on Central or Northern Europe or Italy.[14] The history of sexual labour in a thriving trade city such as Seville, which was being socially transformed by its economic growth and its centrality to

[12] Philippa Levine, 'Is Comparative History Possible?' *History and Theory* 53, issue 3 (2014): 340.
[13] Ibid, 338.
[14] An approach powerfully advocated by Regina Grafe, for example: Regine Grafe, *Distant Tyranny: Markets, Power, and Backwardness in Spain, 1650-1800* (Princeton University Press, 2012), IX.

the main Atlantic power in the sixteenth century, is better understood in comparison to a dynamic cultural and economic urban centre in the middle of the European continent on one side, such as Lyon, and on the other side to a vast city across the Atlantic which experienced an extraordinary transformation as a result of colonisation, such as Mexico City. By using a French case study against which to judge Seville and Mexico City we can better judge what was distinctly Iberian, what was true of many European contexts, or what was true only in colonial settings. The inclusion of a colonial city with a European minority, a racially diverse European city, and a more (though not entirely) racially homogenous city offers the opportunity to examine the impact of race on the experience of sex work as well.[15] These three cities are sufficiently similar to but also suitably different from one another to allow for comparison that is achievable but also interesting. Each had a distinct kind of Catholicism, though they also had inhabitants who ranged from Protestants to a great variety of recent converts to Catholicism and their descendants. All three cities were trade hubs, welcoming vast quantities of goods but more importantly vast numbers of people each year. Their populations were changing rapidly, whether because of rural to urban migration, slavery, or military or merchant activity there. They all had significant numbers of single men and women – these were not small towns where everyone knew everyone – and saw significant upheaval in the period discussed.

This framing is deliberate and careful, though not exclusive – at points, other cases will be drawn in for comparison, although without the detailed archival research done for the three main cities. Referring to well-studied examples in Italian or German cities, and in other French, Spanish or colonial cities, allows for greater perspective and strengthens the conclusions drawn by comparison. The central comparison of Lyon, Seville, and Mexico City provides insights into how the conditions of sexual labour were different when a public brothel was present or absent, where racially marginalised women performed the majority of the sexual labour, or where a system of extralegal prostitution was widely tolerated and

[15] In the early modern period, scholars should be careful with the use of the term 'race', as the concept as it is used today had not yet developed. Here I use it as a shorthand to communicate the mixture of Indigenous, African and European people in these cities, but it is important to remember that race in the early modern period was a complex construct that included blood 'purity', religious identity, skin colour and other factors. For a more thorough exploration of this in a Spanish colonial context, see María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion and Gender in Colonial Mexico* (Stanford University Press, 2008).

acknowledged. These three cities show how the same basic system of legalised and extralegal prostitution could produce very different circumstances for sexual labour, depending on the approaches of the authorities or the demography of the city. All three are essential to the comparison: without a third case, one of the two cities could easily be judged to be the norm and the other aberrant, when in fact the presence of a third model suggests the variability of sexual labour in all cities.

Writing a comparative history creates its own unique set of challenges, something made easier by turning to other comparative works for inspiration. In this, Philippa Levine's *Prostitution, Race and Politics* was a particularly useful model.[16] Comparing four colonial sites across the British Empire in the nineteenth and twentieth century, Levine's study focuses on regulated prostitution and legislation aimed at controlling sexually transmitted diseases. In comparing these sites, Levine 'offers a nuanced reading of how colonial power operated', refusing to subsume markedly different locations into the homogenous monolith of 'Empire'.[17] She points out the importance of movement between these colonies, and the wider British Empire, and the benefit of the comparative analysis to yield insights about 'change and stasis', revealing how even when policy changed, attitudes did not necessarily follow.[18] The comparative lens is employed here to show the different approaches necessary for governing different territories, and the range of factors that could influence individual responses – and moreover, to demonstrate 'how central the hierarchies around race and gender were to colonial rule'.[19]

Similarly, Amalia Cabezas' *Economies of Desire* uses a comparative approach to '[detail] the ways in which third-world women negotiate new economies and navigate the contact zones between the first and third worlds by using tactical sex': here, the resonance for my own study is clear, despite the centuries separating our topics of study.[20] Cabezas' work focuses on Cuba and the Dominican Republic in the late twentieth and early twenty first century, and in particular on sex tourism. By exploring how 'practices and identities are discursively

[16] Philippa Levine, *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire* (Taylor and Francis, 2003).
[17] Ibid, 28.
[18] Ibid, 20.
[19] Ibid, 23.
[20] Amalia L. Cabezas, *Economies of Desire: Sex and Tourism in Cuba and the Dominican Republic* (Temple University Press, 2009): 4.

inscribed to eroticize racialized, working-class subjects', Cabezas' study wields its comparative lens to highlight 'unifying tendencies' across different nations with interlinked histories, and to underline the systems and processes that produce similarities and differences in these nations.[21] These models provided inspiration for my goal to shed light on the broader process by which sexual labour (and gendered labour more generally) was devalued in the early modern period, and to show the different ways in which that process manifested in different locations, while remaining part of a wider system produced by ideas about gender, race and sexuality.

Charles Parker and Gretchen Starr-LeBeau's *Judging Faith, Punishing Sin* offers a different sort of comparative inspiration, but one which has important lessons nonetheless.[22] By comparing Catholic Inquisitions with Calvinist Consistories, this study 'suggests broader, cross-confessional patterns in disciplinary practice in Catholic and Protestant communities in Europe and overseas', something which is certainly echoed in my work, where the actions of Catholic authorities frequently mirror those of their reformed counterparts in other polities.[23] Attitudes to sex work, to sexual immorality, and to sexuality more generally were often consistent across confessional divides, and as Parker and Starr-LeBeau demonstrate, these attitudes manifested in patterns of discipline meted out by religious authorities on both sides of that confessional divide. Furthermore, their study underlines the competing jurisdictions that often made true discipline impossible, something I discuss and return to throughout this thesis, and the regionally variant quality of religious justice, which is again borne out in this work. Within Parker and Starr-LeBeau's volume lie useful insights into the functioning of early modern religious disciplining, its gendered dimensions, its dependence on individual actors and their goals, and the use of that disciplining to 'refashion Christian society'.[24] But crucially, it also offers a provocation to think comparatively about the process of moral disciplining and the institutions which carried out that process.

[21] Ibid, 4; César J. Ayala, *American Sugar Kingdom: The Plantation Economy of the Spanish Caribbean, 1898-1934* (University of North Carolina Press, 1999): 21.
[22] Charles H. Parker, and Gretchen Starr-LeBeau, eds. *Judging Faith, Punishing Sin: Inquisitions and Consistories in the Early Modern World* (Cambridge University Press, 2017).
[23] Ibid, 6.
[24] Ibid, 9.

After deciding on a comparative approach, I made an initial attempt to adopt a spatial approach to the subject, but the limitations of records when it came to locations of sex work in all three cities led me to change strategy. A careful reflection upon the evidence persuaded me to turn from a study focused on prostitution through the public brothel and its decline to an examination of sexual labour itself, in all its contexts. Understanding sex as labour is not in itself novel. This approach is familiar to those studying modern history or engaging with sex workers' rights movements over the last fifty years. Marcel van der Linden suggested that 'the dividing line between workers and … people who survive by means of begging, crime, prostitution, and so on … is not always easy to draw': I argue that any attempt to draw that line between traditionally accepted workers and sex workers is fundamentally unhelpful in our aim to understand the dynamics of labour across the world, both today and in the past.[25] Failing to recognise sex workers as labourers accepts the framework created by religious and patriarchal dictates in the early modern and Enlightenment period, and in so doing hinders our ability to understand work. As Van der Linden himself admits, 'that interpretation contains a moralistic bias … prostitutes … often turn out to be de facto wage workers, indentured laborers, or chattel slaves'.[26] He rightly calls for historians to 'abandon moralistic judgements and include all these "dangerous classes" … as a legitimate field of inquiry'.[27] This study does just that, on the basis that an analysis of sexual labour and its inherently gendered dimensions can only enhance our analysis of work and labour relations more generally. How can we properly understand the gendered dynamics of labour if we do not recognise one of the most thoroughly gendered forms of labour as work? How can we understand the very concept of 'labour' if we do not devote consideration to how the boundaries of such a concept were drawn?

Moreover, conceiving of sex as work allows for the existence of a sex *worker,* rather than a prostitute. This means reconceptualising not only the framework of most existing secondary literature, which is weighted with a set of assumptions about prostitution and what it is, but also redescribing the sources themselves because their language – which of course we must

[25] Marcel van der Linden, 'The Promise and Challenges of Global Labor History' *International Labor and Working Class History* vol. 82 (2012): 63.
[26] Ibid, 65.
[27] Ibid.

understand on its own terms – was a product of conceptual systems produced by elite men. It was not devised to describe or understand things from women's point of view. Rather than accepting the categories of the archive, I consciously use a different framework, one which considers concepts such as sexual labour, consent, and acquiescence from a modern perspective while understanding their early modern applications. By adopting a labour lens and speaking of sex workers, we avoid the dominant moral framework that emerged later in the early modern period and can instead begin place which does not involve moral judgement on the basis of the work itself. From there, we can more properly understand the circumstances of the workers in question. This study does not, however, totally ignore the moralistic view of 'prostitution': accounting for the emic perspective, how people in the past understood a given phenomenon, is valuable to the historian and plays a major role in this study. The early modern shift from viewing sex work as labour to viewing it as a moral failing is precisely the topic of this study and thus understanding that view without adopting it is an important aspect of examining that shift.

What cannot be easily done is to draw on the views of sixteenth-century sex workers, whose voices are almost inaccessible to us. These women (or men, or children) did not leave written sources, and their words in court testimony or petitions were rarely recorded without heavy doctoring. But what I can do, insist upon doing, is listen to the arguments of sex workers today which position sex work as work, which highlight the devastating impacts of criminalisation, which demand to be viewed without stigma or condescension. With this framework, I examine not just 'prostitution' but a spectrum of sexual labour which encompassed occasional workers, unwilling workers, publicly declared workers: all of whom were performing work in order to live, and whose work was (and remains) gendered as female.

In his 2016 article 'Working together: new directions in global labour history', Leo Lucassen called on historians to answer questions about social inequality, and in particular 'how has work changed and why has it been valued and compensated in very different ways over the

past five centuries?'.[28] This thesis offers some small contribution to this search for answers, by considering the change in how sexual labour was valued – and indeed conceived of – over the sixteenth century. By using the lens of labour, I position sex work as one form of gendered labour and understand a continuum of different kinds of sexual labour. This means a much greater focus on the conditions of labourers themselves, rather than on the institutional and regulatory facets of the public brothel. I examine working conditions, customer and management relations, legality, and the changing perceptions of society and authorities. Viewing forms of sexual labour on a continuum enabled me better to illustrate their interconnectivity – workers in one type of labour often transitioned to another, working in several different situations over their lives, and the status and perception of each form of labour influenced that of the others. This is reminiscent of the current situation in sex work in which labourers often move between street work and brothel work, for example.

Modern sex workers themselves have vehemently fought to be categorised as labourers, albeit in an industry that is consistently 'stigmatized and marginalized and criminalized'.[29] I draw on the theories and positions of sex workers who have written extensively on how and why sex is work, and whose arguments are far more eloquent – and more importantly, informed – than my own.[30] Sex worker theorists and activists like Margo St James, Carol Leigh, and Melissa Gira Grant have for decades insisted on an understanding of sex work as work, and a contingent expectation that sex workers are due workers' rights, protections, and above all freedom from stigma. This study explicitly rejects the views of so-called radical feminist abolitionists who talk about 'prostituted women' as victims to save, who suggest that all sex work is inherently degrading and that sex workers who organise for workers' rights must be 'members of a "sex industry lobby", or are working on behalf of – or are

[28] Leo Lucassen, 'Working together: new directions in global labour history' *Journal of Global History* 11 (2016): 67.
[29] Colette Parent et al, *Sex Work: Rethinking the Job, Respecting the Workers* (University of British Columbia Press, 2018), 58
[30] Margo St James, "Preface" in *A Vindication of the Rights of Whores* ed. Gail Pheterson (Seal Press, 1989); Carol Leigh, "Inventing Sex Work" in *Whores and Other Feminists* ed. Jill Nagle (Routledge 2010); Melissa Gira Grant, *Playing the Whore: The Work of Sex Work* (Verso, 2014). Both Pheterson and Nagle's edited collections consist largely of sex workers' writings and are extremely informative on their struggle for recognition.

themselves – "pimps and traffickers"'.[31] Rather than viewing the opinions of sex workers as inherently discredited by their status as sex workers, I prioritise them precisely because they are the opinions of people with firsthand knowledge of what it means to do sex work.

Throughout this study I use the terms 'sex work' and 'sex workers', and I do so consciously alongside more period accurate terms such as 'prostitute'. I use 'sex worker' as an umbrella term to denote anyone carrying out sexual labour, and I then draw distinctions between the various forms of labour. This is something supported by scholarship on sex work in a variety of time periods, and by the writings of sex workers themselves – the term was coined by sex worker and theorist Carol Leigh in the 1970s. For Leigh, the term is 'a feminist contribution to the language' which she viewed as better describing what women actually did in the industry, and as removing the stigma attached to terms like prostitute.[32] I agree that this is a more useful and accurate term, and certainly one which is more morally neutral. It has been suggested, for example by Marion Pluskota, that the term 'sex worker' is 'better suited when applied to the recent history of prostitution, when a group mentality and collective actions were developed to stake claims to common rights', due to the 'social and legal aspects underlying the notion of sex work in relation to the state and their employers'.[33] I argue, in line with Lotte Van de Pol and Nicole Von Germeten, that in fact 'sex worker' is applicable in the early modern period (and before) precisely because it encourages us to understand sex workers as labourers and to place them alongside other workers, an attitude that would have been legible to those contemporaries who viewed prostitutes in public brothels as providing a service to the city, and which offers useful analytical benefits.[34] Although the term is recent, it is not new to consider sex as work, and as I demonstrate, this concept fits with how late medieval and early sixteenth-century people saw prostitution.

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[31] For an example of the use of the term 'prostituted women', see Catherine A MacKinnon, 'Prostitution and Civil Rights', *Gender and Law* 13 (1993): 13. Quote from Grant, *Playing the Whore,* 40; for works which argue for abolition see, for example, Janice G. Raymond, 'Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution' *Journal of Trauma Practice* 2 (3–4) (2004): 315–32; Sheila Jeffreys, *The Idea of Prostitution* (Spinifex Press, 1997); M. Farley, '"Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized' *Violence Against Women*, 10(10), (2004): 1087-1125.
[32] Leigh, "Inventing Sex Work", 210.
[33] Pluskota, "We use our bodies", 656.
[34] Lotte C. Van de Pol, *The Burgher and the Whore: Prostitution in Early Modern Amsterdam* (Oxford University Press, 2011); Nicole Von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (University of California Press, 2018).

I use 'prostitute' only to refer to those who worked in the public brothel, who were 'career' sex workers – they worked publicly, and it was regarded by others as their occupation. While this term has obvious moral connotations both today and in the early modern period, its etymology ('to offer publicly', from the Latin) and its proximity in meaning to the French and Spanish terms make it the most useful term for legal sex workers in the early modern period.[35] I use it somewhat begrudgingly in this context because it is the most fitting translation of the words that those women and their contemporaries used, and I use it to denote just one kind of sexual labour - not to position this form as more or less legitimate. I draw distinctions between 'legal' and 'extralegal' prostitution, because the state of legality changed the experience of sex work for those practicing it. As elaborated on in Chapter Two, I use the term extralegal rather than illegal because of the complex legal status of workers outside the public brothel, and because of the permeability of these categories.

This shift from considering prostitution to sexual labour more widely prompted a broader approach in the archive, and as such I searched not just for documents which explicitly used terms like 'brothel' or 'prostitute', but instead for those which used any of a list of terms which grew to include 'debauched women', 'concubine', 'woman of dishonest/wicked life' and many more. Appendix 2 presents an inexhaustive list of the terms used for sexual labour (and labourers) in this period. In this way I was able to find cases that clearly involved sexual labour but were not outright prostitution or which were instead condemned as promiscuity, allowing me to understand more thoroughly how categories around sex work were applied by authorities and society across my period. Of course, not every type of sexual labour is evidenced in each city, and some clearly tended more towards one type than another.

Prostitution and Sexual Labour in Historiography and Theory

[35] *Oxford English Dictionary*, "prostitute (v.), Etymology," March 2025, https://doi.org/10.1093/OED/2885243900.

Studies which uncritically accept 'prostitution' as their focus have often reproduced the categories created by patriarchal, colonial systems, and inadvertently foregrounded the views and actions of the authorities (whether local or royal, religious or secular) through regulation and condemnation, producing a top-down examination in which prostitutes are the subjects, robbed of agency, reacting to the legal and moral regime which governs them. As Tessa Storey argued, 'an emphasis on immorality, dishonour and marginality may obscure the fundamental fact that prostitution is ultimately a commercial relationship'.[36] This is sometimes not just obscured but denied by scholars, such as Ruth Mazo Karras who has argued that in the medieval period 'prostitute' is more aptly described as an identity, rather than an occupation. She argues that these women were defined entirely by their 'indiscriminate sexuality' and not in fact by taking money for sex. She contends that 'prostitution cannot be viewed merely as "labour" because society viewed the work as degrading and its practitioners as degraded'.[37] Karras assumes that viewing sex as labour is choosing to dismiss the negative perception of sex workers, which is incorrect. Sex work was viewed by some as degrading for its practitioners; however, this does not negate its status as work – executioners were still performing an occupation, a labour, despite the impact that labour might have on their standing in the community. As Storey asserts, Karras' claim 'both reflects Christian morality and derives from a radical feminist interpretation of sexual essentialism', which assumes that commercial sex is 'inherently degrading' to women, and is in fact not supported by early modern evidence.[38] By focusing on the supposed dishonour and immorality of prostitution Karras precludes the notion of a prostitute who is also a member of her community, something which features in records repeatedly, as when women engaged in occasional sex work and remained enmeshed within their social networks.

Jacques Rossiaud's 1984 *La prostituzione nel medioevo,* translated into English in 1988 as *Medieval Prostitution,* represents an earlier example of this trend.[39] It takes as its focus

[36] Tessa Storey, *Carnal Commerce in Counter-Reformation Rome* (Cambridge University Press, 2008), 19.
[37] Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford University Press, 1996), 3; Ruth Mazo Karras, 'Prostitution and the Question of Sexual Identity in Medieval Europe' *Journal of Women's History* 11, no. 2 (1999): 162
[38] Storey, *Carnal Commerce,* 133, 136; Noah D Zatz, 'Sex Work/Sex Act: Law, Labor and Desire in Constructions of Prostitution' *Signs* 22, 2 (1997): 289.
[39] Rossiaud, *Medieval Prostitution.*

Southern France, drawing many of its examples from the city of Dijon, and provides a social history of prostitution, discussing reasons for entering the brothel, the ages of the women there, the clientele, and many other details. It then turns to attitudes to prostitution, whether religious, societal or governmental. In this work, Rossiaud centres the public brothel and occasionally the tolerated bathhouse and does not consider other forms of sexual labour. Rossiaud does amply demonstrate that we can only truly understand venal sexuality in tandem with societal climate, not in isolation, but he does not devote much attention to the daily lives of prostitutes and instead considers mainly the words of preachers or the activities of young men.

Twenty-six years later, Rossiaud published *Amours vénales: la prostitution en Occident XIIe-XVIe siècle,* which offers a very different approach and one much closer to my own.[40] With a wider focus on Europe more generally, Rossiaud tracked a process of professionalisation for the public prostitute, one which was a result of different social or religious challenges depending on the location, but which resulted in the rise of the prostitute as public service, a phenomenon Rossiaud locates in the late medieval period. The line of argument and inquiry put forward in this thesis is similar to Rossiaud's. Likewise, in the sixteenth century both Rossiaud's work and my comparative study attest to the decline of the public brothel and the societal rejection of the public prostitute. Rossiaud offers an analysis of different workplaces (bathhouses, taverns, public and private brothels), and of relations with management and clients (procurers, bawds, partners, brothel owners). *Amours vénales* is a much more worker-centric study than Rossiaud's earlier book, despite its minimal engagement with the idea of sexual labour. It does occasionally run the risk of becoming inexact given its broad chronological and temporal scope, and at times his evidence may appear dubious, as in the case of his discussion of 'venal successes' (women whose sexual commerce rendered them rich and famous) in which most of the subjects are aristocratic women, or courtesans whose life stories are largely drawn from literature. Despite this, *Amours vénales* is a work upon which this thesis builds – for its focus on the business of

[40] Jacques Rossiaud, *Amours vénales: La prostitution en Occident, XIIe-XVIe siècle* (Flammarion, 2010).

sexual labour, its discussion of large-scale trends, and its argument for a late-medieval professional prostitute whose subsequent decline I evaluate.[41]

The development in Rossiaud's work is largely representative of the development of the scholarship as a whole. One can consider, for example, Lotte C. Van de Pol's study of seventeenth century Amsterdam which approaches prostitution on equal terms with other pre-industrial trades.[42] Similarly, Tessa Storey's *Carnal Commerce* deals with the daily lives and motivations of sex workers in sixteenth century Rome, and insists on situating prostitution 'firmly within the Roman economy and a debate on women's work'. [43] It contends that sex workers were not marginalised figures but instead were understood as members of their community. Storey asserts that by viewing sex work as labour we can understand it as 'a neutral form of work', in direct contradiction to Karras' understanding of prostitution as 'inherently degrading'.[44]

While it is perhaps impossible to reach a truly neutral perspective, there is room for a middle path, accepting sex work as labour and also realising that for early modern people this could still be a degrading form of work, one which left a stain on its practitioners. Sex workers were not entirely isolated from their communities, marginalised and dishonoured as traditional historiography might have us believe, but there were instances in which their work changed society's attitudes towards them. By reinscribing prostitutes (and others) as labourers, we can better centre their actions and consider the lived reality of their experience: their working conditions, their relationships with management and with clients, how they not only responded to the systems in which they lived but in fact contributed to their creation. It allows us to render legible the workers who do not fit into the neat definition of prostitute, but whose circumstances and lives were influenced by the same factors or concerns, such as those in transactional relationships or unfree sexual labourers.

[41] And perhaps also in its overwhelming disinterest in the 'bodily services', as Mickaël Bertrand phrased it, provided by sexual labourers. Like Rossiaud, I am not writing a study of sexual mores or practices and do not devote much consideration to them. This is important as it prohibits a descent into voyeurism. For criticism of this approach, see Mickaël Bertrand's review of Rossiaud's *Amours vénales* in *Genre, Sexualité et Société* 5 (2011): np.
[42] Van de Pol, *The Burgher and the Whore.*
[43] Storey, *Carnal Commerce,* 135.
[44] Ibid.

By focusing on the common element of sexual labour, we can more properly understand their experiences as related to one another.

One work which has successfully used insights from sex worker activists to produce a worker-focused history of early modern sexual labour is Nicole Von Germeten's study *Profit and Passion: Transactional Sex in Colonial Mexico.*[45] Von Germeten uses the concept of sex work, based on familiarity with sex workers' writings in the modern day, to identify a pattern of increased regulation and criminalisation for sex workers in colonial Mexico, in line with what many other scholars have argued about diminishing 'legal protections, personal freedoms and social status' for women over the colonial period.[46] Von Germeten also finds a spectrum of sexual labour that does not begin and end in the public brothel, although it is perhaps easier for her than Rossiaud to do so because colonial New Spain had no real dependency on this institution. Von Germeten's study is an example of the rewards of focusing on workers, of centring sexual labour (or transactional sex, in the words of her title) rather than the older framing of prostitution, imported wholesale from the centuries-old condemnatory attitudes of clerical and secular elites. *Profit and Passion* offers a reappraisal of the language and framing which many historians have used uncritically, and in doing so is able to recentre the decisions and actions of the workers in question. This is made more plain by the use of feminist methodologies when working with sources. Drawing on approaches pioneered by Natalie Zemon Davis, Ann Laura Stoler, Kathryn Burns, and others, Von Germeten uses the sources critically with an awareness of how sex workers shaped their own narratives through discursive and legal strategies, as in her discussion of courtesans who 'performed [their] honor as a litigant and a deponent' to shape how they were viewed in their own time and beyond.[47] This careful and critical approach is one I also

[45] Von Germeten, *Profit and Passion*. This study owes much, both methodologically and in its source base) to an earlier work by Ana María Atondo Rodríguez, *El Amor Venal y la condición femenina en el México colonial* (Instituto Nacional de Antropología e Historia, 1992). Rodríguez' work is limited by its lack of translation and has thus had little traction beyond Spanish speaking scholars but is in fact a detailed analysis of transactional sex in colonial Mexico, and one which I draw on regularly.

[46] Nora E. Jaffary, 'Nicole Von Germeten. Profit and Passion: Transactional Sex in Colonial Mexico', *The American Historical Review* Vol.124, 5 (2019): 1925.

[47] Von Germeten, *Profit and Passion,* 70; Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford University Press, 1990); Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton University Press, 2009); Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Duke University Press, 2010).

invoke in my own study, considering how the sources were shaped by the people who made them or about whom they were made, and insisting upon close and alternative readings.

In the past two decades, scholars have started to study sex workers in conversation with other members of society, but there is still little recognition of the links between public prostitutes and other sex workers such as those in transactional relationships, or those performing unfree sexual labour. Additionally, scholars have only recently begun to acknowledge the other forms of labour involved in sex work such as that of hostess and entertainer. A notable example of this kind of innovative scholarship is Erica Lorraine Williams' book *Sex Tourism in Bahia: Ambiguous Entanglements* which acknowledges the interconnected forms of labour involved in sex tourism.[48] By positioning prostitution in the wider context of sexual labour and insisting on understanding sex work as one form of gendered labour, and thus comparable with other forms of gendered productive and reproductive labour, this study highlights the changes in perception and attitude that delegitimised it as labour – because these are the same shifts that can be observed towards other productive and reproductive labour seen as women's work.

In this context, I posit the sexual services expected by slaveowners from the enslaved people in their possession as unfree sexual labour, extracted from the labouring bodies of enslaved people who did not have the ability to deny consent.[49] Acquiescence is a useful concept to explain the fraught situation of enslaved people who accepted their masters' demands for their sexual labour, but who cannot be described as truly consenting precisely because they were not able to refuse consent. In order to be meaningful, consent must be freely given and an individual must have a real alternative, that is, the ability to deny consent as well as to give it. Because of this, using the term 'consent' in cases involving enslaved people or significant power differentials such as servants and masters is inappropriate. The bondage of slavery prohibited the exercise of true consent. Instead, I use acquiescence to convey the limited agency exercised by enslaved people and servants to accept a sex act, whether they did so to avoid violence or even death, or in the hope of

[48] Erica Lorraine Williams, *Sex Tourism in Bahia: Ambiguous Entanglements* (University of Illinois Press, 2013.
[49] On this method of 'historicizing consent', see the special section of *História* on the topic, in particular the introduction: Sonia Tycko, 'Consenting to Early Modern Empires: Introduction', *História* 84 (2024): 9-13.

better treatment or some form of compensation. In Chapter Four I address this in depth, including contemporary debates about exactly what constituted or precluded consent. It is worth highlighting that seeing these instances as unfree sexual labour – while also acknowledging their simultaneous status as sexual violence – enables us to situate them on the continuum of sexual labour and better understand the working conditions of those involved. However, we must also be careful not to automatically categorise sexual labour in these circumstances as sexual violence or rape 'merely because those involved had limited control over their lives'.[50] As theorised by Anna Hajkova in relation to sexual barter during the Holocaust, this is reductive and can elide the possibility that the sexual labour of enslaved or otherwise unfree persons could be a way of exerting agency. '[They] did not have all choices, but they had some. If we want to understand their agency, we need to explore how they made use of these, and how they created leeway out of minimal spaces'.[51] Hajkova's demand that we acknowledge the actions taken by those *in extremis* as choices is applicable to enslaved people in this context, as it forces us to nuance our analysis of unfree sexual labour. I have consistently drawn inspiration and insights from more modern studies of sex work, and in particular from studies which examine the impact of various legal systems on sex workers themselves.

When discussing unfree sexual labour, I draw on scholars such as Saidiya Hartman, who examines the concept of consent and acquiescence, and in particular theorises the inability of enslaved subjects to freely consent because their supposed 'consent was constituted by an incapacity for *non-consent*'.[52] Hartman is known for her development of critical fabulation, which builds on a firm foundation of archival research to go beyond the sources available to speculate on situations and events which were not preserved in the archival record.[53] In her words, 'By playing with and rearranging the basic elements of the story, by re-presenting the

[50] Anna Hajkova, 'Why we need a history of prostitution in the Holocaust' *European Review of History* 29, issue 2 (2022), 195.
[51] Ibid, 212.
[52] Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in 19th Century America* (Oxford University Press, 1997); Larissa Brian, 'After Steubenville: Incapacitated Bodies, Rape, and a Theory of Sexual Subjectivity beyond Consent' *Feminist Media Studies* 20 (2) (2018), 156.
[53] As laid out in Saidiya Hartman, "Venus in Two Acts." Small Axe 12, no. 2 (2008): 1-14.

sequence of events in divergent stories and from contested points of view, I have attempted to jeopardize the status of the event, to displace the received or authorized account, and to imagine what might have happened or might have been said or might have been done.'[54] In doing so, Hartman does not '*give voice* to the slave' but instead intends to 'imagine what cannot be verified', a history 'with and against the archive' which sees the importance of making silence visible, legible.[55] This is a valuable method: the gaps in the archive so often obscure violence and thus making the unspoken spoken is important. However, I do not adopt this method because in hands less masterful than Hartman's it can risk becoming voyeuristic, especially when the subject is sex or sexual exploitation or violence. I have drawn on this method, for example to suggest that the lack of records of collective sexual violence in Mexico City do not suggest a lack of violence itself, and to highlight the possibilities of the archival silences there. I have not attempted to reconstruct such instances, to avoid creating speculative scenarios of violence, particularly against marginalised or enslaved women, which border on prurient.

Comparison: introducing Lyon, Seville and Mexico City

To allow the reader to understand the context of each city better, what follows is a brief overview of Lyon, Seville and Mexico City – their social and racial makeup, their economic situation, their legal and municipal systems, their industries and institutions.

Lyon

Of the three cities, Lyon perhaps best fits a traditional idea of what is 'European': it is the one which appears most familiar to scholars of the late medieval period in Europe due to a traditional focus on Northern and Central Europe to the exclusion of Iberia. During the late medieval period, Lyon had become an important city for trade and banking, and an occasional host to the papacy. It was heavily affected by the Hundred Years War, and

[54] Ibid, 11.
[55] Ibid, 12.

experienced a significant popular revolt in 1436 which was quelled by royal intervention.[56] Its recovery and growth was stimulated when, in the fifteenth century, the city was granted permission to hold four annual fairs which further cemented its importance for commerce, and its international connections.[57] As a result, at the beginning of the sixteenth century Lyon was a flourishing city, second only to Paris in the French kingdom.[58] The city hosted royal entries in 1500, 1507, 1515, 1524 (when Louise de Savoy directed affairs from Lyon during her regency), 1548, 1564, 1574, 1595, and 1600.[59] It was a centre of the book trade, with its literary production well documented and studied.[60] It was also home to a thriving silk industry after Francis I granted production privileges in 1536 which had previously been the monopoly of Italian manufacturers, and this brought considerable Italian influence and involvement to the city.[61] Finally, it was a centre of banking in France, and a crucial economic centre positioned near the borders with Burgundy and Savoy, with trade routes that stretched across Europe and beyond.[62]

Lyon was a growing city, geographically and demographically, expanding into the nearby countryside and attracting migrants from across the region and beyond. Migrants from Flanders feature in this study in particular, but the city also had a significant Italian minority, often engaged in banking or mercantile sectors – in 1550 around 60% of men were from outside Lyon, and about 19% came from outside France entirely.[63] However, Lyon's economic life was not always filled with success, and the sixteenth century presented a series of challenges: around 1510, a manual labourer in Lyon had to spend between 70 and 80% of his salary on keeping his family fed. In 1529 there was a revolt of the poor due to inflation and famine, and the decline of the fairs in the 1540s left the city struggling to

[56] Nicole Gonthier, *Délinquance, justice et société dans le Lyonnais medieval: de la fin du XIIIe siècle au début du XVIe siècle* (Editions Arguments, 1993), 11.
[57] André Pelletier and Jacques Rossiaud, eds., *Histoire de Lyon des origins à nos jours* vol. 1, (Horvath, 1990), 75.
[58] For demography of Lyon, see Susanne Rau, *Räume der Stadt: eine Geschichte Lyons 1300-1800* (Campus, 2014), 199-205.
[59] Tania Lévy, 'La fête imprévue: entrées royales et solonnelles à Lyon (1460-1530)', *Questes* 31 (2015): 35.
[60] For an overview, see Dominique Varry, 'Lyons' printers and booksellers from the fifteenth to the nineteenth century' in *Printed Matters: Printing, Publishing and Urban Culture in Europe in the Modern Period* eds. Malcolm Gee and Tim Kirk (Routledge, 2002).
[61] Natalie Zemon Davis, 'The Sacred and the Body Social in Sixteenth-century Lyon' *Past and Present* 90, no.1 (1981): 45.
[62] Francoise Bayard, *Vivre à Lyon sous l'Ancien Régime* (Libraire Academique Perrin, 1997), 99.
[63] Davis, 'The Sacred and the Body Social', 43; Jacqueline Boucher, *Presence Italienne à Lyon à la Renaissance: du milieu XVe à la fin du XVIe siècle* (LUGD, 1994).

reorient its economic activity.[64] Similarly, the turn of French foreign policy away from Italy and towards Spain left Lyon with less strategic and political importance, only to be buffeted by the French Wars of Religion for the next forty years. By the time Henri IV regained control of the city in 1594, it was 600,000 *écus* in debt. [65]

As Natalie Zemon Davis famously suggested, two rivers were essential to the daily life of the city. The Rhône and the Saône provided water and transport, but they could also cause disaster in the form of floods, as in 1570.[66] Other disasters struck Lyon throughout this period, causing great hardship both economically and socially. In 1564, 1577, and 1597 epidemics ravaged the city, the last accompanied (and no doubt worsened) by a famine.[67] Beyond natural disasters, the city was also heavily affected by religious and political conflict which marked France from the 1560s onwards. The Wars of Religion, known in France as 'the Troubles', saw periodic violence across the country. This included Lyon, a city where a third of the population had adopted Protestantism, which in 1562 meant around twenty thousand Protestants.[68] With this significant minority of Protestants, Lyon was often a tense environment in which confessional divides could cause violent upheaval, in addition to the quotidian political and religious struggles within city institutions. The first war in 1562 resulted in Lyon's takeover at the hands of Protestants and the destruction of many Catholic buildings and symbols in the city before its eventual return to Catholicism after the Edict of Amboise the following year.[69] In 1567 anti-Protestant measures saw many of Lyon's residents abandon the city in favour of Geneva and the conflict visited Lyon again in 1572, when the echoes of the Saint Bartholomew's Day Massacre reached the city. Somewhere between 1800 and 3000 Protestants were killed, their bodies mutilated and thrown into the Saône.[70] By 1589 the city was a stronghold of the Catholic League, the city council entirely

[64] Anna Maslakovic, "Common and Public: A Genealogy of Urban Space in Late Medieval and Early Modern Lyon" (PhD diss., Columbia University, 2000), 8.
[65] Jacqueline Boucher, *Lyon Et La Vie Lyonnaise Au XVIe Siècle: Textes Et Documents.* (Editions Lyonnaises D'art Et D'histoire, 1992), 34.
[66] Davis, 'The Sacred', 55.
[67] Jonathan Davies, *Aspects of Violence in Renaissance Europe* (Routledge, 2016), 83; Davis, 'The Sacred', 55; Jacqueline Boucher, *Lyon Et La Vie Lyonnaise*, 34.
[68] Davies, *Aspects,* 104.
[69] Davis, 'The Sacred', 54.
[70] Jérémie Foa, *Tous Ceux Qui Tombent: Visages du Massacre de la Saint-Barthélemy* (La Découverte, 2022), 175; Gautier Mingous, "Selon les Nouvelles que vous nous ferez savour: Information et pouvoir à Lyon au tournent des guerres de religion (vers 1552- vers 1567)" (PhD diss., Université Lumière Lyon 2, 2019).

taken over by League supporters, and Protestants were expelled.[71] The city remained stalwart in its support of the League until 1594, when it finally submitted to the new King Henri IV, who made a triumphal entry into the city the following year.[72] Although major incidents of violence were avoided from then on, confessional coexistence was fragile and tense, and Protestants left the city until in 1601 only 29 Protests were baptised there.[73] We do not have direct evidence of Protestant opposition to the brothel in Lyon, but Protestants in German and Swiss cities railed against prostitution and enacted the closure of the legal brothel, and Lyon's Protestant population likely felt similarly.

Lyon's built environment shifted and grew over the early modern period, but it remained a city with a visible medieval past. Its walls and gates divided the city proper from settlements that grew around it, and the completion of the cathedral in the fifteenth century provided the most prominent landmark in the city, on the banks of the Saône. Another medieval institution was the Hôtel-Dieu, also called the Hôpital du Pont du Rhone, which began as a foundation for travellers, the sick, and foundling children but by the sixteenth century was a vitally important provider of charity to many in the city.[74] Many reformed sex workers were employed by the Hôtel-Dieu to care for the poor and sick, and the reform house was situated nearby. For a time, reformed women were even housed in the Hôtel-Dieu itself. Certain areas were known for their criminal tendencies, including the Rue Saint George, Rue Saint Jean near the cathedral, and Rue Gorguillon.[75] These streets formed a cluster in the northwest of the city, near an area that contemporary maps label 'La Magdalene'. This is one of two possible sites of a late-medieval municipal brothel posited by Jacques Rossiaud**,** with the other being an area known as La Chana, where the Hôpital Marie-Madeleine was situated in the Northeast of the city, near the Pierre-Scize gate. [76] Given its regular appearance in records related to sex work throughout the sixteenth century, and the installation of the later brothel there in 1542, the area known as La Magdalene is perhaps

[71] Boucher, *Lyon et La Vie Lyonnaise,* 130.
[72] Ibid, 130.
[73] Davies, *Aspects,* 104.
[74] Wilma J. Pugh, 'Catholics, Protestants, and Testamentary Charity in Seventeenth-century Lyon and Nîmes' *French Historical Studies* 11, no.4 (1980): 486; Alison Klairmont-Lingo, 'Women Healers and the Medical Marketplace of Sixteenth-century Lyon' *Dynamis,* 19 (1999): 83.
[75] Bayard, *Vivre à Lyon,* 121.
[76] Rossiaud, *Amours Vénales,* 329.

the more likely site of a late-medieval municipal brothel. Both sites are on the outskirts of the city, a fair distance from the centres of power and the sacred spaces of the cathedral or other important churches, which may have made them attractive locations for the profane business of sex. However, this cannot be said for all sites of sex work – the city's *grand palais,* the seat of municipal power, was next door to the Ganivet bathhouse, and the Trèsmonnoye bathhouse was adjacent to the Palais de Roanne, seat of the royal court, and the cloister of Saint-Jean, seat of the archbishopric court.[77] Another location which provides a cluster of records related to sex work is the district around the Rue Mulet and the Rue de Pet-Estroit, as will be explored in Chapter Two.

Administrative and political power in Lyon was multi-sited and at times contested. The city council formed one centre of power, and the records of this body form a significant source for this study. The members of the council were elite men, mostly Catholics although not exclusively, and were involved in other institutions in the city such as reform houses and hospitals, courts and guilds. In addition, there was a *sénéchaussée* court – a royal court which acted as a court of appeal and had jurisdiction over both civil and criminal cases – and from 1552 there was a *présidial*, a regional court.[78] The Archbishop of Lyon was another powerful figure with considerable influence on a wider and indeed international scale, whose archbishopric court chiefly dealt with cases concerning church business or property, or wayward priests. Occasionally, however, the Archbishop exerted political influence over secular happenings in the city, and he was a major figure in the protracted case to close La Pêcherie bathhouse in the 1470s and 80s: as the owner of the bathhouse, he had a personal stake in its survival.[79]

Over the sixteenth century Lyon experienced prosperity, but also turmoil and decline. It was blighted by natural disasters and religious and political conflict. In this environment of uncertainty and danger, many women undoubtedly saw sexual labour as a way to survive,

[77] Rossiaud, *Medieval Prostitution,* 6.
[78] For a detailed study, see Maurice Pallasse, "La sénéchaussée et siege presidial pendant les guerres de religion. Essai sur revolution de l'administration royale en province au XVI siècle" (PhD diss., Universitaire de Lyon, 1943).
[79] As discussed in AML FF629, and in Jean Lacassagne, Alice Picornot, *Vieilles étuves de Lyon et d'ailleurs: Un curieux procès au XVIe siècle relatif au étuves de la Pêcherie (1478-1483)* (Éditions de la Guillotière, 1943).

and many Lyonnais saw transactional sex as a growing problem which indicated the moral deterioration of the city, perhaps the kingdom.

Seville

Both European and imperial, Seville was a city irreparably changed by its relationship with the colonies, as well as a product of its medieval roots. An important city reconquered by the Christians in 1248, it was the favourite city of Ferdinand III, and experienced popular anti-Semitic violence in 1391 which led to the dissolution of the ghetto and the conversion or emigration of the Jewish population.[80] By the late fifteenth century it was a growing city on the precipice of greatness. From the earliest stages of Spanish colonialism, Seville became crucially important to the Spanish Empire, and from 1503 it had a monopoly on colonial trade coming from across the empire.[81] This once small city on the banks of the Guadalquivir soon became a bustling metropolis and a site of cultural and literal exchange. In addition to colonial trade, the city had profitable industries in silk, ceramics, olives, the ensuing oil and soap, and other raw products such as fruits and honey.[82] From 1505, Seville also had its own university and was a literary centre within Spain.[83] It was an extraordinarily international city, with merchants from all over Europe, and was arguably a more important trading and financial centre than Lyon by the mid-sixteenth century.

The city grew enormously over the sixteenth and seventeenth centuries, roughly doubling its population between 1530 and the end of the seventeenth century.[84] This growth was partly due to a rising birth rate, but also enormous immigration.[85] By the end of the sixteenth century the city was the fourth largest in Europe and the largest in Spain, with a

[80] Maya Soifer Irish, "Landscapes of Salvation, Landscapes of Power: Jews, Christians and Urban Space in Fourteenth-Century Seville" in *Constructing Iberian Identities, 1000-1700* eds. Thomas W Barton, Marie A Kelleher, Antonio M Zaldivar (Brepols, 2022), 24.
[81] Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton University Press, 2021), 4.
[82] Ruth Pike, *Seville in the Sixteenth Century* (Duke University Press, 1961), 22. This study remains one of the authoritative texts on Seville and offers a particularly useful overview of the city and its landscape.
[83] Francisco Aguilar Piñal, *Historia de la Universidad de Sevilla* (Secretariado de Publicaciones de la Universidad de Sevilla, 1992), 27.
[84] Pike, *Seville,* 2
[85] Perry, *Gender and Disorder,* 5.

population of well over 100,000 people.[86] With this immigration and the flourishing colonial trade, the character of Seville changed. Long home to a significant Flemish and Italian minority, it now became host to both the largest population of Indigenous people and the largest population of enslaved (Indigenous, African and Muslim) people in Europe, roughly ten percent of the total population.[87] Since the fourteenth century there had been a huge increase in the presence of enslaved Africans, overtaking the more familiar enslaved Ottomans.[88] By 1565, there were at least 6300 enslaved people in Seville, mostly of African origin.[89] Many remained in the city, working in factories, agriculture, and domestic settings, while many others were taken to the towns and villages of Andalusia and beyond, across Spain.

The expulsion of the Jews from the Spanish kingdoms in 1492, followed by the expulsion or forced conversion of Muslims in 1502 created an atmosphere of suspicion.[90] This period saw multiple revolts from the *morisco* population (converted Muslims), and their subsequent relocation or expulsion.[91] After the 1568-1571 *morisco* uprising in Alpujarras, over 4000 *moriscos* were relocated to Seville, leading to further tensions.[92] The city's authorities were always aware of the apparent threat of heresy and apostasy, and Seville was the birthplace of the Spanish Inquisition, which was established by Queen Isabella after her visit to the city in 1478.[93] Thereafter, Seville's Inquisition remained a powerful and active force in the city and beyond.

Epidemics ravaged the city in 1581, 1588, 1599-1600 and 1626, along with failing harvests and resultant famines in 1557, 1560, 1580-82, and 1626, while in the seventeenth century the city faced an economic downturn that signalled the end of its colonial monopoly and its

[86] Pike, *Seville,* 2.
[87] Lauren Beck, 'Race and Labor in Sixteenth-Century Seville through the Prism of Accounting Books (Hijuelas) from the Reales Alcázares' *Renaissance Quarterly* 71, no.4 (2018): 1282.
[88] Nancy E. Van Deusen, *Global Indios: The Indigenous Struggle for Justice in Sixteenth Century Spain* (Duke University Press, 2015), 9; James Lockhart, Stuart B Schwartz, *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge University Press, 1983), 18.
[89] Van Deusen, *Global Indios,* 9.
[90] Perry, *Gender and Disorder,* 4.
[91] Kristy Wilson Bowers, *Plague and Public Health in Early Modern Seville* (Boydell & Brewer, 2013), 11.
[92] Mary Elizabeth Perry, 'The "Nefarious Sin" in Early Modern Seville' *Journal of Homosexuality* 16, no.1-2 (1989): 76.
[93] Perry, *Gender and Disorder,* 3.

boom years.[94] Throughout the period, Spain was embroiled in various wars and armed conflicts – in the French Wars of Religion, in its possessions in Italy and the Low Countries, further afield in the Philippines, Chile, Peru, and against England and France. This was not a tranquil time for the Spanish empire, and certainly not for Seville which was a city particularly conscious of its part in broader events of the time.

Seville's physical landscape changed over the sixteenth century too. As the city grew, straining against its medieval walls, its major institutions developed impressive buildings to mark their presence. In 1506 the Cathedral was rebuilt, the former minaret the only visible survival from its previous life as a mosque.[95] In 1558 the Jesuits began construction of an impressive headquarters for their order, and in 1585 the Royal Mint was built to produce vast quantities of coins for use across the empire.[96] Other significant sites included the customs house (*Aduana),* the court of the *gradas,* an area next to the Cathedral which also served as the city's slave market, and a growing number of hospitals serving the increasing numbers of poor and sick in the city.

In this metropolitan city the three principal locations for our study are the *mancebía* (public brothel district), *gradas* and the neighbourhood of Triana. The *mancebía* was a triangle of houses and taverns, eventually segregated from the rest of the city by walls and gates, in which public prostitutes plied their trade. The *gradas,* by the Cathedral, served as a slave market but also as the plaza in which executions took place, and a centre of sexual commerce which bordered the *mancebía.* Here the proximity of power to a central site of sexual labour mirrors the situation in Lyon, where bathhouses and key municipal buildings stood side by side. Only in 1572 did this change, when the archbishop persuaded the King that the profane business of trade threatened the sacred space of the Cathedral, and the city's exchange building was constructed, reducing the importance of the *gradas*. Finally, Triana was a growing neighbourhood beyond the city walls, bordering the river. Stretching from the Arenal, a public promenade beneath the city walls where crime was common, across the pontoon bridge and into Triana proper, this neighbourhood was both a site of

[94] P. O'Flannagan, *Port Cities of Atlantic Iberia 1500-1700* (Routledge, 2008), 53.
[95] Pike, *Seville,* 6.
[96] Ibid.

illicit behaviour and the industrial centre of the city. Here there were over fifty ceramic workshops as well as factories for soap and gunpowder. Today folded into the city, in the sixteenth century this suburb of Seville was a key location for sexual and industrial labour.

Seville was ruled by a series of overlapping and sometimes contradictory bodies. Its city council, known as the *Cabildo* or *Ayuntamiento,* was an active and powerful presence, but the city also possessed a royal *Audiencia* court. The ordinary justice, or *Corregidor,* prosecuted crimes committed within the city against property or persons, although in theory they also had the authority to prosecute moral offenses. The *Audiencia* was the court of appeals for the surrounding region, and there was also a rural police force called the *Santa Hermandad,* which acted against criminals in the surrounding area and brought them to face justice in Seville. Under the jurisdiction of the Archbishop of Seville, the ecclesiastical court prosecuted crimes committed by clergy or on church property, while the Inquisition investigated moral offences such as heresy, bigamy, sodomy or blasphemy. Between these various organisations there were several prisons in Seville, including the secret cells of the Inquisition, the city jail, and the separate sites for clergy or women. The chief law enforcement officer for the city was the *alguacil mayor* or chief constable, who had four assistants, one of whom was specifically responsible for the neighbourhood of Triana.[97] In addition, he managed twenty more junior constables, *alguaciles a caballo* or *de los veinte,* who were each assigned to a specific parish. By the sixteenth century there were far more than twenty constables, including many who roamed from parish to parish, and this often caused confusion and allowed for impersonators to use the name of constable for their own ends.

Seville had a growing and shifting population, and mixed economic fortunes. It was a city with a flourishing sex trade, well-documented throughout the period. This was no doubt encouraged by the influx of sailors and merchants unmarried or away from wives, the large numbers of women left unaccompanied by their husbands' immigration to the Americas, and the rate of immigration by women from surrounding areas.

[97] Ibid, 19.

Mexico City

Until 1521, Mexico City did not exist. Instead, Tenochtitlán was the capital of the vast Mexica empire, almost certainly larger than any city in Europe at the time – and in fact was five times the size of London in the period. It ruled over roughly five million people in the basin of Mexico, mostly Nahua, but Mixtecs, Zapotecs, and others were also resident in the city and the empire. In this pre-conquest society, power belonged chiefly to the emperor and his nobles, or to the priests who resided in the sacred temple complex. Tenochtitlán stood alongside Tlatelolco, its subordinate sister city, and both rose from the great lakes which fed and watered them, as well as providing security against attack. The Mexica society was an advanced one, with significant skill in agriculture and architecture that allowed for floating fields (*chinampas*) and canals which provided transport and water to the city. Produce and imports from around the empire were brought to the capital to be traded in the city's markets, making for a bustling and growing city.

When the Spanish arrived in 1519, they brought about the downfall of the Mexica empire. They brought with them diseases against which the Mexica had no defences, and by 1521 Tenochtitlán had fallen to Cortés and his allies. For Spanish domination of the Valley of Mexico to be secured, the rubble of Tenochtitlán needed to be converted into a new capital, a stronghold of European power in the Americas. Thus Mexico City was born.

In this moment of change, the population of Mexico City was also fast evolving. The Spanish population was small and would remain so for decades in comparison to the Indigenous population, and it was also overwhelmingly male. Between 1509 and 1539, women represented approximately 5% of European immigrants to the entirety of the Spanish Indies – even in the 1560s, less than a third of European immigrants were women.[98] By 1574 around 18,000 Spaniards were living in Mexico City, making up about 30% of New Spain's entire Hispanic population.[99] Enslaved Africans arrived *en masse*, indeed, approximately half

[98] B. Vinson, *Before mestizaje: the frontiers of race and caste in colonial Mexico* (Cambridge University Press, 2018), 5.
[99] R. Douglas Cope, *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720* (University of Wisconsin Press, 1994), 10.

of all enslaved Africans brought to Spanish colonial possessions between 1521 and 1639 were taken to New Spain, putting it second behind Brazil in the total number of enslaved people arriving.[100] There were likely almost 10,000 enslaved Africans in the city at any one time.[101] Barbara Mundy has discussed in compelling detail how the Indigenous city of Tenochtitlan became the colonial city of Mexico City, and the dislocation this wrought on the Indigenous population, as well as on enslaved Africans brought to the city.[102] These newcomers joined a surviving Indigenous majority, whose numbers nonetheless had been severely depleted by the toll of colonisation. On the eve of conquest, the population of the city had been well over 100,000, over twice that of Seville at the time.[103] Since then, the city had undergone two years of siege, starvation and slaughter, not to mention illness and the emigration of Indigenous peoples where they were able. The Indigenous population was decimated, with less than 100,000 people remaining.[104] However, there was one rapidly growing demographic: *mestizos,* or mixed-race people of Indigenous and European parentage, born of unions between Spanish men and Indigenous women. By the 1560s there were well over 3,000 such *mestizos* in Mexico City.[105] Similarly, populations of *mulatos* (mixed-race people of Black and European heritage) and *castas* (mixed-race people of Black and Indigenous heritage) grew as people mixed in the rapidly growing city. Finally, there were *chinos,* people brought from the Philippines to Mexico as indentured or enslaved labourers.[106] By the end of the century there were several thousand *chinos* in Mexico City.

The city's population had to survive turbulent and dangerous times. There were droughts in the 1530s, serious flooding in 1555, 1604, 1607, and 1629, and epidemics throughout the

[100] Frank Proctor III, *Damned Notions of Liberty: Slavery, Culture and Power in Colonial Mexico, 1640-1739,* (University of New Mexico Press, 2010), 15; Vinson, *Before mestizaje,* 5.
[101] Cope, *Limits,* 14.
[102] Barbara E. Mundy, 'No Longer Home: The Smellscape of Mexico City, 1500-1600' *Ethnohistory* 68, no. 1 (2021): 77-101.
[103] Barbara Mundy, *The Death of Aztec Tenochtitlán, the Life of Mexico City* (University of Texas Press, 2015), 1; Enrique Rodríguez-Alegría, *How to Make a New Spain: The Material Worlds of Colonial Mexico City* (Oxford University Press, 2023), 12.
[104] Mundy, *The Death,* 80.
[105] Rodríguez-Alegría, *How to Make a New Spain,* 13.
[106] As Tatiana Seijas has demonstrated, these people were from a diverse range of places including Portuguese India, the Philippines and Japan. See Tatiana Seijas, *Asian Slaves in Colonial Mexico: From Chinos to Indians* (Cambridge University Press, 2014), particularly Chapter 2.

period, most notably in 1545, and 1576-81.[107] After the 1545 epidemic, the Indigenous population was reduced to just 75,000.[108] After the 1576-1581 epidemic, the Mexico's Indigenous population was again reduced, but this time it continued to deteriorate, and would only reach 1580 levels again in the nineteenth century.[109] These events were not unrelated to the physical changes being wrought on the urban landscape, indeed they were likely triggered by the use of the canal system as an open sewer, the infilling of the swamps surrounding the city, and of course the introduction of new bacteria and viruses by the colonisers.[110] There were also conspiracies and riots – several of which were almost certainly exaggerated or entirely invented by the Spanish population, who were significantly outnumbered by Afro-descended and Indigenous residents and who saw this as a threat to their safety and way of life.[111]

The colonisation of the city fundamentally changed its physical landscape. The lake became fetid, and the canals were used as sewers to dump waste, meaning they soon became smelly and clogged. As the city was rebuilt, new industries and animals were introduced which changed the city – tanneries, slaughterhouses and other unpleasant industries were mainly located in the Indigenous section of the city. Mexico City was a flourishing trade city, like Tenochtitlán before it. It had several *tianguis*, or markets, where food, textiles and other goods were traded. Goods like chocolate, chilli, beans, squash, tobacco, and maize were all new to the Spanish, but they soon began to acclimatise. They brought with them horses, cows, pigs, sheep and chickens. They also brought wheat and traded finished goods like clothing and jewellery as well as metalwork and guns. Imported goods included soap, olive oil and other products from Seville: the relationship between the two cities was direct and grew with cross-migration and trade, as well as jurisdictional overlaps. In addition to the trade in material goods, Mexico City was also a centre for the trade in enslaved people, and thousands of enslaved Africans were sold on from Mexico City and taken elsewhere in the Spanish empire.

[107] Jacqueline Holler, 'Conquered Spaces, Colonial Skirmishes: Spatial Contestation in Sixteenth-Century Mexico City' *Radical History Review* 99 (2007): 117.
[108] Mundy, *The Death,* 80.
[109] Tatiana Seijas and Pablo Miguel Sierra Silva, 'The Persistence of the Slave Market in Seventeenth-century Central Mexico' *Slavery and Abolition* 37, no.2 (2016): 311.
[110] Mundy, 'No Longer Home', 97.
[111] Vinson, *Before Mestizaje,* 11-15.

The city was laid out according to a grid system, with a main plaza at the centre which housed the Cathedral, Archbishop's residence, viceregal palace, municipal hall, royal mint and the most prestigious families. In the nearby Plaza de Santo Domingo, the royal customhouses sat alongside the Inquisition headquarters. The centre of the city, known as the *traza* and comprising approximately thirteen blocks in each direction from the *plaza mayor,* was initially reserved for Spanish occupants while the Indigenous population was relegated to the outskirts, but segregation soon lapsed due to the need for Indigenous labour in the houses and workplaces of the city centre.[112] However, Indigenous neighbourhoods remained poorer and less well-equipped: the largest Indigenous neighbourhood, Santiago Tlatelolco on the northern fringes of the city, was unconnected to the city's water system and did not have easy access to potable water.[113] The areas immediately surrounding the *traza* became the Indigenous district of San Juan Tenochtitlán, supplying Indigenous manpower to the Spanish population.

Churches were built rapidly, becoming regular landmarks across the city. New accommodations were built for the ruling class, including fine palaces for Cortés and other conquistadors. On the site of the former temple a huge cathedral was eventually built, although this took several decades after the conquest. Many of these landmarks still exist today, and a walk around Mexico City will reveal far more about this period than about Indigenous Tenochtitlán. Sex work in this city is harder to trace than in Seville or Lyon, as maps are less accurate and the city was changing so rapidly. There is no one district in which sexual labour was particularly prominent, at least in the early modern period, and in fact it was probably most common in the homes of Spanish men across the city. There was no public brothel, although the city council did apply for and was granted a license to build one in 1538.

Mexico City was ruled initially by the Governor of New Spain, a post first occupied by Hernán Cortés. However, from 1535 it was ruled by the newly established Viceroy of New

[112] Sharon Bailey Glasco, *Constructing Mexico City: Colonial Conflicts over Culture, Space and Authority* (Palgrave Macmillan, 2010), 8, 26.
[113] Ibid, 9.

Spain, which included most of what is now Mexico, Guatemala, the southern US, and other territories such as modern-day Haiti, the Dominican Republic, and the Philippines. He was a representative of the Spanish monarch in the colonies and ruled through the King's authority. He was based in Mexico City and thus the city was under his control, at least theoretically, but there was also a *Cabildo* or city council. The Catholic Church in New Spain was based in Mexico City, under the authority of the Archbishop of Mexico, and the archbishopric court played a significant role in regulating behaviour in the city, as will be demonstrated by the prevalence of its records in Chapter Three. The Indigenous portion of the city was under the rulership of an Indigenous *Cabildo*, or later a governor whose position was created by the first viceroy.[114] There were several courts, chiefly the *Audiencia* or royal court, which oversaw the surrounding area and acted similarly to the *Audiencia* in Seville as an appeals court, and the Inquisition tribunal which similarly had wider jurisdiction in the region. From the early sixteenth century New Spain also answered to the Council of the Indies, which was based in Madrid and had judicial, legislative and administrative power second only to the king. The power of this body was limited, however, by its distance from the colonies over which it ruled.

This was a city in flux, in chaos, and in such times sexual labour becomes a survival tactic for many women, while for many others unfree sexual labour or exploitative sex becomes a horrible reality.

Sources

Each city has a very different source base with which to work, created by a specific set of circumstances both at the time and in the centuries since. This obviously produces challenges in writing a comparative history of the three cities, including comparing disparate typologies of documents, addressing gaps in the records available, and understanding very different legal and judicial systems. An explanation of the various bodies in charge of regulating sex work and prosecuting forms of sexual immorality, followed by a thematic

[114] For a thorough examination of the Indigenous governance of Mexico City, see William F. Connell, *After Moctezuma: Indigenous Politics and Self-Government in Mexico City, 1524-1730* (University of Oklahoma Press, 2012).

examination of the types of sources used in this thesis, better elucidates the kinds of records available, and how I am comparing across distinct documentary traditions.

Early modern judicial systems were often complex and contradictory, and legal and judicial bodies often had overlapping jurisdictions and contrasting aims. This complicated the regulation of sex work and the prosecution of sexual offences, but it also provides a variety of different kinds of sources for the historian.

All three cities had a *Cabildo* or *Consulat,* a city council who was responsible for the governing of the municipality. This body made decisions about the running of the city and its institutions, including reform houses, poor hospitals, and municipal brothels, as well as hearing complaints about public disturbances such as the noise of an unlicensed brothel or the disruptive presence of sex workers on the street. City councils employed officials of various kinds, perhaps *sergents* or *alguaciles,* constables, who investigated and assured their rulings were followed. Each council was made up of individual councillors, powerful elite men in their own right, often connected to influential local families. Over time the priorities of the city council could change, and each man might in fact be prioritising his own or his family's interest, or perhaps might be swayed by a particular religious movement. In Lyon, for example, the tension between Protestants and Catholics was present in the membership of the city council, particularly after the Protestant takeover of 1562.[115] Similarly, the leadership of the council could alter its tone. Between 1597 and 1599 the Count of Puñoenrostro was appointed to the role of *Asistente* or royal governor, who oversaw the city council of Seville.[116] He embarked on a campaign of anti-corruption and moral strict discipline, installing new measures against vagabonds and delinquents, decreeing regular inspections of taverns and boarding houses, even accompanying inspectors himself on multiple occasions. His attempts at reform were cut short by the opposition of one of the other powerful institutions in the city, the *Audiencia* court, whose judges perceived the *Asistente's* reforms as a threat to their power, and thus consistently blocked his efforts until he eventually admitted defeat and left his position. This struggle is a

[115] Austin Collins, "'La ville eut l'éphémère honneur d'être comme la capitale du Royaume': A Spatial History of Charles IX's Royal Tour of France, 1564-1566 (Angoulême, Lyon, Sense)", (PhD diss., Durham University, 2024): 16.

[116] Ruth Pike, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century* (Cornell University Press, 1972): 212.

perfect example of the conflicting jurisdictions which often hindered the enforcement of legal codes and allowed semi-legal behaviour like sex work to flourish.

Although city councils in all three cities were the key legislatory body responsible for regulating sex work, alongside royal law from above, when sex work – or other 'moral offences' became scandalous or caused a disturbance, it might instead come before the courts.

As with most early modern cities, Lyon, Seville and Mexico City each had several courts. Mexico City's system echoed that of Seville, as Spanish colonial possessions based their bureaucracy largely on that of Spain, and were governed largely by Spain's laws.[117] Both cities had an *Audiencia* court, an appeals court whose authority derived from the Crown, whether it came from the King himself or through his Viceroy. This marked them as regional centres of power. In Seville, the *Asistente* acted in the capacity of *Corregidor* or ordinary justice in other cities, and prosecuted crimes committed within the city, while the *Santa Hermandad* prosecuted crimes committed in the surrounding rural areas.[118] Both were generally more concerned with violence against persons or property than moral offences, despite officially claiming jurisdiction over moral offences such as sodomy.[119] It is possible that the city lacked the resources to prosecute large numbers of accused, unlike the Inquisition, resulting in the relatively small number of sodomy prosecutions in Seville.[120] In Lyon, similarly, there was a royal court of appeal known as the *Sénéchaussée* which had jurisdiction over civil and criminal cases, but mostly left the prosecution of moral offences to religious authorities. This court was a regional appeals court, but within the city also enacted the role of ordinary justice. Thus, both *Audiencia* and *Sénéchaussée* courts dealt with cases of violence related to sex work, with cases of rape, or accusations of procuring in the case of Seville. However, as shall be discussed in Chapter Two, the extralegal nature of most sex work has rendered it largely invisible in the records of secular courts.

[117] As discussed at length in von Germeten, *Profit,* 30.
[118] Oliver Ford, 'From the Ritz to the rubble? The *asistente* of Seville, urban government and disaster, 1621-1700 (PhD diss., University of Oxford, 2017): 42.
[119] Ruth Pike, 'Crime and Criminals in Sixteenth-Century Seville' *The Sixteenth Century Journal* 6, no.1 (1975): 5; Perry, 'The Nefarious Sin', 71.
[120] Ibid, 73.

All three cities also had religious courts of various kinds: Seville and Mexico City were both seats of Inquisition tribunals, and all three cities had an ecclesiastical court under the authority of an Archbishop. These episcopal courts had jurisdiction over most crimes of sexual immorality including bigamy, concubinage and adultery, but in Seville these matters were generally left to the Inquisition to prosecute. Instead, the episcopal court dealt with cohabitation, increasingly targeting *amancebamiento* (concubinage) from the 1580s.[121] In Lyon the episcopal court was similarly careful about its involvement in prosecuting sexual offences, although there are prosecutions for concubinage and *vie libertine* (immoral living) in the period. In Mexico City, however, the episcopal court was perhaps more powerful than its European counterparts, given the expanded powers of Latin American bishops and their use to 'check' the power of both clergy and colonial elites.[122] In addition, they had jurisdiction over Indigenous people where the Inquisition did not, from 1541. Mexico City's episcopal court was active in punishing cohabitation, and by the later sixteenth century had also taken a more active role in prosecuting bawds and procurers, almost always in response to a perceived 'public scandal' or disturbance, or in response to appeals from the Crown for greater control of public morality.[123]

The Inquisition of Seville originally focused on heresy and associated offences, but from the 1540s there was a shift towards prosecuting moral offences including bigamy and solicitation under a series of new Inquisitor Generals.[124] However, prostitution and gambling remained outside the Inquisition's jurisdiction, and the charge of fornication was almost never used to prosecute sex workers. In Mexico the Inquisition remained focused on heresy, apostasy and also on *hechicería* or witchcraft, a charge that was increasingly associated with Indigenous or African influence – in the words of Nicole von Germeten, prosecuting such charges 'fit more comfortably within the imperial mindset than writing limitations on male sexual proclivities'.[125]

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[121] Edward Behrend-Martínez, 'Taming Don Juan: Limiting Masculine Sexuality in Counter-Reformation Spain' *Gender and History* vol.24, no.2 (2012): 338.

[122] Edward Behrend-Martínez, "Episcopal Courts in Iberia, Italy, and Latin America.", in *Judging Faith, Punishing Sin: Inquisitions and Consistories in the Early Modern World,* eds. Charles H. Parker and Gretchen Starr-LeBeau (Cambridge University Press, 2017): 86.

[123] Von Germeten, *Profit,* 43.

[124] Lu Ann Homza, *The Spanish Inquisition, 1478-1614: An Anthology of Sources* (Hackett, 2006): 164.

[125] Von Germeten, *Profit,* 60.

The overlapping jurisdictions of the early modern world, along with the limitations of manpower and money, and changing officials, limited the ability and interest of early modern courts in prosecuting sexual offences. Some were more motivated and successful than others, but in many cases sex work was not a sustained target of legal attack, or was prosecuted as a result of a related charge such as violence, witchcraft, or sodomy. Using the records of the various judicial and municipal institutions in concert offers a more holistic view of early modern sex work.

Perhaps the most obvious source in which to seek records of sexual labour is court records – civil, criminal, secular, and religious.[126] These records make up a large part of the source base for this study, especially given the preponderance of courts in the cities under examination. However, this is complicated by the survival or loss of various sets of records. In Seville, the criminal records are lost almost in their entirety. Only one year survives, and that only in summary due to the King's request for a report on all sentences of death or galley service, as well as those cases under appeal. This year of records is of course useful, but we cannot know how representative it is of the rest of the period, and its existence only in summary means we are deprived of a lot of detail. There are a handful of criminal cases from Seville that survived in other places – their records were sent to other jurisdictions for related cases, or discussed in correspondence when they provoked jurisdictional quarrels, and this provides slightly more of a basis from which to understand the period. In addition, there are several contemporary compilations of criminal cases which offer a way to access cases which have not survived. The memoir of Pedro de León is perhaps the most thorough of these. León was a Jesuit priest who acted as the chaplain of Seville's prisons for nearly forty years (1578-1616) and wrote incredibly detailed accounts of the men (and occasionally women) he saw executed or on whose behalf he appealed for clemency. His writing is particularly useful when combined with the accounts of Cristóbal Chaves and Martín Pérez, who also wrote about their experiences of Seville's prison system or the criminal cases which were particularly notable in the period. By cross-referencing cases between León's

[126] On the challenges of researching prostitution (and implicitly, sexual labour), see Timothy J. Gilfoyle, 'Prostitutes in the Archives: Problems and Possibilities in Documenting the History of Sexuality' *The American Archivist* 57, no. 3 (1994): 514–27.

writing and Chaves' *Relación,* for example, we can better ascertain their credibility and gain more details.

Lyon's *sénéchaussée* records are similarly unusable, partly due to the loss of records for the vast majority of the sixteenth century, and partly due to the virtually impenetrable hands used to record the cases after this date.[127] For the late sixteenth century these records remain largely unused because of their current illegibility, but there is the possibility that with the improving state of transcription programmes this may in future be resolved. However, on occasion details of criminal or civil cases were preserved in the municipal council records, and thus I was able to integrate them into this study. Mexico City's criminal and civil court records are available and were used in this thesis where relevant but in fact they contained relatively few cases for the period – in total, just four cases of cohabitation and two of abduction/rape.

Lyon did not have an Inquisition, but the Inquisition records of Mexico City and Seville were used in this study, alongside the Archbishopric records of Mexico City and Lyon. However, I was unable to draw on the archive of the Archbishopric of Seville, except where these cases were digitised or mentioned in other archives or accounts. Upon visiting the archive, I was told there was nothing pertinent in the catalogue and I was unable to confirm this myself. This is unfortunate as the topical index for the archive includes titles such as 'archbishopric prison, prohibition on women visiting prisoners' (an occurrence referenced by León who describes sex workers visiting procurers in prisons), 'clerics, accompanied by women; cohabiting and concubines; living in suspect houses', 'parish curates, visiting suspect houses, taverns', and 'women, of wicked living, who are in taverns, who sell those who live with clerics'. This is particularly inconvenient as the archbishopric courts of Mexico City and Lyon provided rich sources and a direct comparison would have been valuable. Further work on this area will allow me to use this archive and to better compare between the three cities.

Municipal council records proved to be an invaluable resource for all three cities, but in particular for Lyon and Seville where they were indispensable. In Lyon the council minutes

[127] What records do exist are available in the BP series of the ADR.

and expenses were rich in details about reform houses and bathhouses, complaints about prostitution in the streets, and the establishment of a tolerated brothel in the mid-sixteenth century. In Seville the city council supervised the running of the *mancebía* and thus there are frequent discussions of this institution as well as reform houses, illicit prostitution and other matters relating to 'public decency'. In Mexico City there were only three relevant city council acts, all relating to the proposed establishment of a *mancebía.* As explained in Chapter One, the lack of any subsequent records is indicative. In all three cities, the city council provided a useful source through which to understand authorities' attitude to sexual labour.

The tax rolls and property records of Lyon were a starting point for this study and have been crucial throughout. Unfortunately, similar documents for Mexico City do not exist, and there is only one comparable record for Seville, which I was unable to access. This is a census from 1561 which lists fourteen prostitutes, and did not record any who were not denizens of Seville. However, records were taken by city officials within the *mancebía* which have been used here.

In all three cities reform houses existed which housed – and in some cases imprisoned – ex-prostitutes. Poor hospitals often employed such women to tend to the sick and needy, and as such records of and about such institutions are useful when analysing sexual labour and the conditions and lives of those practicing it. For Seville, there are several useful sources from the reform houses which discuss the distribution of charitable dowries to ex-sex workers or provide physical descriptions of these women upon entry into the reform house. In Lyon, the Hôtel Dieu employed reformed women, and the city council records discuss this institution on numerous occasions. These sources are used to discuss sexual violence in Chapter Four, and to discuss illicit sex work in Chapter Two. Unfortunately, in Mexico City there are few relevant sources discussing or produced by reform houses, which from early in the colonial period catered almost exclusively to European women, often the daughters of families who were unable to contract a marriage for them.

There have of course been a variety of unexpected sources which have presented themselves over the course of my research, including letters and reports from officials,

appeals to the King, and commandments given to Viceroys or local officials. These have on occasion proved incredibly revealing, and although they are in no way uniform across the three cities, they have allowed me to nuance the insights of municipal and court records.

Finally, I have wherever possible used literary sources to reinforce my archival findings. This proved particularly appropriate in Seville, given the abundant literature which takes the city as its setting – Miguel de Cervantes, Mateo Alemán, Fernando de Rojas and many others referenced real locations and perhaps real people in their works set in Seville. In Lyon this was not as simple, but on occasion a literary source complemented archival documents and allowed me to better access popular views of sexual labour in the city. Mexico City, however, offered no literary sources which could be employed to nuance my findings. What was available to me, both in Mexico City and elsewhere, were travel accounts. Much like today, travellers viewed sex work as a spectacle, a tourist attraction, and made note of it in their summaries of their travel through a particular city. These accounts function similarly to literary sources in my work – they add to the judicial or municipal documents but are never used entirely on their own due to their tendency for exaggeration or particular judgement.

Comparing historical events and phenomena using such disparate sources from three cities and more than ten archives provides a challenge, especially when there are inequalities in the material. How does one make a useful comparison based on a case from the Archbishopric of Seville and a travel account of Mexico City? Or a poem about bathhouses in Lyon alongside a summary of a rape case in Seville? This has been one of the central challenges of the present thesis, namely, how to build a truly comparative analysis that yields useful insights while also addressing gaps in the source base. However, in some ways having such a diverse source base has also been an advantage, and here the comparative lens of the study shines. For instance, municipal council records have allowed me to mitigate the focus on exceptional moments in the court records, and understanding the structure of archives and judicial administration in one city has given me indications of where to find useful resources in another city. Many of the sources I used pose problems as they are formulaic, using official language and written by a scribe or clerk who adhered to a standard format which can obscure the individual features of a case. However, comparing such a source from Lyon with one from Mexico City has allowed me to better understand

what was unique in each case, what came from the deponents or witnesses rather than the clerks, and what legal strategies were common for defendants and complainants across jurisdictions.

In this, I am drawing on feminist methodologies to read sources 'against the archival grain'. I read sources critically and give weight to the potential for deponents to use legal strategies that presented them in the best light for their case. Building on the approaches of scholars such as Kathryn Burns and Bianca Premo I consider how women and Indigenous or Black people might have exploited gendered or racial expectations to portray themselves in a favourable light before the court, and to consider what happened outside the court room as much as what happened within it.[128] Using methods akin to those of Natalie Zemon Davis, Shelagh Ogilvie, and Maria Ågren, and of course in the tradition of Marc Bloch, I sometimes read records for incidental details, unrelated to the documents' initial purpose, as these can occasionally reveal surprising insights about daily life that would not otherwise have been deemed worth recording.[129] I am also careful not to accept the framing of authorities at face value – I do not recreate the racial and gendered assumptions of court or city officials, instead ascribing agency to sex workers and considering what was happening beyond the view of officials – and the archive. However, as challenged by John Arnold, I remain conscious of my own impulses to '"overcome" silences and thus "penetrate" the past', and do not attempt to fill in the blanks which so often present themselves in the history of sexual labour.[130]

Structure of the Thesis

The chapters of this study are structured around different types of sexual labour, which I view as positioned on a continuum. A sex worker might perform several different kinds of

[128] Burns, *Into the Archive*; Bianca Premo, 'Before the Law: Women's Petitions in the Eighteenth-Century Spanish Empire' *Comparative Studies in Society and History* 53, Issue 2 (2011): 267.
[129] Davis, *Fiction in the Archives*; A. W. Carus and Sheilagh Ogilvie, 'Turning Qualitative into Quantitative Evidence: A Well-Used Method Made Explicit' *The Economic History Review* 62, no.4 (2009); Maria Ågren, "Introduction" in *Making a Living, Making a Difference: Gender and Work in Early Modern European Society* ed. Maria Ågren (Oxford University Press, 2016), 6; Marc Bloch, *The Historian's Craft* (Knopf, 1953).
[130] John H. Arnold, 'The Historian as Inquisitor: The Ethics of Interrogating Subaltern Voices' *Rethinking History* vol.2, 3 (1998): 385.

sexual labour over her working life, moving from one to another and back depending on her needs and circumstances. Each chapter takes one form of sexual labour and analyses the working conditions and relationships, legality and circumstances that might prompt a woman to enter that kind of sex work. It considers how that type of sex work presented and was perceived differently in each city, and how that changed over the period.

The first chapter analyses legal sex work in municipal brothels, institutions which were common across the late medieval and early modern world, and posits that the Counter-Reformation change of attitude towards prostitution spelled the end of public brothels as part of a broader shift which devalued and delegitimised gendered labour in many forms, including sex work. This study complicates our understanding of the public brothel by asking why this institution was not exported to the Americas under Spanish colonialism, and what the existence of the public brothel meant for those outside it.

The second chapter turns to extralegal prostitution, exploring how legality (or the lack thereof) changed the experience of sex work and sex workers, and comparing different forms of sex work (such as street work, private brothels, and bathhouses) to examine the factors impacting working conditions. Sex work beyond the legal brothel is framed as extralegal to explore the complex status of sexual labour in early modern legal systems properly. This contributes to dismantling a binary opposition between legal and illegal sex work and instead uses a continuum or spectrum as a more appropriate framework for sexual labour. I engage with literature exploring early modern attitudes to charitable provision including the impulse to imprison, and how this was mirrored in the treatment of sex workers.

In the next chapter I evaluate transactional sex, and how race and socio-economic status could push women to survival sex work. Transactional sex is defined as that undertaken for rewards other than money, usually bed and board, although money was occasionally given as well. In Chapter Three I divide transactional sex into cohabitation (also called *concubinage* or *amancebamiento*), which can be divided into that between lay people and that involving clerics. I also discuss procuring for non-monetary gain, and relationships between masters (both lay and clerical) and servants or enslaved women, which positioned

sexual labour alongside the domestic labour these women were expected to perform. I complicate our understanding of these power dynamics and the agency that some women were able to exert, while recognising that not all cohabitation or all relationships between masters and servants can be considered sexual labour, and some were almost certainly affective relationships. This analysis of transactional relationships evidences a shift over the period to viewing sexual labour as a perversion of norms that prescribed a private, monogamous sexuality.

Finally, in the fourth chapter I analyse unfree sexual labour and sexual violence, arguing that unfree sexual labour was a systemic occurrence in slaveholding societies. In conceptualising enslaved women's sexual exploitation as a form of unfree labour, I position the unfree reproductive and productive labour of Black women as a central feature of slavery. To do so, I centre the concept of acquiescence rather than consent, focusing on how enslaved people exercised curtailed agency despite their bondage, which made true consent impossible. This framework provides for a better understanding of the material realities of the sexual exploitation inherent in slavery. In addition, I use sociological studies of modern sexual violence to understand how sexual violence was used by men to reinforce their masculinity and to assert patriarchal control over women viewed as beyond social order. I also consider sexual violence against enslaved men and boys, and how this can nuance our understanding of sexual violence against women, and the systems that perpetuated both.

Some cities feature more prominently in some chapters than others, because of the prevalence of a particular kind of sex work in that city, which is informative in itself. All four chapters emphasise the status of sex work as a form of gendered labour, which was often combined with other forms such as reproduction or housework, and then chart the shift away from viewing sex as work. They track how sex work became delegitimised as a form of labour and was instead naturalised, understood as a natural part of womanhood and thus something women were expected to do without compensation, particularly Black, Indigenous and lower status women. This thesis situates this shift in a broader trend of naturalising gendered labour and turning it into a private matter within the home. Increasingly, when sex – for it could no longer be conceived of as sex work – spilled beyond the bounds of the home, it was perceived as a sin or a crime borne from women's frailty and

susceptibility. This change is noted in every chapter, for every kind of sexual labour, in one way or another. Also central to this thesis are the processes of the Reformations and of colonisation: throughout, I consider how these movements did or did not impact attitudes to and practices of sexual labour, and how much we can ascribe shifts in perceptions of sexual labour to the process of colonisation or to religious developments.

Chapter 1: 'Filles communes publicques': Municipal Brothels, the Counter-Reformation and the End of State-sanctioned Prostitution

On Thursday 2nd July 1539, Madeleine Lambert appeared before the city council of Lyon with a request: she proposed gathering the *filles de joies* (prostitutes) of the city into a single brothel, located on Rue Ferrachat.[1] This brothel may already have existed, and given that Lambert is listed as *hostesse des filles de joies* (hostess or madam of prostitutes), it is probable she was already managing a brothel, perhaps this one.[2] The possibility of an already existing brothel on this site is suggested by the fact that in 1513, Madeleine Lambert, then a prostitute rather than a madam, listed her address in tax records as Rue Ferrachat.[3] Although she lived in other locations in the intervening years, it is possible she had now graduated from worker to manager, and had returned to run a brothel in which she had previously worked. It seems likely that Lambert was taking advantage of an opportunity to expand her business and get official approval. The city council apparently approved: her request was granted, and she was allowed to lodge *ses pensionnaires* (her residents) on Rue Ferrachat, where they remained for at least five years.[4]

The Rue Ferrachat brothel was one of the final instances of a centuries-long institution in many parts of Europe: the municipal or public brothel. By the late medieval period, attempts to suppress prostitution had given way to limited tolerance, and brothels were frequently owned by municipal councils, church authorities and noble families. In Germany, Spain, Italy, Switzerland, the Low Countries and Southern France, these public brothels were a common sight.[5] Each authority had its own slightly different set of regulations and rationales, and the experience of working in a public brothel varied widely depending on the management, the clientele, and the societal circumstances. The reasoning behind them was simple. Across

[1] AML BB56-3, f. 41.
[2] Ibid.
[3] AML CC250.
[4] AML BB57.
[5] See Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* (University of Chicago Press, 1985); Jamie Page, *Prostitution and Subjectivity in Late Medieval Germany* (University of Oxford Press, 2021); Tessa Storey, *Carnal Commerce in Counter-Reformation Rome*. Cambridge (Cambridge University Press, 2008); Lotte van de Pol, *The Burgher and the Whore: Prostitution in Early Modern Amsterdam* (Oxford University Press, 2011); Francisco Núñez Roldán, *Mujeres Públicas: Historia de la Prostitución en España* (Temas de Hoy, 1995).

much of late medieval Europe, prostitution was seen as a necessary evil. As cities grew, they attracted large numbers of single men: journeymen, clerics, apprentices, casual labourers, men on business away from their wives.[6] The late age of marriage - as late as twenty-six for men in some parts of Europe - necessitated a long period of sexual continence on the part of young single men. Respectable women, that is the chaste daughters and wives of respectable men, had to be protected from the advances of these men. To satisfy the sexual demands of this largely young, male population, prostitution was viewed as a socially acceptable outlet. Saint Augustine's begrudging tolerance for the necessary evil of prostitution is frequently cited as justification for late medieval attitudes: he argued that by allowing this sin, society could protect the honour of respectable women and prevent violence by frustrated young men.[7] By the early modern period, this was a common belief, and in 1585, Castilian preacher Francisco Farfán extolled the benefits of the public brothel for a city, saying that 'just as the city keeps itself clean by providing a separate place where filth and dung are gathered … [so] acts the brothel: where the filth and ugliness of the flesh are gathered like the garbage and dung of the city'.[8]

For several hundred years, municipal or public brothels stood as part of the social fabric of urban life, offering spaces for socialising and sex to their clients and lucrative businesses to their owners and tenants. In theory, they were intended to enforce a monopoly on prostitution, which could only take place in the designated areas or buildings allotted by the local or royal authorities. In practice, of course, they were always accompanied by a thriving extralegal sex trade which was only occasionally prosecuted by authorities and more commonly functioned without issue so long as it did not disturb the peace. Some authorities were stricter than others, and those working outside the law were sometimes exiled, punished corporally or relocated to the public brothel, depending on the attitude of the local

[6] Kathryn Norberg "The Body of the Prostitute: Medieval to Modern" in *The Routledge History of Sex and the Body in the West: 1500 to the Present* eds. Kate Fisher and Sarah Toulalan (Routledge, 2013), 394.
[7] Augustine, *On Order: St. Augustine's Cassiciacum Dialogues,* vol. 3 ed. Michael P. Foley (Yale University Press, 2020): 61.
[8] '*Asi como para que la ciudad este limpia es menester provella de lugar apartado, donde se echen, y recojan laas immundicias, el estiercol la vasura, las hezes etc. Asi ni mas ni menos, suppuesta la rotura, y dissolucion de la carne son menester mancebías, donde se recogan las suziedades, y torpezas de los carnales, como caesura, y estiercol de la ciudad'.* Francisco Farfán, *Tres libros contra el peccado de la simple fornicación: donde se averigua, que la torpeza entre solteros es peccado mortal, según ley divina, natural, y humana; y se responde a los engaños de los que dizen que no es peccado* (Herederos de Matthias Gast, 1585), 730-1.

authorities at the time. Despite the ubiquity of the extralegal trade, licit brothels often formed the backbone of prostitution in a city (and certainly much more so than in rural areas) and were a major feature of civic life – they appeared in travellers' accounts as if they were tourist attractions, created reams of parchment in municipal council records, and some even made it into contemporary literature.[9]

The institutional framework for prostitution was theoretically exported to colonial possessions. Spanish colonies were largely subject to the same laws as the metropole, and many had permission to build municipal brothels of their own: the earliest known licence was granted to Bartolomé Conejo by the crown in 1526 to establish a brothel in San Juan, Puerto Rico.[10] The same year, the crown granted Juan Sánchez Sarmiento a similar license for the city of Santo Domingo, in what is now the Dominican Republic.[11] It is no surprise then that after the conquest of Tenochtitlán, the newly christened Mexico City was quickly granted a royal licence to open a municipal brothel for the good order of the city – the act of 1538 asserts that the brothel should be '[the city's] own, and no other person can have or build a brothel, only the city'. [12] The reality of prostitution in colonial cities, nonetheless, was more complicated than the legal framework suggests, and differed significantly from the European model for a variety of reasons. Part of this divergence stemmed from the changing attitudes towards municipal brothels in Europe: they were a prominent and long-lasting part of the urban landscape from the fourteenth century, but by the time Madeleine Lambert made her request in Lyon in 1539, the municipal brothel was markedly in decline.

From the early sixteenth century a movement had been gathering pace across much of Europe to put an end to legal, municipally-run prostitution. Public brothels had always faced opposition from some, but their position became increasingly precarious as the Reformation

[9] For example, the comments of the Seigneur de Montigny on the *mancebía* of Valencia, as discussed in Vicente Graullera Sanz, "Delicuencia y vida cotidiana en el burdel de Valencia del siglo XVI" in *La Prostitution en Espagne*: *De l'époque des rois Catholiques à la IIe* république, ed. R. Carrasco (Annales Littéraires de l'universite de Besancon, 1994), 67-81, or Francisco Delicado, *Retrato de la loçana andaluza* (1528) on prostitution in Rome.

[10] AGI, Indiferente 421, Legajo 11, f. 104r.

[11] AGI, Indiferente 421, Legajo 11, f. 140v.

[12] '*La cassa publica que en essa dicha ciudad, a su costa y minsion, queremos y mandamus sea suia propia y que ninguna otra personal la pueda tener ni hazer, sino essa dicha ciudad'.* AGI, Mexico 1088, Legajo 3 f. 158r-159v, *Real cédula de Isabel de Portugal a la Ciudad de Mexico* (1538).

proceeded, and even in areas that did not adopt Protestantism, the Catholic response saw a shift in policy that marked the death knell of the public brothel. Protestant opposition to prostitution was evident from the beginning and formed just one part of a coherent programme to enforce marriage as the only acceptable option for women and the only permissible arena for sexuality. Luther himself described prostitutes as 'scabby, scratchy, stinking, nasty, and syphilitic', and advocated the closure of public brothels, the reform of the women there, and the reassertion of patriarchal authority over single women as part of a family unit.[13] Protestant belief prioritised marriage and childbearing for women, to the point of closing convents and urging former nuns to marry – Luther led by example, marrying a former nun himself.[14] In addition, during this period the institution of marriage was being redefined or at least reconsidered by both Protestant and Catholic authorities. Where previously the exchange of a marital promise between a couple, consummated by sex, had been sufficient to constitute a marriage now parental consent, priestly involvement, and the presence of witnesses gradually became a requirement – in the words of Jutta Sperling, 'after centuries of defining marriage in direct opposition to the 'world', the Tridentine church surrendered its couple-oriented notion of marriage to secular demands for greater public authority'.[15] This shift was not at all unrelated to the attempts to cement marriage as the only acceptable avenue for sexuality, in particular for women. Of course, the increasingly strict ideas promulgated by Church authorities did not necessarily translate into legal practice. In Spain, as Merry Weisner-Hanks has argued, marriage remained a somewhat 'malleable idea', in the eyes of couples and their communities, and although 'the Spanish crown ordered all couples who married clandestinely to be exiled and their property confiscated', these mandates were rarely enforced in practice.[16] France, in contrast, had long been and continued to be much stricter, as marriage laws were governed by royal legislation instead of Church rulings, and there were much stronger punishments for clandestine marriage, which

[13] *D Martin Luthers Werke: Kritische Gesamtausgabe, Tischreden, Weimarer Ausgabe,* IV, no. 4857: 552, published in translation in *Luther on women: a sourcebook* eds. S. C. Karant-Nunn and M. E. Wiesner-Hanks (Cambridge University Press, 2003), 157.
[14] M. A. Mullett, *Martin Luther* (Routledge, 2004), 182; Marjorie Elizabeth Plummer, *From Priest's Whore to Pastor's Wife: Clerical Marriage and the Process of Reform in the Early German Reformation* (Ashgate, 2012).
[15] Jutta Sperling, "Marriage at the Time of the Council of Trent (1560-70): Clandestine Marriages, Kinship Prohibitions, and Dowry Exchange in European Comparison", *Journal of Early Modern History,* vol. 8, Issue 1-2 (2004): 68, 98.
[16] Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice, 3rd Edition* (Routledge, 2020), 141.

were more regularly enforced.[17] In Mexico, this evolution of marriage came later, in the eighteenth century, but we can see a not dissimilar impulse in the attempts of the Church and the authorities throughout the colonial period to regularise Indigenous and African relationships within the Christian sacrament of marriage, and to punish sexual behaviour that occurred outside of marital unions.[18]

Prostitution was no longer seen in economic terms, and instead was designated as just one type of whoredom that had to be quashed, its practitioners reformed or exiled. As Merry Wiesner-Hanks has maintained, 'religious and civic leaders increasingly regarded women who sold sex as worse than other criminals … harsh punishments were set for prostitution, including public flogging and incarceration in prison or a syphilis hospital'.[19] Although professional prostitutes were treated severely, all unmarried women faced suspicion due to their supposed freedom from male supervision. Women's use of piecemeal work to provide for themselves and their families could include sex work, which meant that any unmarried woman could in fact be a whore, and authorities were hostile towards them as a result.[20] The Protestant crackdown on prostitution led to a wave of brothel closures across Europe throughout the sixteenth century, and Catholic territories soon responded with their own reforms, which were equally devastating to the institution of the public brothel.

The Catholic Church watched with horror as the Reformation swept across Europe, and soon crafted a response intended to shore up faith in the Church and dissuade believers from defecting to Protestantism. A programme of internal reform was devised, most clearly delineated in the rulings of the Council of Trent in 1545, which targeted worldliness and immorality in the Catholic Church, but also laid out a programme of reform aimed at regulating the behaviour of the laity. The Tridentine decrees included a renewed emphasis on virginity (whether that was in the enclosure of women before marriage or the increasingly

[17] Ibid.
[18] Patricia Seed, *To love, honor and obey in colonial Mexico: Conflicts over marriage choice, 1574-1821* (Stanford University Press, 1988), 5.
[19] Wiesner-Hanks, *Christianity and Sexuality*, 99.
[20] This has been termed the 'economy of makeshifts' and was first articulated by Olwen Hufton in 1974. This idea has been used frequently since to elucidate the working patterns of poor women. Olwen Hufton, *The Poor of Eighteenth Century France 1750-1789* (Clarendon Press, 1974); Judith R. Walkowitz, "History and the Politics of Prostitution" in *Prostitution Research in Context,* eds. Marlene Spanger, May-Len Skilbrei (Routledge, 2017), 23.

restrictive enclosure of nuns) and on chaste marriage – which was undergoing a redefinition itself in this period.[21] Many Jesuit teachings were influential in Counter-Reformation policy, including stricter standards of sexual morality, and these were key in causing the decline of the public brothel, as we shall see for Seville.

In some areas, particularly German cities, Catholic authorities quickly emulated their Protestant counterparts and closed municipal brothels, imprisoning or banishing the prostitutes within.[22] In other places, particularly Spain and France, authorities were initially resistant to adopting Jesuit teachings and closing brothels entirely, and sought instead to more strictly enforce their monopoly on the sex trade. They took action against illicit sex work, and enacted stricter enclosure of prostitution in a designated location, often requiring registration of the women who worked there. Agathe Roby's study of Toulouse's public brothel in its final years is indicative of this wider pattern: against increasing opposition, the city council moved the brothel but kept it open, enforcing increasingly stringent regulations on the women within, prolonging its existence until royal legislation made it untenable.[23] Eventually, most territories did move to outlaw prostitution completely, but the death throes of the public brothel usually saw increased regulation and restriction as a last attempt to cling onto authority, before they were outlawed by royal legislation. Only twenty-one years after Madeleine's request, the public brothel in France would definitively become a remnant of the past when it was officially outlawed at the Estates of Orleans in 1561.[24] In Spain, it would endure until a royal edict of 1623 closed all brothels across the kingdom.[25] This chapter examines the final period of the public brothel, one of decline, desperation and eventual demise.

The movement away from tolerated prostitution was part of a shift which devalued sexual labour. What was once considered a *ministerium* in the late medieval period became a sin, a

[21] Wiesner-Hanks, *Christianity and Sexuality,* 121.
[22] Wiesner-Hanks, *Christianity and Sexuality,* 99.
[23] Agathe Roby, 'De la Grande Abbaye au Château Vert, L'Installation d'un nouveau bordel municipal à Toulouse au XVIe siècle' *Société Française d'Histoire Urbaine* 49, 2 (2017).
[24] François-André Isambert et al eds. *Recueil general des anciennes lois françaises depuis l'an 420 jusqu'à la Révolution de 1789,* t. XIV (Belin-Prieur, 1829), 38.
[25] *NR,* Law 7, title 26, bk. 12, as quoted in María Dolores Pérez Baltasar, *Mujeres marginadas: Las casas de recogidas en Madrid* (Gráficas Lormo, 1984), 14.

vice that women undertook out of their own lust. Far from being viewed as a form of work, distasteful but necessary, it was perceived as a moral failing for which the women themselves were deemed responsible, and as a result the labour conditions of those involved in sexual labour changed, and their status became increasingly precarious. To understand that change, we must first examine the institution of the public brothel in the sixteenth century: the functions that it still retained as a social outlet, a source of civic and masculine identity, and as a profitable enterprise for its owners and tenants. We will consider what working legally looked like for the women of the public brothel, and what the institution's presence meant for the practice of sexual labour more generally in a city, including for those working extralegally. We will then turn to the particular changes that occurred in the final decades of the public brothel, the increasing restrictions that resulted from the declining fortunes of the institution. Here we will also examine what this decline meant for the practice of sex work in Mexico, and why the institution of the public brothel never really took root in the colonies even though so much of the framework for regulating sexuality, including the Inquisition, was exported. Examining legal prostitution in Mexico City pre- and post-conquest allows us to see just how much the public brothel had been weakened as a civic institution by the sixteenth century. Overall, the chapter will analyse the public brothel as a once great institution on the verge of obsolescence and consider how its presence – or absence - changed the practice of sexual labour in the urban environment.

The *Prostibulum Publicum* as a Civic Institution

The public brothel, and the public prostitute who lived and worked there, were an important part of medieval civic life, and this persisted into the early modern period. The earliest mention of the *mancebía* or brothel district of Seville was in 1337, when it was proposed as a method of combatting violence caused by unruly young men in the city, and it appears with relative frequency in municipal documents from then on (as evidenced in Appendix 1), suggesting its continued importance to the city.[26] Unfortunately, we know very little about the practice of legal prostitution in Lyon before the sixteenth century – there are suggestions

[26] AMS Sección 1a, Caja 15

that in the fifteenth century the city's prostitutes were grouped together in one house or area outside the centre of the city, as was the policy in Languedoc for much of the late medieval period.[27] Jacques Rossiaud posits that the Hôpital Sainte-Marie-Madeleine may have been a remnant of this, on the left bank of the Rhône near the Sablis Gate, on a street sometimes known as la Chana.[28] He also suggests an alternative possibility, the area in the northwest of the city labelled in the 1571 map as 'La Magdalene', one which I think likely given it regularly appeared as a site of extralegal sex work throughout the sixteenth century and which includes Rue Ferrachat, where Lambert's brothel was located. As Otis suggests, 'in assigning prostitutes to these suburban districts in the thirteenth and fourteenth centuries, the municipal authorities may well have been consecrating already traditional centres of prostitution'.[29] Although we may not have detailed accounts of the late medieval iterations of the public brothel in Lyon, we know the general form these institutions took.

Depending on the size of a city, a public brothel might be one house, or it could be an entire neighbourhood or district. Gathering the prostitutes of a city in one location prevented scandals and protected honourable residents from having to see or interact with prostitutes, as the area could be supervised and controlled by officials. Municipal council documents for both Seville and Lyon discuss the dangers posed by prostitutes working at will around the city and frequently request their enclosure in the public brothel. These records are not only written by brothel managers – whose interest in enclosing prostitutes within the brothel is obvious – but also by the directors of reform houses and parish officials. In Seville, concerns were expressed repeatedly by *padres* (managers) and those in charge of reform houses, institutions which took in girls and women to redirect them towards a morally pure life of marriage or religious service. The directors of these institutions worried about the influence these women would have on young girls and uncorrupted women.[30] This was a common theme in the literature of the time too, where the idea that sinful – usually syphilitic – older women sought to turn poor young women towards a life of prostitution and to profit from the sale of their bodies was a regular refrain. Celestina is of course the most famous example

[27] Otis, *Prostitution,* 77.
[28] Jacques Rossiaud, *Amours Venales: La Prostitution en Occident XIIe-XVIe siècle* (Aubier Collection Historique, 2010), 329.
[29] Otis, *Prostitution,* 77.
[30] AMS Sección 4, T24 6, 26, 27, 28, 30.

of this, but there are many other texts such as Miguel de Cervantes' *El Rufián Viudo* which feature ageing prostitutes with visible signs of their moral decay preying on young and innocent girls, or poems such as *The Complaints of a Syphilitic*, a sixteenth-century French text which describes prostitutes as deceitful, using the moniker *ribaulde* which could double as a name for syphilis.[31] Joachim du Bellay's *Vieille Courtisanne* similarly served as a warning to those 'who from lust, avarice, laziness, gluttony, or vainglory sell their flesh and blood'.[32] The courtesan at the heart of the tale sees her fortunes deteriorate until she is an aged and unfortunate street whore. This work was reprinted in 1559 in Lyon and was repeatedly printed in Spain with *La Celestina*.[33] Clearly, the character of the ageing sex worker was a good seller. In reality, as in literature, the worldly prostitute was thought to be a threat to the chastity of other women, and it is no surprise that city authorities sought to enclose her in the public brothel.

While it was preferable to limit prostitution to one location, respectable society recognised the essential function of the public brothel in maintaining the moral dignity of the city. By providing an outlet for the sexual appetites of young men, and thus avoiding rapes, brawls, and worst of all homosexuality, the public brothel supposedly protected the honourable residents of the city.[34] This was more than just a sexual outlet, it was also a social one: visiting a prostitute in this period was not necessarily just about sex but about sociability. Many sites of prostitution also offered company, food, music, and games, and conversely many places that offered food or games, such as inns and gambling houses, also offered the services of prostitutes. This was true of the illicit establishment run by Quesada, a constable of Seville, who in 1590 was prosecuted because his gambling house also hosted a stable of young men and boys available to clients.[35] Unlike the public brothel, private brothels like this could be staffed by men, Black women, *conversas* and *moriscas* (recent converts from Judaism or

[31] Fernando de Rojas, *La Celestina* (Burgos, 1499); Miguel de Cervantes Saavedra, *El Rufián Viudo, llamado Trampagos* (1615); Anon, *The Complaints of a Syphilitic,* as reproduced in Lesa Beth Randall, "Representations of Syphilis in Sixteenth Century French Literature" (PhD Thesis, University of Arizona, 1999).
[32] Anne Lake Prescott, 'Translatio Lupae: Du Bellay's Roman Whore Goes North' *Renaissance Quarterly* 42, no. 3 (1989): 397.
[33] Ibid, 398.
[34] Richard Trexler, 'La prostitution florentine au XVe siècle' *Annales: Histoire, Sciences Sociales* 36, 6 (1981): 983, discusses the Florentine conviction that a declining birth rate could be combatted by turning young men away from homosexuality in their youth through easy access to prostitutes.
[35] PDL, 302.

Islam), anyone who would attract clients. They operated outside the law and thus were not subject to regulations about who could work there or who was permitted to visit. These illicit brothels will be discussed in more depth in Chapter Two.

Although it was forced to adhere to regulations governing who could or could not visit or work there, the public brothel was also about more than just sex. In 1361, a royal ordinance for the entirety of Castille specified that taverns could not open inside a *mancebía,* a stipulation that Juan II repeated fifty years later in 1411.[36] Yet nearly two hundred years later the 1553 regulations for the brothel of Seville specified again that brothel *padres* (or managers) may not '[have] taverns or inns either inside or outside the public brothel where they cook for people to eat nor sell cooked food nor food to cook nor sell wine to prostitutes … nor to other people'.[37] This legislation formed the basis of the 1571 regulations which were applicable across the Kingdom of Castile.[38] Evidently, the provision of food and drink was still causing problems, perhaps drawing business away from other inns, and resulting in rowdiness within the brothel. The regulations were likely repeated because they were being ignored – the *mancebía* of Seville, like those in other cities, was a space where men went to socialise, to have sex and to eat and drink, whether the authorities approved or not. In England, for example, one of only two areas with legal brothels (in the form of bathhouses or stews) was Southwark, where the Bishop acted as territorial lord and granted permission for public stews and the prostitution which occurred there. By the mid 1500s, an entire neighbourhood under the jurisdiction of the Bishop of Winchester became known as *Les Estouves,* clearly indicating the central role that the stews played in local life.[39] The bathhouse represented more than just a place for bathing or sex: men would go to talk to friends, socialise, enjoy the company of the women who worked there, and of course to have sex with them. While bathhouses

[36] *Diccionario Histórico de las calles de Sevilla* (Consejería de Obras Públicas y Transportes, 1993), 384; Andrés Moreno Mengíbar and Francisco Vázquez García, 'Formas y Funciones de la Prostitución Hispanica en la Edad Moderna: El Casa Andaluz', *Norba Revista de Historia,* vol. 20 (2007): 67.

[37] *'… prohibimos y defendemos que los dichos padres de la dicha mancebía e fuera de ella de manera alguna no puedan tener ni tengan tabernas ni tavancos donde guisen de comer, ni vendan guisado ni por guisar, ni tengan taberna, ni vendan vino a las mugeres que ganaren en la dicha mancebía, ni a otras personas'* "Titulo LXXI, Mancebía" in *Antiguas ordenanzas municipales de la ciudad de Ronda y su jurisdicción: mandadas pregonar por orden del rey Don Felipe en la plaza de viva rambla de la ciudad de Granada en el año 1568* (Ronda, 1889), 307.

[38] British Library, Egerton 1873, 'Tractatus Varii, et collectanea' f. 155r.

[39] Ruth Mazo Karras, 'The Regulation of Brothels in Later Medieval England', *Signs* 14, no. 2 (1989): 410.

were common in Lyon, they were technically not legal sites of prostitution and thus are discussed in more detail in Chapter Two as part of an examination of extralegal prostitution. They are relevant here, however, as we discuss the role their closure played in reinforcing the legal brothel system in Lyon, which will be addressed.

Public brothels were also an attraction for visitors and new arrivals to the city: on feast days, young men from the surrounding area would visit the public brothel of Seville. These men were usually from smaller towns or villages which did not have their own brothels, and visiting the large *mancebía* of Seville in a group was as much of a social occasion as an opportunity for sex, which helps to explain the presence of 'very young lads'.[40] Seville was of course a port city and thus newly arrived sailors flocked to the brothels (both legal and extralegal) in droves, as in cities like Amsterdam – and as we shall see in the next chapter, this was a source of concern to the authorities.[41] The public brothel was a stage for the performance of masculinity through sexual virility, youthful fights, and public drinking.[42] As Lyndal Roper has argued, public brothels provided an acceptable outlet for male desire, and a space for homosocial bonding.[43] Visiting the brothel with workmates, neighbours or friends was a rite of passage and a regular pastime, and the male experience of communally 'owning' the women of the public brothel reinforced masculine community and civic identity.[44] The language used to refer to prostitutes is indicative of their common status – in Seville, one of the many slang words used for prostitutes in the *mancebía* was *concejiles,* which literally

[40] PDL, 23.
[41] Van de Pol, *The Burgher and the Whore,* 155.
[42] It could also be a space for the performance of other identities, such as femininity. Women of the public brothel leant out of windows and doorways, stood on balconies and in the street to advertise their services, exemplifying a specific kind of femininity which went against the chaste ideal for women at the time, but they were also a clear foil against which respectable women could define themselves. By offering an example of sexually open, available femininity, they allowed other women to showcase chastity and female honour. Male prostitutes in private brothels also performed a type of femininity, going against gender norms to entice clients, as in the case of the men in Quesada's brothel in Seville, mentioned above, where the male prostitutes were described as 'painted' (*pintado*), a word also used in another case of male prostitution mentioned by Pedro de Léon, in 1585. In this case, they are described as 'young lads, very painted and very attractive with dyed hair'. Filippo de Vivo, 'Walking in Sixteenth-Century Venice: Mobilizing the Early Modern City' *I Tatti Studies in the Italian Renaissance*, 19, 1 (2019): 129; Mary Elizabeth Perry, "'Lost Women' in Early Modern Seville: the Politics of Prostitution", *Feminist Studies* Vol. 4, no. 1 (1978): 204; PDL, 302, 262.
[43] Lyndal Roper, 'Discipline and Respectability: Prostitution and the Reformation in Augsburg' *History Workshop*, no. 19 (1985): 5.
[44] As argued for late medieval Germany in Jamie Page, 'Masculinity and Prostitution in Late Medieval German Literature' *Speculum* 94, no. 3 (2019): 739–73.

means 'municipal' or 'belonging to the community'.[45] The French is equally direct: *filles communes publiques* (common public women), or *filles/femmes publique,* while the brothel was referred to as the *maison commune* (common house) or even *la maison du publicq,* literally the house of the public.[46] The women of the public brothel were themselves a municipal commodity, a possession common to all who claimed membership of the city. Young men visiting the brothel affirmed both their individual masculinity, and their participation in civic rituals, creating a sense of collective masculinity closely linked to membership of the urban space.[47] This generated, or at least contributed to, civic identity – for men.

We should remain cognisant, however, that this conception of masculinity was not uncontested. In fact, the sixteenth century saw the growth of a competing model of masculinity which was far less willing to embrace drinking, gambling or extra-marital sexuality as positive indicators of a man's status.[48] Some scholars have even gone so far as to call this a crisis of masculinity.[49] This newer attitude to masculinity came with expectations of behaviour which demanded continence and restraint, and enclosed sexuality within marriage even for men. This was the attitude slowly adopted by religious and secular elites alike, who began to enforce their views on the wider populace by condemning male excesses including sexual violence, visiting prostitutes (both legal and extralegal), and drunkenness.[50] We must understand the masculinity achieved through visiting brothels as one type among many, and one which in the early modern period often found itself at odds with the ideals evinced by

[45] Juan Hidalgo, *Romances de Germanía de varios autores: con el Vocabulario por la Orden del a.b.c para declaración de sus términos y lengua* (Don Antonio de Sancha, 1779), 166.
[46] Rossiaud, *Medieval Prostitution,* 7; Anon, *The Ballad of the Neapolitan Sickness* as reproduced in Randall, 'Representations', 275*;* Roby, 'De la Grande Abbaye', 17.
[47] David Nirenberg has argued that medieval Spanish brothels were at the forefront of anxieties about sexual contact between Christians, Jews and Muslims, and in fact prostitutes were key in policing these boundaries. David Nirenberg, *Communities of Violence: The Persecution of Minorities in the Middle Ages* (Princeton University Press, 2015), 127-165.
[48] These conflicting interpretations of masculinity are discussed for Spain and for Galicia specifically in Allyson Poska, "A Married Man Is a Woman: Negotiating Masculinity in Early Modern Northwestern Spain" in *Masculinity in the Reformation Era* eds. Scott H. Hendrix and Susan C. Karant-Nunn, (Penn State University Press, 2008), 1-20.
[49] Kathleen Perry Long ed., *High Anxiety: Masculinity in Crisis in Early Modern France* (Penn State University Press, 2002). This is fruitfully discussed in Lyndal Roper, *Oedipus and the Devil: Witchcraft, Religion and Sexuality in Early Modern Europe* (Taylor and Francis Group), 54.
[50] Stephanie Tarbin, "Civic Manliness in London, c.1380-1550", in *Governing Masculinities in the Early Modern Period: Regulating Selves and Others* eds. Susan Broomhall and Jacqueline Van Gent (Ashgate, 2011), 23-47.

authorities. The late medieval masculine civic identity achieved through visiting the brothel was not to last through the early modern period.

The sense of civic identity generated through visiting a brothel was reinforced by the status of the public brothel as an urban institution, which could be a source of pride or income. They were a regular feature of civic life which helped bind together the inhabitants and create a shared sense of identity. Public prostitutes were often part of processions or events for entries of notables into the city, and the income they provided the city through taxes and fines was extremely valuable.[51] In fifteenth century Pernes, in the Occitan, the games and competitions organised to celebrate Saint Bartholomew's Day included a race of the municipal prostitutes.[52] The participation of prostitutes in civic events indicates that the brothel was an institution of the city in the same way as the guilds, charitable foundations and hospitals, or the city watch or militia. In Seville, the brothel *padre* was technically an employee of the *Cabildo* or city council*,* who swore an oath to uphold the regulations of the brothel – the same regulations which stated that 'no one can be *padre* of the aforementioned public brothel without being named by the … city and holding the title, and before exercising the said office he must swear in front of the scribe of the said council of the said city'.[53] In 1574, Juan de Aguilar was asked by the *padre* of the brothel, Rafael Ruiz, to testify that royal provisions required the *padre* to be approved by the owners of houses in the *mancebía*, and for him to be presented before the city council for their approval, before being sworn in.[54] Ruiz' request suggests there were contentions about his role as *padre*, or about how exactly a *padre* was selected, but nonetheless it is clear that the role was seen as an official position which required municipal input and had to be approved, similar to the appointment of constables or other officials. The importance of the *mancebía* to the city of Seville is reflected in a 1575 *Cabildo* ruling: the *regidores* of the city attempted to have the *mancebía* moved to a more peripheral location, and to establish in its place a monastery for the order of San Agustín.[55] The *Cabildo* rejected the proposal outright, and the brothel remained in its central

[51] AML FF Chappe, XIII, 62/67; Rossiaud, *Medieval Prostitution,* 44.
[52] AM Pernes, inv. Ms. CC27, as discussed in Jacques Rossiaud, 'Prostitution, jeunesse, et société dans les villes du Sud-Est au XVe siècle' *Annales, Histoire, Sciences Sociales* 31, no. 2 (1976): 324.
[53] *Antiguas ordenanzas,* 305.
[54] AMS Sec 3, Tomo 11, 61.
[55] AMS Sec 3, Tomo 11, 1.

location, almost on the doorstep of the cathedral and near to the customhouse and the exchange. In Lyon, the willingness of the city council to accede to Madeleine Lambert's request is similarly telling, and the repeated complaints against her brothel that they heard but refused to address only further demonstrate their perception of the brothel as central to civic order.[56]

City authorities saw municipal brothels for what they were - lucrative institutions whose presence was a feature of civic identity. They generated profits through taxes, fines, and rents. In Toulouse until the mid-sixteenth century, the cost of the red silk robes worn by the *capitouls* (city fathers) was met using funds from the municipal brothel.[57] In fifteenth and sixteenth century Florence, the Office of Decency began as a way of controlling and registering legal prostitutes but soon became consumed with generating revenue for the Reform House by fining the women under its purview.[58] Reform houses and religious chapters also benefitted from funds they were given to rehabilitate former prostitutes. Additionally, the ownership of houses of the brothel tells us much about how the city elites saw them. They were frequently owned by religious persons or institutions, wealthy merchants or city councillors, and many were run by individuals with close ties to the city government. This was true for most cities with a municipal brothel or bathhouse, such as Cordoba where the houses of the *mancebía* were owned variously by members of the council of the cathedral, city council, or individuals associated with the royal court.[59] In Lyon, even extralegal sites of prostitution were frequently owned or managed by prominent individuals: Thomassin Carpentier (husband of Casotte Cristal, manageress of La Pêcherie bathhouse) was the provost of the Lyon mint, and other bathhouses were owned or rented at various points by the Baronnat family (prominent merchants), the Archbishop of Lyon (who was also the Cardinal of Bourbon), or by Jean Deschamps, a sergeant of the archbishopric court.[60] In Seville, according to the classic study by Francisco Rodríguez Marín (whose sources are no longer available) the owners of houses in the public brothel in 1571 included a *veinticuatro*

[56] AML FF Chappe, XIII, 62/67; Rossiaud, *Medieval Prostitution,* 45.
[57] M. J. Chalande, 'La Maison publique municipal aux quinzième et seizième siècles à Toulouse', *Mémoires de l'Académie des Sciences de Toulouse,* XI (1911): 65-86.
[58] John K. Brackett, 'The Florentine *Onestà* and the Control of Prostitution, 1403-1680' *Sixteenth Century Journal* 24, 2 (1993): 273-300.
[59] Jesus Padilla Gonzalez and Jose Manuel Escobar Camacho, 'La Mancebia de Cordoba en la Baja Edad Media' in *Actas del III Coloquio de Historia Medieval Andaluza* (Diputación Provincial, 1994): 284.
[60] AML CC0207; AML CC3-3; AML FF629; AML CC92.

(alderman), an official of the *Santa Hermandad* (the rural police), and an *alguacil* (constable), one of the group responsible for law enforcement in the city.[61] In 1601 twenty of the houses in the public brothel were rented by Francisco Vélez, the city's executioner, for 210 *ducados* annually.[62] The public brothel was a crucial part of the city's social and sexual life, and it contributed to civic life as a space for collective masculine identity, but also as a valuable source of income for the elites who owned or rented the buildings or profited from the taxes.

The Impact of the Public Brothel: Within and Without

Having discussed the reasoning for the public brothel's existence, and how important it was deemed to be by the authorities, we can now consider how it impacted the practice of sexual labour in a city. We will examine what working in the public brothel was like, and how its presence changed sexual labour for those who worked outside it.

The public brothel was frequently a restrictive space for those who worked there. It was not quite a prison, but the comparison is not without merit. From 1416 onwards, the *mancebía* of Seville was a strictly delineated area surrounded by high walls that functioned to keep prostitutes in and procurers out.[63] The single gate made leaving or entering without being seen a near impossibility.[64] Women could leave to get food or other necessary items but had to return to the mancebía to spend the night or conduct their business. In some cities, the authorities made money by charging prostitutes a fee if they wanted to spend the night outside of the *mancebía*. In Cordoba this was payable each Saturday to the *peones de alguaciles* (servants of the constables), and foreign women were also charged a small fee to

[61] Francisco Rodríguez Marín, *El loaysa de 'El Celoso Extremeño' Estudio historico-literario* (F. de P. Diaz, 1901), 152.
[62] A price which Vélez thought was unjust, requesting a fairer price and claiming to have spent more than 300 *ducados* repairing the houses. Vélez' tenancy is particularly interesting, as it creates a fruitful parallel with the role of executioners as managers of prostitutes in German cities. Much like in Germany, Spanish society deemed executioners as dishonourable and believed that the stain of that dishonour was transmissible through contact with them. While Vélez's role as executioner did not make him the automatic figure deputised by the council to manage the public brothel, it is certainly reasonable to assume that his role as tenant would have been viewed as fitting, possibly a natural association given both his and the prostitutes' dishonourable status. Marín, *El loaysa,* 355; Kathy Stuart, *Defiled Trades and Social Outcasts* (Cambridge University Press, 1999), 27-30.
[63] AMS Sec 15, 1416, 24 July.
[64] AMS Sec 15, 1417-1431, 31.

work in the city.[65] The walls of this prison-like institution were often, however, in a state of disrepair, as evidenced by frequent complaints to Seville's city council requesting maintenance. Each time, they were repaired.[66] Even when the walls had deteriorated to the point of crumbling, creating gaps through which the *mancebía* could be accessed, this was not necessarily of benefit to the women inside.[67] Reports to the city council suggest that this allowed procurers in, creating an added burden on the prostitutes, who would be obliged to relinquish any earnings they had kept from the brothel manager, so as to satisfy their procurer.[68] As we shall see, procurers were frequently violent towards the women in their employ, and limiting their access to the women of the *mancebía* might have been a blessing in disguise.

While in Lyon, as shall be discussed below, the manager of the brothel might be a former prostitute, the *mancebía* of Seville was presided over by brothel *padres*, or managers – there were usually several at once, each appointed by the owner of one or more houses in the *mancebía*. In all extant records, only one woman is ever listed as the *madre* of a brothel: in 1571, Marco Ocaña selected Mari Sánchez de Marquina as manager of his eleven houses in the *mancebía* because she was 'a mature woman and experienced in the office, who has her house and living quarters within the *mancebía*'.[69] She was also the mother-in-law of Rafael Rodríguez, who was a *padre* of the brothel at the time. Her appointment is striking because it is unique, as far as we know. The position was given to her because she was deemed an honourable and experienced woman whose family connections within the management of the *mancebía* made her suitable. Ordinarily, women were perceived as too prone to moral corruption for such a role. Some Spanish cities allowed women to take management positions, but these were not former prostitutes. In sixteenth-century Valencia, for instance,

[65] Gonzalez and Camacho, 'La Mancebía de Cordoba', 285.
[66] AMS Sec 3, Tomo 11, 59.
[67] AMS Sec 3, Tomo 11, 60.
[68] We should not assume that all women dreaded their procurer. Some were in relationships with them (for better or worse), and for others the procurer represented a form of protection, of guaranteed income as they were able to attract clients. Many procurers may have been violent, exploitative men, but in some cases a procurer was a lifeline to a woman in sex work. Modern studies have demonstrated that women working without the protection of a brothel or a procurer are more likely to experience violence. Gail Pheterson, 'The Whore Stigma', *Social Text* 37 (1993): 39-64, 40.
[69] *'mujer vieja y antigua en el dicho oficio, que tiene dentro de la mancebía su casa y habitación'.* AMS, Varios Antiguos, 339.

hosteleros could be men or women, who managed individual houses within the *mancebía,* and took responsibility for the women working there - *hosteleros* lived in these houses with their families.[70] Again, these women were suitable because of their honour. *Padres* and those who employed them generally took great pains to emphasise their status as honourable: in 1584 Francisco Diaz described the *padre* of his twenty houses, Alonso de Ojuelos, as 'married and a respectable man and a good Christian'.[71] A former prostitute was not honourable, and thus an unthinkable candidate for brothel manager.

Despite the protests of the *padres* themselves, the familial label '*padre'* (father) should not be mistaken as a sign of their nature: they were answerable to the city council and were interested in the profit they could make from their position. The set of regulations published for the city of Seville in 1553 covered the conduct of the *padre* and his duties towards the city and the women in his charge.[72] A generous reading of these regulations might lead to a rosy view of the *mancebía*, but it is worth considering why they were thought necessary at all, and why they had to be repeated multiple times.[73] Included in the many commandments to brothel *padres* is a prohibition ordering that they 'may not receive themselves, nor others on their behalf, any indebted woman'.[74] From this we can infer that procurers, perhaps even family members, were selling women into prostitution to pay debts.

Other prohibitions suggest the difficulties these women would face in leaving: 'any woman who wishes to leave her sin … can do so freely, not held to any money she might owe … and the padres cannot compel her to remain in her evil profession'.[75] If it was widely accepted that women could choose to leave the public brothel for a better, less sinful life, without

[70] Vicente Graullera Sanz, "Delicuencia y vida cotidiana en el burdel de Valencia del siglo XVI" in *La Prostitution en Espagne* ed. Rafael Carrasco (Annales Littéraires de l'Université de Besançon, 1994), 72.
[71] *'cassado y hombre de bien y buen christiano'.* AMS, Varios Antiguos, 339.
[72] These regulations do not survive but were copied almost exactly and issued in Ronda in 1568. *Antiguas ordenanzas.*
[73] In fact, the 1553 regulations were based on ordinances from Granada which came into effect in 1539 – further evidence that *padres* across the kingdom were committing the same offences. Mengíbar and García, 'Formas y Funciones', 70.
[74] '*no puedan recivir ellos, ni otros por ellos, ninguna muger empeñada'. Antiguas ordenanzas*, 306.
[75] *'no lo hagan, que qualquiera muger que quisiere salirse de su pecado e recoxerse y ponerse en buen estado lo pueda hacer libremente, no embargante que deba dineros por qualiquier vía o modo que los deba, y que los tales padres no las puedan compeler a que no salgan del mal oficio y pecado en que están'.* Ibid.

issue, why did it need to be stated so plainly that the padre could not stop her?[76] The reference to debt is not coincidental, as the regulations go on to stipulate that 'padres may not charge rent of a room … for more than one *real* for each day' – although there are suggestions that they charged one and a half *reales* a day - and that 'the bed must include two mattresses and a sheet and a blanket and a pillow'.[77]

It seems that some *padres* were extorting the women under their control, charging them exorbitant rates so as to trap them in debt they would never be able to pay off, all the while providing them with substandard provisions, perhaps not even so much as a blanket and a pillow. Father Juan de Mariana, a Jesuit priest, described exactly that situation in his 1592 *Historia de España*: '[the *padres*] also lend them [prostitutes] money … so that they are oppressed with debts, they have them caught so that they will not go and leave the office [of prostitution]; other than this, they commit many other illicit and ugly things for the want of money'.[78] Mariana's low opinion of *padres* is clear, and perhaps reinforced by a case from 1595 in Seville, which gives us insight into the kind of conduct that might be expected from *padres.* Hernando de Aguilar was first *padre* of the public brothel in nearby Marchena (roughly 60 kilometres from Seville), and then of that in Carmona (approximately 30 kilometres from Seville), until in October 1595 he was hanged in Seville.[79] He had come to the city earlier that year from Carmona, in the company of other *valentones* (bullies) with the

[76] In the various cities of the Holy Roman Empire, this quasi-slavery is remarkable for its blatant nature in cities which otherwise pride themselves on the liberty of their inhabitants. In Spain, however, it is far less notable that a group should be held in a kind of captivity, deprived of their liberty with the knowledge of the authorities, given that there were large numbers of enslaved people in many Spanish cities. Seville in particular was familiar with the institution of slavery, and by 1565 over 6000 enslaved people had been sold in Las Gradas, the main markets of Seville. By 1570, enslaved people accounted for nearly ten percent of Seville's residents. With these statistics in mind, the deprivation of liberty suffered by the women of the public brothel is remarkable only in that they were mostly Spanish women, not Black Africans or captured Muslims. Antonio Domínguez Ortiz, *Orto y Ocaso de Sevilla* (Editorial Universidad de Sevilla, 1991), 72; Lauren Beck, 'Race and Labour in Sixteenth-Century Seville through the Prism of Accounting Books (Hijuelas) from the Reales Alcázares' *Renaissance Quarterly* 71, no.4 (2018): 1282; Antonio L. Rodríguez Vázquez, *Ricos y Pobres: Propiedad y Vida Privada en la Sevilla del Siglo XVI* (Servicio de Publicaciones del Ayuntamiento de Sevilla, 1995), 46.

[77] *'conque la cama sea de dos colchones y tenga su sábana y manta y almohada' 'los tales padres no puedan llevar ni lleve por alquiler de botica … más que a razón de un real por cada un día'* Ibid, 308; Miguel de Cervantes Saavedra, *Rinconete y Cortadillo: novela,* ed. Francisco Rodríguez Marín (Díaz, 1905), 112.

[78] *'Préstanles también dineros … para que estando oprimidas con las deudas, las tengan atadas para que no se les vayan y dejen el oficio; demás desto, cometen muchas otras cosas ilicitas y feas con deseo de la ganancia'.* Juan de Mariana, *Historia de España: Tratado contra los Juegos Publicos* vol. 2 (Madrid, 1854), 448.

[79] PDL, 337.

intention of murdering someone he had previously quarrelled with. Aguilar was a man who had clearly made a career of managing public brothels, who possessed an impulse towards violence and had criminal connections which encouraged him to carry it out. This was likely the kind of man who presided over the public brothel, in whose control women found themselves every day.

One of the most pernicious aspects of working in the public brothel was the way in which it labelled and publicised a woman's status as a prostitute. In becoming a 'public woman', she was deprived of the ability to enter and exit sex work at will. Women working outside the brothel could engage in sex work as and when it was needed to supplement household income, could choose to live as a concubine for one man in return for a place to live, or in some cases could run their own clandestine brothels.[80] Conversely, women in the public brothel generally relinquished control over their circumstances to the brothel keeper: they lived, worked, and slept under the authority of another – who usually represented the interests of the city or the brothel owner – and would likely find leaving prostitution difficult now that their status had been publicised through their presence in the brothel and their name's appearance on lists of official prostitutes. They no longer had the thin veneer granted to occasional sex workers or to concubines, who escaped being publicly labelled as prostitutes, and instead they were stigmatised as public, as common to all men. While they could theoretically marry or enter a reform house to leave the life, as the brothel regulations suggest this was not a simple task. Whether imprisoned by debt, the pressure of a procurer or the *padre*, or the paucity of charitable funds available to them, these women were all too often trapped. This is evidenced by three women, Angela del Castillo, Ana María, and Gerónima la Rubia, all of whom appear on lists of prostitutes in the Seville brothel in 1600 and again in 1620.[81] In the 1620 document, Angela del Castillo and Ana María were even ordered to leave the brothel due to their age or ill health – clearly, some women had no choice but to remain in the brothel until they were unceremoniously ejected.[82]

[80] This is not to diminish the difficult and often coercive situations in which women involved in extralegal sexual labour might find themselves, which will be discussed in the next chapter, simply to stress the extreme lack of control available to women within the public brothel.
[81] AMS, Varios Antiguos, 339.
[82] '*assi conbiene respeto de la poca salud que parece que tiene', 'parece conbeniente que salga della asi por su edad'.* AMS, Colección del Conde del Aguila, Tomo 7, Letra A, número 73.

Thus far, the public brothels appear rather bleak, and in many ways they were. But there were some ways in which working legally, openly, could benefit women, and on occasion the public brothel offered opportunities as well as burdens. Madeleine Lambert, with this chapter began, is an apt example. She was an enigmatic character who appeared in census records first as a prostitute, in 1512, but before long was listed as *'maîtresse de filles de joye'*.[83] Then in July 1539 she went before the city council to request permission to gather prostitutes from the closed bathhouses in one brothel, on Rue Ferrachat.[84] Her request was granted a few months later, and the brothel became the centre of tolerated prostitution in Lyon.[85] Lambert's case is particularly interesting because she was clearly a former prostitute with a long history in the profession – by the time of her request in 1539, we must assume she was at least forty years old. She is listed as both *'hôtesse'* and *'maîtresse'* of prostitutes, which suggests a certain power, something underlined by her ability to corral the city's *filles de joie* into following her to Rue Ferrachat, and to convince the council into allowing her to do so. Lambert got her start as a prostitute like any other, living on Rue de l'Ours and working extralegally (albeit with tacit approval by the city who saw no problem with registering prostitutes in the census), and worked consistently for many years before seizing the chance to move into management. As Lambert's story shows, in Lyon unlike in Seville, municipal brothels could provide opportunities for the women working there as prostitutes to rise into management, and to do well there. This was unique among the three cities studied here, although perhaps not unique across Europe.

There was one other advantage to working in the public brothel: working legally meant that abuses from clients did not have to be suffered in silence and instead could be reported to the authorities. Of course, this does not mean that women always felt able to report violence against them, but some certainly did. While the records for Seville are limited to one year, that year alone offers multiple cases involving violence in the *mancebía* and the actions of the authorities to punish those involved. The most telling for our purposes is the 1573 case of

[83] Madeleine Lambert appears many times between 1512 and 1539: AML CC116-3, CC250, CC132-2, CC120-2, CC122, CC321, CC265.
[84] AML BB56-3, f. 41, 2nd July 1539.
[85] AML BB57.

Diego de Castro.[86] He attacked a woman in the *mancebía* when she refused to work for him, and she in turn reported him to the authorities. We do not have the details of her case, but it is possible that she was supported by other women in the *mancebía*, or even the *padre*, who would not have welcomed competition. This unnamed woman clearly thought that the authorities would act on her behalf – and she was correct. Castro was sentenced to six years of galley service, a length of time that for many was tantamount to a death sentence. In the same year, a constable attempted to arrest a man for attacking a prostitute in the *mancebía* of nearby Ecija. We know of this only through records of the arrest of the perpetrator's friend, Gonzalo de Almirante, who attacked said constable.[87] Working in the *mancebía* thus apparently afforded women some amount of protection from the abuses of clients and procurers, and might have allowed them to see justice done against their attackers. They could do this because, working legally, they did not have to conceal their work from authorities. Even the authorities acknowledged the importance of policing the *mancebía* and what happened there, when they rejected the proposal to move the brothel district in 1575, suggesting that given that the *mancebía* was 'frequented by foreigners and outsiders and men of wicked living' it needed to be in a location that could easily be overseen by officials.[88] Women in clandestine prostitution could not report injustices, because it would mean exposing themselves to punishment and censure, and would be unlikely to result in prosecution anyway. Authorities had a vested interest in prosecuting crimes in the *mancebía*, which threatened not only public order but the city of Seville's investment in its public women and the institution in which they worked. Whether it was safer to work in the *mancebía* at the mercies of the *padre*, or to hope for a decent procurer – or to work without one – is impossible to say, but for some women it might have seemed a better choice to remain behind the walls of the brothel, working legally, and trusting in the city authorities to punish clients or procurers who took things too far.

The public brothel at least created a space in which women could practice prostitution without fear of prosecution or displacement due to their profession, but the existence of such a space necessarily changed the experience of sex work for those outside it too. In

[86] AGS CCA DIV 29,2,1, f. 271r.
[87] Ibid, f. 298r.
[88] '*frequentados de hombres estranjeros y forasteros y de mal bibir';* AMS, Sección 3, Tomo 11, 1.

establishing a form of legal, tolerated prostitution, authorities created distinctions between 'professional' prostitutes working legally and women whose work was clandestine, occasional, or not obviously transactional. The women of the public brothel were performing a necessary public service, and more crucially were doing so under the watchful eye of the city authorities, but women who took money for sex outside of the public brothel were sources of moral corruption, lust, violence, and above all they were beyond the control of the city council or the ecclesiastical authorities. This made them dangerous. They were seen as a threat by city authorities, who repeatedly took steps to reduce or eliminate illicit prostitution: in October 1474, the *cabildo* of Seville instructed its members to scour their parishes for women involved in extralegal prostitution, a measure which seems to have been ineffective, judging by the 1480 census which shows multiple women living outside of the *mancebía* who declared their occupation as prostitution.[89] In Lyon, it was normal for sex working women to declare their occupation and reside outside of the public brothel, but this did not mean they were welcomed with open arms. An extended lawsuit against the bathhouse of La Pêcherie beginning in 1478 asserts that 'certain public places are deputised to have brothels, and these are notorious for prostitutes', but that the bathhouse was not one of them.[90]

This was part of the wider turn against the bathhouses, which will be examined in Chapter Two, but women working elsewhere in Lyon were also subject to opposition. In 1496, prostitutes were chased out of the district of Notre Dame de Rue Neuve.[91] In 1624 two households of extralegal prostitutes were expelled from the Quartier Bourgneuf, where their presence had caused scandal and offence.[92] Women outside of the public brothel faced the condemnation and prosecution of city authorities, but they also faced hostility and resentment from their counterparts working legally. Whether intentionally or not, the establishment of tolerated prostitution could foment an enmity between legal and extralegal sex workers, and those working legally often took steps to drive off their competition. Given the unfortunate circumstances of work in the public brothel, at least in Seville, it is possible

[89] AMS, Sección 10, 4 de Octubre 1474, cited in A. Collantes de Terán, *Sevilla en la Baja Edad Media. La ciudad y sus hombres* (Diputación Provincial, 1977), 263.
[90] '*certains lieux publicques et deputez à tenir les bourdeaulx et esquelz se tiennent notoirement … les femmes publiques'.* AML BB629, Procès, pièce 6.
[91] AML BB24 f. 23.
[92] AML BB165 (1624).

that women there felt a deep-seated resentment towards others who had evaded its clutches, as well as a general fear of competition for income. The condemnation (and active pursuit) of extralegal prostitutes by those working legally was particularly proactive during years of economic downturn, or during the sixteenth century as condemnation for prostitution generally began to grow, as demonstrated by Rossiaud in Dijon and other areas of Southern France.[93] As persecution of prostitutes became more common across Europe, those working legally clearly sought to shift the disapproval towards extralegal prostitution, partly to protect themselves from denunciation and partly to preserve their own incomes in a time of scarcity. Meanwhile, the presence of tolerated sites of prostitution created a spectre of imprisonment and loss of control, which hung over the heads of illicit sex workers. In both Lyon and Seville working outside the law could be dangerous, gruelling and precarious, but it could also allow women to exert more control over their own circumstances than they would have in the brothel. In fact, José Luis Alonso Hernández' study of sixteenth and seventeenth century Spanish literature finds the term *prostitutas libres* used for women working outside the brothel: free prostitutes.[94] Upon entering the public brothel, they would become 'public' – even, in some cases, being registered on official documents such as the lists of prostitutes working in the *mancebía* of Seville in 1600 and 1620 – their identity was inextricably linked to their profession and hopes of leaving the life would become slim.[95] For this reason, the existence of the public brothel or bathhouse was a cautionary tale to those working outside it, encouraging them to remain hidden and avoid drawing the notice of the authorities.

The presence of public brothels fundamentally affected the landscape of sexual labour in a city. They were hugely important not only for the way in which sex work was performed within them, but also for the expectations and characteristics of sexual labour in the city at large. They trapped women in public sex work, reducing their mobility, control and ability to leave the life, while offering little in return. The only benefits, which were access to a legal system for complaints of abuse or assault, and the possibility of moving into management at the end of their time as a prostitute, were not available to most women in the brothel, who

[93] Rossiaud, *Medieval Prostitution,* 43.
[94] José Luis Alonso Hernández, *El lenguaje de los maleantes espanoles de los siglos XVI y XVII: La Germanía* (Ediciones Universidad de Salamanca, 1979), 18.
[95] Marín, *El Loaysa,* 152; AMS Colección del Conde del Aguila, Tomo 7, Letra A, número 73.

were either unable or unwilling to bring complaints against clients or procurers, and for whom the limited number of management positions were insufficient. While women in municipal brothels suffered quasi-imprisonment, clandestine sex workers also felt the effects of the system of tolerated prostitution. They were subject to resentment and enmity from their counterparts in the brothel and were forced to work in secret to avoid official attention and persecution. Working illicitly forced some women into potentially exploitative or dangerous situations, but it also allowed some to enter and leave the business of sex work as and when needed. Although authorities and proponents claimed that legal prostitution would reduce the incidence of illicit sex work, sexual violence and the seduction of 'honourable' women, there is little evidence to suggest this is true. Women fulfilled the demand for sexual labour created by a growing urban population and a rise in unmarried, unattached men in a variety of ways. While public brothels had significant impacts on the practice of sexual labour, they did not eliminate the demand for extralegal sex work or prevent incidents of sexual exploitation or coercion.

The End of the Public Brothel

Over the course of the sixteenth century, opposition to prostitution grew. Growing concerns about morality and sexuality were a key cause for the shift in attitudes toward prostitution. These concerns were part of the attempts to create a more morally pure society, and were similarly evinced by Protestants and Catholics alike. As argued by Otis, the desire to first more strictly contain and then to close the public brothel came from the same place as the impetus to enclose the poor, and to refashion the early modern city to better suit the stricter moral codes and mores of the sixteenth and then seventeenth centuries.[96] In this period, society began to reinforce patriarchal control over lower classes, women generally, and prostitutes specifically. There were attempts to separate the sacred from the profane, and to produce a city which enclosed its morally impure elements firmly out of sight. Whatever the reason, the result for public brothels was the same: they faced more and more opprobrium, until eventually they shut their doors and put out the women who had lived and worked there.

[96] Otis, *Prostitution,* 41.

In Lyon, the sixteenth century represented a brief moment of increased prominence and importance for the public brothel, when the city council sought to bring all prostitution in the city under their control, and to suppress extralegal prostitution, before the eventual end of the public brothel in 1561. This transition began in 1511 when the city council decreed that the first of the city's bathhouses should not only be closed but razed.[97] Over the next twenty years the city's bathhouses were closed one by one, and prostitutes who had once worked there were left homeless. This reflected changing European attitudes towards public bathing but also allowed the city council to tighten its monopoly on prostitution in the city, in a last-ditch attempt to prop up the public brothel. Madeleine's Lambert's 1539 petition to the city council suggested that the prostitutes of the city were 'lodging as they wish across the city since the closure of the bathhouses'. This fact was unsettling to the council and thus leant support to her assertion that they should be gathered in a brothel on Rue Ferrachat.[98]

It is almost certain that this was already a known and established site of prostitution, probably an illicit (but far from secret) brothel. The request explicitly claims that 'since the closure of the bathhouses of la Chèvre, la Pêcherie, Ganivet, Combremont, Grolée, Saint-Georges and others' prostitutes were spread around the city.[99] Given the large number of bathhouses, this must have been a sizeable number of prostitutes, causing scandal by going about their usual business and disturbing honourable residents. The proposal was accepted, almost certainly because the city council could see the obvious benefits to gathering prostitutes into one location under their supervision. While this might have been more palatable to authorities, the residents of Lyon were increasingly discomfited by even the presence of a legal brothel, as evidenced by the repeated complaints about the conduct of the women in the brothel, which attested that 'the place is filthy' or that 'several fights, scandals and tumults happen there daily'.[100] Although the location was originally described as 'a great distance and far from the good streets and passages', the complaints are not surprising given the proximity of the brothel to the church of Saint George: in 1546 the

[97] AML BB30.
[98] '*toutes les filles de joie de Lyon qui se logeaient à leur gré dans la ville, depuis la fermeture des étuves de la Chèvre, de la Pêcherie, du Gavynet, de Combremont, Grolée, Saint- Georges et autres'.* AML BB56.
[99] Ibid.
[100] *'le lieu est malpropre',* AML BB058; *'faict journellement plusieurs baptures, scandalles et tumultes',* AML BB71.

prostitutes were accused of fighting around and even inside the church with their procurers.[101]

The enmity between locals and the brothel's inhabitants clearly came to a head and resulted in the expulsion of Madeleine's brothel from Rue Ferrachat shortly afterwards. We know this from new complaints, made in 1549 'against the prostitutes of the city, who, after being chased from Rue Ferrachat, have taken refuge in Rue de la Vieille Monnaie, which they constantly put in an uproar with their excessive noise and the like'.[102] The women of the brothel were increasingly subject to complaints and hostility, where before their services had been viewed as a public service. Legal prostitution was waning, and the authorities attempted to use opposition to extralegal prostitution to bolster the dying institution of the public brothel. Their efforts were short-lived: in 1561 the King outlawed all prostitution across France, though it would be naïve to think this put an end to the practice.[103]

The official sanctioning of the Rue Ferrachat brothel, and the repeated complaints about it, represented a last hurrah of tolerated prostitution. The authorities attempted to pursue a policy of spatial and moral segregation, confining unruly women to one site where they could be closely monitored. Unfortunately for them, this approach was much contested by residents, who demanded its closure.[104] Toulouse's city council documents reflect a similar attempt by the council to preserve legal prostitution and the public brothel despite growing opposition from their constituents. The public brothel of Toulouse was first established in 1358, but in 1525 the royal lieutenant general of Languedoc ordered it to be destroyed due to its negative impact on the integrity of the city walls.[105] The city council thus decided to move the brothel to another location, and the deliberations that ensued sparked intense debate which reflects contemporary ideas about the dangers of prostitution. The council, but most especially residents, wanted to maintain a strict division between the profane space of

[101] *'fort à l'escart et loing des bonnes rues et passaiges'* AML BB57*; 'qui souvent se viennent baptre jusques auprés et dedans la dicte esglise, avec leurs ruffians'* AML BB65; AML BB71.
[102] *'contre les filles de joie de la ville, qui, après s'être fait chasser de la rue Ferrachat, où elles avaient élu domicile, s'étaient réfugiées dans la rue de la Vieille Monnaie, qu'elles mettaient continuellement en émoi par leur tapage, etc.'* AML, BB71, 1549.
[103] Isambert et al, *Recueil general,* t. XIV, 38.
[104] AML BB58, AML BB65.
[105] Claude de Vic, Joseph Vaissète, Alexandre du Mège, *Histoire générale de Languedoc,* vol. V (Chez Jacques Vincent, 1745), 123, as used in Roby, 'De la Grande Abbaye', 17.

prostitution and areas that hosted educational or religious institutions, or were home to respectable residents of the city.[106]

The brothel was eventually situated in La Cité, on the Rue du Pré Montardy, but this central location does not necessarily suggest the tolerance of the authorities towards prostitution, rather a desire to enclose prostitutes and bring them under control of the council, much like in Seville where attempts to relocate the brothel were rejected as removing it from the reach of authorities.[107] The relocation of Toulouse's brothel was deemed urgent due to the apparent scandals caused by prostitutes freely roaming the city and spreading the plague, and the public brothel took on an increasingly carceral character in an attempt to bring all prostitution under patriarchal control. Measures were taken to prevent prostitution from polluting the city – in 1526 prostitutes from the brothel were again instructed to remain in the public brothel, and in 1534 prostitutes were forbidden from talking to honourable women, wearing silk garments, or milling about on the streets.[108] The deliberations in the city council generally agreed on high walls, limited entries and the closure of alleys leading into the public brothel, clearly demonstrating the increasingly restrictive nature of the public brothel. These measures, again, echo the situation in Seville where the *mancebía* was strictly enclosed, or even the repeated expenses paid by Lyon's city council to build higher and higher walls around the reform house.[109] The opposition of ecclesiastical officials to the proposed location of the brothel is a clear illustration of the early movement to reform ecclesiastical establishments and morals by eliminating worldly corruption. However, it is interesting to note that in this episode preceding the Counter-Reformation, the brothel itself was not questioned, only its location. Much like in Lyon, opposition to the public brothel was growing and although it had not yet coalesced into a concerted movement, by 1561 it would be outlawed entirely.

[106] Another such debate ensued from the relocation of the Genoese brothel in the sixteenth century, as documented in Jane L. Stevens Cranshaw, "Cleaning up the Renaissance City: The Symbolic and Physical Place of the Genoese Brothel in Urban Society" in *The Place of the Social Margins, 1350-1750,* eds. Andrew Spicer and Jane. L Stevens Cranshaw (Routledge, 2016), 155-180.
[107] Roby, 'De la Grande Abbaye', 20, 29.
[108] AM Toulouse BB71, fol.888-8889, 1525-1526; AM Toulouse AA17, act 57, 11 April 1534. Both quoted in Roby, 'De la Grande Abbaye', 32, 33.
[109] AML CC664, CC677.

Just one year after the royal legislation put an end to legal prostitution in France, Lyon faced another major change: it was taken over by Protestants. Members of the reformed religion assumed control of the city, militarily, politically and practically, and ruled it for nearly a year. Lyon had a consistently high minority of Protestant citizens, roughly a third of the total population, which in 1562 was over 65,000 people.[110] We should not underestimate the impact of a Protestant minority on the cultural and moral outlook of the city: one third of the city subscribed to a religion which viewed legal prostitution as a sign of Catholic degeneracy and sought to bring about its end. The Protestant interregnum brought with it these specific attitudes to the practice of sexual labour, but also to unmarried women more generally. The end of public brothels a year before meant that the Protestant authorities did not have an obvious target against which to rail in their condemnation of prostitution, and no documentation has yet been discovered to illuminate any action they may have taken against extralegal prostitution. Protestant opposition may have been the driver behind repeated complaints about prostitution before its prohibition in 1561, but we cannot know for certain. Despite this, the evidence from other cities in France is indicative, and we can infer a great deal about the intentions of Protestants from these examples. Under Protestant governance, prostitutes were expelled from Béarn, Saint-Antonin, Montauban, Issigeac, Codognan, Nîmes, and Le Mas-Grenier, among others, and in some places much harsher punishments were enacted.[111] In Bedarieux, madams were imprisoned, and in Gaillac Protestant troops beat and cut the ears off prostitutes.[112] In these cities sex work became clandestine, it was pushed underground and happened on the periphery of towns, in private homes where rich men installed a sex worker and offered her services to his friends, or in inns and barns where women were essentially imprisoned.[113] If found, they would be punished and expelled, they could not expect to receive the sympathy of the authorities. As elsewhere, chambermaids and domestic servants fell victim to the advances of their employers, and women without families or social status were particularly vulnerable.[114] We do not know exactly what happened to sex workers during the Protestant occupation of Lyon, but we can assume that

[110] Natalie Zemon Davis, 'The Sacred and the Body Social in Sixteenth-Century Lyon' *Past and Present* vol. 90, 1 (1981): 43, 47.
[111] Janine Garrison Estèbe, *Protestants du Midi 1559-1598* (Privat, 1980), 298.
[112] Mathieu Blouin, ed. Ernest Negre, *Les Troubles a Gaillac* (Collège d'Occitanie, 1976), 294.
[113] Estèbe, *Protestants,* 299.
[114] Estèbe offers numerous cases in the Midi, but a similar case can be found in Seville around the same time, and it will be discussed in Chapter Four.

they were subject to hostility and perhaps violence, and that many left the city whether of their own volition or as a result of expulsion. Given the short time between the closure of the public brothel and the Protestant takeover, it seems likely that many women from that brothel were working extralegally in Lyon in 1562 and became victims of this hostility. The natural conclusion of Protestant attitudes to extra-marital sex, opposition to prostitution in Lyon was an overall trend in the sixteenth century but we might safely assume that it was particularly strident from 1562 to 1563.

Although Seville never experienced a period of Protestant government, increased regulation and enclosure were not restricted to French cities. In response to increased opposition and the increasingly tenuous position of the public brothel, the authorities of Seville also instituted new measures. As the trope of the syphilitic, aged prostitute gained cultural capital, the city council (and the crown) felt the need to reassure men that a visit to the brothel would not result in infection, perhaps to fight a reduction in customers visiting the brothel. From 1571 they imposed regular medical inspections on the women of the public brothel, carried out by a physician employed by the city.[115] While we know little of these inspections, we know enough of the medical profession, and of similar inspections carried out by the Inquisition and other courts at the time on defendants, to suspect that they were humiliating, uncomfortable, invasive, and potentially painful or violent procedures. For example, Edward Behrend-Martínez suggests that the inspections to which 'abnormal men' were subjected by Inquisition courts 'made of [them] a passive sexual object, even if the examinations were always portrayed in the documents as coldly objective and rational'.[116] The inspections of prostitutes, already seen as common property of the city, were likely similarly degrading. If they were deemed to be infected they were summarily ejected from the *mancebía* and sent to a hospital for syphilitics.[117] Given the loss of income this would represent, along with it being just another form of imprisonment accompanied by gruelling treatments, it is hardly surprising that many women simply did not go to the hospital, and were instead found plying their trade illicitly elsewhere in the city, much to the consternation of the city authorities and

[115] AMS Sec 4, Tomo 22, 14.
[116] Edward Behrend-Martínez, 'Manhood and the Neutered Body in Early Modern Spain', *Journal of Social History* no. 4 (2005): 1076.
[117] AMS Sec 3, Tomo 11, 62.

the reporting physician.[118] These ordinances are also a clear attempt to shore up the public brothel's monopoly on sex work, to reinforce a failing institution and to reassert patriarchal control over women who existed beyond it.[119]

In addition to regular visits from a physician, the women of the *mancebía* were also a captive audience for a regular barrage of religious persuasion. The growing movement for reform within Catholic territories had a direct impact on the experience of women in the public brothel, who faced increased efforts to turn them away from a life of sin. Since the late fifteenth century they had been required to refrain from working on Sundays until after Mass was over, and from working on feast days, but in reality these measures often went unobserved.[120] In addition, they were traditionally expected to hear a sermon on the feast day of Mary Magdalene, and many were supposedly convinced to give up their lustful profession each year through these sermons.[121] However, during the Counter-Reformation there were redoubled efforts to recover these women, in particular on the part of Jesuits. For some women, this may have been a comfort, reassuring them that there was a way out of the life and that God's forgiveness would be forthcoming when the time came. In other cases, it is easy to imagine that the judgement of the more vociferous priests left the women feeling hopeless about their own salvation, or perhaps simply bored. This is certainly the suggestion of Cervantes' *El Rufián Viudo* which describes one character, 'la Pericona', 'into whose ears thirty and more sermons had been mumbled'.[122] Nonetheless, the preachers persisted: in 1595, Jesuit priest Agustín de Figueroa implored the city council to repair the *mancebía* walls so as to properly enclose the women and oblige them to listen to his sermons, rather than avoiding his visits entirely.[123]

[118] Ibid.
[119] Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton University Press, 2021), 139.
[120] Perry, *Gender and Disorder,* 140.
[121] Such as when Fray Luis Rebolledo supposedly preached so convincingly that he inspired twenty-seven prostitutes to give up their 'vile profession' in one day in 1599, according to his contemporary Pacheco. Francisco Pacheco, *Libro de descripción de verdaderos retratos, de illustres y memorables varones* (Spain, 1881), 23.
[122] '*En las cuales sin duda susurraron / A sus oídos treinta y más sermones'* Miguel de Cervantes Saavedra, *Entremes del Rufián viudo llamado Trampagos* (1615), f. 225v.
[123] AMS Sec 11, Tomo 7, 20.

In Seville, the municipal brothel was finally closed much as it had been opened: on the orders of the King. A royal ordinance ordered the closure of all *mancebías* across Spain in 1623, and the city authorities of Seville were forced to comply, despite opposition.[124] Seville's brothel had remained open for over fifty years after the end of public brothels in Lyon, which is a clear sign of its more widespread support, and perhaps the less urgent need felt in Spain to reform Catholic behaviour in response to Protestant criticism. It is possible that the more strictly contained nature of the *mancebía* rendered it less offensive to city residents. The high walls and gates of the brothel district allowed people to ignore what went on inside, should they wish, and the single access point and council-approved *padres* likely created a more disciplined system in comparison to that of Lyon's site on Rue Ferrachat. While the public brothel of Lyon was the source of many disagreements, Seville's brothel district was far more widely supported by the city officials. Complaints about Lyon's brothel came from ordinary residents of the city, and from those appointed to represent them, such as the Commander of Saint George parish, who protested that prostitutes were too close to the Church of Saint George, even frequenting the cemetery there. The use of cemeteries as sites of sex work is perhaps further suggested by the existence of the contemporary Spanish slang term *carcavera* (cemetery-whore), raising the possibility that the women of Rue Ferrachat were not only frequenting the cemetery but working there.[125] City councillors were sympathetic to the Commander's plea, and 'gave him money to find a way to oust [the prostitutes].[126] Despite this, the brothel remained in place for several more years, as attested by repeated complaints up to 1546.

In Seville, the city council documents attest to a continuing conflict from 1620 between brothel *padres* and their supporters in the city council (as well as in reform houses and amongst owners of houses in the *mancebía*) one the one hand and Jesuits campaigning for the brothel's closure on the other hand.[127] Across Spain, and indeed beyond, the Jesuit order

[124] *NR,* Law 7, title 26, bk 12, as quoted in María Dolores Pérez Baltasar, *Mujeres marginadas: Las casas de recogidas en Madrid* (Gráficas Lormo, 1984), 14.
[125] José Luis Alonso Hernández, *El lenguaje de los maleantes espanoles de los siglos XVI y XVII: la Germanía* (Ediciones Universidad de Salamanca, 1979), 56.
[126] *'…messieurs les conseilleurs luy donnera argent pour trouve moyen de l'oster';* AML BB58-2, f. 77r-78r.
[127] This is explored in depth in Andrés J. Moreno Mengíbar, "El crepúsculo de las mancebías: El caso de Sevilla" in *"Mal Menor": Políticas y representaciones de la prostitución, Siglos XVI-XIX* ed. Francisco J. Vázquez (Universidad de Cádiz, 1998), 45-99.

was concerned about the danger posed to public order by sexual immorality.[128] They viewed individual moral purity as necessary to assure social and public order and combat the spread and impact of the Reformation. Since their arrival in Seville they sought to mitigate the moral corruption of the public brothel by establishing a reform house and preaching to customers and workers in the *mancebía,* but from 1616 they took a more aggressive approach.[129] It is no coincidence that this second phase of opposition coincided with the retirement of Pedro de León, who had previously been the most prominent Jesuit in the city, and the rise of a younger and more militant generation of Jesuits.[130] Between 1580 and 1616 the Jesuits had not come into direct conflict with city authorities, as evidenced by the lack of complaints from brothel *padres* about their activities, but they had perhaps contributed to the already occurring decline of the fortunes of the public brothel, which can be seen in the decreased earnings of that institution. In the 1550s the houses of the brothel had been rented in contracts of 75,000 *maravedies* a year, but by the 1580s this figure had decreased to 11,000.[131] In the early 1600s the city council struggled to rent the houses at all and eventually managed to obtain just 3,750 *maravedies* for them.[132]

From 1616 the more militant efforts of the Jesuits drew the ire of the *padres* and thus the city officials, who repeatedly heard complaints about preachers ignoring their designated times and days and instead invading the *mancebía* on a regular basis. From 1619, new regulations were issued to attempt to stem the decline of the brothel and satisfy Jesuit opposition.[133] These included the stationing of a constable at the gate of the brothel to police opening hours during holy days, and a minimum age of 14 years old for customers. A constable was assigned to bring the women to mass on specified occasions, and the rate a *padre* could charge for rent of a room was lowered considerably, in an effort to convince women to ply their trade within the *mancebía* rather than outside it. This attempt to placate the Jesuits, and to improve the functioning of the *mancebía,* did not work. Just ten days later, a Jesuit named

[128] As discussed by Pedro de León in his own memoirs, and in Jennifer Selwyn, *A Paradise Inhabited by Devils: The Jesuits' Civilising Mission in Early Modern Naples* (Ashgate, 2004), 174.
[129] The foundation of the Casa Pía reform house is proudly discussed in S. J. Martín de Roa, *Historia de la provincial de Andalucía de la Compañía de Jesús* (1602), 163, and in PDL, 26.
[130] Moreno Mengíbar, "El crepúsculo", 76.
[131] AMS, Sec 15a, Mayordomazgo, Cajas 89 – 110, Libros de Arrendamientos de Propios no. 1-11 and Libros Manuales de Caja no.1-10.
[132] Ibid.
[133] AMS, Varios Antiguos, 339, as reproduced in Moreno Mengíbar, "El crepúsculo", 81-82.

Father Armenta preached to the parish congregation of San Vicente in front of an audience which included numerous city officials.[134] He railed against the public brothel, and the next day his sermon was read before a session of the city council, who were outraged at his impertinence. This represented a total rupture between city officials and Jesuits, who continued to hinder the business of the *mancebía* despite the proposal of one member of the council that they should be imprisoned for doing so.[135]

The documents from this later period of Jesuit action suggest the futile attempts of the *padres* and city officials to maintain the brothel which was so clearly in decline, and the vehemence with which the Jesuits attempted to thwart them. Juan Ruiz de Galera, *padre* of the *mancebía*, complained in 1620 that the brothel was empty, a fact that ironically enough caused much distress to the chapels, hospitals, churches and monasteries that owned houses there.[136] Later that year, Juan Ruíz de Estremera, another *padre*, expressed frustration that the brothel had been forced to close, and asked the city council to confirm new ordinances to allow it to reopen.[137] In November that year, Estremera again appealed to the *cabildo,* this time to rail against the Jesuit priests' attempts at conversion which he claimed were driving women from the *mancebía* – against the ordinances that had finally been confirmed in August.[138]

The *padres* were not the only ones concerned to see women leaving the brothel *en masse*, as demonstrated by Alonso Ruíz, an official of *the Colegio de Niñas*, who warned the *cabildo* of the dangers to young girls posed by prostitutes in reform houses.[139] As late as 1621 the city government heeded the calls of brothel *padres* to reopen the brothel, against the wishes of Jesuits and their growing following.[140] The council was clearly persuaded by Galera's

[134] AMS, Actas Capitulares 1a Escribanía, 21 March 1619, and the sermon is published in full in Manuel Pizarro, *La Gaceta Médica de Sevilla* (1881), 183-186.
[135] Moreno Mengíbar, "El crepúsculo"*,* 90.
[136] AMS Sec 4, Tomo 22, 9.
[137] AMS Sec 4, Tomo 22, 10.
[138] AMS Sec 4, Tomo 22, 11.
[139] AMS Sec 4, Tomo 22, 12.
[140] From 1609 they had been supported by the newly appointed Archbishop of Seville, Pedro Vaca de Castro y Quiñones.

argument that the women of the *mancebía,* who he stated were mostly syphilitic, were 'spread through the public streets, and the woods and barbicans and pits of San Sebastian'.[141]

As well as their immediate actions against the public brothels of Spain, the Jesuits also carried out a concerted campaign to persuade the King and his advisors (particularly the Conde Duque de Olivares) of the threat posed by tolerated prostitution.[142] Eventually, attitudes condemning prostitution became royal policy: the brothel finally closed on the orders of Philip IV in 1623, whose concerns had been stoked by the Jesuits and their supporters. City officials were not content to let the *mancebía* go quietly, probably due to the loss of income as much as any negative effects on public order. In 1631 they wrote to the King to ask him to reopen the *mancebías.*[143] They cited the 'huge inconveniences and harms that have resulted from this prohibition' and complained that 'such scandals and bad examples' would continue without a public brothel to contain them.[144] The *cabildo* went on to suggest that since the closure of the brothel, much damage had come to the city due to women entering reform houses, and then returning to work 'in liberty and dishonesty' which saw them 'spread around … the principal streets and many other sites'.[145] Seville's sites of tolerated prostitution were closed due to top-down policies and the efforts of religious reformers, not because of the desires of the city's governing bodies or opposition from city residents.

As attitudes to prostitution evolved over the sixteenth century in the context of the Reformation and Counter-Reformation, a growing tide of opinion rejected the existence of legalised prostitution. Increasingly the brothel was not seen as a protector of honourable women or an outlet for frustrated young men, but as a moral stain on the community. Prostitution was delegitimised, and what had once been a profession or *ministerium* in the Middle Ages, now came to be a shameful occupation for diseased and desperate women. Otis has claimed that the increased association in the minds of many between prostitutes and

[141] '*sean repartido por la madera y el barbican y a los hoyos de San Sebastian*'. AMS Sec 4, Tomo 22, 17.
[142] The influence of Jesuits at the court of Philip IV, and the increasing moral severity of the King's reign, was noted in J. H. Elliott, *The Count-Duke of Olivares: The Statesman in an Age of Decline* (Yale University Press, 1986), 105, 115.
[143] AMS Sec 13, Tomo 5, 21.
[144] '*los grandes invonbientes y danos que de esta prohivision avian resultado'; 'tantos escandalos y mal ejemplo'.* Ibid.
[145] *'en la libertad y desonestidad'; 'en las quedan … en las calles mas principales y barrios',* Ibid.

poor people, who were 'often the victims of … penal repression', contributed to the devalorisation of prostitution in the sixteenth century.[146] Other forms of sexual labour persisted, of course, and it is possible that the number of women who lived as concubines rose. These changes were the consequence of a fundamental change in attitudes to sin, but also part of a wider effort to recreate the early modern city and put distance between respectable members of society and those deemed undesirable – the poor, prostitutes, criminals, and others. The Reformation – and its Catholic counterpart - was less tolerant of extra-marital sexuality, and sexual labour in all its forms was further marginalised. Crucially, as we will see in the final section of this chapter, this change in mentality coincided with the colonisation of Mexico and the rebuilding of Tenochtitlán as Mexico City and had a profound impact on the way in which sexual labour was practiced in Spanish colonies.

Legal Prostitution in the Spanish Americas

We know very little about the way in which sexual labour functioned in Mesoamerica before the Spanish Conquest. What we do know comes mostly from Indigenous narratives written after the Conquest. It is thus filtered through the lens of Catholic morality and the desire of Indigenous writers to present their history in a positive light to the Spanish, therefore creating an artificial association between prostitution and the concept of sin.[147] We do know that prostitutes existed, and we even have limited evidence of male prostitution.[148] The most thorough examination of the topic comes from historian Guilhem Olivier, who affirms the existence of prostitutes known as *ahuianime,* although Olivier is more hesitant on the locations of sex work.[149] There are mentions of an institution that has often been compared to the public brothel of Europe, the *cuiclli* or 'house of song'.[150] Contemporary writers drew explicit parallels between the public women of New Spain and those in Spanish brothels,

[146] Otis, *Prostitution,* 42.
[147] G. Olivier, 'Images de déesses ou prostituées? Les Ahuianime de l'ancien Mexique central' *Caravelle* 76-77 (2001): 299.
[148] Pete Sigal, 'Queer Nahuatl: Sahagun's Faggots and Sodomites, Lesbians and Hermaphrodites' *Ethnohistory* 54:1 (2007): 23.
[149] Guilhem Olivier, 'Homosexualidad y prostitución entre los nahuas y otros pueblos del posclásico' *Historia de la vida cotidiana en México* vol.1 (2004): 311.
[150] Jan G R Elferink, José Antonio Flores Farfán, 'La Prostitución entre los nahuas' *Estudios de Cultura Náhuatl* 38 (2009): 11.

suggesting their existence '[avoids] worse evils … like adultery, rapes, bestiality'.[151] Inga Clendinnen even goes so far as to use the term 'state brothels' to describe the *cuiclli.*[152]

While the putative Nahua brothels do share similarities with European public brothels, we should resist the tendency to collapse their differences, especially given what the close analysis of European public brothels has revealed about their functioning and purpose. The *ahuianime* were available to soldiers, seemingly exclusively, and thus cannot be said to have reinforced a sense of common civic identity amongst ordinary city inhabitants. The *cuiclli* were managed by women, and there are clear linguistic suggestions that their position was not seen as sinful or dishonourable.[153] Dishonour came from excess, which caused the accumulation of filth, not from the practice of sex itself.[154] The later imposition of moral judgements into the translation of Nahuatl terms makes it difficult to discern the original value assigned to prostitution. Despite this, there are important differences between European public brothels which were open to all male city residents and sought to gather dishonourable women in one location, and the supposed Nahua brothels which were open only to an elite group of men, and do not appear to have been an attempt to control unruly women – in fact, there does not appear to have been any stain of dishonour on the women workers. Therefore, we cannot say that public brothels in a European sense existed in Tenochtitlán, and their existence in Mexico City is perhaps equally questionable.

As we have already established, several colonial cities were granted licenses to open municipal brothels in the first half of the sixteenth century, including Mexico City. The license given by Queen Isabella included a mention that it was being granted on the request of the *cabildo. Cabildo* documents offer details about the location of the proposed brothel and the environment around it: in September 1542, the council recorded that the four *solares* (plots) that had been set aside for the construction of the *mancebía* were adjoined by the ditch which came from the Hospital de Nuestro Señora de las Atarazanas, meaning the plots were

[151] Interestingly, Motolinía states that there are no 'particular places nor designated houses where they are', suggesting he did not see evidence of a public brothel. Toribio Motolinía, ed. Edmundo O'Gorman, *Memoriales, de Fray Toribio de Motolinía: manuscrito de la Colección del Señor Don Joaquín García Icazbalceta, que publicó por primera vez su hijo Luis García Pimentel* (Forgotten Books, 2018), 441.
[152] Inga Clendinnen, *Aztecs: An Interpretation* (Cambridge University Press, 2014), 222.
[153] Elferink and Farfán, 'La Prostitución', 9, 13, 18.
[154] Ibid, 13; Sigal, 'Queer Nahuatl', 24.

on the Calle de Mesones. The location is interesting: this was a prime site in the centre of the city, within the Spanish *traza,* which would mirror the central location of public brothels in most Spanish cities including Seville.

The city council mentioned the brothel just once more. In February 1543, a converted Nahua named Antonio Ortiz was granted the *solar* next door 'to the plots where the brothel *will be built,* on the street that comes from the *tianguis* [Indigenous market] of [the city of] Mexico'.[155] The future tense is telling here: although the council set aside a plot for the brothel, they had yet to build it, five years on from the licence being granted. There are no records suggesting it was ever built. Indeed, a cabildo document from 1587 identifies Diego de Velasco as the man who would build the brothel, but makes it patently clear that he had not yet done so.[156] In cities with a municipal brothel, documents abound – city council records of repairs and expenses, reports from the men assigned to manage the brothel or minister to the women working there, notices from the surgeons who regularly inspected the women, court cases about disturbances and violence, even records from the reform houses which women entered upon leaving the life. In Mexico City, there is only silence.

Nicole Von Germeten has asserted that the brothel in Cartagena de Índias (on what is now Colombia's Caribbean coast) was built, based on a mention of it in an Inquisition trial later in the century, and thus has assumed that the Mexico City brothel was also constructed.[157] She offers the nickname for the street chosen, Calle de las Gayas, as further evidence that the brothel must have been built. *Gaya* is a sixteenth century word, meaning 'whore' in *Germanía,* the slang developed in Seville but soon used across Spanish territories.[158] The diffusion of such a word is further proof of the impact of immigration from Seville, and the mutual influencing of the two cities. Although we only have a mention of this nickname in the eighteenth century, the word itself is older and it is thus reasonable to assume that

[155] '*A Antonio Ortiz, naguatato, junto a los solares donde va a construirse la casa de mancebía, en la calle que va al tianguis de Mexico'.* Decree of the City Council of Mexico, 19 September 1542; Ibid, 20 February 1543. Emphasis added.
[156] Ibid, 20 November 1587.
[157] Nicole Von Germeten, *Violent Delights, Violent Ends: Sex, Race, and Honor in Colonial Cartagena de Indias* (University of New Mexico Press, 2013), 41.
[158] The word appears in a dictionary of *Germanía* (the underworld slang of Seville) written under the name Juan Hidalgo, widely believed to be a pseudonym of Cristóbal Chaves, whose writings on the prison of Seville offer insight into illicit sex work in that city. Hidalgo, *Romances de Germanía,* 174.

prostitution was a known feature of the street from the sixteenth century onward, earning the nickname.[159] It does not, however, demonstrate that the public brothel was ever built. Here it is useful to compare to Lyon, where an area known for its extralegal prostitution was chosen to host the newly established public brothel: perhaps in Mexico City too, the location of the public brothel was chosen to regularise illicit prostitution already occurring there. The proper name of the street, Calle de Mesones or Street of the Taverns, leads us to believe that the street was known for the presence of several inns, which as will be discussed in Chapter Two were frequently sites of extralegal prostitution. I argue, in agreement with Atondo Rodríguez, that in fact both the street's proper name and nickname are evidence as to why the city council chose this as a location for a public brothel, but that it was never actually constructed, based on the complete silence in the record.[160]

This raises more questions than it answers and inevitably leaves us wondering why the brothel was never built, or its monopoly never enforced. Given the initiative taken by the city council to apply for the license in the first place, it is surprising that they never seem to have followed through on the construction of the public brothel. Atondo Rodríguez suggests that the council likely applied for the license, opened a brothel while they waited for it to be approved, and never felt the need to make it an official municipal brothel even after the license was granted.[161] This is certainly a possibility, but I argue that it is more likely that other unofficial brothels had sprung up under the management of private individuals, and the *cabildo* viewed these as sufficient to meet demand.

We must consider why the *cabildo* did not see a municipally-run brothel as a priority, or perhaps even actively chose not to build it. We cannot totally rule out the unlikely possibility that a brothel was built, but if it was, it certainly never became a civic institution like those in metropolitan cities and was likely short-lived. Von Germeten has suggested that the Crown – or its viceregal representatives – lacked interest or ability to enforce a brothel monopoly the

[159] O. L. Gonzalez, *Las Calles de México: Leyendas y sucedidos. Vida y costumbres de otros tiempos* (Imprenta de Manuel León Sánchez, 1922), 210; Von Germeten, *Profit and Passion,* 25.
[160] Ana María Atondo Rodríguez, *El Amor Venal y la Condición Femenina en el México Colonial* (México: Instituto Nacional de Antropología e Historia, 1992), 42.
[161] Atondo Rodríguez, *El Amor Venal,* 49.

way they did in mainland Spain.[162] This is a reasonable inference given our understanding of the issues facing the viceregal authorities in the early years of New Spain. The authorities were certainly more concerned with asserting territorial and religious control, and with constructing their new capital than with policing the practice of prostitution. However, I would suggest that there were two other reasons: firstly, the institution of the public brothel was in decline in Europe, as evidenced by our examination of Seville's *mancebía*, and thus the impulse to recreate it in the colonies was lacking. Secondly, there was a disinterest on the part of viceregal authorities in regulating the sex trade due to the limited benefits a public brothel might provide in a colonial context such as Mexico City.

Elsewhere, the brothel served to protect honourable women, and to allow for the exercise of legitimate sexual urges by unmarried men. In Mexico City, at least in the first decades after the conquest, there were vanishingly few 'honourable' women to protect: between 1509 and 1539, only 5-6% of European immigrants to Spanish America were women.[163] Most of these were likely the wives and daughters of senior officials, thus shielded from the threat of sexual advances by their enclosure and their status. In addition, the sexual urges of Spanish men were easily met by the large Indigenous and later Black population. We know there were enormous numbers of Spanish men who entered relationships, sometimes even marriages, with Indigenous women in the earliest years of New Spain, something evidenced by the more than 3000 *mestizos* (mixed Indigenous-European individuals) who are visible in legal records in Mexico City before 1560, and who were likely a fraction of the true number.[164]

In the first decades of New Spain, the Spanish authorities saw no great need to maintain a public brothel or enforce a monopoly on prostitution, when the purpose it might have served was easily met by the Indigenous population. Ben Vinson has gone so far as to suggest that this racial mixing in the early years of New Spain was actually essential to the maintenance of the colony, and that the dearth of European women 'placed stress upon the reproductive capability of the "Republic of Spaniards" – it could not replicate itself without cross-racial

[162] Nicole Von Germeten, *Profit and Passion,* 25.
[163] B. Vinson, *Before Mestizaje: The Frontiers of Race and Caste in Colonial Mexico*. (Cambridge University Press, 2018), 5.
[164] Ana Rita Valero de García Lascurain, *La Ciudad de México-Tenochtitlán: su primera traza 1524-1534* (Editorial Jus, 1991), 163.

contact'.[165] Laws surrounding mixed marriages, cohabitation and offspring were lax or non-existent. As Douglas Cope has ably remarked, 'the barrier between Spaniards and mestizos became less and less fluid' over the colonial period, but in the initial decades of New Spain, racial mixing was extremely common.[166] This is almost certainly because the threat of that mixing to European women was deemed to be negligible.[167] Meanwhile, this system allowed unfettered access to the bodies of Indigenous and Black women by European men, a concept which was markedly less worrying to colonial authorities than its opposite. In fact, sexual stereotypes of Black women emerged in the early modern period precisely to legitimate their sexual exploitation by European men – as Patricia Hill Collins has demonstrated for slavery in North America, the stereotype of the 'jezebel' functioned 'to relegate all Black women to the category of sexually aggressive women, thus providing a powerful rationale for the widespread sexual assaults by White men typically reported by Black slave women'.[168] The unrestrained (as it was understood by European men) sexuality of these women was not a problem but a benefit to colonial authorities and the European population of Mexico City more generally.[169]

There was also no desire to use a public brothel to bolster or create civic identity, as there was in Europe. For our purposes we must understand Mexico City as it was to the Spanish elite: a new city, built on the bones of a fallen enemy, whose history was at once threatening and legitimating.[170] As the sixteenth century proceeded, Mexico City was constructed from the rubble of its predecessor, and a new identity was created, one which relied heavily on its Spanish origins but quickly came to embody something new, different, other. For many

[165] Vinson, *Before Mestizaje,* 5.
[166] R. D. Cope, *The Limits of Racial Domination: Plebian Society in Colonial Mexico City, 1660-1720* (University of Wisconsin Press, 1994), 18.
[167] In British colonies although there was ostensibly a much stricter attitude to racial mixing, enslaved Black women were of course subject to the advances of white men and produced mixed-race children who were also enslaved. As in New Spain, it was unthinkable for European women to enter relationships with Black men. Brenda E. Stevenson, 'What's Love Got to Do with It? Concubinage and Enslaved Women and Girls in the Antebellum South' *Journal of African American* 98 (2013): 99–125
[168] Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* 2nd edition (Routledge, 2000), 81.
[169] As has been discussed in many colonial contexts. See, for example, Liat Kozma, "Prostitution and Colonial Relations: in *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s* eds. Magaly Rodríguez García, Lex Heerma van Voss, and Elise van Nederveen Meerkerk (Brill, 2017).
[170] Vinson, *Before Mestizaje,* 11. Vinson details the emergence of *mestizaje* or mixed Indigenous-Spanish heritage as a threat in the eyes of viceregal authorities, over the course of the mid-sixteenth century.

decades, this was a city in transition and in turmoil. It had no medieval civic identity it could cling to, and while its ruling bodies did claim a proud Spanish heritage, by the later colonial period they had come to assert a new identity as American.[171] This new civic identity was fragile and exclusive, the preserve of the Spanish, at least as far as the Spanish were concerned, although the reality was probably quite the opposite.[172]

A public brothel, as we have seen, fostered a wider sense of civic identity amongst elite and commonfolk alike – it gave ordinary men a stake in the ownership of public women, a way to assert their masculinity and bolster their place as a resident of the city with all the rights that entailed. In Mexico City, as in other colonial cities, this was dangerous, as it could quickly lead to a shared masculine community with Indigenous and Black men. The perceived threat of non-Spanish masculinity was demonstrated, for instance, in the highly racialised prohibition on men of colour bearing arms. The right to carry a sword was a 'powerful [symbol] of masculine authority and honour', one which was denied to all non-Spaniards in New Spain due to 'popular stereotypes that they were disloyal, dangerous, and without honor'.[173] Individual men petitioned the Viceroy for the right to bear arms, and were granted this permission, based on evidence that they defied the stereotypes of their race by living virtuously, honourably, and with loyalty to the Spanish Empire.[174] However, this was a privilege they had to argue for, one that was automatically denied to them on the basis of their race, which made their masculinity a source of danger, not pride, and precluded the development of a shared masculine community between Spanish and non-Spanish men. This perception of non-Spanish masculinity was also reflected in the approach taken by authorities to the sexuality of Black and Indigenous men.

[171] For examinations of creole identity, see Peter B. Villella, *Indigenous Elites and Creole Identity in Colonial Mexico, 1500-1800* (Cambridge University Press, 2016); Jorge Cañizares-Esguerra, 'Racial, Religious, and Civic Creole Identity in Colonial Spanish America', *American Literary History*, vol. 17, Issue 3 (2005): 420–437.
[172] Barbara Mundy's *The Death of Aztec Tenochtitlán, The Life of Mexico City* (University of Texas Press, 2015), for example, is a remarkably comprehensive and convincing exploration of the survival of an Indigenous Tenochtitlán amidst the new Mexico City.
[173] R. C. Schwaller, "'For Honor and Defence": Race and the Right to Bear Arms in Early Colonial Mexico', *Colonial Latin American Review,* vol. 21, Issue 2 (2012): 240.
[174] Luis Diego's article concerning *chino* petitioners in New Spain is a useful addition to this subject, demonstrating the precise contours of and limitations of mobility for non-Spanish colonial subjects. Luis Diego, "The Armed Chino: Licensing fear in New Spain", *Journal of Colonialism and Colonial History*, vol. 20, no. 1 (2019).

The treatment of the Indigenous *temascales,* or bathhouses, which will be discussed at length in Chapter Two, is a perfect example of the dangers of Indigenous identity as conceived by the authorities. Racial stereotypes of Black and Indigenous men might initially lead one to assume that a public brothel was deemed necessary to fulfil a supposedly 'excessive sexual appetite', and protect respectable European women, but it is important to note that the authorities of Mexico City had no interest in meeting that demand. They saw male Black and Indigenous sexuality as a problem, something to be curtailed, limited, and contained, not as something that could be satisfied and thus neutralised.[175] This is evidenced, for example, in the anonymous account of the conspiracy of 1612 in which Black men were accused of plotting to invert the racial order to enslave and sexually exploit Spanish women.[176] This account was written by a member of the *Audiencia,* and ties Blackness to 'unrestrained passions, ungovernable mobility, and the transgression of spatial boundaries', in the words of historian Daniel Nemser.[177] Nemser's article contrasts this Spanish account with that of Indigenous historian Chimalpin Quahtlehuantzin, and clearly demonstrates how Blackness was portrayed in the former – and in the minds of many Spaniards – as 'a threat to the Spanish colonial project, grounded in the urban center of Mexico City, and to the integrity of Spanish bodies, especially women'.[178]

A crucial factor in this attitude was the very small population of European women at the time, and the fact that most led lives of semi-enclosure in the houses of elite Spanish men. There was less concern for European women who worked as servants or were generally of a lower class, and in the early years of colonisation racial mixing was less stringently policed, in part because it was largely European men mixing with non-white women. There was no need for a public brothel here, because the demands for sexual labour were met through the mass coercion and exploitation of Indigenous and Black women, men, and boys, both outside and within the inherently sexually exploitative institution of slavery, along with extralegal

[175] Zeb Tortorici, 'Heran Todos Putos: Sodomitical Subcultures and Disordered Desire in Early Colonial Mexico' *Ethnohistory* 54, no.1 (2007), 55.
[176] María Elena Martínez, 'The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico' *The William and Mary Quarterly* 61, 43 (2004): 481-483.
[177] Daniel Nemser, 'Triangulating Blackness: Mexico City, 1612' *Mexican Studies/Estudios Mexicanos* 33, no.3 (2017): 347.
[178] Ibid.

prostitution and informal sexual labour on a less exploitative basis.[179] It is possible that the decline of the public brothel in Seville was related to this trend in the colonies: men travelled from the Americas to Seville and may have brought with them habits and behaviours adopted in cities like Mexico City. The prevalence in transactional or coercive relationships with Black and Indigenous servants and enslaved women may have led to the development of similar patterns in Spanish cities – and in particular Seville, the city with the highest population of Black and Indigenous people in Spain (although it was still extremely low when compared to the population of Mexico City), although Spanish servants were comparably vulnerable to such advances, as we shall see in Chapter Three.

In addition to the fact that the public brothel's benefits were largely irrelevant in New Spain, I suggest that ultimately the wholesale decline of the institution in Europe meant that it was less of a priority to export it to the colonies. The public brothel in metropolitan cities was facing increased hostility and was no longer functioning as the primary provider of sexual services in the city. While a license for a public brothel in Mexico City was requested and granted, the fact that it was likely not built in the following years may be an indicator of the reception of anti-prostitution ideas in the Americas. Given there was no pre-existing tradition of legalised prostitution, efforts to paint such institutions as immoral may have met with greater success here, and resulted in less will to establish or maintain public brothels. The men who colonised Mexico and who established Mexico City no longer saw the institution of the public brothel as an essential part of civic identity or as a necessary control on sexual behaviour. They did not see a point in recreating a now outdated institution in their new city and were happy for the demand for sexual labour to be met informally, extralegally.

Atondo Rodríguez is adamant that the municipal brothel was never built.[180] We will probably never know the truth, but the near silence from this and other colonial cities with licenses to build public brothels (such as San Juan and Santo Domingo) is suggestive. If these institutions

[179] In many colonial contexts, sexual labour carried out – willingly or not – by women of colour has been viewed as a necessary way of protecting the virtue of European or white women. Nicole Keusch, "Migration and Prostitution" in *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s* eds. Magaly Rodríguez García, Lex Heerma van Voss, and Elise van Nederveen Meerkerk (Brill, 2017), 725. This is a major focus of Chapters Three and Four of this study.

[180] Atondo Rodríguez, *El Amor Venal,* 46.

did exist, they were certainly not the prominent, lucrative enterprises they were in Spain, possibly because of the availability of sexual labour from women outside the public brothel. Instead, they would have been marginal, near-defunct – if they existed at all. However, the absence of a public brothel had just as much of an impact on the nature of sexual labour as its presence would have, and we will explore the character of extralegal prostitution in early colonial Mexico in the next chapter.

In France and Spain, for some the closure of the public brothel represented a loss of income and increased difficulty in regulating and containing prostitution. For others, it was a hard-won victory against moral depravity, which needed only to be followed by rehabilitation efforts for the former prostitutes. For the women who had worked and lived in these places, however, this was a huge upheaval. Some were forced into extralegal work, vagrancy, or reform houses that were just another form of imprisonment. From there, a few were able to access charitable dowries administered by reform houses to enable them to marry. Others managed to find husbands among former clients and procurers or entered domestic service. The closure of the public brothel had significant impacts on the city, but its most serious effects were felt by the women who had lived and worked there.

Legal prostitution looked very different in Seville and Lyon, but it was still a widely tolerated part of both cities' landscapes for many years. Seville's more contained and municipally controlled approach might have protected the public brothel from the disapproval of city residents in comparison to Lyon, where locals led the charge against Madeleine Lambert's council-approved brothel. The Counter-Reformation change in attitudes resulted in a change in royal policy and official law that saw the *mancebía* close anyway. The end of tolerated prostitution brought the character of sexual labour in Lyon and Seville more into line with that of Mexico City, though not completely. Both European cities had previously used public brothels to fulfil demand, coupled with extralegal prostitution, cohabitation, and occasional unfree sexual labour. Mexico City had, since its conquest, relied on illicit prostitution, cohabitation and systemic sexual violence and exploitation. Here, sexual labour was largely extracted from the bodies of Indigenous and Black women (and men, and boys) informally, on an individual basis, or it was carried out in extralegal institutions. Coercion and exploitation

were systemic. These three dynamics of extralegal prostitution, transactional sex, and unfree sexual labour will form the basis of the next three chapters.

Chapter 2: Rameras, cantoneras y mujeres de mal vivir: Extralegal Prostitution over the Long Sixteenth Century

On 14th March 1559 the Governor of the Río de la Plata, Jaime Rasquín, set sail from Sanlúcar de Barrameda, a town on the banks of the river Guadalquivir (less than one hundred kilometres downstream of Seville) that acted as the main Atlantic port of Andalusia.[1] He was sailing with three ships, loaded with 650 soldiers and sailors, to establish Spanish dominance and expel the French presence along the Río de la Plata. It was an ill-fated voyage and Rasquin's expedition, minus one ship, only made it as far as Santo Domingo where he was prosecuted for the calamities that had befallen his men.[2] However, far more interesting for our purposes are the three women he brought on board with him.

An account of the voyage was written by Alonso Gómez de Santoyo, second lieutenant of Don Juan Gómez de Villandrando who acted as chief of staff for the expedition, and Santoyo describes Rasquín's personal companions clearly.[3] He picked up three 'whores' for the journey, two were acquired in Seville, one Galician and one from Seville itself.[4] The third was identified as 'the usual type that is brought from the Río de la Plata, an *india*'.[5] This description is doubly revealing. On the one hand, the woman's origins are revealed to us – she is an Indigenous woman from the Río de la Plata, possibly a Guaraní. But more than this, the mention of a 'usual type' suggests a common practice of bringing women back from the colonies to serve as concubines and even taking them on subsequent voyages.

It is possible this woman was brought back by Rasquín on his earlier trip, when he returned to Spain from Río de la Plata with Bishop Pedro de la Torre in 1556. Three years later, she

[1] Loreley El Jaber, 'La Voz de la Plebe: Emergencías en el Río de la Plata Colonial (Siglo XVI)' *Revista de Critica Literaria Latinoamericana* 45, No. 90 (2019): 162.
[2] Upon his return to Spain in 1560 he was yet again prosecuted, and eventually in 1569 he petitioned the Council of the Indies for money to live on – he was bankrupt and soon incarcerated for debts. In 1571 he died in prison. The last of his lawsuits was only settled three years later. For more on Rasquín see Manuel Ardit, ed. *El Valencià Jaume Rasquí, governador del Plata (1557-1559)* (Generalitat Valenciana, 1987) or Enrique de Gandía, *Aventuras de Jaime Rasquín* (Emecé Editores, 1942).
[3] *Relación hecha por Alonso Gómez de Santoya, alferez del maestre de campo Juan de Villandrando, de lo sucedio al gobernadora Jaime Rasquín en el viaje que hizo a la provincial del Río de la Plata y Paraguay en 1559,* AGI, Patronato, 29 r.12 (1559).
[4] *'putas',* Ibid, f.10.
[5] *'la otra era la hordinaria que traido de alla del Rio de la Plata yndia',* Ibid, f.10.

was yet again crossing the Atlantic, this time returning to her homeland, although we can only guess whether she welcomed or dreaded the journey. Though all three women are described as 'whores', their situations seem quite different. Two were Spanish women, and in all probability were sex workers by profession: their livelihood depended on the men they slept with, and they travelled with them. This third woman, the nameless *india,* was almost certainly a captive, or at the very least began as such. Like so many others, she was probably seized or sold into captivity and passed on to Rasquín as a gift or a spoil of conquest, shipped across the Atlantic and forced to make the best of her situation in Spain. In the three years she had likely spent with Rasquín (although we cannot be sure she had been his companion this entire time), she may have experienced violence and cruelty, or she may have formed an affective relationship with the man as a way of improving her situation – or even out of genuine affection. We cannot know. What we do know is that she was perceived as another 'whore' by Santoyo, and presumably by the other men on board, for whom Rasquín's actions supposedly 'set such a bad example' that 'every one [of the soldiers] attempted to bring their own [sex worker], with the permission of [Rasquín].[6] Even allowing for a healthy dose of exaggeration, Santoyo's account reveals much about how elites and ordinary soldiers viewed sex workers, and most particularly those outside of the legal brothel. They were a readily available resource and might easily be convinced to come on a voyage if it meant the promise of a sizeable payment. Despite their working outside of the legal brothel, in theory the only space in which sex work was legal in Spain, these women were not condemned by Rasquín or the authorities but instead seem to have been a welcome option beyond the *mancebía.* It is women like this, and the occasional man or boy who performed the same labour, on whom this chapter will focus.

This chapter will analyse extralegal prostitution, in contrast to the previous chapter's focus on legal brothels or brothel districts. The sex workers discussed here worked without the protection of legality or the limits of regulations, and thus their working conditions were significantly different. This chapter aims to answer questions about why sex workers chose to work extralegally, how they were received by society, and how the practice of extralegal

[6] *'dava tan mal ejemplo a los soldados que cada uno procurava llevarla suya con licencia del governador',* Ibid, f.10.

prostitution changed over the period. To do so, I will begin by examining the legal ambiguity around the practice of sex work, considering how we can write a history of those who by their very nature lived beyond the spotlight of the law and thus the archive, and analysing what this legal grey zone meant for those working outside the law. Women transitioned regularly between legal and extralegal sex work, and between sex work and other occupations, which reinforces my contention that early modern people understood sex work as labour.

I will then trace the characteristics of sex work outside the brothel, considering the spaces of sex work, the issue of race in extralegal contexts, and the relationships of workers with management or procurers in each city. I posit that the spaces in which sex work took place indicate that male sociability was generated through and often relied upon (predominantly female) sexual labour, and that sexual labour is inextricable from other forms of gendered labour. Finally, I will explore responses to extralegal sex work in the three very different cities, analysing the changes over the sixteenth century. Lyon, Seville and Mexico City had radically different experiences of the Counter-Reformation, and indeed of the sixteenth century itself, and the contingent religious and social climate governed the response to extralegal sex work. By examining extralegal sex work, we can nuance our understanding of legal prostitution and gain a more comprehensive view of sexual labour in early modern society.

The Ambiguous Legality of Sex Work Outside the Brothel

The existence of legal prostitution in the form of a municipal brothel seems automatically to suggest the existence of illegal prostitution. In the 1538 licence which granted Mexico City permission to open a brothel, Queen Isabel specified 'we wish and order that [the brothel] be [the city's] own and that no other person may have or build one, other than the aforementioned city', and similar provisions can be found in the licences for other cities across the Iberian world.[7] The scholarship on prostitution in France, Spain and its colonies

[7] *'queremos y mandamos sea suia propia y que ninguna otra personal la pueda tener ni hazer, sino essa dicha ciudad', Real Cedula por la que se hace merced a la ciudad de México, segun lo había suplicado, del suelo de la casa pública de mancebía,* AGI Mexico, 1088, Legajo 3, f.158V-159R.

suggests a similar binary between legal and illegal workers, and understandably so. Andrés Moreno Mengíbar and Francisco Vázquez García, speaking specifically of Seville, claim that city ordinances of 1416 and 1473 show the town intended to establish the *mancebía* as a confined space of prostitution, the only one in the city, prohibiting prostitutes from residing outside its walls.[8] The 1416 ordinances prohibited innkeepers from hosting prostitutes, on pain of a hundred lashes and one year's exile. The 1553 regulations governing Seville's *mancebía* specify that 'the *padre* [brothel manager] … does not allow any woman to earn, sleep nights or siestas outside of the said public brothel … any woman who does this or he for consenting will incur a penalty of 600 *maravedies*'.[9] However, this phrasing puts the onus on the brothel *padre* to prevent women working outside of the brothel, and the penalty is monetary not corporal. Additionally, these provisions were local ordinances, not royal laws.

The *Siete Partidas,* the principal law code by which Spanish territories in both the New and Old Worlds were governed, does not provide a clear definition of women involved in sex work. It officially recognises women working in the *mancebía,* without suggesting repercussions for them, thus establishing the legality of such work. What it fails to do is define or assign punishment to those working outside the *mancebía.* The *Siete Partidas* addresses procuring in Title Six Law Four, although it only mentions men as procurers, and Title Twenty distinguishes five categories of procurers who are described with clear disdain.[10] The sex workers themselves are mentioned, and occasional sanctions are suggested such as Title Twenty's assertion that prostitutes should face exile, but they are never properly defined or systematically identified as criminals.[11] As Nicole von Germeten suggests, they are obscured by their lack of clear definition, 'making them indecipherable as actual criminals'.[12] The *Cortes de Toro* of 1398 is slightly clearer, differentiating between *putas publicas* (public whores) and *rameras* (secret whores), but it fails to assign a corporal punishment to *rameras* and instead only suggests a higher tax because they were thought

[8] Andrés Moreno Mengíbar and Francisco Vázquez García, 'Razones y funciones de la mancebía de Seville', *Historia Social,* No.19 (1994), 33.
[9] BL, Egerton, 1873, f.155-161.
[10] Nicole von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (University of California Press, 2018), 18.
[11] Ibid, 19.
[12] Ibid, 19.

to make more money.[13] Throughout these legal codes, there is no clear punitive threat applied to concubines or extralegal prostitutes: the sanctions are moral or financial, not criminal. In fact, Von Germeten suggests that 'regulating sex work by legalizing only one official brothel in each town or city created many opportunities for the judiciary to collect a huge income in fines', an assertion supported by Eugene Lacarra Lanz' analysis of Zaragoza.[14] However, in my research I found only one case in all three cities of a sex worker prosecuted for her sexual activity, rather than for procuring or for unrelated charges like witchcraft.[15] In 1563 Luisa Vázquez, *mujer pública,* was penanced by the Inquisition of Seville for fornication and forced to process wearing a noose and gag, carrying a candle, and to renounce her sins. She was also subjected to one hundred lashes.[16] The summary of this case offers no details as to why Vázquez was prosecuted when so many others were not, but the case is telling in its singularity.

In France too, the legal situation was ambiguous at best. In the thirteenth and fourteenth century several royal edicts commanded the expulsion of prostitutes from towns and villages, their segregation into specific areas, or punished those who rented rooms to them with fines of up to a year's rent.[17] They were specifically forbidden from living in certain named streets in Paris, and in Toulouse from 1389 they were ordered to wear distinguishing marks on their clothing.[18] But what appears at first to be a simple matter is soon clouded by complications. One proclamation of 1424 forbids prostitutes from living in the general area around the Church of Saint Mary in Paris.[19] Another edict just two months earlier enjoins

[13] Eukene Lacarra Lanz, 'Legal and Clandestine Prostitution in Medieval Spain' *Bulletin of Hispanic Studies* vol. 79, 3 (2002): 271, 278.
[14] Von Germeten, *Profit and Passion,* 21; Eugene Lacarra Lanz, "Changing Boundaries of Licit and Illicit Unions: Concubinage and Prostitution" in *Marriage and Sexuality in Medieval and Early Modern Iberia* ed. Eugene Lacarra Lanz (Routledge, 2002), 182.
[15] I am not including male sex workers in this statement, who were of course prosecuted for sodomy.
[16] AHN, Inquisición, Legajo 2075, no. 7, f.12.
[17] *Ordonnance pour la reformation des moeurs dans le Languedoc et le Languedoil* (Paris, December 1256) no. 34; *Lettre du Roi aux Régens, portant injunction de faire executer les ordonnances contre le blaspheme, d'expulser les femmes publiques et de prendre un nouveau serment des members du conseil* (Camp d'Aiguemortes, the eve of the feast of Saint John the baptist, 1269) no.5; *Lettres qui défendent aux proprietaires et locataires des maisons d'une rue de Paris de louer à femmes de mauvaise vie, et à celles-ci d'y demeurer* (Paris, 3 February, 1368); François-André Isambert, et al eds. *Recueil general des anciennes lois françaises depuis l'an 420 jusqu'à la Révolution de 1789,* t. XXIX (Belin-Prieur, 1829), 146, 147.
[18] *Lettres portant que les filles de joie (de Toulouse) porteront une marque sur leurs habits* (Toulouse, December 1389).
[19] *Edit ou Ordonnance concernant les filles publiques à Paris* (Paris, April 1424).

the *seneschal* of Toulouse to 'maintain the public women of this town in their privileges and tax exemptions, and to defend them from all violence, insults and aggressions'.[20] Royal opinion – and policy – was clearly changeable. This perhaps indicates a more pragmatic late-medieval approach to prostitution which sought to limit it only to certain areas and required sex workers to wear distinguishing marks or pay taxes or fines. Certainly, from 1381 the royal orders do not seek to expel women from towns entirely, only from certain areas. There is only one more set of royal missives concerning prostitution in the next 179 years up to the prohibition of brothels in 1561, in 1489. These 1489 letters 'on the state of prostitution in Montpellier' are unfortunately now lost to us, and their title when referenced in other works is infuriatingly impenetrable.[21] Nonetheless, the fact that this is the only known document issued in nearly two hundred years suggests a royal disinterest in the regulation or prohibition of prostitution.

In 1619, when edicts on the subject resumed, the tone was much harsher: people were forbidden from letting housing to 'individuals of wicked life, under the pain of losing three years of rent' and prostitutes were commanded to 'vacate the city of Paris within twenty-four hours'.[22] These provisions are remarkably similar to those of the thirteenth or early fourteenth century, albeit slightly more severe. In the intervening two centuries, the responsibility for governing sex work seems to have fallen to individual cities and courts, who could not rely on much backing from written law codes (many of which were specific to one city, namely Paris or Toulouse). The exception is the 1561 ruling from the Estates of Orleans that banned brothels – including municipally-run legal ones – but which did little to prosecute sex workers themselves, instead addressing those who managed brothels or owned the sites in which they operated. In this, Lyon's authorities mirrored those of Seville and Mexico City: their approach to regulating or prosecuting sex work was largely at their discretion, and they generally pursued those involved only when their actions became scandalous.[23]

[20] *Ordonnance du Roi qui prend sous sa protection les filles publiques* (Toulouse, 13 February 1424).
[21] *Lettres sur le fait de la prostitution à Montpellier* (Juillet 1489); Isambert et al, *Recueil general,* Vol. XI, 184.
[22] *Ordonnance du lieutenant de police contre les femmes publiques* (Paris, 19 July 1619); Isambert et al, *Recueil general,* vol. XIV, 130.
[23] Janine Garrison Estebe, *Les protestants du midi, 1559-1598* (Privat, 1980), 141.

Sex work outside the legal brothel was frowned upon, undoubtedly, but it was rarely positioned as illegal, and what laws did exist were enforced in a sporadic and inconsistent manner. Cities, individual lords, or courts were left to decide for themselves what was acceptable, and this created a grey area in which extralegal sex work could operate undisturbed. It provided a lucrative income in fines, served a large population who were unable or unwilling to visit the legal brothel, and in most cases was largely ignored by authorities and communities alike. In the late medieval period, it was pursued as a source of violence and social disorder, but by the sixteenth century it had taken on an opaque, semi-invisible quality in both legal and local doctrine, making it easy to ignore. It is this ambiguity that prompts me to refer to sex work outside the brothel as extralegal, not illegal. This term was developed by urban anthropologists Alan Smart and Filippo Zerilli 'to contextualize the vibrant, creative, intransigent economic practices found within urban settings'.[24] It can be used to resist the top-down binary of legal versus illegal, and to recognise the resourcefulness of ordinary actors in the face of ambiguous legal codes and sporadic enforcement. Removing the binary between legal and illegal allows us to more properly interpret the conditions of and responses to these workers, and to understand how and why they transitioned between the two states. However, this legal ambiguity did not extend to procurers, and it is important to draw this distinction. Procuring was outlawed in the *Siete Partidas* and thus in both Seville and Mexico City, although in France there is a lack of clarity even for procuring, perhaps related to the ambivalence around bathhouses which were so widely tolerated despite not being officially sanctioned brothels, or the fact that many brothel managers were in fact ex-sex workers themselves. Procurers in Spain were punished harshly, usually with galley service which could be equal to a death sentence, and the cases in the record frequently link them with other forms of criminal behaviour such as violent assaults, desertion or murder.

The Advantages and Disadvantages of Working Outside the Law

[24] Alan Smart, Filippo M. Zerilli, "Extralegality" in *A Companion to Urban Anthropology* ed. Donald M. Nonini (Wiley Blackwell, 2014), 222-238; as used by Beverly Lemire, "Monopoly Claims and Moral Economy: Extralegal Practice in British Global and Local Trade c.1660-1800" in *Formative Modernities in the Early Modern Atlantic and Beyond,* eds. V. Hydan-Hanscho and W. Stangle (Palgrave Macmillan, 2023), 153.

Without clear direction from the crown and courts, most local authorities turned a blind eye to extralegal sex work, insulating sex workers from persecution as long as they remained unobtrusive. However, working outside the law could make things harder for the extralegal sex worker. She could not rely on the courts to prosecute violence committed against her, for coming forward to report it would mean revealing herself (and potentially her procurer who would face much harsher punishment) to the authorities and perhaps being forced into the legal brothel. She did not have the guaranteed income of a steady stream of visitors who knew exactly where to look for sex, having heard of the infamous *mancebía* of Seville or red-light district of Paris. She was forced instead to turn to a procurer, usually a man, whose job it was to help her find clients and protect her from threats. Some sex workers found safety in numbers instead, working and living alongside one another, or else chose to enter a private brothel or bathhouse to make finding work and security easier. Working outside the law usually meant putting oneself in the hands of a manager and accepting a certain level of risk. We must ask why then did so many choose this instead of legal work.

The most obvious answer is that it was not always a choice. As we have established in Chapter One, women worked legally in the public brothel or *mancebía*, but only certain women were allowed to do so. In Seville, the prohibitions are clear – no married women, no non-European women, no enslaved women.[25] In Lyon, we do not have such clear stipulations, but we can assume that similar norms governed entry into the legal brothel – we know, for example, that here too married men and clergy were excluded from patronising the public brothel.[26] In addition, most cities precluded local women from entering the brothel, although this provision was rarely applied. In both cases, the fact that only women could work legally went without saying, as sodomy was a sin whether it was done for money or not. There was some acknowledgement of the role poverty played in driving women to sex work, but this was not generally extended to boys or men, and in fact the only acceptable defence was being a young boy, and the victim of force.[27] This of course means that a certain subset of the population could only work outside of the legal brothel

[25] BL, Egerton, 1873, f.155-161.
[26] Jacques Rossiaud, *Medieval Prostitution* (Blackwell, 1988), 40.
[27] Mary Elizabeth Perry, 'The "Nefarious Sin" in Early Modern Seville, *Journal of Homosexuality* 16, no.102 (1989): 78.

and thus were limited to extralegal sex work alone. Others worked legally and extralegally, transitioning between the two, sometimes more than once. In these cases, sex workers chose what they saw as the better option, or the one available to them in that moment, a personal calculation that is not always legible to the historian. Nonetheless, there are instances that we can clearly decipher.

In Seville after 1571, women working in the brothel were regularly inspected for syphilis.[28] If they were found to be infected, they were ejected from the *mancebía* and supposedly sent to the syphilis hospital for treatment. However, in 1572 the surgeon named by the city council to inspect the women of the *mancebía* reported that women who 'leave the aforementioned public house because of illness are earning publicly in La Carrerria and La Cesteria and in Triana and in other places where such women are usually paid' (these locations can be seen in Appendix 3, Figure 1).[29] Women who had been expelled from the public brothel were now working outside the law, in areas notorious for extralegal prostitution. These women had been forced to transition into extralegal prostitution because they were no longer allowed to work legally. In other cases, women who had clearly worked extralegally before now worked in the *mancebía* but retained procurers from their time outside it: in 1563 the brothel *padre* complained that the disrepair of the brothel walls was allowing procurers to gain access to the women within, and to extract money from them.[30] In 1590, similar complaints were raised again. This time, the *padre* reported that the 'gang of the lagoon [the area in which the brothel was located]' had knocked down the gate to the brothel district three months before, and that 'from [this] had occurred much damage and mistreatment of those who reside there, and through the gate men of wicked living got to the women therein'.[31] Some procurers even sought out women in the public brothel who might be persuaded to work for them. In 1573 Diego de Castro was condemned to six years on the galleys for quarrelling with a woman in the *mancebía.*[32] He

[28] BL, Egerton, 1873, f.155-161.
[29] *'salen enfermas de la dicha casa public estan ganando y ganan publicamente la carrerria y la cesteria y en triana y en otras partes donde las tales mugeres se suelen rrepagan',* AMS, Sección 3, Tomo 11, 62.
[30] AMS, Sección 3, Tomo 11, 60.
[31] *'el portillo de la cerca que esta caida por la banda de la laguna y aunque han pasado mas de tres meses despues de se cajo y se le dio la dicha commission no sea cerrado de donde se aseguido mucho daños ansi de malos trata de los que sean ahi y hazen por el dicho portillo a las mugeres por hombres de mala vida',* AMS, Sección 3, Tomo 11, 63.
[32] AGS, CCA Div, 29, 2, 1, f. 271.

injured her when she refused to work for him. In this case she declined and was protected by the law, but some women worked for a procurer whilst in the legal brothel. While procuring a woman in the *mancebía* was strictly forbidden (and procuring as a whole was much more clearly prohibited in the legal codes), these men found ways to continue to profit from the labour of legal sex workers, and in so doing they rendered those women simultaneously legal workers and participants in illegal activity. Again, the binary of legal and illegal fails to properly capture the experiences of sex workers.

In Lyon we have already seen that Madeleine Lambert self-reported as a prostitute from 1512, but by 1540 she was managing the legal brothel, and had in fact been instrumental in establishing it. We do not know what prompted her transition out of extralegal work, but we can infer that she expected a favourable response from the city council when she petitioned them about the brothel. Interestingly, she lived for many years alongside a woman named Marcienne, who was also a sex worker but who disappeared from the record much earlier, perhaps because she left sex work entirely.[33] Similarly, the women who would eventually staff the brothel Madeleine managed were described in a petition to the city as being 'spread throughout the city' since the closure of the bathhouses.[34] This implies that they were working on the street, certainly outside legal structures, but once the municipal brothel was established, they were then relocated there, transitioning from extralegal to legal sex work.

Finding Extralegal Sex Work in the Archive

It is difficult, then, to extricate legal and extralegal sex work or to divide one category of worker from another. Because there was no strict legal prohibition on prostitution, extralegal sex work rarely appears in the archive. Extralegal workers fade into the gaps in the record, concealed by the paucity of sources concerning them. We can trace their presence through travel accounts or officials' complaints about their numbers, but it is harder to understand their working or living conditions. What sources do exist create

[33] AML, CC122, 1512-1516; AML, CC321, 1514; AML, CC132-2, 1515-1517.
[34] AML, BB56-3, f. 41, Thursday 2nd July 1539.

another problem in our attempt to understand the lives of extralegal sex workers. The vast majority of documents concerning extralegal sex workers arose from incidents of violence, or when those workers became conspicuous, a threat to social order.[35] It was at this point that authorities stepped in to prosecute a procurer or client who had become violent, or to close a space where violence related to sex work had occurred. This creates a distorted view of extralegal sex work, giving us the impression it was an inherently violent way of life: nasty, brutish, and short. There are many sources that suggest this – in Seville these range from Diego de Castro's attack on a legal worker discussed above, to the case of Gonzalo de Sanabria who murdered the woman working for him.[36] In Lyon, a murder prompted the closure and demolition of the La Chèvre bathhouse, and part of the complaint made against La Pêcherie bathhouse mentioned several violent murders, including that of a clergyman.[37] In Mexico City in 1655, a Franciscan priest named Pedro Girón supposedly argued with a gentleman in an illicit brothel, coming to blows.[38] Even legislation and royal orders reflect the focus on disruptive sex workers. For example, in 1519 Charles V ordered authorities across Spain to search public spaces and *mancebías* for prostitutes who had caused a disturbance – he made no mention of women working outside the *mancebía* so long as they were not making a nuisance of themselves.[39] Extralegal prostitution appears frequently in conjunction with violent incidents and is associated with other criminal behaviour such as pickpocketing and smuggling. This was an association drawn by early modern authorities, which is perhaps why it is so pervasive in secondary literature. However, there are some sources that can be used to counteract this.

The principal source along these lines is the extensive catalogue of property and tax records from Lyon, over several hundred years. These records include numerous instances of sex workers declaring their occupation and income: there are twenty-two explicit mentions of prostitutes between 1482 and 1529, without counting the repeated references to bathhouses. Appendix 3, Figure 2 plots these on a sixteenth century map of Lyon. Several of

[35] M. C. García Herrero, 'Prostitución y Amancebamiento en Zaragoza a fines de la Edad Media' *En la España Medieval*, 12 (1989): 312.
[36] AGS, CCA Div, 29, 2, 1, f. 271; PDL, 359; Francisco de Ariño, *Sucesos de Sevilla de 1592 a 1604* (1597), 99.
[37] AML BB30 (1511); AML BB350-1 (1477-8); AML FF629 (1478).
[38] AGI, Audiencia de Mexico, legajo 38, 31 August 1655.
[39] *NR*, Vol. 2, bk V, title XXIII, law VII, 488 (1519).

these mentions refer to multiple sex workers living in one dwelling, such as the 1528 description of Maître Moulin's property, a clerk who would eventually become a *reçeveur municipal,* or city tax collector.[40] He owned a house in the street of the Hôtel-Dieu, which was occupied by two printers and 'several prostitutes, who come and go'.[41] This is almost certainly an oblique admission that they plied their trade in the house itself. In one entry in 1493, Georges Lenfant was listed as 'proprietor of a house open to prostitution', from which he earned twenty-three florins in rent, and the entire establishment was valued at eighteen *livres tournois.*[42] The detail of these entries is fascinating on its own, but what is particularly valuable is that they give us a glimpse of the very everyday lives of sex workers who we might otherwise see only when they experienced violence. Instead of learning about their occupation because of attacks they witnessed, or which were perpetrated against them, we can understand more about their living situation and their relationship to the community around them.

The twenty-two entries paint a picture of small enclaves of sex workers, usually living with others in their profession or at least in neighbouring houses and often occupying the same dwelling as men and women with more ordinary occupations. In 1517, Claude Barsurabe, a dyer, was listed as the owner of a house, garden and barn in the Rue de Montribloud, on the corner of the Rue Pet-Estroit.[43] Above the barn were five rooms, all of which were rented to prostitutes. We can surmise that these women knew each other, perhaps supported each other, and had either sought the rooms together or had told one another of a suitable place to live, leading to their gathering in one dwelling. But the record has more to say: in 1493 a certain Pierre Barsurabe, also a dyer, is listed as the owner of a house and garden and barn on the corner of the Rue Pet-Estroit, adjoining the barn of Antoine de Varey and the house of Michel Roy de Combremont, next door to the property of François Caleant.[44] Pierre Barsurabe rented eight rooms above his barn to prostitutes, each of which was valued at six *livres tournois* a year. It is possible that Claude and Pierre are one and the same, listed under

[40] AML CC39-2 (1528-1529).
[41] *'plusieurs femmes de joye, qui vont et viennent',* Ibid.
[42] *'propriétaire d'une maison ouverte à la prostitution',* AML CC6-3 (1493). For an account of the currency of early modern France, see Jotham Parsons, *Making Money in Sixteenth-Century France: Currency, Culture, and the State* (Cornell University Press, 2014): 6.
[43] AML CC34 (1517-1518).
[44] AML CC7-2 (1493).

different names by some bureaucratic oversight, but they may also be father and son, both renting the same set of rooms to prostitutes twenty-four years apart. Barsurabe's neighbours are also interesting figures – Varey was the Seigneur de Balmont, while Combremont and Caleant were royal sergeants. These were men of some status it seems, and based on the valuation of his property Barsurabe himself was not poor. Caleant's property was described in 1493 as five 'small, low houses' which he rented out. His tenants were also prostitutes. By 1517, Michel Roy de Combremont had left his property to his widow Jeanne, who now rented out the house next door to Barsurabe. Her tenants are listed as 'public women'.[45]

This means we can trace three separate dwellings of prostitutes, next door to one another, over the course of several decades. We know that their occupations were known to their landlords, who accepted them and perhaps allowed them to work from the houses. Their landlords' relatively elite position in society did not prohibit their renting to prostitutes, even in the case of the widow Combremont, who continued renting to prostitutes even after her husband's death. This suggests that there might have been little social stigma attached to renting to these women, or perhaps that in this cash poor society the prospect of tenants who would almost undoubtedly pay in cash was simply too attractive to refuse. We can also deduce that this living situation was stable enough to allow sex workers to continue renting these houses for several years, even allowing for the expected turnover of individual tenants. We know that they earned enough money to pay at least six *livres* in rent, a considerable sum when one considers that the same year Georges Lenfant's entire brothel was worth eighteen *livres* a year. We also know that their accommodation was perhaps not luxurious – above a barn, or in a series of small makeshift houses in the grounds of a more affluent property. This is somewhat nuanced by the change between the 1493 entry for Barsurabe's property which lists eight rooms above the barn, and the 1517 entry which lists only five rooms in the same space. In the intervening twenty-four years the boundaries of the rooms had been redrawn. Presumably they had been enlarged so that only five rooms now existed, perhaps raising the standard of accommodations.

[45] AML CC34 (1517-1518).

The entries allow us to understand the earning potential, living environment, and community relations of extralegal sex workers without ever referring to violent episodes in their lives, and are thus an extremely valuable source. They reveal the networks of sex workers which operated across the city and suggest that most of the time these women are likely to have lived and worked without problems, enmeshed in their communities and widely tolerated. We have no such source for Mexico City, but there is one similar document for Seville, which could offer us comparable information for that city, although we only have records for one year.[46] Furthermore, this document only lists sex workers who were denizens of Seville, thus it includes only fourteen women, a number far below the total as we can assume that many sex workers came from outside the city.[47]

Sources like these censuses are few and far between. In addition, there was a whole swathe of people involved in extralegal sex work who never appear in the record, or only in the most exceptional of circumstances. Many women (and I suspect young men too) may have undertaken occasional sex work to fill a gap in income, as part of an economy of makeshifts first described by Olwen Hufton.[48] In the words of Tessa Storey, 'prostitution in this society was something to which many thousands of women turned, at some point in their lives, whether on a long-term basis or to tide them briefly over a crisis'.[49] This is true across the world and across time, and there is some evidence of it here – women who transition between sex work, laundry, domestic service, food selling, tavern work, etc., and who do not declare themselves as professional prostitutes. They appear frequently in Mexico cases, such as the case of Isabel de San Miguel in 1617, who combined occasional sex work with selling magic potions and charms and was prosecuted for witchcraft and for arranging the liaisons of other women.[50]

[46] Unfortunately, I was unable to access this document and cannot offer further details. AGS, Expedientes de Hacienda, legajo 170, f.525r.
[47] Ruth Pike, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century* (Cornell University Press, 1972), 206.
[48] Olwen Hufton, *The Poor of Eighteenth Century France 1750-1789* (Clarendon Press, 1974).
[49] Tessa Storey, *Carnal Commerce in Counter-Reformation Rome* (Cambridge University Press, 2008), 5.
[50] *Proceso criminal contra Isabel de San Miguel, por otro nombre Isabel Guijarro, y contra Jeronima de Mendoza, negra, por alcahuetas y hechiceras,* AGN Inquisición vol. 314 (1617).

These women generally fly under the radar, often not having a procurer and disappearing into the mass of other poor women working a variety of jobs. They are an interesting case which further suggests the perception of sex as work at the time and show the pragmatism of ordinary women in comparison to the supposed absolute dictates of moral and religious codes at the time. Their conditions are different to most women whose primary occupation was sex work, and arguably they had different relationships with the law, with clients, and with other sex workers. Understanding their experiences is a real challenge, and this too requires a careful and creative reading of the sources. To write a labour study of these workers we must approach the sources with caution and consider what we do not see as much as what we do. This critical approach can help overcome the distortion of the sources and allow us to more properly understand the experiences of workers who operated outside the law, in the grey area of extralegal prostitution.

Analysing Extralegal Sex Work: Location

Having established the legal framework and the critical approach necessary to the sources at hand, we can begin to consider the characteristics of sex work outside the legal brothel. We can start by talking about the spaces of extralegal prostitution, the differences and similarities across the three cities. The spaces in which sex work was conducted varied, but some constants remain in Lyon, Seville, and Mexico City. Firstly, although the space in question varied depending on the city, in most cases it was the spaces of sex work that were targeted, not the workers themselves. In Lyon this meant bathhouses, and in Seville it meant informal spaces such as shacks and sheds. Mexico was the exception here: the spaces of sex work were not specifically targeted, but neither were sex workers themselves. The few cases we have from Mexico City in no way suggest a concerted effort to police prostitution, quite the opposite in fact, as will become clear.

In Lyon, the public bathhouse formed the backbone of semi-legal prostitution, rather than the public brothel district found in Seville. In total, the town had up to seven bathhouses at any one time, a proud medieval tradition that had long been central to the social life of the elite and common folk of Lyon alike (see Appendix 3, Figure 1 for their locations). The bathhouses were not technically legal sites of prostitution, as discussed in Chapter One, but

they were widely acknowledged and tolerated by the authorities. Bathhouses were common in France, the Low Countries, and even in London in the form of 'stews', and in many cities they doubled as sites of prostitution in which men paid for the services of women.[51]

In Seville, and broadly speaking in Spain as a whole, bathhouses were less popular. There were undoubtedly instances of transactional sex which occurred in Spanish bathhouses, as suggested by the 1644 picaresque novel *La Vida de Don Gregorio Guadaña,* by *converso* Antonio Enríquez Gómez, which refers to this practice explicitly.[52] In other cities, we have more direct indications that Spanish bathhouses provided a space for sex work – in the province of Teruel in Aragon, women found in the bathhouse on days assigned to men suffered a severe penalty: 'their legal status was reduced to that of prostitutes, and, like prostitutes, they could be abused with impunity'.[53] This suggests that to be a woman in the bathhouse outside of designated times was to be perceived as a prostitute. Despite these illustrations of sex work in bathhouses, they were overall less popular in Spanish territories than in France or the Low Countries. Generally, they were thought of as remnants of Muslim or Jewish heritage and thus faded from fashion by the sixteenth century.[54] Two survived in Seville, one in San Ildefonso parish and one in San Juan de la Palma parish, although no trial records or municipal accounts mention prostitution occurring in either location. In sum, they were not major centres of extralegal sex work, unlike in Lyon, and this had an impact on the status of bathhouses in colonial Mexico City.

Temascales, or bathhouses, were a proud Indigenous tradition; much like their European counterparts they represented a collective past, a source of masculinity and a site of sociability. At their height, there were over twenty in the city, and Moctezuma's bathhouse

[51] Bernard Delmaire, 'Les étuves du Nord de la France du XIVe au début du XVI siècle' *Bulletin de la Commission historique du département du Nord,* t. 58 (2018); Karl Petit, 'L'exploitation des étuves en Hainaut au temps de la Renaissance' *Annales du cercle archéologique de Mons,* 76 (1994); Ellen Wurtzel, 'Passionate Encounters, Public Healing: Medieval Urban Bathhouses in Northern France' *French Historical Studies* 46, no. 3 (2023): 331–360.
[52] Antonio Enriquez Gómez, *El siglo pitagorico*, y *La Vida de Don Gregorio Guadaña* (1644).
[53] James F Powers, 'Frontier Municipal Baths and Social Interaction in Thirteenth-Century Spain' *The American Historical Review* 84, no. 3 (1979): 659.
[54] Ibid, 650.

is mentioned in several sources.[55] To the authorities, they were a place where the Indigenous city of Tenochtitlán was recalled and potentially restated. Much like other locations with strong ties to the Indigenous past (at least in the eyes of the Spanish elite) such as *pulquerías*, bathhouses were viewed by the Spanish as dens of iniquity where Indigenous men gathered, socialised, and perhaps plotted. For much of Mexico City's history, Spaniards were far outnumbered by Indigenous and Afro-descended people, and this was a source of constant concern. The Spanish feeling of suspicion and fear towards Indigenous spaces, and indeed any institution which might generate solidarity among Afro-descended and Indigenous people, is clear in the attitudes of authorities towards *temascales.* The *temascal* was used largely by the poorer segment of society, and the elite perceived it as a source of pollution, in contrast to the traditional Indigenous interpretation of the bathhouse as a site of ritual cleanliness (though of course, this ritual element was not lost on Spanish authorities, and likely furthered associations between *temascales* and ideas of subversive Indigenous practices). The Codex Tudela, a sixteenth century manuscript detailing Indigenous religious and cultural practices including calendars and rituals in honour of the gods, describes the many moral offences committed in temascales – 'many men and women would enter this bath and there inside … used each other in illicit ways'. [56] This manuscript was written partly by Mexica scribes or *talcuiloque,* painters, in pictographic form around 1540, and partly at a later date by a European whose commentary is of course coloured by Catholic religious beliefs.[57]

The bathhouses were a renowned site of promiscuity, and prostitution was likely carried out there. This was not limited to heterosexual relations, as expressed in the Codex Tudela which suggests that 'there were men dressed in the habit of women and these were the sodomites'.[58] Ideas about the natural tendencies of Indigenous men towards homosexuality were perhaps reinforced by the occasional prosecution of sodomy in *temascales*.[59] In this

[55] Natalia Silva Prada, *La Política de una Rebelión: Los Indígenas frente al Tumulto de 1692 en la Ciudad De México* (Centro De Estudios Históricos, 2007), 122.
[56] *Codex Tudela,* f. 62r.
[57] Juan José Batalla Rosado, 'Estudio codicológico del Códice Tudela' *Anales del Museo de América* no. 7(1999): 7-8.
[58] Ibid.
[59] One such case is discussed at length in Zeb Tortorici, 'Heran Todos Putos: Sodomitical Subcultures and Disordered Desire in Early Colonial Mexico' *Ethnohistory* 54, no.1 (2007).

context, authorities did not view the bathhouse as asserting an unproblematic masculine civic identity as in Lyon, and thus it met with concerted opposition. Much as it came to be in the Old World, in Mexico City the bathhouse was condemned by the Spanish for its unruly and corrupting nature. For example, in 1692 the authorities railed against the promiscuous practices in the bathhouses, and stated the need for more reform houses for women of 'bad living'.[60] It is worth noting, too, that in Mexico City neither the municipal government nor city elites benefitted financially from the bathhouses and the prostitution that occurred there, and thus had little vested interest in preserving them, as opposed to Lyon where powerful men often owned or operated the bathhouses. For Mexico City as for Seville, the private brothel was more prevalent as a site of extralegal prostitution.

The popularity of bathhouses did not survive much beyond the late medieval period. While Lyon (and many other cities in Southern France) began the process of closing bathhouses at the turn of the sixteenth century, this was not out of a sense of moral outrage at the practice of prostitution. Instead, it was supposedly in response to crimes committed there: Rossiaud cites the increased number of brawls and murders that occurred as a result of 'garrisoned soldiers or unemployed workingmen [who] fought with the pimps or beat up the scions of burgher families'.[61] The 1511 order for the demolition of the bathhouse of La Chèvre cites as a reason that it had become 'a haunt of bandits and prostitutes', which is particularly ironic given its uncontested and very public history as a site of prostitution.[62] What had changed was that it was now being associated not only with prostitution but with violence. Steadily, the bathhouses of Lyon were closed and demolished, but even with the bathhouses now shut prostitution continued elsewhere with the full knowledge of the authorities.

This turn away from bathhouses was a wider trend across Europe which saw public bathing fall out of fashion for several centuries and was simultaneously part of the early modern process of remaking the city.[63] This involved refashioning the city to suit Counter-

[60] AGI Mexico 60, r4 n18.
[61] Rossiaud, *Medieval Prostitution,* 50.
[62] AML BB30.
[63] Wurtzel, 'Passionate Encounters', 333.

Reformation moral codes better, and allowing elites to distance themselves from insalubrious trades including sex work. Public bathing began to be seen as immoral, and counter-reformation sensibilities demanded that sexual labour be driven further into the margins. Here, as elsewhere, sex work continued in the full knowledge of the authorities, but the spaces in which it had once been conducted were demolished. In 1511 the provost Alabre ordered the destruction of Lyon's La Chèvre bathhouse. In 1513, this order was carried out by twelve masons and six workmen, who were paid by the council.[64] The proprietor Michel Descombes promptly brought a case against the Council for allowing this supposedly illegal demolition.[65] The city's other bathhouses met a similar fate not long after – Sablis was destroyed in 1517; La Pêcherie, which had been the subject of a protracted legal battle, was demolished by 1520. Trèsmonnoye, Lyon's first bathhouse, which was established in 1386 and stood next door to the Palais de Roanne (seat of the royal court in Lyon) and the cloister of Saint-Jean (seat of the archbishopric court), was also the last bathhouse: it was demolished by 1529.

As we saw in Chapter One, spaces of sex work were almost always multi-purpose. Beyond simply being places for sex, they were spaces of sociability in which clients drank, ate, socialised, gambled, or bathed. Even when sex work was the primary function of a space, as in private brothels, other activities occurred there too. This demonstrates, in part, how male sociability was often achieved through or in association with sex. Sex was a way for men to demonstrate masculinity, and to transition from boy to man (at least in the late medieval form of masculinity still adhered to by non-elite men). Men went to brothels in groups – young apprentices or journeymen, or merchants visiting the bathhouse as a group while in town on business. Sex was associated with other masculine pastimes like gambling and drinking, and with being part of an in-group, even the civic community. Thus, the sexual labour of women allowed men to solidify their identity as part of a group and was part of the broader spectrum of gendered labour that included entertainment or service work such as that performed by the madam of a brothel or bathhouse, and that done by sex workers outside the sex act itself. The spaces of sex work facilitated homosocial bonding and relied

[64] AML CC616 (1513).
[65] AML BB32 (1513).

upon the gendered labour performed by women, or in very exceptional cases young men who assumed feminised roles in these spaces.

These social spaces varied, but the tavern was a consistent site of sex work in all three cities. The 1621 Mexico City trial of forty-five-year-old Ana Bautista for procuring lists her as a *mesonera,* or innkeeper, and describes multiple instances of women who worked in her inn initiating sexual relationships with guests as a result of Ana's persuasion.[66] Ana was a widow, whose husband had been a lawyer for the royal *Audiencia,* named Toribió Álvarez Fajardo. Soon after his death she had established herself as an *alcahueta* or procuress, although she is also described in ways that fit with the early modern term *consentidora,* a term that gained prominence in the sixteenth century and was often used to refer to men who allowed others to sleep with their wives.[67] In Ana's case, she allowed men to sleep with the women in her employ. Ana 'had an inn in this city which is known as *de la negra',* or 'the inn of the Black woman', which adjoined the reform house in the Calle de Jesus de la Penitencia.[68] Ana eventually moved from the inn to a house situated next to Carnicería Mayor, the city's main slaughterhouse, but continued to run a private brothel from her new residence.

The trial documents describe how Ana's guests came to eat, drink *pulque* and sleep with women who lived and worked in the inn. She was accused of living in concubinage with a man named Miguel de los Diez, while also facilitating various relationships between thirteen women and seventeen men.[69] Two of her clients were clergy, including a Spanish priest named Jerónimo de Mendizabal who was sleeping with a *mulata* named Micaela. Six of the women and many of the men involved were married and two were widowed. Atondo Rodríguez attributes both Bautista's decision to open a brothel and the involvement of the women within it to poverty, describing a 'passive "fall" into this career', but Von Germeten is more willing to credit Bautista with initiative: 'the bawd might have had the economic sense to anticipate a decline in income [after her husband's death] and organise other

[66] AGN Bienes Nacionales, vol. 207, exp.18 (1621).
[67] Von Germeten, *Profit and Passion,* 28.
[68] AGN Bienes Nacionales, vol. 207, exp.18 (1621).
[69] AGN Bienes Nacionales, vol. 207, exp.18 (1621), fs.1-4

methods of making money on purpose'.[70] It is perhaps more reasonable to see Bautista as a shrewd businesswoman, given her careful cultivation of clients and lovers who could protect her. These included a constable who intervened when she was prosecuted for the illegal sale of alcohol, an associate of the Viceroy the Marquis de Guadalcazar, and an official of the royal *Audiencia* court who acted as a witness for the defence when she was prosecuted for procuring.[71] With influential men like these coming to her aid, Bautista was able to turn the accusation against her into one motivated by jealousy and hatred, thus ensuring she was absolved of all charges. The Archbishopric court declined to punish her in any way, but they did request she refrained from seeing her current lover again. This particularly lenient outcome is perhaps proof of the willingness of authorities to look the other way when it came to extralegal sex work – especially when the very same men involved in policing and prosecuting such institutions were themselves clients.

Although we might find the idea of Ana Bautista's extralegal brothel next door to a reform house surprising, this was not uncommon in Lyon and Seville as well. Lyon's unofficial sites of prostitution tended to cluster around the Hôtel-Dieu, which acted as a reform house, as can be seen in Appendix 3, Figure 2. In fact in 1581 the Hôpital Saint-Laurent in Lyon, which hosted plague victims or others with contagious diseases, was labelled as the 'habitual theatre' of people 'fighting, rolling around in the hay, and leading a wicked and debauched life', which is indicative of sexual impropriety at the least, but the label debauched (*desbordée)* was often used to indicate transactional sex and the people who performed it.[72]

In perhaps the most surprising example of an unexpected or inappropriate location being used for supposed procuring, the Jesuit Pedro de León, chaplain of Seville's prisons, described how in 1597 Lucía Sánchez, a servant in an unnamed nunnery, was hanged for her role in a sex scandal.[73] She, along with two other young women who were condemned to be whipped, had facilitated sexual contact between the nuns and various men. All three were described as *alcahuetas y encubridores,* bawds and accessories, because they had assisted

[70] Atondo Rodríguez, *El Amor Venal,* 97, 100-101; Von Germeten, *Profit and Passion,* 41.
[71] AGN Bienes Nacionales, vol. 207, exp.18 (1621), fs.24, 40.
[72] *'était devenu le théâtre habituel', 'ceulx qui feront les noises et qui s'entrebattront, paillarderont et feront une vie meschante et desbordée',* AML BB107 (1581).
[73] PDL*,* 361.

the nuns in their 'wickedness'. Sánchez had allowed a nun to use her apartment next door to the nunnery to meet secretly with a man and have sex, which had resulted in a child who was spirited away to another monastery of the same order in another region. Sánchez acted as the 'go between' for the nuns, using a hole they had made in the roof to communicate with them despite their enclosure and had 'ruined them'. She was condemned for procuring, and in addition to two other women receiving lashes one of the nuns was sent into reclusion in Utrera. This is perhaps not sexual labour, as it appears the nuns were having sex out of desire not for recompense, but the authorities chose to prosecute Sánchez as a bawd because they believed she had induced and facilitated the sexual contact. Here, the fluidity of the term bawd is key. This label was used for a wide spectrum of offences, including actual sexual labour and situations like Sánchez', thus creating a blurring of boundaries between various types of illicit sexual behaviours, and crucially between sex that was labour and sex that was not. In this case, Sánchez was labelled a bawd despite receiving no payment or benefit for her behaviour.

The location of these affairs is particularly interesting and echoes the scandals at Lyon's Hôtel-Dieu in the 1530s and 40s, discussed by Natalie Zemon Davis, which led to two nuns being quietly relocated away from the reform house.[74] We might also consider the Spanish slang term *cotarrera,* meaning a prostitute who worked from a poor hospital or shelter – the existence of such a term suggests this was not an uncommon occurrence.[75] Across Europe and beyond, clandestine sex, often in the form of sexual labour, occurred in apparently inappropriate locations.

In Seville, there were several taverns which served as extralegal brothels. In 1505, the case of Alfonso de Cardenas was the subject of jurisdictional conflict between royal authorities and the Cathedral of Seville.[76] This document only survives because of this conflict, and we only have one page which references Cardenas, but it is enough to know that he was an

[74] Natalie Zemon Davis, "Scandale a l'Hôtel-Dieu de Lyon" in *France d'Ancien Regime: etudes réunies en l'honneur de Pierre Goubert* eds. A. Croix, J. Jacquart, and F. Lebrun (Editions Privat, 1984), 175-187.
[75] Juan Hidalgo, *Romances de Germanía de varios autores: con el Vocabulario por la Orden del a.b.c para declaración de sus términos y lengua* (Don Antonio de Sancha, 1779), 166; José Luis Alonso Hernández, *El lenguaje de los maleantes espanoles de los siglos XVI y XVII: la Germanía* (Ediciones Universidad de Salamanca, 1979), 56.
[76] *Incitativa a petición de Pedro Díaz Castellano* AGS, CCA, CED, 7, 43, 3 (1505).

innkeeper who was condemned as a procurer – procuring was a useful additional income for those who ran suitable locations such as taverns. Eighty-five years later, the problem persisted: Cardinal Rodrigo de Castro wrote to the King to inform him about the fate of the former Hospital de Santas Justa y Rufina, the patron saints of Seville.[77] The building had been rented out and had now been turned into a tavern, where many 'dishonesties' occurred. Given the location of the former hospital, in front of the Triana gate, it is likely that the activity that the Cardinal objected to so strenuously included sex work. The Cardinal obviously took particular exception because of the former use of the building as a hospital, and the fact it was supposedly the site where Justa and Rufina had lived. Meanwhile, in Lyon, just one year later, the Chapeau-Rouge lodging house was closed because of scandals which took place there.[78] Across all three cities, taverns made regular sites for sex work, and this is perhaps a contributing factor in the common perception that women who worked in taverns were also prostitutes or were lacking in honour and thus sexually available. This is something that will be discussed at length in later chapters, but it is worth noting that the conflation of taverns and sex work was likely based in common practice.

If taverns as sites of sex work were a constant across early modern cities, as has been amply demonstrated in many studies, other spaces varied depending on the dynamics of that particular city.[79] In Mexico City there was no legal brothel, which meant that private brothels or taverns – such as that run by Ana Bautista - were the primary locations for outright prostitution, but there was a great deal of sexual labour occurring in private homes, carried out by Indigenous and enslaved women. This will be addressed in depth in Chapters Three and Four, but it is worth considering the specific characteristics of procuring and sex work in private brothels or dwellings. Atondo Rodríguez's study of sex work in Mexico City suggests a high prevalence of familial procuring, something which is supported by the records – at least at first glance. Procuring in the family home, often of one's own family members, was heavily condemned both by Spanish law codes and common opinion.[80] Three

[77] *Carta al Rey Nuestro Señor en su Real Consejo,* BCC, 84-7-19, f.52.
[78] AML, BB128 (1591).
[79] A. Lynn Martin, *Alcohol, Sex, and Gender in Late Medieval and Early Modern Europe* (Palgrave, 2001), 66-70; Judith M. Bennett, *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300-1600* (Oxford University Press, 1996), 123-135.
[80] Ana María Atondo Rodríguez, *El Amor Venal Y la Condición Femenina en el México Colonial* (Instituto Nacional de Antropología e Historia, 1992), 58.

cases survive from Mexico City, in 1567, 1577 and 1582, in which parents were investigated for procuring their own daughters. Given the large numbers of cases which survive only in part, are badly damaged, or which exist only in mentions in other documents, it is likely that far more cases were prosecuted than we have available in the archive.

When analysing these three surviving cases, I would challenge Atondo Rodríguez's willingness to accept the classification assigned by contemporary authorities in these cases. Rather than assuming that these cases were truly familial procuring, as prosecuted by the authorities, we should instead consider whether this charge was used to punish relationships which breached social norms but were not in fact sexual labour at all. The 1567 case against an Afro-descended woman named Luisa de Espinosa does appear to be a case of familial procuring, in which six witnesses attested that she allowed men to sleep with her daughter (and two Indigenous women also in the household) in return for money or gifts.[81] This suggests a private brothel, run from Espinosa's home and including her daughter as one of the workers. Conversely, in the other two cases the accusation of procuring seems to stem more from authorities' interpretation of unmarried sexual relationships than from actual sex work. In 1577 the archdiocese of Mexico accused María de Avila of procuring her two daughters for *intereses*.[82] This is vague phrasing, perhaps best translated as 'for her own gain'. Supposedly, these relationships were causing scandal and rumours among Avila's neighbours, which is likely what sparked the investigation. But with no concrete accusation of money or gifts changing hands, Avila was supposedly benefitting only through the nebulous *intereses* she won from her daughters' relationships. The accusation does not mention how many men Avila's daughters slept with, or over what period of time, making it entirely possible that these were in fact relationships between each daughter and a single man, not sex work in exchange for gifts or money.

It makes sense that the authorities might interpret this as procuring and hold Avila responsible, because they understood it as the parent's responsibility to police the sexual activities of their offspring, and they may have found her permissive attitude explicable only

[81] AGN, Indiferente Virreinal, Clero Regular y Secular, Caja 2275, exp. 11 (1567).
[82] AGN, Indiferente Virreinal, Criminal, Caja 5568, exp.40 (1577).

if she was benefitting from their relationships. The only part of this case that survives is the call for witnesses, and this is perhaps as far as the case went. The *fiscal* or public prosecutor instructed Avila that she should protect her daughters and ensure they lived in Christian seclusion, which suggests that he was unable to make a case and punish her or simply saw little benefit in doing so. While we cannot be sure in this case, the 1582 case appears more transparent.

Again, this case was brought by the archdiocese against the parents of a young girl for procuring her, but a closer look suggests this was in fact an affective relationship, not sex work at all. 36-year-old Juan Rollón, a goldsmith, and 39-year-old Isabel Martín were prosecuted for *alcahueteria* or procuring of their 16-year-old daughter Ana de Alameda.[83] Alameda was Rollón's stepdaughter and had supposedly fled the family home to live with her aunt by the time of the investigation, perhaps fearing legal repercussions. Three witnesses, two *mestizas* and a *mulatto,* attested that over a period of several months Martín de la Herrería stayed in the family home, sharing a bed with Ana – in the same room as her parents beds.[84] The four shared meals, and witnesses suggested that the parents received money for allowing their daughter to sleep with Herrería, calling them *encubridores* (one who hides something illegal) and *consentidores*. While both parents denied any sexual relationship between their daughter and Herrería, there was evidence that Ana had recently given birth, which is a likely explanation for her absence as she may have fled to avoid the public notoriety of a birth out of wedlock, or even to dispose of the child without detection. She was accused of 'having a shameless liaison' with Herrería, but her parents insisted that it was in fact the witnesses who were living in sin and thus their testimony could not be trusted.[85] The case suggests a long-term relationship between Ana and her lover, in the full knowledge of her parents. The money exchanged was more likely to be a contribution to household costs, given Herrería's long-term presence in the home, or even financial assistance for Ana's pregnancy and the resulting child. The fact that Ana's relationship was a

[83] AGN, Indiferente Virreinal, Clero Regular y Secular, Caja 2307, exp. 9 (1582).
[84] The parents apparently slept apart due to illness.
[85] Ibid, f.6. Unfortunately, like so many others in the national archives in Mexico, this case is out of service due to its poor condition and further details are thus out of reach. The case is discussed in Von Germeten, *Profit and Passion,* 27.

sustained one, with a single individual who did not just visit for sex but actually lived with her, suggests this was a relationship and not sex work.

Contemporary authorities labelled the case as *alcahuetería* but we must not uncritically repeat their assessment without careful consideration. It is possible that the authorities prosecuted this case because it was a visible example of the sexual impropriety that was coming under increasing scrutiny. They may have chosen to prosecute the parents for procuring due to the harsher penalties this permitted, rather than the lighter (and as we will see in Chapter Three, ineffectual) penalties for cohabitation. This case represents, perhaps, part of the move towards stricter attitudes towards illicit sexual behaviour which delegitimised sex work and viewed prostitution and illicit relationships as morally interchangeable. It seems apparent that familial procuring was often in fact cohabitation in an affective relationship, not sex work. There were many domestic spaces in which sex work took place – Ana Bautista's home, for example – but we must also be critical in our reading of the documents and avoid repeating the assessments of authorities.

In Seville private brothels fulfilled the need for spaces of extralegal sex work. As discussed earlier, only certain women could work legally in the *mancebía.* Similarly, only certain men could legally visit the *mancebía.* Married men and clergy were technically forbidden although this was rarely enforced, but more significantly New Christians and non-European men were not allowed to patronise the brothel. Spain's religious (and nascent racial) hierarchy would not tolerate non-European, New Christian men having sex with European, Old Christian women, even if they paid for it. However, Seville had a significant population of non-European men: around ten percent of the population was enslaved, and there was a significant Indigenous minority (larger than anywhere else in Europe at the time), alongside a number of *converso* or *morisco* men.[86] To fulfil this demand, extralegal brothels sprung up, some of them perhaps offering the services of non-European or New Christian women. One possible example of such a brothel was mentioned in *El Burlador de Sevilla* (1630) by Tirso de Molina, who located it on the Calle de la Sierpe.[87] More specifically, Molina's character

[86] Lauren Beck, 'Race and Labour in Sixteenth-Century Seville through the Prism of Accounting Books (Hijuelas) from the Reales Alcázares' *Renaissance Quarterly* 71, no. 4 (2018): 1282.
[87] Tirso de Molina, *El Burlador de Sevilla* (1997), 121.

the Marquis de la Mota referred to it as a brothel full of Portuguese women, *'vuelto en portugués … solicitan mil Evas'*.[88] In the sixteenth and seventeenth century Portuguese could be a thinly veiled way of saying *converso*, given the forcible conversion of Portuguese Jews in 1497, and their high numbers which gave rise to suspicion of any Portuguese person living abroad.[89] It is possible that the Portuguese brothel was in fact offering the services of *conversa* women. It may have also provided the services of or catered to other New Christian or non-European demographics, who we can be sure also sought the services of extralegal sex workers. While Molina's reference to a Portuguese brothel could be assumed to be fictional, he also mentions other sites of prostitution which we know from other sources were real – as well as using a real street name, Calle de la Sierpe – which lends his fictional brothel a certain credence. Interestingly, if it was real this brothel would have been located around the corner from the royal prison of Seville, where Pedro de León describes finding many women visiting their procurers. In addition, we know that Jewish brothels did exist in Spain before the expulsion of the Jews, such as one in Zaragoza during the fifteenth century, so it is not unthinkable that a similar institution serving *conversos* might have existed quietly in early modern Seville.[90] There are also suggestions that Muslim women were enslaved in the public brothels of Valencia in the fifteenth and even the early sixteenth century, although any who remained were almost certainly forcibly converted by the 1520s. These women were apparently enslaved by the Crown as punishment for transgressing norms within their own community, and then put to work in royal brothels.[91] This was perhaps permitted within the Crown of Aragon despite being strictly forbidden in the Kingdom of Castile, although it seems doubtful this practice continued throughout the sixteenth century given the dynastic union of the crowns and the increased suspicion of *moriscos* until their eventual expulsion from Aragon in 1609.

[88] '*Turned into Portugal … there a thousand Eves solicit',* Ibid.
[89] Gayle Brunelle, "The Price of Assimilation: Spanish and Portuguese Women in French Cities 1500-1600" in *Women in Port: Gendering Communities, Economies, and Social Networks in Atlantic Port Cities, 1500-1800* eds. Douglas Catterall and Jodi Campbell (Leiden, 2012), 155.
[90] M. C. García Herrero, 'Prostitución y Amancebamiento en Zaragoza a fines de la Edad Media', *La España Medieval,* no.12 (1989): 311.
[91] Mark D. Meyerson, "Prostitution of Muslim Women in the Kingdom of Valencia: Religious and Sexual Discrimination in a Medieval Plural Society" in *The Medieval Mediterranean: Cross-cultural Contacts* ed. Marilyn Joyce Segal Chiat (North Star Press, 1988), 87-95.

Even if we eschew the possibility that the women in the Calle de la Sierpe brothel were *conversas*, they were nonetheless Portuguese and working extralegally, grouped together by their origins. This suggests that sites of extralegal sex work could be organised by the type of worker – as in La Casotte's largely Flemish bathhouse La Pêcherie in Lyon, or Quesada's gambling house in Seville which hosted young boys. This could sometimes be a choice on the part of sex workers, to work with others from their own region for example, but it could also be a choice to cater to a certain demand among clients. This would certainly be the case if Calle de la Sierpe hosted *conversa* prostitutes, catering to the demands of *converso* men.

Like Ana de Bautista's brothel in Mexico City, the Calle de la Sierpe brothel appears to have been a site for clandestine sex work which may have provided the services of women who could not work legally for racial or religious reasons. It is hard to judge but there are hints that sex work outside the brothel might be racially mixed, and this is certainly something argued by Nicole von Germeten. She argues that *mestizas* and *mulatas* dominated the extralegal sex trade in Mexico City, in particular in the seventeenth century, describing a 'distinctly African and Indigenous culture of seventeenth-century transactional sex'.[92] She makes this case partly by highlighting the association drawn by investigators between sex work and sorcery or other magical practices, which had hallmarks of Indigenous or African influence.

Discussing the trial of Ana Bautista, the innkeeper who ran an illegal brothel, Von Germeten asserts that perhaps Bautista – who is described as a Spaniard by the investigating authorities – was in fact a mixed-race woman of African heritage. To make this claim she cites the name of Bautista's previous inn, *mesón de la negra,* and posits that she was never granted the title of *doña* despite the elevated status of her late husband because of her mixed race. This is possible, but the evidence is insufficient to convincingly make this argument, and to base the claim of the 'distinctly African and Indigenous culture' of sex work in the seventeenth century on just three cases total, including this one, seems hasty. I agree that there were almost certainly large numbers of Black, Indigenous and mixed-race

[92] Von Germeten, *Profit and Passion,* 38.

women involved in extralegal sex work in Mexico City, and this likely continued into the seventeenth century. However, we must be cautious about suggesting that transactional sex had a particularly African or Indigenous 'culture', because this suggests that Spanish (and other European women) were not heavily involved in sex work in the Americas too. We know they were, especially from the later sixteenth century when higher numbers of European women were present in Mexico City.[93] Moreover, the concept of an African or Indigenous 'culture' of transactional sex does not properly communicate the fact that the majority of sexual labour in colonial Mexico City was likely carried out by enslaved or servant women. These women were of course Indigenous, African, or mixed-race but they were also largely performing this labour against their will, or in situations which severely limited their ability to freely consent. It is important to highlight these nuances when evaluating the racial characteristics of extralegal sex work in Mexico City.

In addition to the potential for extralegal brothels to host women who could not work legally, there were also brothels catering to men's desire for the sexual labour of other men and boys. These included the illegal gambling house of a man named Quesada in Seville. Quesada was a constable, but he was arrested by the Inquisition in 1590 for sodomy after officials discovered his gambling house also 'sheltered several painted and handsome lads'.[94] Pedro de León, the prison chaplain, described how Quesada 'attempted to put hands on some [of the boys] and touch their legs and faces, meanwhile he tried to induce others to carry out sin'.[95] This suggests Quesada facilitated transactional sex between boys who lived and worked in his establishment and his customers. Various men were arrested in connection with Quesada's gambling house, many of whom were executed for sodomy. León expresses his distaste that one of the men arrested, a Catholic priest, was allowed (perhaps assisted) to escape from the Inquisition and thus was not brought to justice.

Sites like Quesada's gambling house allowed men to buy the sexual labour of other men, or more frequently boys, but illegal sex work involving men also happened in more private

[93] Ben Vinson, *Before mestizaje: the Frontiers of Race and Caste in Colonial Mexico* (Cambridge University Press, 2018), 5.
[94] *'daba cobijo allí a algunos mozos de los pintadillos y guapitos',* PDL*,* 302.
[95] *'y a unos procuraba meterles mano y tocarles las piernas y las caras, mientras a otros trataba de inducirlos al pecado consumado',* Ibid, 302.

spaces through informal networks. León's account also mentions the case of Jamete, baptised Juan Batista, an enslaved Turkish man who was executed for sodomy and for attempting to rape a child.[96] When asked if he had committed sodomy with others, Jamete confessed that a Spanish nobleman had paid him and many others eight ducats for sex, and that this nobleman had specifically sought out non-European men including another enslaved man named Francisco Pérez. Upon his arrest, Pérez confirmed that this gentleman 'went looking for moors or Turks who were virile to buy them for this wicked deed'.[97] Here extralegal sexual labour was performed by non-European men because of the sexual stereotypes which characterised them as hypersexual – much like those which were attached to African men and women in the Americas. We do not have details about the locations in which this transactional sex occurred, but we can obviously understand why this nobleman looked outside of the public brothel, since only European women could work there. Sex work outside the municipal brothel could be racially mixed or involved the sexual labour of boys or men, something which was impossible in legal sex work.

Seville also had a range of makeshift spaces for sex work, adapted from their true purpose or hastily thrown together specifically for sex work. As the public brothel began to wane and its managers struggled to adequately staff it, its former inhabitants and their successors began to work in private brothels, makeshift spaces or on the street. Both here and in Lyon, there are reports of sex workers plying their trade in boats, which is hardly surprising given the importance of rivers to both cities. In Lyon these sex workers travelled to the city from German territories with merchants visiting for fairs, but in Seville they appear to have been more static, perhaps moving only to avoid detection.[98] Elsewhere in Seville there were terrestrial sites repurposed for sex work. In 1619 the city council ordered the destruction of a series of shacks which had recently been put up in the Arenal area, between the Arenal gate and the Torre del Oro.[99] This area had long been notorious for criminal activity including transactional sex, and now sailors were supposedly frequenting these shacks for

[96] Ibid, 409.
[97] *'andaba buscando un par de moros o turcos que fuesen muy potentes para comprarlos y tenerlos para este maldito uso',* Ibid, 410.
[98] AML Charité E4, fol.101v (1534); AML Charité E5, fol.304v (1543); Moreno Mengíbar and Vázquez García, 'Formas y Funciones', 77.
[99] AMS Sección 10 Actas Capitulares, 1a escribania 2 December 1619.

the services of extralegal prostitutes. Located close to the riverbank where ships made port, this was clearly a convenient location for newly arrived sailors. The city council ordered the destruction of these shacks. Two years later further complaints were heard from members of the university about sex workers who were using munitions and supply sheds at Borrego and Las Horcadas.[100] This was eight leagues outside the city, near the town of Coria, and these women were supposedly working from the warehouses, and even stealing goods from them. In response, the council once again destroyed the makeshift brothels. These spaces were marginal, and it is possible they would have been targeted anyway, particularly the shacks near the Arenal gate, as part of the early modern remaking of the city which saw authorities attempt to bring the space in line with Counter-Reformation morality and to organise civic space. However, much like with the bathhouses of Lyon, there was no attempt to pursue the sex workers themselves, only to move them out of the spaces which had become a source of contention. There seems to have been a significant degree of toleration of extralegal sex work, which was largely seen as providing a necessary service for the men of a city, even if it occasionally had to be forced out of a space that was unsuitable.

Analysing Extralegal Sex Work: Relationships with Procurers and Managers

Another crucial feature of extralegal sex work was the relationship between sex workers and their managers or procurers. This obviously varied depending on the circumstances but the clandestine nature of extralegal sex work, and the fact that procurers were more likely to be prosecuted than the workers themselves, had implications for the character of that relationship. As mentioned, the sources available to us often suggest a violent relationship between procurer and sex worker: Gonzalo de Sanabria who murdered the woman working for him, Juan Francisco de Vallejada who was sent to the galleys for whipping the sex worker in his employ, Diego de Castro who attacked a prostitute in the public brothel. Other sources suggest the violence of procurers, even if it was not directed at the sex worker herself: Manuel López who was hanged in 1599 for killing a man near the *mancebía* of Seville, Francisco Sánchez who was sent to the galleys for attacking a customer in 1572, Esteban de León who killed another man in a quarrel over a sex worker in 1572, or the

[100] AMS Sección 4, tomo 16, no. 20 (1621).

violence described in the lawsuit over Lyon's La Pêcherie bathhouse which resulted in the death of a priest. There are many such examples, and violence was of course present in this relationship given its extralegal nature and the resulting involvement of people who were willing to push the limits of societal and legal norms.

However, not all relationships between procurers and sex workers were violent, or exclusively violent, and the records inherently highlight instances of violence rather than the everyday lack thereof. Sex workers used procurers for protection from violence, or to ensure a steady supply of customers through their procurer's actions, and in some cases we know that procurers and sex workers had relationships that were long-lasting and at the very least mutually beneficial, if not affective. Pedro de León discusses these relationships in his writings, describing women visiting their procurers in prison who could only be dissuaded from doing so with the threat of imprisonment or whipping.[101] Even among the cases described above, Gonzalo de Sanabria had travelled with the woman he eventually murdered for twelve years, which suggests a degree of mutual benefit, and Esteban de León's violence reveals a complicated relationship between a sex worker and her procurer. In this case from 1572 in Seville, which survives only in summary, a shoemaker named Alonso López was also the procurer for a woman called La Espinosa, who was wounded by her client, Esteban de León.[102] León hit her in the head with a stone, and a day later León and López came to blows in the street outside La Espinosa's house: according to 'many people, the quarrel was the result of a woman called Espinosa'.[103] Each man had friends who took part in the bloody altercation, one which witnesses said left López' head 'opened in half'.[104] Although attempts to save him were made, perhaps once León and his friends realised the trouble they were in, López died of his wounds four days later. While this incident could be interpreted as yet another example of violence on the part of procurers, it does also demonstrate why extralegal sex workers turned to procurers to protect them and maintained those relationships over a long period. La Espinosa had been struck by a client, and her procurer attempted (unsuccessfully) to avenge her in the aftermath.

[101] PDL, 106.
[102] AGS CCA DIV, 29, 2, 1, fol.321.
[103] *'desir a muchas personas que la dicha quistion avia sido por causa de una muger que se dize Espinossa',* Ibid, f.322.
[104] *'que le abrio media caveça',* Ibid.

In other instances, we know that procurers could be husbands or family members. Although I am cautious about using the label 'procurer' as it was assigned by authorities, especially in cases where affective relationships seem a more apt designation than sexual labour like that of Ana de Alameda and her parents, there are cases which are more clearly sexual labour procured by family members or spouses. In 1571, 25-year-old Temiño was brought before the archbishopric court of Mexico for *lenocinio,* a term for procuring which was rarely used before the seventeenth century.[105] He supposedly procured his wife of four years, 19-year-old María de Guisas, usually by taking her to a nearby tavern at midnight where he made a living by arranging her liaisons with other men. Again, taverns appear as locations for clandestine sex work, but in this instance although the innkeeper Melchior de los Reyes appears to have known and permitted the sex work, he did not orchestrate it. Witnesses identified at least five men who paid for sex with Guisas, with her husband's encouragement, including a *mestizo* tailor named Juan Mallorquín. The testimony of various witnesses clearly indicates the presence of sex work, but the character of the relationship between Guisas and Temiño also becomes clear: one of violence, jealousy, and exploitation.

A *mulato* named Juan de Perillo, imprisoned in the archbishopric jail for another offence, testified that he had heard a drunken conversation between the pair in which Guisas had raged at Temiño that he was 'a knave, a great scoundrel and cuckold because … you sent me to earn with my body so that you could have some money'.[106] This accusation suggests her part in the business was unwilling. Even those witnesses who tried to defend Temiño did so by revealing his violent and jealous nature, asserting that he would never allow his wife to sleep with other men because he was jealous and suspicious. Six of the ten Spanish men whose statements supported Temiño asserted that he frequently beat his wife, to the extent that she was afraid for her life and went about publicly with a bloodied face. One of the witnesses described intervening to stop one such beating. Other testimony depicted Temiño as a drunkard, who drank a quart of wine at the tavern while he procured his wife,

[105] AGN Bienes Nacionales, Caja 497. Sadly, these files are now out of service due to their poor condition. Nicole Von Germeten was able to study them shortly before they were removed from service, and my analysis here is based on her book and notes she generously shared with me. Even then, many pages of the case were severely water damaged and almost impossible to read, leaving many gaps in the account of the case.
[106] Ibid, 21; Von Germeten, *Profit and Passion,* 28.

and described how even her client Juan Mallorquín was prone to drunkenness, having injured Guisas' arm with his sword in a drunken fight not long before.

Temiño emerged as a violent, drunken man – the court likely deemed his drinking equally indicative of his sinful nature as his procuring of his wife – and Guisas was painted as a victim of a violent and unpleasant marriage. It is not surprising, then, that she received no punishment from the court: royal law did not define her actions as criminal and given the lack of a public brothel monopoly to defend, the authorities probably saw little benefit in prosecuting her. Temiño, however, was sentenced to two years exile from the archdiocese, as well as having to walk as a penitent alongside other criminals to a special mass. He was also told to treat his wife more appropriately, although it seems unlikely that he paid any attention. In this, he was fortunate. If he had been prosecuted by secular authorities, he would likely have been sentenced to a decade of galley service, akin to the death penalty. The relationship between Guisas and Temiño went beyond simple sex worker and procurer or husband and wife. Instead, it was a violent combination of the two, which highlights the complexities inherent in both. Temiño as a procurer identified clients for Guisas, and likely would not have taken kindly to violence committed against her. But he also beat her, and was apparently jealous of her affections, showcasing the violence some sex workers could expect from their procurers, and which some wives could expect from their husbands.

There was a literary stereotype of bawds procuring young girls, corrupting them and inducting them into the world of transactional sex so as to profit from them. *La Celestina* provides the most well-known example, but there are countless other plays, poems and literary works which feature a licentious older woman training an innocent young girl to trade sex for money or gifts. *El Burlador de Sevilla,* mentioned earlier, is one such work. This is also something discussed in the reports of reform house directors, or city councillors, who speak with concern about the prospect. However, the sources available to us offer remarkably few examples of women procuring other women. There are of course women managing brothels or bathhouses, such as La Louve or La Casotte in Lyon, or the lone Mari Sánchez de Marquina who was selected as brothel *madre* in Seville's *mancebía* in 1571.[107]

[107] AMS, Varios Antiguos, 339.

Madeleine Lambert, with whom we began Chapter One, is another example, as is Ana Bautista and her private brothel in Mexico City. But excepting putative cases of familial procuring by mothers, the figure of the bawd is remarkably rare in the cases at hand. The exception, then, comes from Pedro de León's account of his ministry in Seville. He offers no specific date, and very few details, but he suggests that 'there were many times when I had to take young girls from the hands of dishonourable women who had them in their service to sell them and make money because they were very beautiful'.[108] He claims that such girls were adopted as babies by these women, disingenuously, or were taken later from the numbers of 'lost girls' housed in the reform house, and were to be 'educated in the school of Venus and Cupid, and not in that of Jesus Christ'.[109] He offers only one more specific case, in which he found a woman attempting to sell her ward in the Compás de San Pablo, where a man was almost to the point of buying her. According to León, the woman and man both fled when challenged, and he was able to place the girl in the home of a pious woman until permanent accommodation could be found.

We should not discount the possibility – in fact the certainty – that women procured girls in their care or that women in the street procured for other women. However, this is obscured by the number of cases in which men procured women for street work or in private brothels. Especially in Spanish territories, men seem to have formed the backbone of procuring and management, while in Lyon there appear to have been more opportunities for women to enter management, particularly while the bathhouses survived.

The Responses to Extralegal Sex Work: A Varied Counter-Reformation

Extralegal sex work created a specific set of circumstances which influenced workers' relationships with management or procurers, and which had obvious implications for their interaction with the authorities and the community around them. Examining the response of the authorities – and to a certain extent, the community – to extralegal sex workers

[108] *'fueron muchas las veces en que tuve que sacar de manos de mujeres poco recomendables a muchachas que tenían a su servicio para venderlas y ganar dinero porque eran muy hermosas',* PDL, 175.
[109] *'para enseñarlas en la escuela de Venus y Cupido y no en la de Jesucristo',* Ibid.

reveals societal attitudes to sex workers and shows how perceptions and treatment of sex workers changed over the early modern period.

In all three cities, the response of the authorities can be characterised in the early sixteenth century as toleration. By and large, courts and councils ignored extralegal sex work and to an extent viewed it as a helpful service provided to their citizens. The exceptions, of course, were cases when it became a nuisance through violence or public notoriety, and it is from these cases that the vast majority of our sources stem. There was only sporadic repression of illicit sex work in response to its visibility, or to comply with royal or religious orders, for example on the occasion of a royal entry, birth, death, or marriage, when a city might attempt to clean up its streets and its morality. Given the timing, this was probably why Anton Temiño was prosecuted. In Seville, there were occasional attempts to protect the city's brothel monopoly, but these were half-hearted and ineffective as the city authorities lacked the manpower or will to enforce prohibitions properly and crucially their own officials were often involved in facilitating extralegal sex work.[110]

In contrast, procurers were more likely to be prosecuted throughout the period, and to face harsh penalties in secular courts, because there was a clear legal prohibition on their activities. They were often prosecuted simultaneously for other criminal behaviours including violence. In some cases these punishments are unlikely to have resulted in a meaningful change in behaviour – exile in particular simply moved a procurer to another location, often when he was ready to depart of his own accord.[111] In one case from 1601, Pedro de Morales' sentence of four years' galley service was commuted to four years of artillery service because he needed to support his wife and five children in Seville.[112] Despite the court's consideration of his family's needs, Morales was to serve his sentence in San Juan in Puerto Rico: this can only have moved him from one location to another, separated him from his family who he supposedly needed to support, and allowed him to find new opportunities in Puerto Rico.

[110] As in the case of Quesada, a constable – Ibid, 302; or the case of Francisco Sánchez, servant of a constable – AGS CCA DIV, 29, 2, 1, f.273.
[111] As Ruth Pike has argued in the case of thieves and other criminals. Ruth Pike, 'Crime and Criminals in Sixteenth-Century Seville' *The Sixteenth Century Journal* 6, no.1 (1975): 16.
[112] AGI Seville, Indiferente 427, Legajo 31, f.153V-154R (1601).

This broadly tolerant approach morphed over the course of the early modern period into a harsher, more repressive attitude. The cause of this shift likely lay in the Counter-Reformation, and the accompanying change from viewing sexual labour as a profession, a necessary service that was unpalatable but essential, to seeing it as a manifestation of whoredom, of a woman's wanton and lustful nature. Sex was no longer legible as labour, and instead became an act performed by women – and particularly by non-European women – out of an innate sinfulness. Women in general were pushed out of public life and into the home, judged for their presence in the street and the workplace, from which many could not afford to withdraw. This process of enforcing a new set of norms shored up patriarchy and the authority of the crown over its subjects, viewing one as a necessary precursor to the other. We can track a similar change in the attitudes held towards the poor, who were no longer divided into the deserving and the undeserving (who were less likely to receive alms), but instead were enclosed in workhouses or prisons and forced to work.[113] The remaking of the early modern city, spurred as it was by the Reformation and its Catholic counterpart, turned the public prostitute as civic good into the unruly whore of the eighteenth century, who had to be punished, reformed, or enclosed.

Of course, even when speaking only of the Counter-Reformation, we must be aware that it was not uniform and did not happen simultaneously across all polities.[114] This was a slow change, one which happened at different speeds and in different ways in each of the three cities in question. Lyon, Seville, and Mexico City all experienced their own unique Counter-Reformation, and the consequences for extralegal sex workers were distinct in each place.

In Lyon, with a Protestant population which accounted for almost a third of the city's inhabitants, the Counter-Reformation was contested, embattled, and late.[115] The Wars of Religion lasted until nearly the end of the sixteenth century and saw France embroiled in

[113] Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and their Inmates in Early Modern Europe* (Amsterdam University Press, 2007), 12.
[114] As highlighted in Alexandra Bamji, Geert H. Janssen, and Mary Laven, eds. *The Ashgate Research Companion to the Counter-Reformation* (Ashgate, 2013).
[115] Natalie Zemon Davis, 'The Sacred and the Body Social in Sixteenth-century Lyon' *Past & Present* 90, no. 1 (1981): 47.

bloody civil conflict. With this backdrop, the Catholic majority were less focused on reforming their own religion than on eradicating the Protestant threat. Religious order was more important than social disciplining, and thus the overall attitude of tolerance towards extralegal sex work prevailed even after the royal legislation of 1561 outlawed all brothels. No women or brothel keepers appear to have been prosecuted in response to this law, and in the years leading up to it sex workers were relocated from one district to another rather than prosecuted for any other offence. Lyon had no concerted campaign against prostitution or against women's illicit sexuality. Indeed, even during the Protestant takeover of the city in 1562, there is no evidence that the Protestants pursued a policy of repression towards sex workers. Both Protestants and Catholics were far more focused on asserting their religious practices during a volatile period. Extralegal sex workers only really became targets later in the period, in the seventeenth and eighteenth centuries, when they were expelled from certain districts or enclosed in new, harsher reform houses. In 1657 Antoine de Neufville, the abbot of Saint-Just and nephew of the Archbishop of Lyon, was granted permission to establish a reform house.[116] In 1702 the directors were granted 1,500 *livres* by the aldermen to manage the house which 'received, lodged and locked up permanently the madams who prostitute young girls, and the whores who infect the youth and soldiers'.[117] This was the culmination of centuries of slow change, the gradual imposition of a world view which saw prostitution as a personal evil not a public service.

Seville's Counter-Reformation was a different case entirely, one which came early and targeted sexual impropriety alongside religious heterodoxy. This was a religious Counter-Reformation, carried out in fear of but also in the absence of a significant Protestant minority, led by the strong Jesuit presence in the city and by the Inquisition. Seville was the seat of the oldest Inquisition tribunal and throughout the sixteenth century this tribunal and the archbishopric court policed moral order and attempted to enforce Counter-Reformation discipline on the city's populace, not unlike the actions of Protestant regimes elsewhere a generation earlier.[118] The Jesuits spearheaded a targeted campaign against legal prostitution, and once they succeeded, they turned their sights on extralegal sex work

[116] AML BB165.
[117] AML BB261.
[118] Perry, 'The Nefarious Sin', 67.

too.[119] They opened reform houses and worked to 'save' women from sex work but rather than viewing reform as the natural conclusion of a life lived in the brothel or the street, the Jesuits saw this as the solution to the existence of sex work altogether.[120] By reforming women, they believed, they could abolish this sinful trade and reform the Catholic city for the better, removing the stain of sex work from the street. Again, there are clear echoes here of policies about vagrants and the poor.

Of course, Seville was also a city that worried about women. A city 'in the hands of women', it was home to countless women working outside the home to support families whose patriarchs had left for the colonies, or women migrating to the city from the surrounding countryside in search of employment.[121] City fathers and religious leaders saw this as cause for concern and sought to police and enclose these women in line with Counter-Reformation morality. Sex workers were berated by Jesuits who preached sermons while driving away customers, procurers were dispatched to the galleys, and sites of sex work were razed or closed down as extralegal sex work was forced further underground, and legal sex work was abolished altogether.

Mexico City was an outpost of Spanish rule, but it had its own concerns and priorities, and its Counter-Reformation reflected its status as a colonial city more than its adherence to Spanish dictates. Mexican authorities received orders from the crown and their governors in the metropole, but they enforced only what suited them or what was feasible within their limited manpower and abilities. Occasionally they complied with metropolitan mandates, if only to assuage the concerns of their Spanish onlookers – for example prosecuting public sins in 1571 in response to the King's marriage to Ana of Austria.[122] This was a city ruled by a minority Spanish elite who felt its position was precarious among a majority of Black, Indigenous and mixed-race subjects, and thus it was a city far more concerned with

[119] Angel Luis Molina Molina, *Mujeres públicas, mujeres secretas: la prostitución y su mundo, siglos XIII-XVII* (VDM Verlag, 2017), 130.
[120] Discussed at length in Andrés J. Moreno Mengíbar, "El crepúsculo de las mancebías: El caso de Sevilla" in *"Mal Menor": Políticas y representaciones de la prostitución, Siglos XVI-XIX* ed. Francisco J. Vázquez (Universidad de Cádiz, 1998).
[121] *Viajes por Espana de Eighen, del Baron de Rosmithal de Blatna, de Francisco Guicciardini y de Andrés Navajero* (Madrid, 1879), 388.
[122] AGI, Seville, Indiferente 427, Legajo 30, 326-27 (1581).

enforcing Catholicism and a developing racial hierarchy than with policing sexual impropriety. The Inquisition here, along with the archbishopric and the royal court, attempted to police religious orthodoxy and to punish heresy. Witchcraft and improper religious practices were perceived as far more of a threat than sex work, especially when that work was carried out largely by Black and Indigenous women (and men, to an extent) who were assumed to be naturally hypersexual and whose sexuality was employed in service of Spanish men. Even when women were targeted, they usually found themselves in the Inquisition's crosshairs for religious offences, especially when they were seen to be responsible for perpetuating a forbidden religious identity through the practice of magic or religious food preparation.[123] Sometimes sex workers were caught up in the prosecution of religious offences, such as in the 1617 case of Isabel de San Miguel and Jerónima de Mendoza who were prosecuted for witchcraft and for procuring, but they were not a prime target for official action.[124] Instead, they were prosecuted when they became impossible to ignore.

Throughout the sixteenth and early seventeenth centuries, Mexican authorities trained their sights on shoring up their own legitimacy and security, and on enforcing a religious and social orthodoxy that gave them power over their subjects. It was only later that sexual impropriety became a more important focus of judicial attention, and by this point racial stereotypes and Counter-Reformation teachings had rendered sex workers illegible as workers, and they were interpreted as sinful, loose women. The term *mujer pública* would be applied to all women whose sexual activity breached strict norms, not just to women who were paid for sex.[125] In this, Mexico City came to reflect Lyon and Seville.

Extralegal sex work was a complicated phenomenon and is often hard to see in the sources available to us. Its practitioners operated in the grey areas of the law and deliberately obscured their actions from the authorities. The authorities, in turn, were largely willing to

[123] Von Germeten, *Profit and Passion, 38;* Gayle Brunelle, 'The Price of Assimilation', 157.
[124] Amanda Summers, 'Sex Magic, Sex Work: The Gendered Labour of María de Rivera and Isabel de Montoya in Puebla, Mexico in. the Mid-Seventeenth Century' in *Histories of Sex Work Around the World* ed. Catherine Phipps (Routledge, 2024); Von Germeten, *Profit and Passion,* 39.
[125] As argued in Nora E. Jaffary and Luis Londoño, 'Mujeres Públicas and women in public: Scrutinising the history of prostitution in eighteenth- and nineteenth-century Mexico' *Gender and History* (2024): 1-16.

ignore illicit sex work, and thus failed to create a systematic record of its circumstances. In this opaque arena we must approach our sources critically, but in doing so we can build an anthropology of sex work outside the legal brothel and elucidate the relationships between worker and manager, as well as better understanding how and why official responses to sex work changed over the period. This allows us to chart the devaluing of sexual labour and the obscuring of the sex worker as a labourer, replaced by the wanton woman whose sexual urges were so often inscribed along racial or class lines. Counter-Reformation Lyon, Seville and Mexico City experienced different developments, but in each city we can clearly trace a shift in attitudes towards sexual labour, and towards the women who performed it.

Chapter 3: 'Como si fueran marido y muger': Cohabitation, Master-Servant Relationships and Transactional Sex

In 1540 a Spaniard named Melchor de Torres decided to leave the city of Santo Domingo, on the island of Hispaniola, to return to his native Seville and the wife who awaited him there.[1] This decision was complicated by the fact that Torres had been ordered to remain in Santo Domingo for two years, or face a fine of a thousand gold *pesos* – he had been condemned by the authorities not once but twice for *amancebamiento,* or cohabitation, both times with a woman named Elvira Alonso. We know nothing more about her, although the lack of racial designation in the records may suggest that she was also Spanish. The first time the pair were prosecuted, they were ordered not to see each other again, '*no se tornasen juntas',* but they ignored this command, and upon being found cohabiting a second time, Alonso was exiled in perpetuity from Santo Domingo, while Torres was instead confined to the city. This penalty was prescribed particularly for a third offence, suggesting that there was another instance not recorded in the documents.[2] Exile as punishment was restricted to the woman involved: it was unusual for a man to be condemned to remain in the city, which suggests that perhaps the authorities felt it was the only way to keep the two separate. Torres had clearly given up on seeing Alonso again, and now applied for permission to leave, explicitly stating that he wanted to 'return to the city of Seville to make a life with his wife'. We have very few details of Torres and Alonso's case, but even so it is revealing.

Like thousands of other Spaniards, Torres left his home and his wife behind to seek wealth and opportunity in the Americas.[3] Once there, he chose to live with another woman, who performed domestic and sexual labour for him, much the way a wife would: in fact, trials for *amancebamiento* use the phrase 'as if they were man and wife' to describe concubinary relationships.[4] Torres knew this behaviour was frowned upon, and though he was not likely to be

[1] AGI, Santo Domingo, 868, Legajo 1, f.221v-222r, 1540-01-26
[2] Luis Martinez Ferrer, *Decretos del Concilio Tercero Provincial Mexicano (1585)* vol. II (El Colegio de Michoacán, 2009), 606.
[3] One sixteenth-century traveller, the Venetian ambassador Andrea Navagero, went so far as to assert that Seville had nearly become a city 'in the hands of women' because of the mass exodus of men to the colonies. *Viajes por Espana de Eighen, del Baron de Rosmithal de Blatna, de Francisco Guicciardini y de Andrés Navajero* (Madrid, 1879), 388.
[4] AGN, Bienes Nacionales, cajas 210, 225, 416, 442, 497, 1072, amongst others.

pursued under secular law, he might face prosecution in the ecclesiastical courts if the relationship became too public.[5] Despite this he persisted, and it was only after being tried twice for the offence that he decided to return to his wife in Seville, perhaps prompted by his inability to continue the relationship now that Alonso was in exile. Torres was hardly unique: just seven years later, another man from Seville left record of his extra-marital relationship.

Francisco Ximénez, a builder who left behind a wife and two children in Seville, settled in Lima and there drew up his will on 27th November 1547. He included provisions for his two sons, Bartolomé and Francisco, who he 'had already acknowledged'.[6] These were illegitimate – but publicly acknowledged - children with a woman described only as 'Isabel, *india'.* He stated that from Isabel he 'had received so many good services, that I owe her much'.[7] He described their relationship as 'service', using the word *cargo* (literally, 'charge') to illustrate, in the words of Nancy Van Deusen, the 'burden of responsibility that [she] had shouldered', and to 'refer to the physical demands of labor and to the fact that [she] had given birth and cared for the children'.[8] Much like Torres, Ximénez left his wife in Seville and found another woman in the Americas to fulfil his demands for sexual and domestic labour, although in this case we can also add childrearing to her list of responsibilities. Born and raised in Seville, but spending a significant portion of their adult lives in Santo Domingo or Lima, Torres and Ximénez are good examples of how European ideas about relationships and sex were exported to the Americas, and beyond. When men from Spain emigrated, they brought with them their notion of what was acceptable behaviour. These ideas were informed by the racial and class dynamics of the new colonial society, and by the economic and social needs of an evolving society.

[5] Eugene Lacarra Lanz, "Changing Boundaries of Licit and Illicit Unions: Concubinage and Prostitution" in *Marriage and Sexuality in Medieval and Early Modern Iberia* ed. Eugene Lacarra Lanz (Routledge, 2002), 158-194.

[6] *'los susodichos mis hijos, que yo ansí lo confieso'.* Archivo General de la Nación, Peru, Protocolos Notariales, 154, cuad. 6, Carta de Poder para testar de Francisco Ximénez, albañil (Lima, 27 de noviembre de 1547), f887v-888r, as reproduced in Berta Ares Queija, "Mancebas de españoles, madres de mestizos" in *Las Mujeres en la Construcción de las Sociedades Iberoamericanas* eds. Pilar Gonzalbo Aizpuru and Berta Ares Queija (Colegio de México, Centro de Estudios Históricos, 2004).

[7] *'he recibido muchos e buenos servicios, de que le soy en mucho cargo',* Ibid.

[8] Nancy Van Deusen, 'The Intimacies of Bondage: Female Indigenous Servants and Slaves and Their Spanish Masters, 1492-1555' *Journal of Women's History,* Vol. 24, No1 (2012): 24.

In this chapter, I seek to demonstrate that there was a contemporary understanding of sex as a commodity, something that could be – and often was – labour, and that this labour was seen as part of the duties of a wife or partner but was frequently performed instead by a concubine or servant, and not only when wives were absent. I argue that this labour was usually undertaken by women in vulnerable positions, whether that was economic, social or physical vulnerability. In the Americas, this was particularly true for Black and Indigenous women whose socio-economic status and race made their situation especially precarious and often prevented European men from seeing them as marriageable.[9] Instead, they were viewed as sexually available and thus legitimate only as concubines, servants or enslaved women from whom masters could extract sexual labour, regardless of their consent or lack thereof. Finally, I illustrate how the Counter-Reformation, and the associated erosion of legal prostitution as demonstrated in Chapter One, changed attitudes towards and practices of transactional sex. As prostitution was delegitimised as a form of labour and instead construed as a demonstration of excessive lust, so the boundaries between transactional sex and 'whoredom' were blurred. Counter-Reformation changes in perception increasingly led to condemnations of concubinage and other forms of transactional relationships, alongside the disapproval of legal and extralegal prostitution. By the later sixteenth century concubinary relationships, both in Europe and in colonial settings, were increasingly seen as just another demonstration of women's wantonness, and they became less acceptable to both the community and the authorities.

Defining Transactional Sex as Labour

Transactional sex may at first seem a nebulous category, hardly distinguishable from the previous chapter on extralegal prostitution. There is certainly a degree of overlap between the two, as will become clear, but transactional sex is treated here as a separate phenomenon, a sub-category of sexual labour, because of its unique hallmarks. I define transactional sex as that which was carried out for rewards other than money (although money was sometimes given as well), usually bed and board. It was often performed in conjunction with other types of labour, such as domestic tasks or child rearing, and I divide it into several categories. Firstly, cohabitation, also referred to

[9] Of course, this was not universally true, and many Spanish men married Indian women. However, these men tended to come from the lower end of the social scale. See, for example, "The Petty Dealer" in *Letters and People of the Spanish Indies,* eds. James Lockhart and Enrique Otte (Cambridge University Press, 2018), 144.

as *concubinage* or *amancebamiento,* which itself can be divided into that between lay people and that involving clerics. Not all cohabitation falls under the umbrella of transactional sex, or counts as sexual labour, and there are plenty of cases of genuinely affective relationships between unmarried couples. These are not the focus of this chapter but must be kept in mind given the difficulties of distinguishing the precise contours of concubinary relationships – some began as transactional but became affective, and some are impossible to define given the paucity of details. However, some cohabitation cases clearly involve sexual labour, and this allows us to better illuminate the conditions under which some women chose to enter transactional relationships of this nature. A second category is procuring for non-monetary (or not exclusively monetary) gain. This involved a third party, a procurer or procuress who arranged transactional sex between others and benefitted, whether that was in goods and gifts, intangible *intereses* (interests, or influence), or in ways not entirely visible in the records.

Finally, a large portion of this chapter is devoted to transactional relationships between masters and their servants or enslaved people in their households. Designating these transactional relationships is sometimes challenging because they can be indistinguishable from unfree sexual labour, which will be the subject of my final chapter. Given the obvious power dynamics inherent in a master/servant relationship or that between a master and an enslaved person under his power, it is sometimes hard to establish where the boundaries of consent lie, and if the relationship was coercive or not. This is something I will return to in depth in this chapter and the next. It can be hard to draw a firm line between concubinage, master-servant relationships, and transactional sex, largely because many cases could fall into more than one of these categories. For the purposes of this chapter, I treat transactional sex as an umbrella term, and within that discuss concubinage generally, with particular attention to concubinary relationships that have the hallmarks of transactional sex. Master-servant relationships are taken to be transactional, or at least to involve sexual labour, unless directly proven otherwise or unless they appear to be coercive and thus are part of Chapter Four.

This thesis asserts that sex can be, and often is, a form of labour. It exists in affective relationships as a form of mutual affection, but in many other instances, it is something undertaken by at least one of the parties involved not out of desire but as a task, something done for and with the

explicit promise of recompense in whatever form that might take.[10] This is certainly the case for prostitution, whether legal or extralegal, but it is also applicable to the transactional relationships under discussion here. The idea of sex as labour is not new and has been well-discussed by various theorists and scholars, but perhaps more pertinently by modern-day sex workers themselves**.** Labour historians have begun to take seriously sex workers' assertions that their work is labour, and has been throughout history, with fruitful results.[11]

While we do not have comparable accounts from those involved in sex work in the medieval or early modern period, Nicole von Germeten asserts that 'many historians document an explicit, core assumption of sex as a form of exchange in this culture'.[12] As Tessa Storey has eloquently argued, by allowing men to sleep with them, women were seen to be giving the gift of their bodies, and in doing so not only performing labour but taking on a degree of danger to themselves, providing pleasure to men for which those men were obligated to offer a gift.[13] Even the practice of giving an *arras* as part of a marriage, or the *Morgengabe* ('morning gift') in German marriage contracts, can be understood as an exchange of money or goods for sexual services, on some level.[14] It has been demonstrated that in the medieval period it was normal for women to receive gifts in courtship, 'if not outright payment for sex', and that these gifts were understood to be 'a motivating factor for women to participate in illicit sex'.[15] I would argue this continued into the early modern period. We know that women understood themselves to be offering something of value, and expected reciprocation, because of how they reacted when none was forthcoming. Lawsuits brought for breach of marriage promises and for seduction are both evidence that women expected a return for their sexual labour and were occasionally willing to act if that contract was breached. It was not uncommon in late medieval and early modern

[10] On this difference in perception between two sexual actors, see Noah D Zatz, 'Sex Work/Sex Act: Law, Labor, and Desire in Constructions of Prostitution' *Signs: Journal of Women in Culture and Society* 22, no. 2 (1997): 282.
[11] Elise Van Nederveen Meerkerk, Lex Heerma Van Voss, Magaly Rodríguez García eds., *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s,* (Brill, 2017).
[12] Nicole von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (University of California Press, 2018), 10.
[13] Tessa Storey, *Carnal Commerce in Counter-Reformation Rome* (Cambridge University Press, 2008), 137.
[14] Diana Owen Hughes, 'From Brideprice to Dowry in Mediterranean Europe' *Journal of Family History* 3, 3 (1978): 275.
[15] Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (Routledge, 2012), 123.

Europe for women to have sex before marriage, once a promise had been made.[16] This was particularly true in rural areas where sex between engaged couples continued as a standard practice well into the early modern period in areas of western and southern Europe, including France, despite Counter-Reformation efforts to eradicate it.[17] Yves Castan has noted, albeit for the eighteenth century, that women who acquiesced to sex under the promise of marriage did not consider themselves dishonoured, they had received something valuable in return for what they had given up, and thus had made a good deal.[18]

Gift giving was part of the ritual of courtship, of marriage, but also of transactional sex, and there are numerous cases where men describe the gifts they provided in return for carnal access to women's (and sometimes men's and boys') bodies: clothing, wine, food, and jewellery were all common offerings.[19] The quality of the objects given varied depending on the social status of those involved, and at the meaner end of the spectrum it could be as simple as a bushel of wheat, but the theme of gifts in return for (or anticipation of) sexual services rendered is one common to late medieval and early modern Italy, France, Germany, Spain, and many other places. In early modern Rome, it was deemed more shameful not to be paid for sex outside of marriage, because it signified uncontrolled lust and desire on the part of the woman, rather than a willingness to perform labour in return for payment – one was shameful, even sinful, while the other was just good economic sense.[20] As Ruth Mazo Karras has suggested, 'the fact that the same items could have represented either a marriage gift or a prostitute's fee indicates that the categories were not always sharply delineated'.[21] This understanding of the value of sex even extended to rape cases: Suzannah Lipscomb theorises that accusations of rape in the consistory courts of Languedoc may have been motivated by 'a desire to pressure the accused into giving recompense' usually in the form of money for a dowry, which would now be especially important in contracting a respectable

[16] Edward Shorter, *The Making of the Modern Family* (London, 1976), 79–119; Beatrice Gottlieb, "The Meaning of Clandestine Marriage" in *Family and Sexuality in French History*, ed. Robert Wheaton and Tamara K. Hareven (Philadelphia, PA, 1980), 70; Jacques Solé, *Etre Femme en 1500: la vie quotidienne dans la diocese de Troyes* (Paris, 2000), 100, 106, 230.
[17] Suzannah Lipscomb, *The Voices of Nîmes: Women, Sex and Marriage in Reformation Languedoc* (Oxford University Press, 2018), 233.
[18] Yves Castan, *Honnêteté et Relations Sociales en Languedoc (1715–1780*) (Paris, 1974), 165.
[19] Natalie Zemon Davis, *The Gift in Sixteenth Century France* (Oxford University Press, 2000), 44; Lipscomb, *Voices,* 257.
[20] Storey, *Carnal Commerce,* 164.
[21] Karras, *Sexuality,* 159.

marriage, or for childcare, if the woman had fallen pregnant as a result of the incident.[22] Similarly, a wealth of cases demonstrate that economically vulnerable women, especially servants, agreed to sex 'on the promise of financial provision': they had sex because they believed they would receive something in return.[23]

In fact, it is not unreasonable to conceive of marriage in this period – in a society which did not allow for rape in marriage, and which treated marriage as an arrangement between two families – as transactional. A husband provided security, both financial and practical, and a wife provided sexual, productive and reproductive labour: she kept the home, slept with her husband, and carried and raised his children. Ruth Mazo Karras has argued for the importance of recognising women's productive and reproductive labour inherent in marriage and understanding this as part of the understanding of marriage in late medieval contexts.[24] Some people married out of affection for one another, but for some marriage was a transaction between their families. For those for whom marriage was not an option, there were other forms of transactional relationships.

It seems unlikely that women involved in transactional sexual relationships stopped to consider the conceptual nuances of those relationships, to recognise they were performing work and had demanded financial or material remuneration for their labour. However, early modern people certainly understood that in having sex, women offered something of value, and that in some cases they did so only on the promise of recompense. Thus, we may speak of transactional sex as sexual labour and place it on our continuum with legal and extralegal prostitution, and unfree sexual labour. This form of labour was in some ways less visible, less clear cut than prostitution, but it nonetheless offered a means of survival for women (and others) across the early modern world. Over the sixteenth century transactional sexual relationships became indistinguishable

[22] Of course, we must be careful here. The defendant was only ordered to pay if the victim was believed to have been a virgin before the attack, demonstrating that the money was not simply because he had taken sex from her, but because he had taken her honour in doing so. In this context, sex only had value if it was performed by otherwise honourable women. Lipscomb, *Voices,* 267.
[23] Jacques Depauw, 'Amour illégitime et société à Nantes au XVIIIe siècle' *Annales. Économies, Sociétés, Civilisations* 4-5 (1972).
[24] Ruth Mazo Karras, 'Women's Labors: Reproduction and Sex Work in Medieval Europe' *Journal of Women's History* 15, 4 (2004): 153-158.

from prostitution in the minds of authorities: they were no longer legible as labour and were instead understood as immoral behaviour.

Lay Concubinage: Cohabitation as Survival Sex Work

The understanding of sex as potentially transactional, and the framework for transactional relationships that emerged in the medieval period, was quick to take root in Mexico with the arrival of the Spanish. Spanish men arrived in waves, unmarried or unaccompanied by their wives in most cases, and sought to establish new lives for themselves in the colony of New Spain. Although their location had changed, their expectations had not: they believed they were entitled to sex before or even outside of marriage, and they understood that payment or exchange was a quick way to make that happen. Of course, Mexico City created a specific set of circumstances in which transactional sex was particularly common.

In early colonial Mexico, Spanish women were few and far between. In Mexico City before 1539 as many as 95% of European immigrants were men, a figure which only dropped to roughly 65% in the 1560s and 1570s.[25] Of the Spanish women in Mexico, many were married and thus unavailable as partners. There were simply not enough single Spanish women to satisfy the sexual demands of Spanish men, but there were large numbers of Indigenous and Black women in the viceregal capital. In addition, Mexico City's population had a gender imbalance: there were more women than men and the majority were Indigenous.[26] These demographics made Black and Indigenous women the most readily available partners for Spanish men, a fact that was reinforced by sexual stereotypes of non-European women. We have already touched on how the sexuality of Black and Indigenous women was viewed by Europeans, but further analysis is warranted. Without dwelling for too long on the role played by sexual violence and unfree sexual labour, which will be the focus of Chapter Four, it is important to note that Indigenous and Black women were exploited and frequently coerced into fulfilling the sexual demands of European men, and that Spanish women would have faced the same situation had they been present. However, Black and Indigenous women were viewed as hypersexual and automatically available to European men

[25] Ben Vinson, *Before mestizaje: the Frontiers of Race and Caste in Colonial Mexico* (Cambridge University Press, 2018), 5.
[26] Vinson, *Before mestizaje,* 68.

– in a way that Spanish women were not – because of the sexual stereotypes imposed upon them. Since the early days of contact between European and Western Africa, Black women were constructed as 'sexually deviant and degenerate objects', whose fetishisation served to mask the reality and portray them as 'willing participants in the … sex market'.[27] By constructing an idea of Black womanhood as hypersexual, European men justified their systemic sexual exploitation of Black women. Similarly, Indigenous women were viewed as 'a beautiful, exotic female Other', 'available for the taking' – something Camilla Townsend has amply demonstrated with regard to both Spanish and English colonisers in the Americas.[28]

However, we cannot automatically dismiss every sexual relationship between a Spaniard and a Black or Indigenous woman as inherently exploitative. From the moment Spaniards arrived in Mexico, Indigenous women had to contend with sexual violence, enslavement and exploitation, but they also found ways to preserve what agency they could, sometimes by building affective or transactional relationships with Spaniards – whether those relationships had started voluntarily or not. Black women first arrived in Mexico in chains, and their enslavement had obvious impacts on their ability to assert their agency, but still they found ways to fight for their survival and their freedom. Both groups were made vulnerable to sexual exploitation by the racial dynamics of colonial Mexico, but also by their position within the economy and society of New Spain.

From the beginning of Spanish colonialism, Spanish men unsurprisingly carved themselves a place at the top of the social order, with Indigenous and Black people beneath. Men, of course, came above women in each group. There were exceptions which allowed for powerful non-Europeans, such as Indigenous nobles who in some cases retained significant power and wealth and took an active role in governing the Indigenous population and preserving their lands, but generally Indigenous and Black people, and especially women, ranked far down the social scale.[29] By the late 1530s, the Crown began to insist on men in the colonies bringing their wives over from Spain,

[27] Katriona Dyonne Thompson, '"Some were wild, some were soft, some were tame, and some were fiery": Female Dancers, Male Explorers, and the Sexualisation of Blackness, 1600-1900' *Black Women, Gender and Families* vol. 6, no.2 (2012): 13.
[28] Karenne Wood, 'Prisoners of History: Pocahontas, Mary Jemison, and the Poetics of an American Myth' *Studies in American Indian Literatures* 28, no.1 (2016): 77; Camilla Townsend, Pocahontas and the Powhatan Dilemma (Hill and Wang, 2005); Camilla Townsend, Malintzin's Choices: An Indian Woman in the Conquest of Mexico (University of New Mexico Press, 2006).
[29] William F. Connell, *After Moctezuma: Indigenous Politics and Self-Government in Mexico City, 1524-1730* (University of Oklahoma Press, 2011).

or finding a wife in the Americas.[30] In these cases, Spanish men generally chose to marry women of Spanish heritage, whether creole or metropolitan, or in some cases even mestiza women raised in Spanish communities.[31] Some men, however, complained about the Crown's imposition, such as Rodrigo Esquivel, a *hidalgo* (gentleman) from Seville who in 1552 was a *vecino* (resident) of Cuzco, Peru. He argued that 'being poor, in the short time afforded to him he will not be able to find a person whom he could marry honourably, conforming to the quality of his person and lineage, and instead of being valued for his work and service, an accelerated marriage would be to the detriment of his honour and his life'.[32] Esquivel was already in a relationship that had produced at least one child, a son named Gonzalo, and was most likely living with this woman.[33] However, she was an *india* and thus an unthinkable prospect for marriage, at least to Esquivel. He eventually married Leonor de Zúñiga, who we can assume was Spanish, or passed as such. Esquivel, like so many other men, did not see the Indigenous woman who shared his bed and was raising his son as a prospective wife, but he did appreciate her *servicios* enough to leave her 50 goats and 50 pigs in his will, to provide for her and his son.[34] He was not alone in this, and as Spanish control over Mexico tightened and the population of Spanish women grew, making marriage to a Spanish woman more feasible for colonists, views of interracial relationships became more severe. Mixed-race people commonly known as *mestizos* (people of mixed Indigenous-European heritage) and *mulatos* (people of mixed Black-European heritage), were increasingly seen as socially and morally inferior, and consigned to the lower social status of their non-European parent.[35] Over time, any supposed hierarchy between Indigenous and Black people became less clear, and they both came under the umbrella category of 'plebeian', a mostly undifferentiated (by Spaniards at least) group of lower-class individuals of all races.[36] In this

[30] *Capitulo de Carta sobre la orden que los Españoles que tienen repartimientos de Indios se casen,* Valladolid, 12 February 1538; *R C al virrey de la Nueva España que persuada a los encomenderos que están por casar para que se casen.* Valladolid, 23 August 1538; *R C Para que los encomenderos sean obligados a casarse dentro de tres años,* Madrid, 8 November 1539. Both reproduced in Richard Konetzke, *Collección de Documentos para la Formación Social de Hispanoamerica 1493-1810,* vol. 3 (1962, Consejo Superior de Investigaciones Científicas).
[31] Queija, 'Mancebas', 17.
[32] AGI, Lima, 118, *Petición y Autos de Rodrigo de Esquivel, vecino del Cuzco, para que se le exima de tener que casarse* (1552-3) f.10v. as reproduced in Queija, "Mancebas de españoles".
[33] Biblioteca Nacional del Perú, A39, Protocolos de Antonio Sánchez, Cuzco, *Declaración de Gonzalo de Esquivel, hijo natural del capitán Rodrigo de Esquivel, vecino del Cuzco* (8 March 1575) f.71r. as reproduced in Queija, "Mancebas de españoles".
[34] *'a Isabel, india palla, su madre, de 50 cabezas de cabras y 50 puercas',* Ibid.
[35] An attitude that was not limited to the Spanish Americas, as evidenced by Christine Doran's study of Manila. Christine Doran, 'Spanish and Mestizo Women of Manila' *Philippine Studies* 41, no.3 (1993): 11.
[36] R. D. Cope, *The Limits of Racial Domination: Plebian Society in Colonial Mexico City, 1660-1720* (University of Wisconsin Press, 1994), 34.

environment, Black and Indigenous women were often poor, economically precarious, and lacked stable family connections. Whether they had been forced to move to the city by slavery or the need for work, had lost parents or husbands to disease and war, or were illegitimate or abandoned, they frequently did not have family to rely on and were forced to fend for themselves. As we have seen, precarity was a common precursor to prostitution or more casual transactional sex, both in a colonial and a European context. We have already discussed Black and Indigenous women's involvement in transactional sex as servants or enslaved women, but they were also common participants in *amancebamiento* or cohabitation, a phenomenon which was common to both Spain and the Americas.

Barraganía: **Semi-Legitimate Cohabitation**

In the late medieval period, there was a distinction drawn in Spanish society between two types of concubinage: *amancebamiento* and *barraganía.* The former was viewed as shameful, illegitimate, and a perversion of the social order. It was a state that brought dishonour upon the woman involved, and for which she could be persecuted by the community and by the authorities. *Mancebas,* women involved in *amancebamiento,* were linked heavily to prostitutes – as indicated by the linguistic proximity of *manceba* and *mancebía,* a word which could mean both a legal brothel and the state of being *amancebamiento.* In contrast, *barraganía* was far less shameful. It was a semi-legitimate form of union between a man and a woman who had agreed to live together and be in a sexual relationship outside of, or sometimes with the hope of, marriage. *Barraganas,* women in these relationships, were honourable and did not lose that honour because of the relationship – in theory. Secular law did not prohibit *barraganía,* and while it was against ecclesiastical law it was seldom pursued.

The crucial difference is the contract which regularised *barraganía* relationships and brought them closer to marriage than concubinage. These contracts were common until the end of the fifteenth century and were drawn up before a notary and witnesses. They set out the rules of the relationship, ensuring that both partners would receive an equal share of goods and money earned during the relationship, and they explicitly recorded the good reputation and honour of the woman involved, although most women were of low social standing and perhaps could not afford a dowry. Dishonourable women of '*vil condición'* like prostitutes were prohibited from

drawing up such a contract, as were married people of both genders. Perhaps confusingly in light of these conditions, women could only enter these relationships if they were no longer virgins: they must be honourable, that is, not *mujeres públicas* but if they were virgins this relationship represented the corruption of their innocence and honour and was thus prohibited. The contracts drawn up offer an interesting window into otherwise invisible relationships, providing details about how they were viewed by others and the expectations and realities of entering such an ambiguous relationship.

The language used in the contracts very clearly compared *barraganía* to marriage, implicitly asserting the sexual nature of the union and stressing the importance of monogamy. In Seville in 1479, Juan García and Isabel García (the matching surnames are a coincidence, they never married and were not related) contracted their relationship before a notary, declaring 'they are in agreement to make one life, almost as if they were married', and to be together 'until the will of both is to separate'.[37] In this case, Juan's occupation was listed as cutler, while Isabel is listed as the legitimate child of Arias Rodríguez and his wife María.[38] Her father is stated to have died – further evidence of the precarious position of women who entered non-marital relationships such as this, without the protection of a male head of household. When the relationships did end, the most cited reason was the desire to 'no longer live in sin', but the most common reason appears to have been the man's impending marriage to another woman – usually one of higher social standing and intact virginity, overall, a more suitable marriage prospect. Men did not generally marry the *barragana* with whom they had lived and slept for years, and despite the fact that the relationship was technically licit (and certainly much less shameful than *amancebamiento*) women often faced public shame and poverty after the union was dissolved.

We might then ask why they chose these relationships, if the prospects were so bleak afterwards. These were women with few prospects – and few choices – to begin with. They were usually poor, had already lost their virginity and did not normally have the required funds for a dowry, and thus could not expect to make a good marriage. By living with a man as a *barragana* they were able to share the financial and practical burdens of life with another, and avoid the shame of *amancebamiento* or worse, outright prostitution. They chose these relationships as the best

[37] '*son de acuerdo de faser vida en uno casy maridablemente'; 'en algund tiempo fasta que la voluntad de amos sea de se apartar'.* ADPS, Oficio 9, Legajo 9, folio 7r, 1479/13/11
[38] *'fija legitima de Arias Rodrigues, defunto etc. e de Mary Rodrigues su muger',* Ibid.

option available to them, and in doing so traded sex for security and material support. Of course, we might suggest that the men were doing the same thing, except for the fact that most of these men had better prospects both before and after *barraganía* and went on to contract marriages with women whose social standing equalled theirs but exceeded that of their former *barragana.* The men in question likely earned more than their partners and thus brought material support and security to their partner until they found a suitable bride. This security was sometimes literal, as we know that women living alone (particularly those known not to be virgins or not to be under the protection of a man) were often victims of sexual violence, as will be discussed in Chapter Four.[39] By choosing to live with a single man in *barraganía,* women ensured their own protection from violence, poverty and homelessness, and their ability to remain outside the brothel.

Amancebamiento: **The Growth of Illegitimate Cohabitation**

From the sixteenth century onwards, *barraganía* (as both a concept and a term) fell into disuse. Instead, *amancebamiento* was used to describe long-term extra-marital relationships. It is not coincidental that the less shameful, more regularised form of cohabitation fell out of favour and was replaced by a framework that, while common, was seen as dishonourable and was more closely associated with prostitution. Unlike *barraganía, amancebamiento* did not involve a contract and thus offered no protection to women who might be abandoned by their partner with no warning or compensation. It usually involved a woman – vulnerable, of a lower socio-economic status – entering a sexual relationship with a man and in return receiving a place to live and the associated protection. Of course, some cases of *amancebamiento* were undoubtedly affective, not transactional – we should not ignore that some of these couples chose to defy the norms of the Church and of society for no reason other than their affection for one another.

In Seville, women in these relationships frequently appear as peripheral characters in the suits brought by wives against their philandering husbands. In 1491, Angelina Marqués, *vecina* of Seville, brought a case against her husband Juan Rodríguez 'who has abandoned her, taking as a

[39] J L Flandrin, "Repression and Change in the Sexual life of Young People in Medieval and Early Modern Times" in *Family and Sexuality in French History* eds. Robert Wheaton and Tamara K Hareven (University of Philadelphia Press, 1980), 31.

manceba one of her sisters'.[40] In 1495, María Sáiz complained about her husband Pascual de Ferramel, who was living with a *manceba* in Valverde, in the archbishopric of Seville.[41] In 1586 Beltrand Galarza was hauled before the authorities to answer for his 'cohabitation and poor conduct' along with two co-defendants (presumably friends) and his *manceba* Isabella Lorenza.[42] The case was brought by his wife, Ana Rincón. Time and again, wives took their husbands to court and used their concubines as evidence of their dereliction of marital duties. In one particularly extreme case of 1588, Alvaro Jorge Nuñez acted on behalf of his daughter Doña Ana de Silva and took his son-in-law to court.[43] He alleged that his son-in-law Pero de Sepúlveda, an alderman of Seville, was guilty not only of cohabitation, but also of 'mistreatment and intent to kill' his wife.[44]

Amancebamiento was taken as evidence of a husband abandoning his marital obligations and women (or their representatives) frequently painted the men as having fallen under the wicked influence of the *manceba.* Wives claimed that their husbands failed to support them financially or provide the security owed to them, which is suggestive of the transactional nature of concubinage: concubines were receiving the monetary and material support owed to a spouse, in return for sexual labour that was usually performed by wives. The colonial authorities at least had sympathy with these claims, as illustrated by a royal provision of 1535 addressed to the authorities of Cubagua, which declared that because of their *india* concubines, men 'are not leading a marital life with their wives, and some of them leave [their wives] naked and poor and go instead with their *mancebas'*.[45] The concubines themselves were rarely prosecuted for *amancebamiento*, and only married men were really pursued by the authorities for their relationships. This gendered approach to the policing of *amancebamiento* is particularly interesting in that it reflects the legal approach to the prosecution of prostitution more generally, as discussed in Chapter 2: procurers, who were overwhelmingly men, were held to be the real disturbers of public order and thus prosecuted more harshly, The women involved, in contrast, were chastised but not punished. This could reveal how authorities (and society more generally)

[40] *'el cual la había abandonado, teniendo como manceba a una hermana de ésta'.* RGS, Legajo 149102, 81.
[41] RGS, Legajo 149501, 221.
[42] *'por amancebamiento y mala conducta'.* AGS, CRC, 342, 5.
[43] AGS, CRC, 341, 1.
[44] *'por amancebamiento, malos tratos e intent de muerte'* Ibid.
[45] '*no hacen vida maridable con sus mujeres, antes algunos dellos las dejan desnudas y pobres y se van con las dichas sus mancebas'. R.C. a los Alcaldes y Justicias de la Isla de Cubagua Sobre los Españoles que son Amancebados con Indias,* Madrid, 3 August 1535, as reproduced in Konetzke, *Collección,* 166.

understood women as childlike, easily led astray but not entirely culpable for their actions, a perception exploited by women in court cases throughout the colonial period, often in conjunction with similar views about Indigenous colonial subjects, both men and women alike.[46] Of course, it could also be an indicator of the pragmatism of the court, who would have understood that women would be largely unable to pay any fine imposed due to a lack of funds.

Amancebamiento was shameful, but much like *barraganía* before it, it was not usually prosecuted (and while ecclesiastical statutes prohibited it, it was in fact legal under secular law) in Seville: it was largely tolerated by communities as long as it remained unobtrusive, and the couple involved did not draw the ire of their neighbours. Contrastingly, in Mexico City, the ecumenical court took a more proactive role in punishing *amancebamiento,* and there are over a hundred extant cases prosecuted by the archbishopric of Mexico between 1540 and 1631.[47] Part of this discrepancy between the two cities may be related to the lack of a public brothel in Mexico City, and the racial dynamics which meant that Spanish men were more likely to cohabit with non-European women. Over time the Church authorities may have come to view interethnic cohabitation or transactional sex as a threat to social order, and the overall numbers may have been higher due to the lack of legal prostitutes to meet men's sexual demands.

Women living in *amancebamiento* cannot automatically be considered to have engaged in transactional sex: it would be absurd to suggest that none of these relationships were borne of mutual affection and desire. Eight of the 101 cases from the Archbishopric of Mexico in particular are more likely to be affective rather than transactional relationships: in these cases, the woman involved is named only as 'a certain woman', probably because she was married and the court sought not to bring further dishonour to her husband.[48] Married women likely entered *amancebamiento* because of desire, not necessity. However, many of the cases give indications of a transactional relationship and highlight the vulnerability of the women involved. Of the 101

[46] Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth-Century Spanish Empire", *Comparative Studies in Society and History,* vol. 53, no, 2 (2011), 266; Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Duke University Press, 2010): 104.

[47] AGN, Bienes Nacionales, Civil Legajos, Criminal, Inquisición, various.

[48] *'una cierta mujer'.* Usually, the scribe notes of these women *'cierta muger cuyo nombre le fue declarado por mi el presente notario',* 'a certain woman whose name [identity] was confirmed by me, the notary', indicating that the scribe is vouching that the woman in question was named by the witness, but he has removed her name from the record. AGN, Bienes nacionales, Caja 442, expediente 6, f.1v.

cases for which we have documentary evidence in the *Archivo General de la Nación*, forty-four involve women who were explicitly labelled as non-European, whether that be *india, mestiza, mulata libre,* or *negra* – the ethnicity of the remainder is largely unspecified, apart from a few women labelled Spanish.[49] Of these, only 25% were cohabiting with non-European men: the majority were in relationships with Spanish men.[50] It seems that it was relatively common for Spanish men to live in *amancebamiento* with non-Spanish women (44% of the cases prosecuted), and this represents a fraction of the true number of cases, many of which never reached prosecution. Non-Spanish women may have lived more precarious lives and thus would have been more likely to enter transactional relationships. Furthermore, the details of some of these cases suggest the transactional nature of the relationship in question: for example, that of Alonso García and Isabel, a free *mulata,* in 1609.[51] They had already been prosecuted for *amancebamiento* and warned 'not to talk or have dealings with or communicate' with one another, and they had now been brought before the court again for the same charge – 'cohabiting in one house … as man and wife causing rumours and scandal throughout the whole neighbourhood'.[52] The most interesting feature of this case is the fact that García, who ran a tavern, described Isabel as his *criada* or servant. He confessed that she worked for a salary of three *pesos* a month, and witnesses attested that she 'sold wine and other things in the shop' when García was away, and 'wash[ed] the jugs of wine sold in the shop'.[53] This is an indication that this woman was García's employee, his servant, but the two were also said to be living together. Witnesses described 'very publicly hearing from several neighbours how they were and had been living together publicly for some time' and seeing Isabel 'enter and leave García's house many times' and claimed to know that they were 'eating and living together at one table and in one bed'.[54]

[49] When no racial label is given, I have assumed that the woman involved was Spanish, although this should not be taken for granted.
[50] In contrast, only fifteen men were labelled as non-European, but the majority of these (73%) were cohabiting with non-European women. Non-European men were far less likely to cohabit with European women.
[51] AGN, Bienes nacionales, Caja 442, expediente 7.
[52] *'amonestado de no hablase ni tratase ni comunicase'; 'coavitando en una cassa … como marido y muger dando nota murmuración y escandalo a toda la vecindad'.* Ibid, f.1r.
[53] *'por criada que le sirve por salario que le da de tres pesos cada mes'; 'por su ausencia la dicha Ysabel mulata vende en la tienda vino y otras cosas'; 'lavando los vazos del vino que vende en la dicha tienda'.* Ibid, f.4v-6v.
[54] *'este testigo a oído por mui publico a algunas personas vecinos de los suso dichos como estan y an estado de mucho tiempo a esta parte públicamente amancebados'; 'este testigo ha visto a la suso dicha entrar y salir muchas veces en casa del suso dicho'; 'los avia visto a los suso dichos comer y dormir juntos a una mesa y cama'.* Ibid, f.4v-5v.

García denied the continued cohabitation, protesting that after the last prosecution he had done as he was ordered and thrown Isabel out of the house and had nothing to do with her. The prosecutor was unconvinced, hardly surprising considering witness testimony attesting that 'after [the previous conviction] this witness has seen how nearly every day Isabel was very settled in the house [of García]'.[55] Because of the repeated transgression García was sentenced to pay a silver mark and ordered not to keep company with Isabel on pain of a year's exile and a fine of twenty *pesos*. Sadly, we do not have Isabel's testimony, but the details available suggest this was a transactional relationship in which she traded labour – domestic and sexual – for her wage and her accommodation. García was almost certainly a Spanish man as his ethnicity is not otherwise specified, and as the proprietor of the tavern was certainly in a more stable financial position than Isabel, who worked as a servant. He was forty years old, and while we do not know Isabel's age, it is likely she was younger. García was likely an older Spanish man with a stable income and home, Isabel was much more socially and economically vulnerable and as such may have sought the relationship as a way of obtaining a livelihood and somewhere to live. Alternatively, she may have sought employment in García's tavern and found herself dealing with the advances of her employer – we do not know the circumstances that led to the cohabitation, and whether she consented or not. It seems likely that however the relationship started, Isabel chose to stay, even when ordered to leave, because she received recompense for her labour and a place to live.

Amancebamiento was common in Mexico City, and Black and Indigenous women were probably frequent participants in transactional cohabitational relationships, due to their socio-economic vulnerability. However, we should consider another possibility, that in fact what was understood by Spanish authorities as *amancebamiento* was in some cases a marriage according to Indigenous or African traditions, if not according to the Catholic Church. As Ramón Gutiérrez has described for the Indigenous peoples of New Mexico, marriage was not necessarily 'conceptualized as a monogamous life-long tie' by Indigenous cultures, and while these relationships might have been perceived by the Spanish as illegitimate unions, they may have been entirely legitimate in the

[55] *'despues aca este testigo la ha visto casi todos os dias a la dicha Issabel estar muy de asiento en cassa del suso dicho'* Ibid, f.2r.

eyes of the participants, something evidenced for Afro-Mexicans by Herman Bennett.[56] This could explain the common occurrence of *amancebamiento* in Mexico City.

As the Counter-Reformation took hold, it increasingly spelled the end of legalised prostitution and broke down the boundaries between legitimate sexual labour and 'whoredom'. Prostitution was construed as the product of a woman's lust and sin, not as a legitimate form of work. Transactional sexual relationships, or other non-marital relationships more generally – including *amancebamiento* - were thus re-envisioned as another instance of this sinful behaviour, where before *barraganía* was closer to marriage. The moral shift which condemned prostitution also condemned concubinage and any transactional relationship, often failing to distinguish between concubinage and prostitution altogether or drawing causal links between the two.

With this shift in mind, we might expect the authorities of Mexico City to have vigorously prosecuted any and all cases of *amancebamiento,* and initially, the 101 cases in the national archive appear to support this conclusion. In fact, the prosecution of transactional relationships was sporadic and ineffective: in Mexico City, couples were sometimes penanced multiple times for *amancebamiento,* clear evidence that they did not see prosecution as a sufficient deterrent, and this is unsurprising.[57] Prosecutions were irregular, and the dearth of prosecutions in the early period of colonisation suggests not a lack of transactional relationships but rather the authorities' lack of interest in prosecuting them.[58] This is supported by the high number of *mestizo* children in this period – there were certainly interethnic concubinary relationships (many of which were likely transactional) in the early sixteenth century, and many produced offspring, but the authorities accepted or even endorsed them.[59] Even in the later sixteenth and early seventeenth century when records do show prosecutions by the ecumenical court, they were usually prompted by a desire to be seen to be complying with royal edicts, not by the determination to

[56] Ramón Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846,* (Stanford University Press, 1991): 11; Herman L. Bennett, *Colonial Blackness: A History of Afro-Mexico* (Indiana University Press, 2009): 63.
[57] For example, both couples in AGN, Bienes Nacionales, Caja 497 exp. 31 and exp. 33. This is a pattern also documented in sixteenth and seventeenth century Naples, although here too it was the local archbishopric court that prosecuted these cases, not the Spanish Viceroy. Giovanni Romeo, *Amori proibiti: I concubine tra Chiesa e Inquisizione* (Laterza, 2008).
[58] Michelle A McKinley, 'Illicit Intimacies: Virtuous Concubinage in Colonial Lima' *Journal of Family History* vol. 39, 3 (2014): 206.
[59] Vinson, *Before Mestizaje,* 11.

stamp out concubinage. Twenty nine of the one hundred and one cases of *amancebamiento* prosecuted before 1631 were in the immediate aftermath of royal edicts that demanded all colonial territories punish public sins as a gesture of mourning for the death of Elizabeth of Valois, the wife of Philip II, and of her son the *infante* Carlos the same year, or were in response to a similar edict celebrating the marriage of Philip II to his new wife Ana of Austria in 1570 and the birth of the *infante* Fernando.[60] A further three are a similar response to the 1582 edict after the death of the *infante* Diego.[61] Forty two prosecutions – almost half the total – occurred in 1609, suggesting a short-lived effort to punish cohabitation, perhaps by a particularly zealous official or in response to a royal ruling. In contrast, secular authorities seem not to have regularly prosecuted *amancebamiento:* only two cases from Mexico City survive for the period.[62] Lay concubinary relationships were common, and despite rhetoric to the contrary they were rarely prosecuted in Mexico City or in Seville. They were likely much less common in Lyon, and France generally, but they certainly existed, and we have plentiful evidence of clerical concubinage in France.[63]

The Perceived Link Between *Amancebamiento* and Domestic Procuring

As discussed, Church authorities in Mexico City prosecuted *amancebamiento* sporadically, usually in response to outside instruction, but the majority of prosecutions occurred in the later sixteenth or seventeenth century, suggesting increased scrutiny of sexual morality, in line with developments in other parts of the Catholic world. In Mexico City this is of course complicated by the fact that colonial rule only began in the 1520s and in some senses can be seen as insecure for several decades afterwards, during which time there were more pressing concerns than prosecuting *amancebamiento,* especially when it chiefly involved non-European women whose honour was already deemed to be negligible.

[60] AGI, Seville, Indiferente 427, Legajo 30, f.326-27; Ibid, f.214R-214V; Ibid, f.194V-195V; Ibid, f.192V-194R; Ibid, f.226V-227R.
[61] AGI, Seville, Indiferente 427, Legajo 30, f.348-49;
[62] AGN, Civil Legajos 17, exp. 3; AGN Criminal, vol.641, exp.25 fs.278-283.
[63] Lay concubinage was apparently very uncommon in France, suggested by the 1% birth rate of illegitimate children in rural France – the lowest in Europe, in fact. Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (Routledge, 2020), 142.

However, there is evidence that both secular and religious authorities grew increasingly concerned with the sexual morality of their subjects and viewed lay concubinage as inextricable from prostitution. In 1568 Martín Enríquez, the viceroy of New Spain, received instructions from the royal government which explicitly listed *pecados publicos* (public sins) as concerns on which he must take action.[64] Among these were listed 'public cohabitation' and 'procurers and witchcraft', which as we have seen in Chapter Two were frequently linked in the early modern period. 'To avoid such great damage' the viceroy was instructed to act diligently against *amancebamiento,* as well as against 'Spanish vagabonds' who lived among the Indigenous population and abandoned their wives and families to take up with *indias.*[65] The Crown evidently viewed these transgressions as posing a threat to public order and the ability of the viceroy to govern effectively, further illustrated by a similar set of instructions issued to viceroy Luis de Velasco y Castilla in 1589.[66] As the Counter-Reformation picked up pace in Spain – and as the Crown became increasingly concerned with the sexual propriety of its subjects – so too did the scrutiny of illicit sexuality in its colonies.

The Church in Mexico also devoted renewed attention to the behaviour of its flock and began to blur the boundaries between *amancebamiento* and outright prostitution. In many ways, this overlap is unsurprising considering Mexico City's lack of a public brothel. With no legal prostitution against which to define other cases of sexual misbehaviour, it seems reasonable to assume that prostitution was viewed less as a profession or an official occupation than it was in cities like Seville. Where prostitutes were professionals, a defined group against which other sins could be measured, their absence led to the erosion of the boundary between promiscuity or extra-marital sexuality and prostitution. It was in this context that the third council of the Church in Mexico addressed concubinage in 1585, drawing links between couples living *amancebamiento* and *alcahuetes,* procurers, who were described as 'instruments of the devil'.[67] It seems the Church struggled – or refused – to tell the difference between the two, as we have seen in Chapter Two. In fact, many of the cases of procuring or prostitution prosecuted in the late

[64] *Instrucción de Gobierno a Martín Enríquez, virrey de Nueva España y presidente de la Audiencia de México,* AGI, Mexico, 1089, legajo 5, f.194V-209V.
[65] *'por que se evite tanto daño',* Ibid.
[66] *Instrucción de Gobierno a Luis de Velasco y Castilla, virrey de Nueva España y presidente de la Audiencia de México,* AGI, Mexico, 1092, legajo 12, f.204V-226V.
[67] Ferrer, *Decretos,* 414, 606-608.

sixteenth century are hard to define categorically as prostitution and instead might be better referred to as transactional sex, if not simply as non- or extra-marital relationships.

One such case is that of Martín de Vildesola, prosecuted in 1577 for *lenocinio* or procuring.[68] He was accused of arranging liaisons between his wife Juana Rodríguez and three other men, chief among them Hernando Orgas, and these meetings supposedly took place in the house he and his wife shared, often in his presence. Despite the charge, I would hesitate to define this case as prostitution. It certainly demonstrates the overlap between sexual and domestic labour, as the witnesses attest to more than just sex. One described seeing Juana Rodríguez washing the clothes of Hernando Orgas and fixing him food. Another attested that Vildesola brought Orgas home with him to eat on an evening, that all three ate together, and that Juana Rodríguez even sent Orgas food during the day. There was a clear connection, in the minds of the investigators and the witnesses, between domestic labour and sexual acts. One form of labour implied another, and both were heavily gendered. However, at no point (that we are aware of) did money change hands, and Rodríguez' liaisons were with a few specific men who appear to have been lovers as much as anything else. This case is not obviously prostitution in so far as this was not Rodríguez' chief form of income, her profession, and she was not performing sex for money so far as we know or the authorities could demonstrate. Instead, the prosecutor's application of the label *lenocinio* is more revealing of prevailing attitudes to extra-marital sex which merged prostitution with other sins. In Mexico City, where legal prostitution was a distant idea, Counter-Reformation ideas labelling all women who were sexually active outside of marriage as whores were particularly quick to take root, and led to men, not just women, facing prosecution. I also argue that prosecutors, in contrast to many modern scholars, were able and willing to see sex as labour and to link it to the domestic labour performed by concubines or lovers such as Juana Rodríguez.

This overlap between sexual and domestic labour – so clear in cases of master-servant relationships – is key to understanding *amancebamiento* and why it should be considered transactional sex. These women didn't just offer sex, they also washed clothes, cooked food, cleaned the house, and provided companionship. As we saw in the case of Melchor de Torres at the beginning of this chapter, to have a concubine was to have a wife, but without the

[68] *Contra Martin de Vildesola por lenocinio,* AGN, Bienes Nacionales, vol. 1072, exp. 15.

commitment. Indeed, many of the Mexican cohabitation cases describe the accused as '*comer y dormir juntos como si fueran marido y muger*', that is 'eating and drinking together as if they were husband and wife'.[69] Contemporary understandings of labour provided a framework which allowed prosecutors, witnesses, and cohabiting couples to conceive of sex as labour and to view concubinary relationships as transactional. This form of survival sex work appears to the modern eye as clearly distinct from prostitution but as demonstrated in earlier chapters the erosion of prostitution as a profession created an understanding of sex work as something borne of women's lust, and thus conflated prostitution with any form of illicit sexual activity.

Jaffary and Londoño's study of the application of the term *mujer pública* in eighteenth and nineteenth century Mexico amply demonstrates this shift. They illustrate how 'women who engaged in … objectionable behaviour' were assumed to be prostitutes – including 'women who challenged the principle of monogamous Catholic marriage by cohabiting with married men, those who earned their livelihoods outside of marriage' and many others.[70] They attribute this confusion in part to the domestic character of sex work in colonial Mexico, as suggested by the cases of procuring discussed above. Crucially, women were prosecuted for unacceptable sexual behaviour not because of a genuine misconception that they were engaged in prostitution, but because their actions 'threatened Catholic marriage or … notions of public order and morality'.[71] The Counter-Reformation conception of what amounted to acceptable sexual behaviour was long-lasting and had a real impact on women engaged in transactional sex, as well as on professional prostitutes. As the professional prostitute disappeared as a category, other sex workers became a homogenous group whose actions became a product of moral corruption rather than a form of labour. In Mexico City, Black and Indigenous women were already perceived as hypersexual and immoral, and thus non-European concubines, servants and enslaved women were doubly suspect. In many ways, this echoes the situation in Protestant areas of Europe where any unmarried woman was subject to suspicion of her sexual propriety. The status of these women as plebeian likely contributed to elite condemnation of their behaviour, at a time when Mexico City was being

[69] AGN, Bienes Nacionales, various.
[70] Nora E. Jaffary and Luis Londoño, 'Mujeres Públicas and women in public: Scrutinising the history of prostitution in eighteenth- and nineteenth-century Mexico' *Gender and History* (2024): 2.
[71] Ibid, 6.

refashioned to create clearer distinctions between upper and lower class, both spatially and behaviourally.[72]

The Conflation of Domestic and Sexual Labour: Servants and Enslaved Women

There were a variety of factors which could lead a woman to participating in transactional sex, but most were linked to economic precarity or social marginalisation. Women accepted concubinage because they needed the housing or material support, but usually this was necessary because they were unable to contract a marriage. For example in 1573 Marie Panon, a pregnant woman, was prosecuted for cohabitating with a sequence of priests in Dijon in return for food, lodging and money.[73] Women might lack the funds to provide a dowry or might already have lost their 'honour' by sleeping with a man outside of marriage – women who were abandoned may have found themselves seeking concubinary relationships as they were no longer deemed attractive as prospective brides. Indeed, women who had been raped were often unable to contract a marriage and sometimes found themselves in transactional relationships or indeed as public prostitutes, as did young immigrant women, who had left their families far behind to move to a new town in search of work.[74] In Mexico City, Indigenous and Black women were seen as unattractive brides for Spanish men due to the stigma surrounding *mestizaje* or racial mixing.[75] Women whose husbands had disappeared, often to the colonies, might turn to casual transactional sex as a way to provide for their family, and in some cases even women whose husbands were still present did

[72] Jacqueline Holler, 'Conquered Spaces, Colonial Skirmishes: Spatial Contestation in Sixteenth-Century Mexico City' *Radical History Review* 2007, no. 99 (2007): 107-20; Sharon Bailey Glasco, *Constructing Mexico City: Colonial Conflicts over Culture, Space and Authority* (Palgrave MacMillan, 2010): 1-5.

[73] Archives Départementales Côte d'Or, B II 360, file 50, 17-25 January 1573, as discussed in James Farr, *Authority and Sexuality in Early Modern Burgundy 1550-1730* (Oxford University Press, 1995), 133.

[74] Claude Gauvard, 'Honneur de Femme et Femme d'Honneur en France à la Fin du Moyen Age' *Francia, 28* (2002): 163; Jacques Chiffoleau**,** *Les Justices du Pape: Delinquance et Criminalité dans la Region d'Avignon au XIV Siècle* (Publication de la Sorbonne, 1984),187**;** Flandrin, 'Repression and Change', 37.

[75] This was not true, however, in the earliest years of colonialism when marriages between Spanish men and Indigenous women were common – In 1514, they accounted for 20% of all marriages in the *repartimiento* of Santo Domingo – and *mestizo* children were viewed with less contempt. This is what led to the establishment of *colegios* (colleges, more accurately translated as orphanages) for *mestizo* children who were described as 'wandering', which in fact meant they had been abandoned by their Spanish fathers. A royal decree of 1533 ordered that such children be cared for and raised under the control of Spanish authorities: at this early point of Spanish colonialism, *mestizo* children could still be integrated into Spanish society. This was no longer true by the second half of the sixteenth century. Van Deusen, 'Intimacies', 40; Bradley Benton, 'The Wandering Children of Mexico: Sixteenth-Century Colegios for Mestizos' *Ethnohistory* 69 no.4 (2022): 382; *R C que los hijos de españoles habidos en indias y andando fuera de su poder sean recogidos,* Monzón, 3 October 1533 as reproduced in Konetzke, *Collección.*

so as well. Domestic servants were pushed to accept transactional sex as a feature of their service, often unable to refuse their master and hoping for advantages if they allowed the relationship. As a 1591 investigation by the Bishop of Coria demonstrated, women in transactional relationships were, in the words of Elizabeth Rhodes, 'typically widows, jilted unwed females, servants, female converts from Islam, women whose husbands had emigrated, and others in circumstances of need who were meeting the sexual demands of … men in order to survive'.[76] Women involved in transactional sex were vulnerable, for a variety of different reasons, and chose these situations out of necessity or were forced into them.

Some of the most vulnerable groups of women were servants, enslaved women, and those who fell somewhere between the two categories. For much of history, domestic service was a normal stage in the life of young women. They worked in private households from a young age in order to earn money for a dowry and learn the domestic skills necessary for married life, and although they usually left service once married, many did not. From the high medieval and into the early modern period, there was a perception of maidservants as promiscuous and sexually precocious, an idea which inverted the truth: women in domestic service were vulnerable to the advances of their masters, masters' families, and other servants.[77] Many lacked families they could rely on to defend their honour, or were far away from home, and they frequently interacted with men in domestic settings which could easily lend themselves to sex: out of the way storerooms, secluded haylofts, and even kitchens could quickly become locations for seduction. We know that young servants were often raped or coerced by their masters and others, and the boundary between that and consensual transactional relationships is blurry at best. Some women did enter relationships with their masters or their masters' family members willingly, whether out of genuine desire or because they saw it as potentially beneficial. As Nancy Van Deusen has argued for a Spanish colonial context, many servants felt it was better to be on good terms with their master by acquiescing to his desires, and possibly benefitting monetarily or through gifts.[78] This

[76] Elizabeth Rhodes, 'Indecent Theology: Sex and Female Heresy in Counter-Reformation Spain' *Renaissance Quarterly* 72 (2020): 868.
[77] As far back as the 12th century, for example, writers such as Humbert de Romans, Jacques de Vitry and Gilbert of Tournai had preached on 'vile' maidservants, blaming them for sins committed by respectable men and for their role in turning men away from their wives. Sharon Farmer, "'It Is Not Good That [Wo]Man Should be Alone': Elite Responses to Single Women in High Medieval Paris" in *Single Women in the European Past 1250-1800* eds. Judith M. Bennett and Amy M. Froide (University of Pennsylvania Press, 2011), 89.
[78] Van Deusen, 'Intimacies', 21.

chapter focuses primarily on those instances that can more easily be labelled consensual, but we must remember that in the case of servants – even more so in the case of enslaved people – 'although relationships may have been consensual, slave owners [and masters of domestic servants more generally] had the capacity to determine the boundaries of that consent'.[79] Transactional relationships often began at the urging (or worse) of a master, and there was a contemporary understanding that even the most mutual of partnerships often required some level of force or insistence on the part of the man to overcome a woman's natural resistance to intercourse.[80] Examining master-servant relationships and the performance of sexual labour requires a consistent understanding of the role of coercion or exploitation.

Eugene Lacarra Lanz has analysed the case of Sancha de Bolea, who entered domestic service in Zaragoza in 1460 and whose service contract is extremely telling.[81] Many such contracts stipulated that the servant would only follow the master's commands so long as they remained 'licit and honest', a clear attempt to protect the integrity of young maidservants, and some even listed places that girls could not be commanded to go, such as a 1422 example which listed work at mills or rivers as beyond the boundaries of acceptable service.[82] This was probably a sensible provision, as there is evidence that men viewed servants as easy targets especially when they visited insalubrious areas. In 1552 the city council of Lyon agreed to close an area of the city walls at Saint-Just because it was a common haunt for *paillards*.[83] The request recounts how 'some [of these men] have even attempted to force [rape] several poor chambermaids who came to the vineyards around the aforementioned walls for the service of their masters' – servant girls were wise to avoid such locations, and to insert the clause into their contracts.[84] In contrast, Sancha's contract is explicit in its inclusion of sexual labour alongside the domestic labour she expected to perform. She pledged her service to her master for two years, in return for two hundred *sueldos,* and her contract includes the fairly standard phrasing 'take me into your house as your

[79] Van Deusen, 'Intimacies', 16.
[80] Julie Hardwick, *Sex in an Old Regime City: Young Workers and Intimacy in France, 1660–1789* (Oxford University Press, 2020), 44.
[81] Lacarra Lanz, 'Changing Boundaries', 252.
[82] Ibid, 254.
[83] Natalie Zemon Davis summarised the term *paillard* as 'a rascally sex partner': it comes from *paille* for straw – *paillardise* is rolling around in the hay, but the feminine form often implies connotations of prostitution. AML, BB74 1552-1553; Natalie Zemon Davis, *Fiction in the Archives* (Polity Press, 1987), 2; Lipscomb, *Voices*, 215.
[84] *'mesmes aulcuns auroient voullu forcer plusieurs paouvres filles chambrières allans et venans es vignes circonvoysines des dicts murs pour le service de leurs maistres'*

housekeeper or servant', but then goes on to say 'to stay with you and sleep with you, and to do with my body as you wish'.[85] This is far from the norm for this kind of contract, and is in fact more reminiscent of the concubinary contracts that were used to regularise extra-marital relationships, or in fact of the bills of sale for enslaved people which included the phrase allowing the buyer 'to dispose of her [an enslaved woman] as your thing'.[86] While Sancha's case is rather unusual, the fact that domestic service contracts almost always included a provision to follow only 'licit and honest' commands suggests that many masters issued commands that were distinctly illicit, an assumption supported by the number of cases across Europe in which young women fled domestic service as a result of their master's advances, or sued their masters upon falling pregnant, or even brought cases of assault or rape.[87] For Sancha, who had been seduced and abandoned, domestic service offered an alternative to the very public dishonour of the *mancebía,* and she was willing to perform sexual services for her master in order to remain outside the brothel – after all, it was surely better to enter a sexual relationship with one man than to become a public woman, common to all.[88] She had already lost her virginity, her honour, and this was the best solution she could find for her predicament. Today, we would almost certainly label this survival sex work.[89]

We can further see this conflation of domestic and sexual service in the fact that *bagassa* (*bagasse* in French) was a commonly used word for a whore, but had origins in the term for a servant, and the word *manceba* could be used almost interchangeably to mean a servant or to describe a concubine.[90] In many cases, even contemporaries struggled to differentiate between the two, prompting Alfonso Fernández de Rojas, a scribe in Ecija, to obtain a license in 1492

[85] '*que vos plaziesse thomarme en vuestra cassa, por cassera o sirvienta, a star e dormir con vos, e a fazer de mi cuerpo a toda vuestra guise con vos'*

[86] *'puede hacer de ella como cosa vuestra',* Aurelia Martin-Casares, 'Women's Bodies and Slavery in 16th century Spain: The Sale of Juana, a Sick Slave' *l'Homme* vol. 23, issue 2 (2012): 110.

[87] Tim Reinke-Williams, *Women, Work and Sociability in Early Modern London* (Basingstoke, 2014), 77; Lipscomb, *Voices,* 259.

[88] Lacarra Lanz, 'Changing Boundaries', 252.

[89] As Pluskota argues, payments in kind – that is, non-monetary transactional sex – are more common in conditions of survival sex. Marion Pluskota, "We use our bodies to work hard, so we need to get legitimate workers' rights: Labour relations in prostitution 1600-2010" in *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s* eds. Elise Van Nederveen Meerkerk, Lex Heerma van Voss, and Magaly Rodríguez García (Brill, 2017), 655.

[90] María del Carmen García Herrero, "Criadas y sirvientas a finales de la Edad Media aragonese" in *Que Implica ser medievalista? Practicas y reflexiones en torno al oficio del historiador?* eds. Andrea V Neyra and Gerardo Rodríguez (Sociedad Argentina de Estudios Medievales, 2012), 259.

enabling him 'to have taken a servant – and not a concubine', and demanding that the *corregidor* did not intercede.[91] Similarly, in 1493 Pedro Martínez Cañavero went before the *asistente* of Seville to request that he be allowed 'to have a woman, who was not a concubine, in order to serve him due to his age and his being unwell'.[92] In both cases, the men protested that their wives had left them some time before, and that they needed these women for domestic service. These documents make it clear that the service usually performed by wives was deemed necessary in the household and could be taken over by servants if necessary. Although both these men argue otherwise, it seems likely that in some cases – and perhaps in these two – the duties undertaken by servants also included the sexual labour a wife was usually expected to perform. Servants became concubines, some to the men they worked for and some to other men after being seduced by their master or someone else in his household. Maidservants were vulnerable to the 'incentives, persuasions, and promises' of their employers, or other more powerful men, and while some of these seductions led only to a single incidence of sex, many evolved into longer term transactional relationships in which women traded – or were coerced into trading – sexual acts for compensation, gifts, or the roof over their head.[93] This type of transactional relationship involves an inherent power imbalance, one which made maidservants vulnerable, but this was even more stark in the case of Black and Indigenous servants in the households of Spanish men.

Before the New Laws of 1542, Indigenous women were regularly enslaved.[94] They often found themselves serving in Spanish households, tied to the men and women they served for life, or at least until they were sold on. They were frequently labelled *su india* or *su moza* ('his' *india,* or 'his' girl), a term which clearly denoted their status as the possessions of Spanish men, but which also begins to evoke the often-sexual nature of these relationships – as Nancy Van Deusen has suggested, this 'was a term of both reproductive and productive possession'.[95] Much like the term

[91] *'por haber tomado una sirvienta – y no una manceba'* RGS, Legajo 149205, 501 (1492).
[92] '*tener una mujer, que no sea manceba, para que le sirva, por ser anciano y estar enfermo';* RGS, Legajo 149303, 175 (1493).
[93] Lipscomb, *The Voices of Nîmes,* 259.
[94] The New Laws made it illegal to hold an Indigenous person in slavery unless they were a member of a warring nation, and so most Indigenous people were no longer enslaved – but many were still in 'lifelong service', often with their former masters, and there were countless examples of Indigenous people whose masters failed to comply with the new legislation. *Real Provision, las leyes nuevas,* Barcelona, 20 November 1542. Nancy E. van Deusen, *Global Indios: The Indigenous Struggle for Justice in Sixteenth Century Spain* (Duke University Press, 2015), 3-9.
[95] Van Deusen, 'Intimacies', 16.

manceba, this was a label that obscured the boundaries between domestic and sexual labour. Although the term was outdated by the 1550s, by which time Indigenous slavery was outlawed except as punishment for a crime, it was replaced by *criada* which, again, meant servant but could also be used to suggest a sexual relationship.[96]

Much like their European counterparts in Lyon and Seville, Indigenous servants in Mexico City were vulnerable to the advances of their masters and other men in the household, and the vast numbers of mixed-race children born in the early years of New Spain evidence this. There are numerous examples of Indigenous women bearing the children of their Spanish masters or living in what Nicole von Germeten calls 'long-term compensated sexual relationships'.[97] In their wills or other legal documents, Indigenous women called these men *mi señor* (my lord) or *mi amo* (my master), even when they were discussing a sexual relationship with their master, and the children borne from it – they saw themselves as servants or slaves, and considered the sexual relationship another aspect of that service.[98] In many cases, they assumed a comparable position to that of *menagères,* housekeepers, in French colonial settings such as Saint Domingue. There has been considerable study of the women who assumed this position in early modern Saint Domingue: they were usually free Black or mixed-race women but might be enslaved and were understood to be both housekeeper and concubine.[99] In a context where men were single 'either *de facto* or in actual truth', they relied upon women of colour for domestic, sexual, and reproductive labour.[100]

Like the revealing documents left by women in these relationships, the way in which men talked about these women in their wills is telling. It was not uncommon for men to use their will to acknowledge extra-marital relationships, and particularly the resulting offspring, in such a way as to ensure provision for their partners or children. They might have provided materially for the women and children during their lifetime, but not acknowledged them, so as to avoid the dishonour of illegitimacy – this was less of a consideration in a document which was only to be publicised upon the author's death. These acknowledgements frequently include relationships

[96] Ibid, 23.
[97] Von Germeten, *Profit,* 13.
[98] Van Deusen, 'Intimacies' 22.
[99] David Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (Palgrave Macmillan, 2006), 57.
[100] Dominique Rogers and Stewart King, "Housekeepers, Merchants, Rentières: Free Women of Color in the Port Cities of Colonial Saint-Domingue, 1750-1790" in *Women in Port: Gendering Communities, Economies and Social Networks in Atlantic Port Cities, 1500-1800* eds. Douglas Catterall and Jodi Campbell (Brill, 2012), 361.

with servants or even enslaved women, and some men went so far as to free enslaved women with whom they had been in a sexual relationship, or to stipulate conditions for the care of servants – again, comparisons may be drawn here with French colonial possessions such as Saint Domingue, or with later instances in the Southern United States or Caribbean islands.[101] Some of these wills do not provide enough information for us to assume a transactional relationship, or explicitly contradict it, but others offer details that signal the relationship was transactional in nature. These are not necessarily unaffectionate, and men often combine warm sentiments for women who have shared their bed and raised their children with bequests clearly intended to act as recompense for services provided.

In Mexico City and the Spanish Americas more broadly, these wills frequently use the word *cargo,* as we have already seen in the case of Francisco Ximénez, which literally means 'that which a person carries or bears', but also suggests charge in the sense of someone's responsibility. It was used in these documents to refer to the labour of women – sex, domestic service, childbearing and raising. Men like Ximénez also described the *servicios* of the women in question, which in some cases was an oblique reference to sexual labour obscured by the ostensible master-servant relationship, but in others is more explicit. In Ximénez' case there was no master-servant relationship to hide the meaning of his words. Phrases such as 'for the good service she has done me' appeared time and again alongside provisions that are too significant to be for simple domestic service – sometimes two hundred gold *pesos*, sometimes five hundred silver *pesos*, sometimes 'total freedom from all captivity and service'. Even in Europe, we can find evidence of similar provisions. In Nîmes in 1589 Pierre Joly, also known as Captain Ducros, made a will that bequeathed his chambermaid Marguerite Fortin what Susanna Lipscomb describes as 'an unusually large legacy of sixteen *écus*'.[102] Joly stated that this was for 'good services' to him during his illness. It was not uncommon that during a master's illness a servant would sleep in his room to better care for him – a situation which handily provided a secluded location and reasonable pretext for a sexual relationship. Indeed, in 1588, Ducros was accused of impregnating his maid, referred to in the case only as 'daughter of Fortin'.[103] It is not hard to piece these clues together: Ducros was sleeping with Fortin, and she had borne him a daughter. In his will, he had

[101] Garrigus, *Before Haiti,* 56.
[102] Archives Notariales, 2 E 1/277, 11 Nov 1589, as referenced in Lipscomb, *Voices,* 250.
[103] Archives Départementales du Gard, 42 J 29, 11, 13 Apr 1588, as referenced in Lipscomb, *Voices,* 250.

acknowledged – albeit implicitly – the 'services' she had provided for him and ensured she would receive payment for them. The use of such words indicates the perception of the men involved that these relationships were transactional: something was given, or a service provided, and a payment was owed in return. Of course, the language of wills and other documents was deliberately chosen to occlude the reality of situations like these.

In cases where the women in question were servants as well as sexual partners, there is no distinction drawn between work they did for the household and the sexual services they performed, suggesting that both were perceived as labour to those involved. For servants and enslaved women, this labour was often taken by force or coercion: in the words of Renato Barahona, servants were 'frequently victimised sexually by males of higher socioeconomic rank and standing'.[104] Masters had enormous amounts of power over the women in their households, and there was little these women could do to resist. We should not discount the idea that some servants or enslaved women did consent to the relationship with their master, as there are examples where truly affective relationships did seem to exist alongside transactional sex, or instead of it. It is not hard to see why a woman might consent to a relationship with her master, hoping to win his favour and perhaps be granted her freedom, or greater rewards for her compliance. This could and did happen. However, in the vast majority of cases, the women in question had few other options but to acquiesce, whatever their personal feelings. Servants and enslaved women were vulnerable and were perhaps even more likely to be targeted in the absence of legalised prostitution.

One of the arguments for the existence of legalised prostitution was that it helped prevent the rape of honourable women by providing an outlet for men's 'need' (desire) for sex. For those who subscribed to this view, the lack of legal sex workers may have been enough to justify their predation on the women in their household. While men could – and did – turn to extralegal sex workers, some men instead chose to place their demands for sex on the women they employed or enslaved, viewing sex as an extension of the domestic labour carried out by these women. There were likely to be fewer consequences for coercing, seducing or forcing one's servant into bed than

[104] Renato Barahona, *Sex Crimes, Honour and the Law in Early Modern Spain: Vizcaya, 1528-1735* (University of Toronto Press, 2003), 59.

most other women, since servants had a reputation for being promiscuous and sexually precocious.[105] Men repeatedly justified sexual relationships with their servants by attesting that they had been the ones who fell prey to seduction, at the hands of a woman with prior sexual experience.[106] Servants or enslaved women were naturally less likely to report unwanted advances for fear of dismissal or disbelief, even from the wife of their master. Janine Garrison Estèbe's study of the Midi under Protestant control in the sixteenth century touches upon the impact of banning legal prostitution and expelling any woman suspected of illicit prostitution when she describes how men coerced their servants into performing sexual labour instead.[107] She found at least twenty-four cases of chambermaids who were unable to resist their master's advances: in Bedarieux, Saint-Gervais, Cardaillac, Saint-André de Lodève, Issigeac, Mas-Grenier, and Codognan.[108] In Montauban alone, Garrison Estèbe lists nine cases in a two year period of prominent men accused of seducing their servants.[109] When we consider all the cases that were likely not reported, it seems apparent that men were replacing sex workers – legal and extralegal – with their readily accessible servants, who they viewed as promiscuous and thus sexually available.

As posited in Chapter One, the vulnerability of servants and enslaved women is undoubtedly one of the chief reasons that helps explain why Mexico City never had a legal brothel. In Lyon, after the closure of the bathhouses and the legal brothel men undoubtedly exploited their servants for sexual labour. Even in Seville, with its long-lasting legal brothel district, servants were vulnerable to exploitation at the hands of their masters or others in the household. Cristóbal Chaves' account of the prison of Seville, written around 1585, describes the fate of Ana, a servant who was seduced by her master's son using promises of marriage, and subsequently forced into prostitution.[110] While Ana's case is extreme (and will be addressed in more depth in Chapter Four as a form of unfree sexual labour), servants and enslaved women were vulnerable, and a sexual relationship could often be the precursor to entry into sex work. Women who left their master's

[105] Simone Laqua-O'Donnell, 'Sex, Honour and Morality: about the Precarious Situation of Servant Girls in Post-Tridentine Münster' *Mélanges de l'Ecole Française de Rome: Italie et Méditerrannée* 128-2 (2016): 1; Ruth Pike, 'Crime and Criminals in Sixteenth-Century Seville' *The Sixteenth Century Journa*l 6, no. 1 (1975): 9.
[106] Ibid, 11.
[107] Janine Garrison Estèbe, *Protestants du Midi 1559-1598* (Privat, 1980), 298.
[108] Ibid, 299.
[109] Ibid – Consistory of Montauban, 12th July, 19th July, 1595; 13th Sept 1595; 18th October 1595; 20th December 1595; 29th December 1595; 13th March 1596; 10th July 1596; 6th February 1597.
[110] Cristóbal Chaves, *Relación de la Cárcel de Sevilla* (Clásicos el Arbol, 1983), 54.

households as a result of seduction or their refusal to remain quiet about it often found few alternatives but to undertake sex work – Sancha de Bolea's case, discussed above, is a rare example where domestic service actually provided an opportunity to avoid prostitution. In her case, transactional sex and domestic service with her master was preferable to life in the public brothel, a calculation likely made by other women who chose to acquiesce to their master's advances rather than face the uncertainty of the streets.

Priestly Concubinage as Transactional Sexual Labour

While servants were frequently involved in transactional relationships with lay men, they were also commonly participants in clerical concubinage. This was an accepted practice throughout late medieval Europe and indeed well into the early modern period. Even in the sixteenth century, the Council of Trent debated the matter at length, only deciding to condemn it in their final session, after the intervention of the Pope himself.[111] This did not put an end to the practice, and in 1652 the Bishop of Autun was able to report that 'concubinage here is extremely common … Parishioners are so accustomed to these practices that when interrogated … they see no evil, being so used to seeing their priests live with women that they assume it is acceptable'.[112] For centuries, clerical concubinage was accepted by the community, despite occasional campaigns against it by church authorities, and although forbidden by canon law it was not prohibited by secular legal codes in Spain until 1250 when Alfonso X included prohibitions against it in his Siete Partidas.[113] In some areas, as many as two thirds of the clergy were in concubinary unions in the sixteenth century, and one report to the Council of Trent suggested that ninety six percent of Bavarian priests had concubines or even clandestine wives. [114] These relationships were only usually condemned if they ran afoul of certain community standards: like any other concubinary relationship, clerical concubinage was expected to remain monogamous – a priest should have one concubine, who must be unmarried, and he should provide for any children that resulted from the relationship. As long as these criteria were fulfilled, communities generally understood

[111] Wiesner-Hanks, *Christianity and Sexuality,* 123.
[112] From a 1652 visitation report translated and quoted in Andrew Barnes, "The Social Transformation of the French Parish Clergy," in *Culture and Identity in Early Modern Europe (1500–1800), Essays in Honor of Natalie Zemon Davis* eds. Barbara B. Diefendorf and Carla Hesse (University of Michigan Press, 1993), 142.
[113] Lacarra Lanz, 'Changing Boundaries', 257; Michelle Armstrong-Partida, 'Priestly Marriage: The Tradition of Clerical Concubinage in the Spanish Church' *Viator* 40, no.2 (2009): 235.
[114] Wiesner-Hanks, *Christianity and Sexuality,* 133.

clerical concubinage as something not worth noting, and in fact they seemed to appreciate why a priest might want a concubine.[115]

Priests' concubines usually performed a range of services which included domestic and sexual labour, and in some cases, they supported priests financially.[116] There were of course relationships between women and priests that we would describe as affective, motivated by desire and love rather than a transactional arrangement, but there are also clear indications that many of these relationships were, and were seen as, transactional. Indeed, the word most commonly used to describe the repudiation of a concubine in German was *dimittiren* which has clear connotations of dismissal from employment – as Simone Laqua-O'Donnell has observed, 'the term suggests concubinage was viewed as a kind of work: a concubine was a woman who performed certain services in the clerical household and the clerical bed and in turn received remuneration in kind: free food and lodging from her master'.[117] Many concubines began as servants or housekeepers in the priest's household and on paper remained as such while also engaging in a sexual relationship with their master. I argue that this is a clear indication of the transactional nature of that sexual relationship – it was another form of labour which women undertook, and they expected to be rewarded for it, receiving material compensation but also in many cases a certain level of security and provision for their children, increased social standing by association with a priest, and even the support of the priest's family should they be sent away. As Laqua-O'Donnell has shown, priests' concubines understood themselves as having traded their honour, and their labour, and demanded recompense for that labour, something they felt could be 'counted in coins'.[118] Much like servants of lay men, clerical servants often entered transactional relationships that conflated domestic and sexual labour.

What James Farr has called the 'increasingly rigorous morality of the Catholic reformation', especially with regard to sexuality, signalled a change in perceptions of concubinage, both clerical

[115] For an extended analysis of clerical concubinage that takes seriously the role of the concubine as companion, and the role of cleric as head of household, see Roisin Cossar, *Clerical Households in Late Medieval Italy* (Harvard University Press, 2017).
[116] Simone Laqua-O'Donnell, *Women and the Counter-Reformation in Early Modern Münster* (Oxford University Press, 2014), 161.
[117] Ibid, 140.
[118] Ibid, 164.

and lay.[119] While the lustful priest had become something of a cliché across much of Europe well before the Reformation, it was not until the mid-sixteenth century that the Catholic Church really began to crack down on clerical concubinage, and even then, the enforcement of regulations was variable and ineffective. Much like the condemnation of *amancebamiento,* clerical concubinage was technically forbidden and increasingly frowned upon by society, but authorities lacked the will or the means to consistently enforce prohibitions. This shift in attitudes and responses to clerical and lay concubinage is inextricably linked to the end of legal prostitution and the concurrent devaluation of sexual labour, alongside women's labour more generally. Examining how clerical and lay concubinage were viewed and treated in the sixteenth century allows us to examine how this shift in attitude affected the practice of transactional sex as survival sex work, and the overlap between domestic and sexual labour.

While the Council of Trent officially condemned clerical concubinage and theoretically brought an end to centuries of tolerance, the reality was quite different. There were efforts to curb clerical concubinage, but just how seriously they were pursued depended entirely on the bishop or official in charge as many senior clergy were themselves involved in concubinary relationships, although their partners were likely to be of a higher social standing than the average priest's partner.[120] Where before we can speak of 'clerical marriages', by the sixteenth century it was much more common to find clerics in less visible relationships, or fulfilling their sexual demands through other means. Additionally, many clerics 'recast their potentially illicit relationships as legitimate' in the records they left, finding ways to present their concubinary relationships, including those with domestic servants, that obscured them from both reformers and historians, without actually relinquishing their relationships.[121]

As alluded to in Chapter One, members of the clergy frequented legal brothels on a regular basis – despite prohibitions on doing exactly that. They might also turn to their flock, a tendency which resulted in numerous charges for soliciting or *alumbradismo,* which became an umbrella term for clerical misbehaviour in Spanish courts.[122] Behind this label hide many archival records of priestly

[119] Farr, *Authority,* 137.
[120] Celeste McNamara, 'Priests Behaving Badly: The Problem of Scandal in the Early Modern Catholic Church' *Journal of Modern History* vol.96 no.1 (2024): 50; Armstrong-Partida, 'Priestly Marriage', 236.
[121] Cossar, *Clerical Households*, 8.
[122] Rhodes, 'Indecent Theology', 872.

sins including sexual impropriety such as sodomy, concubinage, and behaviours that we would now consider assault. In most cases, clerical misbehaviour was dealt with in ecclesiastical courts, which were ineffective and varied drastically in their attempts to enforce the propriety of the clergy. However, in Spain from 1560 the Inquisition was handed jurisdiction over soliciting from the ecclesiastical courts, which heralded more reliable (but still lenient) punishment for clerics.[123] In some cases of clerical misbehaviour such as sodomy, repeat offenders were handed over to inquisitors when their behaviour had become incorrigible or was public knowledge, so as to preserve the reputation of the Church in the area.

In both Spain and Mexico, the Inquisition was the main institution which punished clerical misbehaviour with any regularity, but in France secular authorities repeatedly asserted their right to prosecute errant priests.[124] They waged a long battle with the Church, one which reflected popular perception in the late medieval period of priests as worldly, lustful and corrupt, and only intensified as the Counter-Reformation saw the Church attempt to deal with these problems in-house. In Lyon, the archbishopric assumed chief responsibility for errant clergy in the absence of an Inquisition. This court prosecuted several instances of 'suspect' women found on Church property or in the homes of priests. These cases are hard to categorise as clerical concubinage because we do not necessarily know if they were long-term relationships; however one in particular appears likely to be concubinage: the 1534 case of Maudine and Jeanne Ballanière, mother and daughter.[125] The pair were brought before the archbishopric court on 29th June, and banished from the cloister of the Church of Lyon for a year. The case is only partially preserved, but the fact that the pair were mother and daughter could suggest a long-term relationship between Maudine, the mother, and a priest within the cloister, which had produced Jeanne, the daughter. The pair were banished on pain of lashes and were forbidden from entering or residing in the cloister, or from conversing with those inside. This suggests there was a desire to break up an existing relationship.

[123] Stephen Haliczer, *Sexuality in the Confessional: A Sacrament Profaned* (Oxford University Press, 2023), 42-62.
[124] Two such cases appear in the records of Lyon, one of which has been written on by Natalie Zemon Davis and one which I will discuss in Chapter Four. Natalia Zemon Davis, "Scandale à l'Hôtel-Dieu de Lyon" in *La France d'Ancien Régime: études réunies en l'honneur de Pierre Goubert* eds. A. Croix, J. Jacquart, F. Lebrun (Editions Privat, 1984), 175-187.
[125] ADR, 10G 610 no. 2.

Another case is recorded in September 1523, against Jean Gros, a priest in receipt of a benefice from the Church, 'accused of having kept a suspect woman' on church property.[126] This case is slightly unusual as it is the only surviving case of Lyon's ecclesiastical court prosecuting a priest, rather than the 'suspect woman' he was consorting with. However, closer examination makes clear why Gros was arrested: he was being prosecuted for multiple offences, some of them particularly serious. In late 1523, he was stripped of his habit for a period of three months because of his association with a 'suspect' woman named Perrenette.[127] In early 1524, he was prosecuted for being 'disreputable, in low esteem, and of ill renown' after having disobeyed the previous ruling and continued to see Perrenette. He also faced charges for larceny, having beaten another priest named Jean 'Mornant' Tixier, and most seriously, he was suspected of the murder of Perrenette's father.[128] Interestingly, Gros appears in another case relevant to this study, as the friend and potential co-conspirator of Pierre Boucher (sometimes labelled Carnificis, a Latin translation of his surname), whose case will be discussed in Chapter Four. During the trial against Pierre Boucher in 1518, Gros' house was searched for any of Boucher's property that he might have hidden, in an attempt to avoid its confiscation. By the time he himself was prosecuted five years later, Gros clearly had a reputation for acting violently and beyond what was acceptable for a priest. He was sentenced to prison for a month, a verdict which his lawyer immediately appealed to the Parlement of Paris, and the case continued for several months.

The details which evidence transactional sex appear in the original trial, for consorting with a 'suspect woman', in which Gros suggests that Perrenette, now around twenty-two years old, first became known to him when he married her to a winegrower. After her husband died of the plague, she 'was in his [Gros'] house several times to serve his mother and they moved in together … about a year ago'.[129] Gros denied any impropriety between himself and Perrenette, claiming he was physically unable to have intercourse because of syphilis. The fact that he had syphilis is a clear indication of past indiscretions and only further supports the idea that he had a reputation for dissolution. It is notable, however, that at no point in the case it is suggested - even by his accusers - that he contracted syphilis from Perrenette, whose status as a supposed 'suspect

[126] *'accusé d'avoir entretenu une femme suspecte';* ADR, 10G 643, no. 5.
[127] Ibid, f.1.
[128] Ibid, f.12.
[129] '*elle a esté plusieurs foys chez luy pour servir sa mère et demouroient ensemble et dit qu'elle a demouré avec sa mère environ un an'* Ibid, f.3.

woman' would lend itself to this idea. After Gros' mother died of the plague, he rented a house in the Saint Sebastien area to Perrenette but denied ever living there with her. Instead, he stated that he had married her to another winegrower and bestowed a dowry of thirty *livres* upon her. This dowry is particularly intriguing as there is every possibility that it was a payment of sorts for her sexual services and her work caring for his mother, but it could also have been intended to assist Perrenette and her new husband with the cost of caring for a child. Gros admitted that Perrenette had a child, but denied that it was his, and even stated that he was not the godfather and had not baptised the child. His continued assertion that she was only a servant to him seems increasingly unlikely given what happened next: Perrenette's second husband died, and she returned to Gros' house. He stated that she 'slept there sometimes and returned several times with him, until she went to harvest and that he had never kept company with her since'.[130]

It seems that Perrenette repeatedly sought out Gros, or vice versa, and that she was able to rely on him for a place to live and occasional financial help. In return, she cared for his mother until her death and took care of domestic labour in the household, and almost certainly slept with him as well. Gros claimed he had not known she was 'of wicked living' and that 'if he had known … he would not have maintained her'.[131] The use of the verb *entretenir* is striking here, with its connotations of maintenance but also of possession. Gros maintained and cared for Perrenette, but the word could also be used to suggest 'keeping' a woman, reimbursing a prostitute for her services by paying her expenses – in short, keeping a concubine, as in *femme entretenue* listed in Appendix 2.[132] Gros minimised their association: when asked if she lived respectably, he responded only 'that she was good enough to be doing his cleaning'.[133] He tried to play down their relationship, but the court did not believe it: Perrenette performed a variety of labour for him and there was clearly a longstanding connection between the two. In contrast, several other cases lack the hallmarks of concubinary relationships but are almost certainly transactional and are perhaps examples of priests engaging in extralegal prostitution.

[130] '*après la mort de son mary, elle se retira point chez luy; dict que ouy, et y couchout à quanteffoys et s'est retiree plusieurs foys avec luy, justques à ce que dernièrement elle s'en est allée à vendanges et que jamais il n'eut compagnie avec elle'* Ibid, f.5.
[131] *'dit que, s'il savoit qu'elle fust de malle vie, il ne la entretiendroit pas'* Ibid, f.5.
[132] 'Entretenir' in *Thresor de la langue francoyse tant ancienne que modern* vol. 1 (1606), https://artflsrv04.uchicago.edu/philologic4.7/publicdicos/bibliography?head=entretenir.
[133] *'dict qu'il s'en sert pour fair son mesnage'* Ibid, f.5.

Priests' involvement in transactional sex was still proving to be a problem at the end of the sixteenth century, as shown by the cases of Catherine Dubois, Claudine de Bourbon, and Jeanne Valencien. In December 1598 Catherine Dubois and Claudine de Bourbon were prosecuted together after having been found hidden in the rooms of priests Bartholomew Marquis and Jacques Guay respectively, 'at a suspect hour'.[134] This was a clear indication of sexual misconduct – the prosecutor could find no other plausible explanation for what the women were doing in the private rooms of the priests at night, alone, or why they had hidden from the court's sergeants. Both houses were near the church of Saint-Pierre le Vieux, in the jurisdiction of the church court – if they had been found in secular jurisdiction, it is highly unlikely the women would have been prosecuted. They were 'condemned to be banished … from the jurisdiction of the Cloister for the time and term of three years, and to this end will be taken by the sergeants … in the presence of the prosecutor and court clerk … to the limits of [the jurisdiction]'.[135] If they returned during the three years, they were to be whipped. We do not know if Dubois and de Bourbon knew each other, or were competitors, but it seems probable that they were either priestly concubines, or perhaps more likely given the lack of sustained interactions, that they were both sex workers. The location where they were arrested was near to the Cathedral, but most interestingly was also close to the Rue de la Vieille Monnaie, the last known site of the legal brothel in 1551. Although this brothel likely closed shortly afterwards, and certainly decades before this 1598 case, the location suggests that perhaps the sites of prostitution in the city had not changed over the intervening years.

The most telling case of priestly involvement in transactional sex is that of Jeanne Valencien, who was brought before the court on 31st October 1605.[136] The same judge, Antoine Philly, presided over both her case and that of Dubois and de Bourbon seven years earlier – in this case, we have a more thorough set of documents and thus can glean a little more information about Valencien. She proclaimed herself to be around twenty years old, the daughter of Antoine Valencien, spur maker, and of Claudine Quemet, both of whom she claimed had died twelve years earlier. She offered Rue de Flandres in Lyon as her former family home, a street on the banks of the Saône. As

[134] *'avoir esté tenue cachée à heure suspecte'*; ADR, 10G 610, no.4
[135] *'nous condempnons à estre bannyes et lesquelles nous banissons de la jurisdiction du Cloistre pour le temps et terme de trois ans et à ces fins seront conduits par les sergens de ladicte jurisdiction en presence du procureur et greffier desdicts seigneurs jusques aux limittes d'icelles';* Ibid.
[136] ADR, 10G 610, no.5

an orphan, she perfectly fits the pattern of vulnerable girls who fell into prostitution or transactional sex. She had been found in the house of Pierre le Grine, church clerk, at dinner time, and the men who found her there 'were of the opinion that the respondent was in the house to do some wickedness'.[137] The prosecutor asked her plainly if she had been there to prostitute herself to le Grine, which she denied, claiming that le Grine had called to her as she passed to come and get his collars so that she could whiten them. She protested that he had lit the fire, and offered her a glass of wine, perhaps trying to suggest that he had been seducing her. We do not know if she was telling the truth: it is possible that she took in extra work as a laundress, and that she had gone to le Grine's home only to be seduced by him, but some women who earned money by doing laundry and sewing also performed occasional sex work. The prosecutor was convinced Valencien was there for illicit purposes, for a crucial reason – she was unmarried, and around three months pregnant.[138] She named the father only as Jean, claiming 'he has left the country, and she does not know his name', while firmly stating that le Grine had not 'had carnal knowledge of her'.[139] The prosecutor found this preposterous, and remonstrated 'that she did not speak the truth and that she is a whore and public, and she was in the house of the aforementioned le Grine to prostitute herself to him and others who were with him'.[140] In the end, despite her denials, Valencien was banished from the jurisdiction on 'pain of exemplary punishment' for an unspecified length of time – possibly forever.[141]

We cannot know if Valencien was visiting le Grine for the first time or the hundredth, or whether the child she carried was in fact le Grine's. She was almost certainly engaged in transactional sex, as the case closely mirrors so many others of its ilk with her repeated denials: she may well have been a laundress as well as a sex worker, and she may well have been carrying another man's child instead of le Grine's, but she was most likely in his house as a sex worker or a concubine. Into the seventeenth century, the ecclesiastical court of Lyon was still prosecuting women for

[137] *'ayant opinion que ladite respondante feust en ladite maison pour faire quelque mal';* Ibid.
[138] She claimed to have been pregnant 'since the grapes had begun to darken'; *'depuis que les raisins commencèrent à noircir'.* The ripening of the grapes, *veraison,* happens around July to August, thus putting her pregnancy at roughly three months – a very inexact estimate, but perhaps as good as Jeanne herself could make.
[139] *'a dict qu'elle est enceinte des oeuvres d'ung nommé Jehan, lequel s'en est allé par le pais, et ne sçait son surnom'; 'sy ladict La Grine n'au heu sa cognoissance charnelle. A dict que non';* Ibid.
[140] *'qu'elle ne dict la verité et qu'elle es tune coureuse et publique, et qu'elle estoit en la maison dudict La Grive pour se prostituer à luy et aux autres qui estoient avec luy';* Ibid.
[141] *'à peyne de punytion exemplaire';* Ibid.

sexual involvement – likely of a transactional nature – with priests. Interestingly, Valencien was prosecuted for *libertinage,* not for prostitution, despite explicit use of the verb *se prostituer* in her trial. By the seventeenth century, words like *libertinage* had begun to replace charges of *lubricité* or *vie scandaleuse.*[142] Both of the latter could be used to denote concubinage (both lay and clerical) or occasional prostitution in the absence of a procurer – but only when it had become scandalous and publicly known. By the seventeenth century *libertinage* was being used instead and was more likely to include prosecutions of clerical concubines, which further suggests the fading distinctions between prostitution and other forms of non-marital sex.

In Seville, prosecutions of priests for sexual misdeeds were usually confined to those whose conduct had grown so scandalous as to pose a reputational threat to the Church. These incorrigible priests were given up to the Inquisition, rather than being given milder punishments through archbishopric courts – as in the case of Juan González of the Order of the Holy Trinity in Seville, who in 1595 'was degraded in the tabernacle of the main church for the sin of homosexuality and handed over to the secular arm' for punishment.[143] Even in the Inquisition, the punishments given to priests were generally mild, and remained secret: reclusion to a monastery, or being forbidden from administering the sacraments for a given period of time. The Inquisition prosecuted errant priests to control and discipline the clergy, but it also tried to protect the reputation of the Church and its priests by doing so in secret. It was rare, although not unheard of, to see a priest punished severely and they were rarely executed even for repeated instances of sodomy. Most priests were punished far less harshly, if at all. Pedro de León spoke scathingly of how, in Granada, the Church delayed arresting a sub cantor who subsequently disappeared, claiming he was 'given … chance to make an escape' and thus faced no punishment.[144] However, any punishment for errant priests was significant and represented stricter expectations of clerical behaviour due to Counter-Reformation attitudes.

One such case was that of Hernando Vega de Rojas, priest and lawyer for prisoners of the Inquisition in Seville. In 1630 he was prosecuted for 'cohabitation and illicit relations with nuns', at

[142] Farr, *Authority,* 135.
[143] *'fue degredado en el sagrario de la iglesia mayor por pecado de homosexualidad, entregado al brazo secular',* PDL, 335.
[144] '*debieron darle occasion de escabullirse',* Ibid, 303.

the instigation of the Inquisition prosecutor.[145] It is possible that Vega de Rojas had angered the prosecutor, or that his actions had grown so scandalous that they could no longer be ignored, which would explain his prosecution. After a lengthy trial and referral of the case to authorities in Toledo and Madrid, Vega de Rojas was eventually sentenced to eight years of exile and to pay a fine of three hundred *ducados* - but the prosecutor in Madrid intervened and instead the sentence was reduced to confinement in a monastery (presumably for a limited period) and the exile and monetary punishment were both suspended.[146] The case ends with an appeal from Vega de Rojas, whose possessions had been confiscated by the Inquisition and who now sought to reclaim them.[147] The original sentence imposed upon Vega de Rojas is particularly harsh in light of his status as a cleric, especially when compared to the usual sentence of a twenty *peso* fine and perhaps a year of exile meted out by the Archbishopric of Mexico City, or the silver mark usually demanded of clerics' concubines in sixteenth century Spain.[148] The case itself suggests continued clerical involvement in illicit sexuality, but its prosecution may indicate the tightening of moral standards that occurred over the sixteenth and into the seventeenth century. This was part of wider Church trends in the punishment of priests, which saw attempts to introduce institutional change and increased control over the behaviour of the clergy, perhaps best exemplified in the prosecution of soliciting. Clerical involvement in transactional relationships was common, and this did not change despite the increased scrutiny of the Counter-Reformation – a statement which also holds true for the laity.

On both sides of the Atlantic, vulnerable women undertook transactional sex in order to survive. They entered relationships with men for security, accommodation, food or other forms of recompense, or they acquiesced to relationships with their master to win favour and security. In Lyon, Seville, and Mexico City, these transactional relationships largely involved vulnerable women whose socio-economic status drove them to exchange sex for compensation, but who sought to avoid the outright status of prostitute. In a colonial context their vulnerability was compounded by racial stereotypes and the hierarchy of Spanish colonialism, but the

[145] *'amancebamiento y relaciones illicitas con monjas',* AHN, Legajo 2085, exp 4, f.3.
[146] '*mandaron que se suspendia la execución de los ocho años de destierro previsos del estante y de las [illegible] de Toledo y Sevilla que de los tres cientos ducados aplicados',* Ibid, f.799.
[147] Ibid, f.803.
[148] For example, AGN, Bienes Nacionales, various; Segovia Emplazamiento a Bernardo de Medina RGS, 149407, 414; Valladolid Cumplimiento en Cisneros Palencia de la ley dada en las Cortes de Madrigal de 1499 RGS 150005, 231.

characteristics of this labour were largely the same in both Europe and the colonies. As Counter-Reformation views on sexuality took hold, the status quo of legalised prostitution was rapidly eroded, and the landscape of transactional sex became more complex and ill-defined. Without professional prostitutes against whom to compare sexually active women, distinctions between prostitution and other forms of illicit sexuality were blurred. Transactional sex, once understood as a survival tactic and a tolerated form of exchange, became just another facet of whoredom, and thus the women who undertook this labour became increasingly targeted by the authorities.

Chapter 4: 'Subornée, cogneue, et engroissée': Sexual Violence, Unfree Labour and Issues of Consent

In 1530, two men litigated before the *Casa de Contratación* (House of Trade) in Seville.[1] Sebastiano Caboto, the plaintiff, was a renowned Venetian explorer and the son of Giovanni Caboto, an even more prominent explorer who led an expedition to North America on behalf of Henry VII of England.[2] By 1522 Sebastiano Caboto was in the employ of Spain: he had been made Pilot Major by 1518, then Captain General in 1525, and led a fleet of ships on the King's behalf to find an easier route to the Moluccas.[3] He never completed this mission. However, he landed in Brazil, explored the Río de la Plata, founded the first Spanish settlement in modern-day Uruguay, overcame a mutiny, and purchased around fifty enslaved Indigenous people before returning to Spain in 1530, with only one ship and roughly twenty of the two hundred Spanish compatriots with whom he had originally set sail.[4] In addition, he brought with him approximately another ten Indigenous people from various parts of the Americas, kidnapped from their homeland, including a *cacique* (chief) and his three sons.[5] Upon his return he was arraigned on various charges, ordered to pay significant fines, and sentenced to two years of exile.[6] The records are unclear, but it seems the personal intervention of the King prevented the exile, although Caboto did pay the fines. He retained the title of Pilot Major until 1547.

The defendant in Caboto's case was Juan de Junco. We know decidedly less about Junco, given his less illustrious career, but we do know that he was listed as the *tesorero* or

[1] AGI, Justicia, 713 no.3, *Sebastián de Caboto contra Juan de Junco,* 1534.
[2] For more on John Cabot, see Peter Pope, *The Many Landfalls of John Cabot* (University of Toronto Press, 1997).
[3] AGI, Indiferente, 419, legajo 7, f.691r-692v *Real provision de Juana I y Carlos V nombrando piloto mayor y examinador de los pilotos navegantes de Indias a Sebastián Caboto* 1518; Heather Dalton, *Merchants and Explorers: Roger Barlow, Sebastian Cabot, and Networks of Atlantic Exchange 1500–1560* (Oxford University Press, 2016).
[4] Ibid, 115.
[5] Some details of these people are offered in AGI, Indiferente, 1961, legajo 2, f.1v *Indios que trajeron Sebastián Caboto y Diego García.*
[6] For example, AGI Justicia, 704 no.1 *El capitán Gregoria Caro con Sebastián Caboto, capitán general de la Armada que salió para el Maluco el año de 1526, sobre no haber cumplido la instrucción que se le dió y pérdidas que se le originaron en el viaje* 1530; AGI Justicia, 705 no.3, *Silvestre Palavesi de Brine, genovés, residente en Sevilla, con el capitán de Armada Sebastián Caboto, sobre la entrega de los bienes que quedaron por la Muerte de Octavio de Brine, su hijo, que falleció en la Armada* 1530-1535; several more documents detail the extended cases brought by families of Caboto's officers or the *Consejo de Indias* against him.

treasurer aboard Caboto's ship the *Santa María* and that he and Caboto had fallen out quite spectacularly (as Caboto had with most of his men, hence the mutiny and the criminal charges brought against him. He was known for his harsh treatment and punishments, and for outright abandoning dozens of men if it suited him).[7] In 1530 Caboto had moored his ship in Seville and gone to register his cargo of enslaved people at the *Casa de Contratación*, and Juan de Junco had taken the opportunity to exact his revenge on his captain. He had 'with little fear of god and justice, taken and appropriated' an enslaved Indigenous boy named Andrés, 'using him [Andrés], he had seized him and taken him wherever he pleased', along with a parrot whose ownership was disputed between Caboto and Junco.[8] The juxtaposition of these two charges – the theft of a parrot and the violent seizure of an enslaved boy – is particularly stark. These are the two charges named in the summary of the record, given equal weight by Caboto's lawyer and seemingly by the authorities as well. Both are putative possessions of the captain, curiosities brought from the Americas to display Caboto's wealth and status. Left here, this is a sad but not especially remarkable tale of the dehumanisation of enslaved people, of the squabble between two men who took their grievances out on those over whom they had power – human and animal alike. However, there is a third charge brought by Caboto, not listed in the summary of the case.

Alvaro de Baena, Caboto's lawyer, went on to describe how 'not content with this [the theft of Andrés and the parrot]', Juan de Junco had broken into Caboto's quarters, 'smashed his way into the said chamber and broken the deadbolt'.[9] There he had encountered 'several Indian servant girls' who Caboto had left locked in his room.[10] 'By force, he slept with one of the said girls who is called Margarida'.[11] Baena asserted that 'in doing so, [Junco] committed many diverse crimes and for each one of those he deserves the death penalty'.[12] Baena and

[7] Dalton, *Merchants and Explorers,* 115.
[8] '*con poco temor de dios e de la justicia lo tomo e lo aproprio'; 'usando del lo tomo e llevo donde quiso e por bien* tuvo … *so mismo un papagayo que hera e es mio'*, *Sebastián de Caboto contra Juan de Junco* 1534, fs. 4v-5r.
[9] *'no contento con esto'; 'quebranto la dicha cámara e la cerradura',* Ibid, f.5r.
[10] *'unas muchachas yndias',* Ibid.
[11] *'con fuerça durmyio con una de las dichas muchachas que se dize Malgaryda',* Ibid. This aspect of the case is discussed briefly in Nancy Van Deusen, 'The Intimacies of Bondage: Female Indigenous Servants and Slaves and Their Spanish Masters, 1492-1555' *Journal of Women's History* vol. 24, no.1 (2012): 21, but does not appear in Dalton's book or most accounts of Caboto's travels or legal activities.
[12] *'en lo qual cometio muchos e diversos delitos e por cada uno dellos mereçia pena de muerte',* Ibid.

Caboto sought restitution of the enslaved boy Andrés and of the parrot, and a fine of sixty ducats – presumably for the injury done to Caboto's property and honour – along with 'the greatest and most severe penalties' for Juan de Junco.[13] The witnesses presented by Caboto offered grisly details to nuance the attack on Margarida. They described how there were 'two or three Indian lads and an Indian woman' who were also in the chamber when Junco broke in, and who witnessed the assault (although none were called as witnesses in the suit, probably owing to the inferior legal status of their declarations when compared with those of Spanish men), and how after the first attack in which he 'took [her] against her will and by force', Junco 'took her from the said chamber and brought her to his chamber, and two or three times he had her like this'.[14] In contrast, none of the witnesses for the defence mentioned Margarida at all, and instead focused on asserting that the parrot and Andrés had both belonged to Junco originally and had been illegitimately appropriated by Caboto.[15]

The third crime of which Junco was accused is particularly horrendous to the modern eye, and the details make tough reading. For Sebastiano Caboto and his lawyer, the rape of Margarida was just another example of Junco's blatant disrespect for Caboto's possessions and of his violent and criminal nature. For Junco and the witnesses he called, the rape was unimportant – not even worth mentioning – useful at the time only as a way of manifesting his anger with Caboto and his ability to defile the captain's possessions. We do not know how Margarida viewed the attack, but it is hard to imagine that such a traumatic event did not cause her pain, distress and fear. We know nothing else of her – only that she was Indigenous, likely from Brazil as were many of the enslaved Indigenous people aboard including Andrés, and was probably relatively young because she was labelled *muchacha* rather than *mujer.*[16] Her attack must also have been painful for the witnesses, the two or three Indigenous boys and the woman, possibly named Juana, who were helpless to

[13] '*condenándole en las mayores e mas graves penas que por lo suso dicho merece e a que me restytuya el dicho yndio e papagayo e por ello sesenta ducados',* Ibid.
[14] *'… entro dentro e se echo con la dicha Malgaryda contra su voluntad e que asy mismo se lo dixo a este testigo dos o tres yndios muchachos e una yndia que estaba en la dicha cámara como se avia echado con la dicha Malgarida carnalmente',* Ibid f.7v; *'e le dixo la dicha Malgaryda yndia e Juana yndia, como el dicho Juan de Junco avia Abierto la cámara donde estaban por fuerça e se avia echado con la dicha Malgaryda contra su voluntad e por fuerça e que despues la saco de la dicha cámara e la llevo a la suya dos o tres vezes e se avia echado asy mismo con ella',* Ibid f.7r.
[15] This charge does seem accurate, based on some of the comments of Caboto's witnesses. Ibid fs.11r-16v.
[16] Ibid, f.9r.

intervene. They had crossed the ocean with Margarida, and even if they had not known her before their captivity, they had likely found some solace in one another's company on the long voyage across the Atlantic Ocean. All of them belonged now to Caboto, a man known for his cruel treatment of his own men: we can assume that he treated enslaved people similarly or perhaps worse. We do not know if Caboto had been sleeping with Margarida or Juana, both of whom were locked in his chambers, although it would not be surprising. We do know that he returned to his wife Catalina upon arriving in Seville.[17]

Margarida's enslavement and removal from her native land was undoubtedly a violent and disorienting experience, followed by a perilous voyage across the ocean in the hands of a potentially brutal man. She arrived in Seville only to be attacked and raped almost as an afterthought by a man who saw her as a means to an end. Junco raped Margarida because he saw her as a thing, the '*cosa'* of the captain against whom he so bitterly wanted revenge.[18] In the words of Nancy Van Deusen, 'Margarida, like many female slaves, became an object of violent sexual retribution in one man's attempt to discredit an adversary'.[19] This attack is a perfect example of how Spanish men used and viewed the bodies of women, and in particular enslaved or non-European women. Abducted from Africa or the Americas, these women were valued for their labouring potential and for their perceived sexual availability and shipped across the Atlantic, sometimes more than once, to serve men who profited from their enslavement and their unfree labour.

In the previous chapters I have shown how early modern people understood that sex could be labour, and that it often accompanied other forms of gendered labour such as domestic service and childrearing. I have argued that the erosion of legitimate sexual labour, carried out legally and seen as providing a service to society, resulted from the Counter-Reformation and the accompanying change in attitudes towards sex and women. I have asserted that this was accompanied by the construction of ideas about Indigenous and Black women as hypersexual, which meant that sexual labour was demanded from them on a vast scale.

[17] Dalton, *Merchants and Explorers,* 110.
[18] *Sebastián de Caboto contra Juan de Junco* 1534, fs.4v-5r.
[19] Van Deusen, 'Intimacies of Bondage', 22.

This chapter builds on that idea to examine cases in which that sexual labour was extracted without consent. I consider both unfree sexual labour and rape to examine the characteristics of sexual labour carried out by those with little or no choice, and to further our understanding of how the colonial context made the labour of enslaved people available to colonisers, including sexual labour. I use examples from beyond the three cities that are the focus of this study, as a way of supplementing what can sometimes be rather scarce archival material. I do this consciously, with an awareness that the archives do not exist outside of time and power, and are thus influenced by the circumstances of their creation.[20] What is available to us in the archive is a carefully constructed window into the past: it does not offer a comprehensive view and is particularly remiss in telling the stories of certain people and certain events. Archives are sites not 'of knowledge retrieval but of knowledge production' by those who have created and maintained them, and so I am deliberately nuancing what information the archives offer about unfree sexual labour in Lyon, Seville and Mexico by considering evidence from and scholarship on analogous societies or times.[21] This chiefly involves French, Spanish or Portuguese colonies in the early modern period, other cities in Spain or France, or occasionally North American examples involving enslaved people.

First, I elaborate on what exactly I mean by unfree sexual labour and how I am analysing cases as rape or as labour. I discuss how we can conceptualise consent versus acquiescence in the context of enslavement or drastic power differentials, using cases from both sides of the Atlantic in which unfree sexual labour appears particularly clearly. Then, I analyse instances that are harder to categorise as labour, or which were perpetrated against women who attackers categorised as 'public' and thus on a par with public prostitutes. Examining cases of rape provides evidence and insight into the system of European patriarchal supremacy imposed on both metropolitan and colonial subjects, one which constructed

[20] In this approach, I draw on the work of Saidiya Hartman, Ann Laura Stoler, Chris Finley, Camilla Townsend, Stephanie E. Smallwood and many others. Chris Finley and Camilla Townsend. '"All He Had Told Them . . . Was True": Native American History and the Witnessing of Abuse in the Archive' *Native American and Indigenous Studies* 9, no. 2 (2022): 95-123; Stephanie E. Smallwood, 'The Politics of the Archive and History's Accountability to the Enslaved' *History of the Present* 6, no. 2 (Fall 2016): 117–32.
[21] Ann Laura Stoler, 'Colonial Archives and the Arts of Governance' *Archival Science* 2 (2002): 90.

(especially non-European) women as sexual objects and as labouring bodies. The rape cases discussed here also provide information about how men – and society – viewed sex workers and the services they provided, and competing interpretations of masculinity. I argue that sexual violence was a product of the system which understood women's bodies as sexual objects and saw men's desire for sex as a right, and that this was especially true of women marginalised by their race and class. I give particular consideration to several cases in which groups of men attacked women, to argue that these collective rapes were used as homosocial bonding experiences – much like visits to the brothel, as discussed in Chapter One – and to reinforce patriarchal control over certain women deemed to be in contravention of societal norms. The delegitimisation of sexual labour, and the construction of non-European women as inherently sexually available, enabled men to view their use of women's bodies as legitimate and even natural.

A Conceptual Framework to Understand Unfree Sexual Labour

Unfree sexual labour involves the production of benefit or value for the orchestrator, without the consent of the labouring party. That benefit can be only sexual gratification alone, it does not need to be material, tangible, or monetary. The consent in question must be meaningful and freely given: one must have the ability to withhold consent in order to freely give it. Thus, children or enslaved people cannot be considered to have consented, although they may have acquiesced, something that was understood in the early modern period in the case of children.[22]

For my purposes, to acquiesce is to exercise curtailed agency to choose to accept a sex act, perhaps out of hope for reward or because the alternative is to be subject to violence, but it is not the same as freely given consent where other options are a real possibility. Issues of consent are complex and were debated in many contexts in the sixteenth century, but perhaps most explicitly in discussions around Indigenous consent to Spanish rule, or questions of consent to conversion among Jews and Muslims. Some thinkers, such as the

[22] Mary Elizabeth Perry, 'The "Nefarious Sin" in Early Modern Seville' *Journal of Homosexuality* 16, no.1-2 (1989): 70.

famous advocate of Indigenous freedom Bartolomé de las Casas, argued that in order for true consent to be given there must be freedom of choice – that is, freedom to refuse consent. This is close to my own (and to most modern) conceptions of consent, and yet it was not the prevailing view at the time. Instead, jurists drew distinctions between 'absolute' and 'conditional' coercion, defining the former as existing 'only when actors had absolutely no choice to refuse because, for example, in cases of forced conversion, they were held down while baptismal water were poured onto them', while 'conditional coercion' could constitute valid consent even if it was given under pain of death.[23] It is this 'conditional coercion' that I am addressing with the concept of acquiescence. While contemporaries would likely have deemed this sufficient consent even when given under coercive conditions, I am instead labelling it acquiescence so as to better communicate the curtailed agency of the person involved. Thus, a servant who engages in a sex act with their master because the alternative is dismissal, violence, or loss of income and reputation is acquiescing: the power differential makes true consent impossible. This is unfree labour, because that sexual gratification – the product of sexual labour – is extracted from a labourer who could not freely and fully consent. It was not understood as such at the time (much like the contemporary definition of rape differs significantly from ours) but was instead perceived to be an exchange of labour for compensation, of sex for board or pay, and as part of the labour expected from servant girls or enslaved women.

I am drawing a distinction between unfree labourers who were also forced or coerced into having sex and unfree sexual labourers whose labour was first and foremost sexual in nature. This is a useful conceptual framework because it allows us to differentiate between labourers who understood their inability to refuse consent as part of their unfree condition as servants or enslaved people, and were thus coerced, and people for whom sex was the core service they were forced to perform. This better illuminates the situation of enslaved women (and indeed children, and even men) and servants who were subject to sexual violence at the hands of their masters or others, but who were not primarily sex workers. We must understand that sexual violence as inherently related to their unfree condition, but

[23] Tamar Herzog, 'Imagining Indigenous Consent and Indigenous Right to Resist in Colonial Latin America' *Ler História* 84 (2024): 18.

we can also interpret it as an attempt to impose (European) patriarchal control over them and a product of the construction of male entitlement to sex. Unfree labour is a category widely used by global labour historians such as Marcel Van der Linden to better capture the nuance of different forms of coercive labour and allows us to more clearly differentiate between the cases discussed here.[24]

Some of the cases discussed in this chapter were very clearly rape – as defined both then and now – carried out with the intention of reasserting patriarchal control over errant women. They do not fall under the umbrella of sexual labour, even that which was unfree, because their primary purpose was the denigration of the victim, not the sexual gratification of the perpetrator(s), which I would argue was incidental. Instead, they are included here because of what they reveal about attitudes to sex, women's bodies, and men's desire. They offer insights into perceptions of sexual labour and those who performed it.

I use terms such as unfree sexual labour or rape to allow us to better understand the circumstances surrounding the event, and the impact it had on those involved. To categorise an enslaved woman's continued sexual interactions with her enslaver as rape allows us to understand her limited options, and the circumstances she may have faced – how the enslaver might have understood the act as pleasurable, and chosen her because of her ready availability and lack of power, as opposed to how she might have understood it as an expression of her powerlessness, a further violation of her body to be heaped upon the innumerable violations she had already suffered. To categorise it as unfree labour allows us to put it in the same frame as other forms of gendered (or racialised) labour that she was expected to carry out such as domestic labour, childrearing, or even the labour of companionship to a man thousands of miles from his home and family. Understanding this as rape and unfree labour offers us the framework to conceptualise and enrich our analysis of the relationships between enslaved women and their enslavers, without denying the ongoing violence of such relationships or the curtailed agency that women exercised in these circumstances.

[24] Marcel Van der Linden, "Origins, Spread and Normalization of Free Wage Labour" in *Free and unfree labour: the debate continues* eds. Tom Brass and Marcel Van der Linden (Peter Land Academic Publishers, 1997): 502.

It is important to make explicit the fact that the cases I am using here come from within the system in question: their conceptions of violence, sex, and labour are internal to that system and come from male viewpoints. This is a crucial reason why I have attempted to develop my own conceptual structure rather than accept that which the sources offer. We must understand and analyse how these cases were understood at the time, while also avoiding adopting their moralising and misogynistic judgements wholesale. To understand the power relations at work we must translate the ideas and actions of sixteenth century actors into categories that reveal broader societal attitudes and realities.

Of course, the system and framework which produced these sources was not simple or clearly delineated and there were in fact multiple competing and contradictory frameworks which sixteenth century men used to structure their world view. For example, in several cases the actions of the perpetrators reveal one conception of what was acceptable and of the sexual entitlement of men, while the judgements of authorities upon the perpetrators reveal a competing conception.[25] This is revealing, suggesting that the sixteenth century was a time of changing values in which elites and judicial authorities attempted to impose a newer system onto a society which did not immediately adopt it. Throughout this study, we have seen the competition of top-down (Counter-)Reformation attitudes with those of ordinary people: the contested closure of brothels, the increased condemnation of concubinage (both lay and clerical) which continued regardless, and the official opposition to extralegal brothels in contrast with popular demand which sustained them. Elites and authorities attempted to impose patterns of behaviour that privatised sexuality and created an ordered society, and these ideals came into conflict with the attitudes which understood collective rape as the self-regulation of the community or saw servants as legitimate targets to fulfil male sexual demand. Edward Behrend-Martínez has ably argued that the early seventeenth century saw a regulatory trend intended to reform aspects of male behaviour deemed problematic by authorities, including fornication, seduction, cohabitation and the use of prostitutes. In his view, reforming efforts set their sights on 'raucous boys', and

[25] As demonstrated for Galicia in Alysson Poska, "A Married Man Is a Woman: Negotiating Masculinity in Early Modern Northwestern Spain" in *Masculinity in the Reformation Era* eds. Scott H. Hendrix and Susan C. Karant-Nunn, (Penn State University Press, 2008), 11.

municipal officials targeted men who were 'despoiling young single women'.[26] These reforms, he argues, 'worked to produce a chaste, respectable Catholic clergy, of course, but also an ideal of masculinity among laymen that embraced sexual self-control'.[27] In this attempt to impose Counter-Reformation ideals of masculinity and of public morality, authorities clashed with popular expressions of both.

Unfree sexual labour: sex as a core service of the unfree labourer

There are several cases from Seville, Mexico City, and Lyon which illustrate the idea of unfree sexual labour explored in this chapter. In these cases, the men forcing women to carry out sexual labour clearly understood the potential profit to be made using their bodies. They saw these women as having value as sexual objects and as sources of labour, and they did not concern themselves with the desires or wishes of the women themselves. While we have only a few cases which are explicitly unfree sexual labour, we can assume that there were many more that did not make it into the record, or whose records did not survive to the modern day.

The 1553 Seville brothel regulations, which came to be applied to the entire Kingdom of Castile, provide evidence of this. The regulations stipulate that 'the brothel managers may not receive themselves nor others on their behalf, any woman sold to them. Neither she nor her body can be given or rented for any money directly or indirectly in any way or form whatsoever unless she herself consents to it'.[28] The presence of such a clear prohibition suggests that this had been a repeated problem, and that *padres* had been caught accepting women sold into service in the brothel on numerous occasions. Such an assumption is reinforced by the repeated issuing of these regulations, and by the next provision, which attested that 'at the present there could be some indebted women … unable to pay

[26] Edward Behrend-Martínez, 'Taming Don Juan: Limiting Masculine Sexuality in Counter-Reformation Spain' *Gender and History* vol.24, no.2 (2012): 340.
[27] Ibid, 344.
[28] *'padres no puedan recivir ellos, ni otros por ellos, ninguna muger empeñada, ni sobre ella no sobre su cuerpo puedan dar ni prestar dineros algunos directa ni indirectamente por ninguna via ni forma que ser pueda, aunque ella propia lo consienta'* 'Titulo LXXI, Mancebia' in *Antiguas ordenanzas municipales de la ciudad de Ronda y su jurisdicción : mandadas pregonar por orden del rey Don Felipe en la plaza de viva rambla de la ciudad de Granada en el año 1568* (Ronda, 1889), 307.

although they wish to leave sin and recover themselves'.[29] This section of the regulations is clear in its meaning – those writing knew that women were likely being held against their will in the public brothels because they owed debt. Consequently, the regulations went on to command that 'any woman who wishes to leave her sin and recover herself and put herself in good standing can do so freely, not held to any money she might owe in any way and the *padres* cannot compel her to remain in her evil profession'.[30]

This can be understood as slavery in the public brothel, to an extent, but it is important to draw distinctions between this and the slavery experienced by African or Indigenous people. The women of the public brothel were supported by the laws of the Kingdom of Castile should they wish to leave, although these were perhaps rarely enforced. In addition, a child born to a woman of the public brothel did not automatically inherit the status of slavery, as a child born to an enslaved African woman would. Finally, there was a natural, albeit unceremonious, end point to the captivity a woman might experience in the brothel: once she aged enough to no longer be deemed attractive, she would likely be able to leave the brothel or in fact be encouraged to do so. There are suggestions that these women were then often able to contract marriages, enter reform houses or domestic service. Thus, while we can absolutely understand the women of the public brothel as unfree sexual labourers, we should perhaps be careful not to equate them too closely with the enslaved people for whom bondage was a lifelong, heritable condition supported by the legal system.

Women in the public brothel of Seville – and in those of other Spanish cities – were therefore almost certainly being forced to work there against their will, being sold to *padres* to pay off debts or provide income for their husbands, brothers or even fathers. Perry suggests that women in Seville were being sold by their male relatives for a single lump sum of ten or twenty ducats, and the *Siete Partidas* (the legal code on which most Spanish and Latin American law was based) assumed that several types of procurer forced women into sex work, including those who sold access to the bodies of enslaved or servant women in

[29] *'podría ser que al presente aya algunas mugeres empeñadas e por no tener de qué pagar, aunque quieran salir de pecado y recoxerse',* Ibid.
[30] *'qualquiera muger que quisiere salirse de su pecado e recoxerse y ponerse en buen estado lo pueda hacer libremente, no embargante que deba dineros por qualquier vía o modo que los deba, y que los tales padres no las puedan compeler a que no salgan de mal oficio',* Ibid.

their homes, husbands who procured their own wives, or *rufianes* who kept women in prostitution for their own gain.[31] These regulations show that authorities knew, or at least strongly suspected, that women were being forced into sex work in the public brothel. They considered this work, as evidenced by the discussion in Chapter One, and thus we can reasonably label this unfree sexual labour – and one case in particular shows that this was not limited to legal prostitution.

In his account of tales from the prison of Seville towards the end of the sixteenth century, Cristóbal Chaves provided a tale of unfree sexual labour outside the public brothel.[32] Although caution is required when dealing with Chaves' sensationalised stories, they were based on true events and thus do offer insight into crimes in the city. Chaves described how a man named Juan de Molina seduced a young servant girl named Ana in his father's house, promising to marry her. After taking her virginity, he forced her to work on the Calle del Agua, a street described by Chaves as 'the most public place in Seville … where there are many other women who live like prostitutes'. Here Ana was obliged to lure men for sex, many of whom Molina would subsequently rob, and he whipped her when she failed to hand over money she had earned. The case came to the attention of the authorities, who sentenced him to ten years of galley service, but he was still able to send her a letter reminding her that she would never be free of him and describing her as 'his thing'.[33] He also warned her away from other procurers, who would take money she earned – ironic given the claims Molina himself made on her earnings. Like so many other servants, Ana was helpless to resist the advances of her master's son – we cannot be sure if she acquiesced or tried to fight him, but the circumstances suggest at least a very limited ability to refuse consent. This in itself, I would suggest, is enough to be considered unfree sexual labour as she was forced to provide sexual services alongside her domestic duties and her employer (or rather, his son) clearly saw this as part of her role in the household. However, unfree sexual labour becomes explicit when we turn to the fact that she was forced into street work, and there had no choice but to sleep with men for money she then handed to the

[31] Mary Elizabeth Perry, 'Lost Women in Early Modern Seville: The Politics of Prostitution' in *Feminist Studies* Vol. 4, no.1 (1978): 201; Nicole von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (University of California Press, 2018), 18.
[32] Cristóbal Chaves, *Relación de la Cárcel de Sevilla* (Clásicos el Arbol, 1983), 54.
[33] Ibid, 55.

man who had orchestrated all this. Molina viewed his father's servant as having labouring potential, firstly for domestic labour and then sexual labour. He saw her sexuality as something he was entitled to exploit for his own gain, and even after being prosecuted and sentenced he still perceived her as his possession, a sexual object.

His letter, however, painted himself as a somewhat affectionate partner – he ended his letter with the words 'yours until death', and drew a cartoon on the outside of the letter depicting a chain from Ana's hands to the ship on which he served, with a heart punctured by arrows he labelled 'the arrows of Ana, and the heart of Juan'. Here we might wonder at Chaves' description of the events and at how Ana herself might have felt about Juan. It is possible she remained affectionate towards him, even after his initial betrayal when he failed to marry her and instead put her to work on the Calle del Agua. Despite this, the power differential between the two and the description of Molina's violence and initial promises of marriage suggest a degree of coercion, manipulation and violence which limited Ana's ability to leave or to refuse consent. However Ana and Molina understood this incident, the authorities condemned it. They sentenced Molina to galley service for a decade, a term that was likely to be a death sentence, showing they clearly disapproved of his actions. Here the elite understanding of acceptable behaviour clashed with that of ordinary actors like Molina and instead sought to enforce discipline in male sexual morality.

In 1597, another case of unfree sexual labour reinforces this understanding of men's exploitation of women's bodies. On Wednesday 1st of October, Gonzalo de Sanabria was apprehended by the authorities after murdering a woman in the area known as Candilejo, a known location for illegal sex work. The woman is described as his *amiga,* meaning he was her procurer. Sanabria was a deserter, and on Thursday 9th of October he was hanged for this offence, not for her murder. He was led out on foot, wearing a plaque which proclaimed his crime, to the sound of drums and accompanied by a squadron of soldiers. This is the account offered by Francisco de Ariño, who wrote a book of happenings in Seville between 1592 and 1604.[34] Some of the details he includes – such as the names of the men who arrested Sanabria – suggest its credibility, but what makes this incident particularly

[34] Francisco de Ariño, *Sucesos de Sevilla de 1592 a 1604,* 99.

believable is that it exists in a second account, written by Pedro de León. León's memoir on his time working in Seville's Inquisition prison is detailed and frequently supported by other evidence, and this case is no different. He describes how Sanabria was hanged for desertion, but that the crime which precipitated his arrest was the murder of 'his prostitute who had dressed him and kept him like a prince over twelve years by committing offences to god'.[35] León claims that she was found with twenty-seven stab wounds. Both accounts suggest that Sanabria procured this woman, moving her from town to town to make a living from her labour, and that when she displeased him, he murdered her. Perhaps she initially entered the relationship willingly, we cannot know, but it is clear Sanabria had a great deal of power over her and that he was benefitting from her sexual labour. He had recognised that her labouring potential offered him an opportunity, and he exploited her to make a profit and live off her labour rather than his own. While it is particularly violent, this is not a unique tale.

Unfree labour with Sex: Domestic Servants and Enslaved Women

There are hints of unfree sexual labour in many records, often involving servants whose choices were limited by the power their masters held over them. They may even have accepted the advances of their masters as part of their condition as servants: a binary opposition between consent and refusal is unsatisfactory in helping us understand and interpret such cases, and instead we must consider the idea of acquiescence as a form of curtailed consent. As mentioned in the previous chapter, it can be hard to differentiate in these cases because it is difficult to ascertain whether a servant had the opportunity to refuse the advances of her employer. In most cases, I would suggest that she did not: servants were usually poor women and faced dismissal and retribution if they refused to sleep with their masters. In this context, acquiescence might be the best option available.

[35] '*por haber matado a su manceba que lo había vestido y mantenido como un príncipe durante doce años a puras ofensas de Dios',* PDL, 359.

This is even more applicable in cases of enslaved women (and men and children), whose ability to consent was removed by their status as chattel. Across all societies involved in trans-Atlantic slavery in the early modern period, enslaved people were viewed as objects, the possessions of the men or women who owned them. There were very few intercessions to protect the wellbeing of enslaved people, and the vast majority of legal cases which challenged their treatment ended with the reassertion of the master's right over his belongings – including his right to treat them howsoever he saw fit. Given their unfree status, all sexual labour performed by enslaved people – even those who had acquiesced – was unfree. This began during the Middle Passage, during which officers regularly chose an enslaved woman to serve them 'at the table and in bed'.[36] This language clearly associates domestic with sexual labour.

Girls as young as eight were subject to the violent sexual whims of their captors aboard the ships carrying them across the Atlantic, and this exploitation was systemic.[37] Indeed, the practice of 'dancing the slaves' has an undeniable sexual quality to it – during the voyage to the Americas, enslaved people were forced to dance, unclothed, on the deck of the ship, supposedly to ensure their continued fitness.[38] This has clear sexual connotations, as well as providing crewmembers with a spectacle and offering an opportunity for the men to choose an enslaved woman they found attractive. Katrina Dyonne Thompson has asserted that, 'the white male gaze sexualized African dance', interpreting it as an indicator of promiscuity and immorality, as 'a sexual invitation' – allowing men to view their exploitation of enslaved women's bodies as natural, even inevitable.[39] Enslaved people were perceived only in terms of their sexual, reproductive, or labour potential. I argue that when owners forced themselves on the enslaved people in their power, they were extracting yet another form of

[36] Ken Donovan, 'Female Slaves as Sexual Victims in Île Royale' *Acadiensis* 43, no.1 (2014): 147. This practice is discussed in Marcus Rediker, *The Slave Ship in Human History* (Penguin Books, 2007), 241.
[37] Robert Stein, *The French Slave Trade in the Eighteenth Century: An Old Regime Business* (University of Wisconsin Press, 1979), 101; Sowande E Mustakeem, *Slavery at Sea: Terror, Sex and Sickness in the Middle Passage* (University of Illinois Press, 2016), 86, and discussed at length in Jennifer L. Morgan, 'Accounting for "The Most Excruciating Torment": Gender, Slavery, and Trans-Atlantic Passages' *History of the Present* Vol. 6, 2 (2016): 196.
[38] Wilma King, '"Prematurely Knowing of Evil Things": The Sexual Abuse of African American Girls and Young Women in Slavery and Freedom' *The Journal of African American History* vol.99, no.3 (2014): 175.
[39] Katrina Dyonne Thompson, '"Some were wild, some were soft, some were tame, and some were fiery": Female Dancers, Male Explorers, and the Sexualisation of Blackness, 1600-1900' *Black Women, Gender and Families,* vol. 6, no.2 (2012): 2, 3.

labour from them. Some enslaved people acquiesced because they recognised the potential benefits of doing so, or the dangers of refusing, but they could not properly consent because their agency was so severely circumscribed by their bondage.

Enslaved people were forced to perform a variety of forms of sexual labour. We do not have direct evidence of many of these forms of unfree labour in Mexico City, or in Seville, but I argue that their prevalence in other locations across the Americas, over several centuries, suggests their ubiquity and implies their inevitable presence in Mexico City, a major centre of slave-owning. In the words of Arlette Goutier, by sexually exploiting enslaved women, masters 'redoubled women's exploitation as workers'.[40] Some were forced to have sex with their employer, or his friends, as attested in the 1884 court case of twelve-year-old Honorata who was raped by her master. Despite the court's clear conviction that sexual violence had occurred, they ruled that 'the rape and molestation of slave women by their masters was essentially *legal behaviour'.*[41] Some were forced to be the concubines of their employer over an extended time period and to raise his children – something that was occasionally admitted by men who sought to free their children with enslaved women.[42] Others were used as 'a rite (right) of passage to sexual know-how', as training for sex with women, because they were viewed as hypersexual and promiscuous whatever their actual experience.[43] As Lamonte Aidoo has demonstrated for Brazil, from a young age masters were indoctrinated into a system which used the rape of enslaved men as a tool of power and a way of preparing for sex with women.[44] Enslaved women were sometimes forced into prostitution by their masters (or indeed mistresses), much like the servant Ana in Seville was

[40] Arlette Gautier, 'Les Esclaves femmes au Antilles françaises, 1635-1848' *Reflexions Historiques* vol.10 (1983): 427.
[41] Robert Edgar Conrad, *Children of God's Fire: A Documentary History of Black Slavery in Brazil* (Princeton, 1984): 274.
[42] Several such cases are mentioned in Jennifer Spear, 'Colonial Intimacies: Legislating Sex in French Louisiana' *The William and Mary Quarterly* (2003): 94. These echo the cases in the Spanish Americas, for example when a woman and her mixed-race child were manumitted for her 'good and faithful service'. 'Alexander Chenet Grants Freedom to Hypolite a negresse and to her son Isidore, a mulatto' February 8, 1762, *Records of the Superior Council* LHQ, 23 (1940): 613, as referenced in Spear, 'Colonial Intimacies', 94.
[43] King, 'Prematurely Knowing', 174; Bertram Wyatt-Brown, *Southern Honor: Ethics and Behaviour in the Old South* (Oxford University Press, 1982), 296. Brenda E. Stevenson, '"What's Love Got to Do With It?" Concubinage and Enslaved Women and Girls in the Antebellum South' *Journal of African American History* vol. 98, (2013): 99-125; Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (University of North Carolina Press, 1977): Chapter 4.
[44] Lamonte Aidoo, *Slavery Unseen: Sex, Power and Violence in Brazilian History* (Duke University Press, 2018), 54.

by her master's son, and there are mentions of this in numerous sources – for example Mary Karasch has discussed this for nineteenth century Brazil, describing how 'slaveowners … commonly required their slave women to earn money for them by selling themselves'.[45] Similarly, Robert Edgar Conrad discusses the report of a municipal judge in 1871 on the prostitution of enslaved women in his jurisdiction, in which he describes how 'these unfortunate women are forced to satisfy the hellish greed of their masters'.[46] Hilary Beckles meanwhile has evidenced this in eighteenth and nineteenth century Barbados, often with white women who 'let out' enslaved women they owned. These enslaved women were labelled as 'washer women' or 'housekeepers' but were actually being forced into sex work to support their mistresses.[47] Again, there is an association between different forms of gendered labour, in this case domestic and sexual.

When it came to the prostituting of an enslaved woman, Spanish law understood a crime to have been committed, perhaps because of the public immorality of prostitution, unlike the simple rape of an enslaved woman which had no public consequences and was deemed only natural in response to the supposed promiscuity of such women. The law stipulated that enslaved women who carried out sex work for the profit of their masters were to be freed, suggesting that she was perhaps viewed as a victim rather than a willing participant. However, we do not know if this was enforced. This may relate to the idea that 'free' women who entered the public brothel performed a service, and were in fact an asset of the community, whereas enslaved women forced into sex work were in theory private property, and thus could not be held common to all. A public prostitute had to be just that, public, common, and could not belong specifically to one man, hence the prohibition on women in the public brothel having procurers.

Another form of sexual labour forced on enslaved people was the requirement that they reproduce. Throughout this study, I have repeatedly stressed the association between

[45] Mary Karasch, "Slave Women on the Brazilian Frontier in the Nineteenth Century" in *More than Chattel: Black Women and Slavery in the Americas* eds. David Barry Gaspar and Darlene Clark Hine (Indiana University Press, 1996), 88.
[46] Conrad, *Children of God's Fire,* 130.
[47] Hilary Beckles, "Black Female Slaves and White Households in Barbados" in *More than Chattel: Black Women and Slavery in the Americas* eds. David Barry Gaspar and Darlene Clark Hine (Indiana University Press, 1996), 122.

sexual labour and other forms of gendered labour such as reproductive, domestic, and emotional labour. This is perhaps the clearest example of that association. Enslaved men and women were forced to reproduce to provide their master with more labouring bodies; Jennifer Morgan has demonstrated that 'slaveowners appropriated the reproductive lives of enslaved Black women'.[48] This is particularly well evidenced in the later period of North American slavery, but there are also accounts from the seventeenth century and beyond the borders of North America, including the Caribbean, Mexico and French colonial possessions.[49] Pablo Miguel Sierra Silva discusses how seventeenth century textile mill owners in Puebla, Mexico, 'became dependent on harnessing the reproductive capabilities of enslaved females'.[50] While these mill owners did not (to our knowledge) engage in forced reproduction, they adopted policies to encourage the natural increase of their enslaved population, and contracts for the hiring of enslaved people stipulated who would benefit from the labour of any children produced during the lease.[51] In Sierra's words, 'the consolidation of this creole-dependent slave market hinged on the understanding that enslaved females would serve as the primary purveyors of slave labor' – put simply, enslaved women's work included producing new labourers for their masters.[52] The fact that the state of slavery was passed from mother to child, rather than through the male line, is further evidence of this: by ensuring that any child borne to an enslaved woman – whether fathered by an enslaved man or by her master – would be enslaved, the labouring potential of her children was guaranteed to her master. Aidoo describes how 'sex in the universe of slavery was … a calculated means of reproducing slaves and slavery'.[53] The unfree reproductive labour of enslaved women was another form of sexual labour, analogous to the claims of early colonists that Indigenous women were necessary to ensure the

[48] Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (University of Pennsylvania Press, 2004), 1.
[49] Besides Morgan's study, see also Wendy Anne Warren '"The Cause of Her Grief": The Rape of a Slave in Early New England' *Journal of American History,* vol. 93, no.4 (2007) and Thomas A. Foster, *Rethinking Rufus: Sexual Violations of Enslaved Men* (University of Georgia Press, 2019).
[50] Pablo Miguel Sierra Silva, *Urban Slavery in Colonial Mexico: Puebla de los Ángeles, 1531-1706* (Cambridge University Press, 2018), 13. This shift was due to the reduced Spanish access to the Portuguese slave trade after the end of the Union of Crowns.
[51] Ibid, 63-65.
[52] Ibid, 138.
[53] Aidoo, *Slavery Unseen*, 9.

population of the Spanish Americas with conquistadors' offspring.[54] As Morgan so convincingly demonstrates for the Caribbean and the American South, slaveowners constructed enslaved women as labouring, sexual objects in order to create an 'environment in which the appropriation of a woman's children as well as her childbearing potential became rational and, indeed, natural'.[55] Enslaved people, and to a lesser extent vulnerable servants, were forced to produce profit through a range of sexual labours. They were inscribed by colonial patriarchal society as objects with a labouring and sexual potential, not as full human beings, and thus were available for exploitation by men and by colonial society more broadly.

This discussion of unfree sexual labour must be nuanced by some consideration of the agency, however curtailed, exercised by servants or enslaved women. I have made clear the distinction I am drawing between consent and acquiescence, but it is important to explore briefly why anyone would acquiesce to their own sexual exploitation, and to emphasise how this was a form of agency.[56] It was a choice made by people with very few choices available to them, and in some cases that choice was the difference between liberty and slavery, between life and death. Enslaved women (or Indigenous women whose status was murkier) likely acquiesced to concubinage in the hope of seeing themselves or their children freed, or to avoid the repercussions of rejecting the advances of a powerful man.

As Claire Robertson argues, 'most concubinage was probably the end result of sexual harassment in which slave women had no choice, and it did not necessarily lead to manumission'.[57] The likelihood of manumission appears geographically, temporally and individually variable: in eighteenth century Spanish New Orleans, for example, manumission

[54] As discussed in B. Vinson, *Before Mestizaje: The Frontiers of Race and Caste in Colonial Mexico* (Cambridge University Press, 2018), 11.
[55] Morgan, *Laboring Women,* 7.
[56] Anna Hajkova, 'Why we need a history of prostitution in the Holocaust' *European Review of History* 29, issue 2 (2022), 212.
[57] Claire Robertson, "Africa into the Americas: Slavery and Women, the Family, and the Gender Division of Labor" in *More than Chattel: Black Women and Slavery in the Americas* eds. David Barry Gaspar and Darlene Clark Hine (Indiana University Press, 1996), 25.

as a result of concubinage appears to have been particularly common.[58] However likely manumission was in a given moment, compliance could potentially bring benefits up to and including freedom and that was enough to convince some women that acquiescing to their master's wishes would be better than refusing. Barbara Bush has shown that 'if women resisted sexual advances, they risked physical cruelty and punishment'.[59] In some cases, if a master thought two enslaved people were resistant to his orders to have sex and reproduce together, he would force them to do it in his presence.[60] In one particularly heinous case, formerly enslaved people recounted how their master would organise parties in which he and his friends forced enslaved people to have sex in front of them, and joined in themselves.[61] Of course, this example is drawn from later North American slavery, and thus from a different historical context. Nonetheless, its value lies in its demonstration of the attitudes slaveowners held towards the people they enslaved, and the systems which pushed enslaved women to acquiesce while limiting their ability to consent. Punishments for enslaved people could be brutal and fatal, and in this context we must see women's acquiescence for what it was – a choice, the exercise of what little agency was available to them. Similarly, refusal was also a choice, one made in the full knowledge of the potential repercussions. Some enslaved people chose to use what little agency they had to deny the sexual demands of their enslavers, while others chose compliance in an attempt to survive or perhaps end their captivity.

Sexual Violence and the Disciplining of Disorderly Women

The cases discussed above fall clearly into the category of unfree sexual labour, but many more do not. I include them here, despite the fact we cannot label them labour, to show how cases of coercion or rape are representative of a system which understood women's bodies as sexual objects, and which constructed men's sexual desire as a need to be met, by

[58] L. Virginia Gould, "Urban Slavery - Urban Freedom: The Manumission of Jacqueline Lemelle" in *More than Chattel: Black Women and Slavery in the Americas* eds. David Barry Gaspar and Darlene Clark Hine (Indiana University Press, 1996), 307.
[59] Barbara Bush, "Hard Labor: Women, Childbirth, and Resistance in British Caribbean Slave Societies" in *More than Chattel: Black Women and Slavery in the Americas* eds. David Barry Gaspar and Darlene Clark Hine (Indiana University Press, 1996), 194
[60] Foster, *Rethinking Rufus,* 55.
[61] Sam Everett, in *Federal Writers' Project: Slave Narrative Project, Vol.3, Florida, Anderson-Wilson with Combined Interviews of Others* (1936), 127. https://www.loc.gov/item/mesn030/.

whatever means. These cases are also revealing for the frequency with which victims were equated with public prostitutes, which suggests attitudes towards women's illicit sexual behaviour and understandings of sexual labour as a sign of immorality.

Nicole Von Germeten asserts that Spanish society (and many other European societies) 'viewed nonmonogamous, transactional sex as a right that all men should have', and I argue that the logical conclusion of a system which created a sense of male entitlement to women's bodies was that some men would take what they wanted by explicit force or coercion.[62] We know that this system existed and manifested in a variety of ways, such as the existence of public brothels which catered to the 'needs' (in fact, desires) of unmarried men. The prohibition on married men in the public brothel, however sporadically enforced, transferred the duty of fulfilling married men's 'needs' to their wives. Sex was seen as a wife's marital duty, something she owed her husband in return for his provision of income and security.[63] Thus, sex was seen as something that men needed, something they were entitled to extract from the bodies of their wives or sex workers.[64] On occasion (and likely far more often than the record reveals) they extracted it from women who were neither their wives nor sex workers but were instead perceived as sexually available. As analysed above, this was certainly the case in situations where men had access to enslaved women, such as in Mexico City, but I suggest it was also the case in cities like Lyon with a negligible population of enslaved people, or in Seville where men were more likely to come into contact with, and exploit, free but marginalised women of colour, underprivileged servants or even children. Of course, such individuals were also targets in Mexico City.

Certain women (and others) were more likely to be victims of men's sense of entitlement to sex and were deemed to be complicit in their own attacks by virtue of societal beliefs about their promiscuity. In contrast, some men were more likely to escape condemnation for their

[62] Nicole Von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (University of California Press, 2018), 21.
[63] Of course, marital duty could go both ways, and women could claim that their husband had failed to fulfil the duties of the marriage if he was unable to have sex with her, or to provide for her materially. A husband's rights within a marriage also bound him to certain duties, as detailed in Herman Bennett's *Africans in Colonial Mexico: Absolutism, Christianity and Afro-Creole Consciousness 1570-1640* (Indiana University Press, 2003): 129.
[64] Alain Saint-Saëns, "It is not a sin! Making Love According to Spaniards in Early Modern Spain" in *Sex and Love in Golden Age Spain,* ed. Alain Saint-Saëns (University Press of the South, 1996), 22.

attacks on others, because of their own social status, their identity as Spanish or French, or the victims they chose to exploit. Other men, particularly men of colour, were likely to be punished for their attacks, particularly if their victims were not similarly marginalised. For instance, Pedro de León describes how in 1586 in Seville, a Black man named Domingo was hanged and quartered for the rape of three different women.[65] He had committed the attacks in the fields beyond the city walls, presumably hoping to escape detection. Attacks often occurred there, and most of them were likely never prosecuted. This one was, perhaps because of Domingo's status as a *negro,* but also perhaps because of elite attempts to discipline male sexual behaviour, to which Black men would be particularly subjected.

Less than a decade later in 1595, another man, Benito Ruíz, was also hanged and quartered for raping several women in the fields beyond the city walls.[66] He was described as *mulato.* Contrast these cases and the severe punishment meted out with the case of Pedro Álvarez, who in 1572 was arrested and questioned for participating in the collective rape of a young girl.[67] He and his friends went to an inn 'pretending to be servants of justice and took a girl [from the inn where she worked]'.[68] They too chose the fields beyond the city walls as the location of their attack. Two witnesses saw Álvarez among those who abducted the girl, she had identified him herself, and he confessed his involvement although he claimed she had gone willingly. We do not know the outcome of Álvarez' case – although he was ordered to name the other members of the group, which suggests the authorities sought to investigate further - but we do know that he had appealed and unlike Ruíz, that appeal had not been denied outright.

There are two key differences – Pedro Álvarez was not Black or mixed race, and his victim was not seen as respectable. Serving girls working in inns or hostels were viewed with suspicion and assumed to be promiscuous, and Álvarez asserted that in fact this girl 'had gone out willingly because one of them who went had her for his friend'.[69] In this context,

[65] PDL, 279.
[66] Ibid, 327.
[67] Archivo General de Simancas, Diversos, 29, 2, 1 f.272 and 315.
[68] *'el y otros fueron a una venta haziendose criados de la justiçia, sacaron a una moça al campo y se hecharon con ella por fuerça'* Ibid, f.272.
[69] '*El Pedro Alvares dize que … ella se salio de su voluntad por que uno delos que y van alli la tenia por amiga'*, Ibid, f.315.

amiga means that she was a sex worker, and that her procurer was among the group of men in question. This was a common tactic of men accused of rape: they asserted that the woman they had raped was not respectable, that she had consented to it because she was a whore, and that she was known in the area as a public woman. Despite this, Álvarez' arrest and the authorities' attempts to trace the other perpetrators suggests an elite conception of acceptable male sexuality that directly contradicted that of Álvarez and his friends. To the authorities, collective rape was no longer a legitimate way to maintain social order or to discipline disorderly women, and they demonstrated this in their pursuit of the attackers. While Álvarez' asserted that the victim was a public woman, the authorities seemed disinclined to view that as a mitigating factor where in previous centuries they might have done so.

In many cases of *estupro,* the abduction of a girl with the intention of taking her virginity often by force or false promises, men asserted that their victim had in fact been sexually active already and often described her transactional relationships with other men as a defence.[70] Victims of *estupro* were more likely to win restitution if they had family members who were willing to fight for their honour, especially if those family members had a higher social standing. Enslaved women, *moriscas* (converts from Islam), and free women of colour were also seen as so tempting that sex with them was less of a sin – something that likely applied to their rape as well. When penanced by the Inquisition, for example, men in mid-sixteenth century Cordoba suggested that the appeal of 'exotic' women was enough to legitimise what would otherwise be considered fornication.[71] They asserted that *moriscas* and enslaved women were so lascivious and promiscuous that sex with them could not be a sin. Certain men were viewed as more entitled to sex than others, or at least they were easier to forgive if they took it by force, and certain women were more legitimate as targets of these attacks.

[70] Several such cases are examined in Suzannah Lipscomb, *The Voices of Nimes: Women, Sex and Marriage in Reformation Languedoc* (Oxford University Press, 2018), 246-248 and 253-255. Some of these shall be discussed more later.
[71] Alain Saint-Saëns, "It is not a sin!", 23.

However, there are some cases which confound this pattern. In Mexico City, the two surviving *estupro* cases brought before the criminal court in the early seventeenth century were brought by family members: in one case the mother of the victim, in the other the victim's grandfather who acted as her legal guardian. In 1609, Domingo de Molina accused fifty-something year old Diego Hernández of abducting and deflowering his fifteen-year-old granddaughter Ursula Infante.[72] While Hernández was Spanish, a notary and *teniente* (official) and thus less likely to face prosecution, Ursula was described as a *doncella* (maid), a term which had connotations of status and of purity, and her grandfather was a wealthy merchant. Her family connections made it possible for her attacker to be brought before the court. However, her grandfather almost certainly litigated out of a sense of outrage for the damage to his own honour, and the harm the incident would do to Ursula's marriage prospects, rather than to avenge the attack on his adolescent ward.[73]

Just fourteen years later in 1633, María de la Cruz, a *mulata,* accused an enslaved African man named Nicolás of abducting and deflowering her daughter Damiana Ramírez, also listed as *mulata,* in the house of Doña Catalina de Mesa.[74] Here we have a case in which the status of the victim, as a 'girl of such young age', and the status of the accused as an enslaved Black man, would lead us to expect swift and severe prosecution, particularly when experts who examined Damiana found 'signs of the rape' on her body.[75] However, Nicolás belonged to Don Juan de Cervantes Carvajal, and his master mobilised a network of upper-class Spaniards to ensure that he was not found guilty. Doña Catalina de Mesa, the wife of a Captain Bernal de Virguica and godmother of Nicolás, claimed to have called him to her home and given him a *tecomate* (pot) of chocolate to deliver to Elena de la Cruz at the Convent of San Francisco.[76] Supposedly Doña Gracia, who lived in Doña Catalina's house, had seen him there with the pot of chocolate, but claimed he had not set foot in the kitchen

[72] AGN, Tribunal Superior de Justicia Distrito Federal Colonial, Caja 195, expediente 8.
[73] Unfortunately, the documents of this case are in extremely poor condition and thus I was unable to obtain any more details.
[74] AGN, Tribunal Superior de Justicia Distrito Federal Colonia, Caja 61, expediente 22.
[75] *'una niña de tan poca hedad', 'aya señales del estupro',* Ibid, f.1.
[76] *'el lunes santo que aora paso que se contraron veynte e uno de Marzo por la Mariana estando Doña Cathalina de Mesa muger del Capitan Bernal de Virguica que es padrina del dicho Nicolás negro en la Iglesia de la compania de Jesus la llamo y dixo que fueste por un tecomate de chocolate para Elena de la Cruz y fue',* Ibid.

of the house where the attack had supposedly taken place.[77] We do not know how Damiana was connected to Doña Catalina, or how Doña Catalina was connected to Nicolás' master Don Juan de Cervantes Carvajal. Given her young age and her racial status, as well as her presence in the kitchen, it is probable that Damiana was a servant in Doña Catalina's home. We will never know whether Nicolás did rape Damiana, although we can assume from the examination that a rape did occur. We do know that the case was dismissed by the court and Nicolás was released from prison with no further punishment. Here it was not Nicolás' status which protected him, but that of his owner and the Spaniards in his orbit – and they chose to do so likely because of the affront such a case offered to their honour, and to protect the investment they had made when buying Nicolás. Damiana's less powerful network could not protect or even avenge her. At a young age Damiana was already seen by men around her as an object with sexual and labouring potential – she probably worked in the kitchen of a Spanish woman and was likely raped because of assumptions about her precocious sexuality as a mixed-race girl and servant.

In Lyon, one case of priestly misconduct offers an early exception to the established pattern in which powerful men exploited the powerless with no repercussions. In 1518 reformed prostitute Claude Damas was living and working as a servant at the Hôtel-Dieu, a hospital for the poor which employed reformed women on a regular basis.[78] She became pregnant, despite the strict conditions of her rehabilitation which precluded any sexual relationship unless she were to marry. It soon became clear that Pierre Boucher (sometimes labelled Carnificis, a Latin translation of his surname), the priest assigned to minister to the reformed women at the Hôtel-Dieu, was the father and he 'chased, in the night, this unfortunate woman from the establishment'.[79] We do not know how the case came to the attention of the city council, but Boucher was soon arrested by the city authorities. This case has many familiar hallmarks: Claude Damas was a young woman, vulnerable because of her status as a repentant prostitute and her likely lack of family, and she was a servant at the Hôtel-Dieu.

[77] *'y lo pidio a una muger llamada Doña Gracia que vive en casa de la dicha Doña Cathalina la qual dio al dicho Nicolas el tecomate de chocolate que lo llevo al convento de San Francisca la dicha Elena de la Cruz y no entro en la cocina de la dicha casa y esta inosente del delito que se le quire imputar',* Ibid.
[78] At times, the Hôtel Dieu took in so many reformed women that it appealed to the city council for help feeding and housing them, as in 1517: AML BB36. In 1526, the city council recorded the expenses involved with building a new dormitory for the repentant girls and women at the Hôtel Dieu, AML CC739.
[79] *'avait chassé, la nuit, cette malheureuse de l'etablissement',* AML BB38-4.

Boucher was a priest, with authority over Damas (who was described as his 'spiritual daughter') and a relatively senior position at the hospital. However, while we might expect the case to be brushed aside, with Damas expelled from the hospital and no record of any punishment for Boucher, the secular authorities seized this opportunity to assert their power over an errant priest, and it seems that Damas benefitted.

'At the request of the councillors' Boucher was detained for having 'induced [the repentant girls of the hospital] to vice and sin … to great detriment and dishonour of the aforementioned hospital and the entire city'.[80] The city council saw Boucher' actions as a source of shame for the hospital, an important civic institution supported by many of the councillors, and for the reputation of their city. Shortly afterwards, Boucher was 'condemned to be led by the sergeants, to the sound of trumpets and bareheaded, to the prison of Bechevelain and there to be held prisoner on bread and water for three years, and deprived of all offices and ecclesiastical benefices'.[81] He was also ordered to pay 'the sum of five hundred *livres tournois* and all expenses' to the hospital.[82] This is a surprisingly harsh punishment, and one which would likely not have been pronounced in an ecclesiastical court which would instead have quietly scolded Boucher and moved him on, perhaps into seclusion, at best. Here, we can understand the prosecution by secular authorities as an assertion of their rights over clergy and of their disdain for ecclesiastical misbehaviour. It is also an early demonstration, perhaps, of the attempts of authorities to regulate male behaviour, particularly in light of the existing cliché of lustful priests, and to enforce a newer form of moral order on the city. As described by Leah Lydia Otis, these attempts were of course influenced by the rising tide of Protestantism and Humanism which condemned libertine behaviour, but 'the desire for reform of sexual morality was deeper … than the Reformation and Counter-Reformation; it existed already in the early sixteenth century and

[80] *'à la requête des conseillers', 'il les a induictes à vice et péché … au grant detriment et deshonneur dudit hospital et de toute ladite ville',* AML CC664

[81] *'a esté condempné ledit Bouchier a estre mené par les sergens, à son de trompe et teste nue, aux prisons de Bechevelain et illec estre detenu prisonnier à pain et eaue durant trois ans et privé de tous offices et bénéfices ecclesiastics, et envers ledit hospital en la somme de cinq cens livres et en tous despens',* AML CC674.

[82] Ibid. Fascinatingly, the expenses recorded to pay sergeants who found and inventoried Boucher's belongings also include payment of five *sous* for 'having searched in the house of Mr Jean Gros to find if he had any of Pierre Boucher's property' ('*pour avoir esté cherché en la maison de messier Jehan Gros pour savoir s'il n'avoit aucuns bien dud. Messier Pierre Carnificis*'). Gros is notable because of his prosecution five years later for maintaining a prostitute, amongst other things, as discussed in the previous chapter. AML CC664.

found its roots in the late medieval period'.[83] Otis charts a growing desire for change and a 'disapprobation' of concubinage in the late fifteenth and early sixteenth century, in which we can see the roots of the Lyon council's decision and in fact many of the positions assumed by authorities towards expressions of illicit sexuality.

A few months later Veran Chalendat, the official in charge of council expenses, recorded 'expenses to feed Claude Damas, repentant servant girl at the Hôpital du Pont du Rhône [another name used for the Hôtel-Dieu], who was seduced and known by Maistre Pierre Carnificis, who was a *cordelier* [Franciscan]'.[84] A mason named Pierre Laurent, also known as de Chessieu, was charged with Damas' care, and reimbursed for his trouble by the council. This remarkable entry suggests that the city council took it upon themselves to ensure that Damas was fed throughout her pregnancy. The phrase 'seduced and known' offers a possible explanation. For the authorities to lay the blame with Boucher, and to use a word like *subornée* which has connotations of coercion, suggests that the encounter was coercive, even violent.[85] If the council found Damas' a convincing victim and were suitably outraged at Boucher's behaviour, this might explain why they treated him so harshly, and her so sensitively. However, it is more likely that the city council had taken Boucher's actions as an attack on the respectability of their city, and he had met with swift punishment because he had jeopardised the honour of the Hôtel-Dieu and the men who supported it. His prosecution represented a clear assertion of secular power, but what is remarkable is the glimpse we have of Claude Damas' fate. In a system – exemplified by Pierre Boucher – which saw Damas as sexually available and thus enabled her rape, her interests just happened to align with those of the councillors, and this allowed her to see out her pregnancy in relative comfort, unlike most in her position.

Multiple Perpetrator Rape: The Collective Assertion of Masculinity and Social Order

[83] Otis, *Prostitution,* 44.
[84] *'Dépenses pour la nourriture de Claude de Damas, fille repentie servant a l'hôpital du pont du Rhône, qui avoit été subornée et cogneue par Me Pierre Carnifficis, qui avoit esté cordellier',* AML CC677.
[85] A 1606 dictionary, the *Thresor de la langue francoyse tant ancienne que modern,* only defines *suborner* in relation to non-sexual coercion, but by 1694 the dictionary of the Academie Française defines it as 'to debauch, to seduce, to induce someone to do something bad, an action against their will' and includes the examples *'suborner des domestiques'* and *'Il a suborné cette fille'* ('to debauch the servants', and 'he debauched that girl') both of which are telling. *Dictionnaires D'Autrefois Public Access Collection*, https://artflsrv04.uchicago.edu/philologic4.7/publicdicos/bibliography?head=suborner.

Generally, rape and coercion were a product of a societal construction of men's desire as an entitlement, and women's bodies as sexual objects ripe for the taking, particularly if they were poor, Black or Indigenous. With notable exceptions, this left women (along with children and enslaved men) vulnerable to the whims of more powerful men. Some incidents of rape are particularly indicative of the patriarchal society which created them. In many cities there are incidents of rape carried out by more than one attacker. I argue that these attacks are especially demonstrative of the way in which men – and society more broadly – viewed women. These attacks were generally carried out against young single women, usually living away from their family and with no obvious male authority figure. They represent the desire of men to assert patriarchal control over women they deemed to be beyond the authority of a man.

Although we only have the summaries of one year of criminal records for Seville, from 1572-3, there are two recorded multiple perpetrator rapes in this year alone. The first has already been mentioned, in which eighteen-year-old Pedro Álvarez – 'and ten or twelve others' – abducted a young woman from the inn where she worked, took her to the fields beyond the city walls, and there five of them raped her.[86] Her name is not given in the summary. She is described as *una moza,* or a young lass, and her work in the inn along with her lack of husband or nearby father made her a target for the gang of men who attacked her. As discussed in Chapter Two inns were frequently sites of illegal prostitution, which led to an association between serving girls in inns or taverns and prostitutes: this of course overlapped with the common perception of young female servants as promiscuous. She was earning her own living without the support of a father or husband, and thus independent of male control – and crucially, an attack on her did not risk dishonouring a male relative. Working in an inn, with no husband, father or brother made this girl unworthy of respect, in the eyes of her attackers. The fact that the men went to the inn together and pretended to be constables suggests they were already familiar with her. There is perhaps some truth in Álvarez' claim that she knew one of the men, but it is unlikely that she went willingly, as he asserted.

[86] Archivo General de Simancas, Diversos, 29, 2, 1 f.272 and 315.

The circumstances of this rape suggest a gang of men, friends, who had discussed their plan in advance, chosen their victim with forethought, and attacked her in such a way as to denigrate her permanently. The fact that there were so many men, in a disreputable public place like the fields on the edge of the city, followed by the aspersion that she was the prostitute of one of the men involved suggests that their intention was to shame her, and permanently damage her reputation, in order to punish her for living outside of patriarchal structures. They deliberately associated her, in the minds of the court and likely of anyone who heard about the attack, with prostitution so as to paint her as promiscuous. This was not an uncommon strategy, as we have already seen in the case of individual attacks. The accusation of sex work was weaponised against a victim to discredit her complaint, to render her unrapable. Luckily this was not a sentiment shared by authorities in this case, who held Álvarez as an accessory to the crime, and demanded that he reveal the names of the other attackers. Here, again, the authorities' conception of acceptable behaviour was incompatible with the actions of ordinary actors.

The second case in Seville took place in December 1572, and involved six men: Antonio de Coca, seventeen years old, Diego de Córdoba, twenty-four years old, Pedro de Salinas, twenty-one years old, Sebastián de Saavedra, eighteen years old, Francisco de Rojas, twenty-five years old, and one man who is not named, which suggests he was never caught.[87] They attacked *una moza* named María de Soto as she walked along the Calle de las Animas one evening with two men. When they approached, they asked if she was called Beatriz, which she denied. This could have been an accusation that she was a prostitute they knew by reputation, an insult designed to insinuate she was known to many men, or simply an excuse to stop her and her companions. She may have really been an extralegal sex worker, walking with two clients, and recognised as such by her attackers. Quickly, the attackers drew their swords and stabbed the two men with Soto, before carrying her off to the city walls. There Antonio de Coca raped her, according to two witnesses. They were apprehended by Calderón, a constable of the watch who happened upon them, despite the resistance of Pedro de Salinas and Diego de Córdoba.

[87] Archivo General de Simancas, Diversos, 29, 2, 1 f.316.

There are evident similarities between this case and the previous one. Both attackers and victim were relatively young, both victims were abducted and taken to secluded locations, and both were doing things that could be considered unacceptable for respectable women. María de Soto was out, at night, with two men. Neither of them is described as her brother, father, husband or any other relation which might have made it more respectable or made an attack on her more likely to damage male relatives' honour. The men who attacked her potentially knew her, or simply judged her on sight, and their reference to a woman named Beatriz suggests an attempt to paint María de Soto as a prostitute. Again, the attack appears to have been an attempt to punish a woman who defied the acceptable norms of feminine behaviour. In this case the violence was also perpetrated against the men who accompanied María– perhaps a further affirmation of masculinity over not only errant women but also other men, forcibly taking a woman from them.

In Lyon, while we do not have any cases of multiple perpetrator rape prosecuted through the criminal courts in the sixteenth century, there is plenty of evidence that young men targeted single young women for such attacks.[88] In his study of Lyon between 1660 and 1760, Alexis Bernard found thirty-four cases of individual rape, and sixteen of 'collective rape'.[89] He found that groups of between three and five men below the age of thirty, generally of lower social standing, attacked women over the age of seventeen who were usually living alone and working for their living. These women were not usually known to them before, that is, not girlfriends or neighbours, and the attacks began with insults against their honour. These insults would of course attempt to frame the women as whores, prostitutes, promiscuous and licentious. In the case of Marie Reboul her attackers used 'the most atrocious insults', accusing her of being a prostitute known for engaging in sodomy, and claiming they wished to 'amuse themselves with her for money'.[90]

[88] While there are extant criminal records from the late sixteenth century, they are by and large illegible and deciphering them will likely take many years.
[89] Alexis Bernard, "Les Victimes de Viols à Lyon au XVII et XVIII siècles" in *Les Victimes, des oubliées de l'histoire?* Ed. Benoît Garnot (Presses Universitaires de Rennes, 2000), 455-467.
[90] ADR, BP 3 234, 18 November 1755, as quoted in Bernard, 'Les Victimes', 464.

69% of the women in Bernard's study were single and living alone – the only married woman was alone after the departure of her husband to the countryside on business.[91] 93% were over the age of seventeen.[92] As Bernard describes, these women were not marginal but isolated young single women, working to survive. Their 'economic precarity', he theorises, may well have led them to engage in occasional prostitution – something that is entirely in keeping with what I have discussed in Chapter Two as part of the economy of makeshifts, the range of gendered labour undertaken by women to survive in difficult financial circumstances. This, according to Bernard, would have rendered them 'in the eyes of the aggressors as easy women, without any more honour to protect'.[93] In one case, neighbours alleged that the victim, Catherine Jacquemain, had allowed her attackers into her home on several occasions, but on the night of the attack had refused them entry.[94] This is a thinly veiled suggestion that she was a prostitute, allowing groups of young men into her home when she had no male relatives to ensure decorum.[95] The fact that 75% of collective rapes in Lyon occurred in the home of the victim also suggests that the attackers knew the women they attacked, if only by reputation, because they knew where they lived and that they would be alone in the home.[96] There was a clear association in the minds of the rapists between working single women and prostitution, one which was also credited by society at large. There is of course some truth to this idea: single women were more likely to need to work for their living, and in some cases this work would have been sexual in nature. However, I argue that the link drawn by the attackers in these cases was more about punishing women who they perceived to be beyond male control – without fathers, husbands or a master to protect or discipline them, they perceived these women to be sexually and morally out of order.

The choice of victim, and behaviour of the perpetrators, also reveals a key aspect of these attacks: the importance of male honour. Victims were chosen precisely because an attack

[91] Ibid, table 8.
[92] Ibid, table 7.
[93] Ibid, 462.
[94] Ibid, 463.
[95] García Herrero has demonstrated that this alone could be sufficient to garner a reputation as a prostitute. M. C. García Herrero, 'Prostitución y Amancebamiento en Zaragoza a fines de la Edad Media', *En la España Medieval* no.12 (1989): 314.
[96] Bernard, 'Les Victimes', table 10.

on them would not dishonour a male relative, meaning perpetrators did not threaten the male honour system that legitimised and created their behaviour. Male and female honour, while not unrelated, were different. In these cases, male honour mattered, but women's honour was assumed to be non-existent as it had already been ruled out by her alleged immorality. The young men who committed collective rapes were enforcing male honour by publicly restating the unacceptability of women not under direct male authority, reinforcing the view that women's honour depended entirely on her unimpeachable purity, and that men were entitled to fulfil their sexual desires with any woman who did not meet this high standard. Their association of their victims with public prostitutes, whether factual or not, shows that they understood only two states for women: entirely pure or completely public, and knew that their associating their victims with prostitutes would legitimise an attack.

There is also an element of conflation between causation and effect. Although women assumed (accurately or otherwise) to be involved in prostitution were vulnerable to attack, women who had been attacked often turned to prostitution afterwards. Molina has documented this in the case of Mallorca, and Rossiaud has pointed out the same trend in Southern France at the beginning of the period, where procuresses (and they were mostly women, not men) would recruit rape victims to work in the public brothel or in bathhouses – in the figures for Dijon between 1440 and 1540, 27% of the city's prostitutes had been victims of public rapes.[97] A reputation as an occasional sex worker might make someone a target for sexual violence, but sexual violence was often enough to drive a woman into sex work in a more concrete, irreversible sense, by precipitating her entry into the public brothel.

This kind of collective violence is also discussed by Jacques Rossiaud, amongst others, for an earlier period. In his work on Dijon in the fifteenth century, he asserts that collective rapes were perpetrated against young single women by groups of men who viewed such attacks as an assertion of their privileges as young men.[98] Bernard argues similarly for the seventeenth and eighteenth century, and I maintain that the same is true for the sixteenth

[97] Jacques Rossiaud, 'Prostitution, Jeunesse et Société Dans Les Villes Du Sud-Est Au XVe Siècle' *Annales. Histoire, Sciences Sociales* 31, no.2 (1976): 303.
[98] Jacques Rossiaud, *Medieval Prostitution* (Blackwell, 1988), 21.

century. Rossiaud's study of 125 rape cases revealed 80% were collective rapes. He describes how women were insulted and accused of prostitution before being dragged from their homes to be raped and beaten, at which point men often tried to force their victims to accept money.[99] By retrospectively 'paying' their victims, rapists could discredit them by proving their status as public prostitutes. However, this was also likely a method of further humiliating the victim by rendering her complicit in her own attack, and of publicly labelling her – and any woman like her – as a prostitute. These attacks were increasingly condemned in the early modern period (although this did not preclude condemnation of the victim as well) as authorities asserted a newer interpretation of masculine sexual propriety and public order, but as argued above, the young men involved had yet to internalise elite conceptions of what was acceptable. In Rossiaud's words, 'this liberty of male behaviour did not survive the "crisis of the Renaissance"'.[100]

These young men saw women living beyond patriarchal control as a threat to social order, and to their own masculinity, and they violently reasserted that control by raping them. In the process, they also reasserted their masculinity and membership of the patriarchal order. The dynamics of group violence speak to an assertion of masculinity and a desire to affirm one's own manliness in front of peers. This is something reinforced by modern studies of collective rape, most eloquently laid out by Miranda Horvath and Jessica Woodhams, who describe how in collective rapes 'women are treated as sexual objects to be passed around, humiliated and denigrated in the pursuit of male bonding and achieving enhanced masculine status'.[101] The level of force involved in these attacks vastly outweighs that used in individual attacks – victims displayed bruising and injuries consistent with punching and kicking at the very least.[102] This could be a result of the defencelessness of victims in individual attacks, who were mostly younger, but it could also be a feature of the presence of multiple attackers seeking to prove themselves to one another. This is supported by modern evidence of the tendency of group attackers to verbally degrade their victims: the perpetrators sought to reduce their victims to 'public women', known prostitutes, and in

[99] Rossiaud, *Medieval Prostitution,* 12.
[100] Rossiaud, *Medieval Prostitution,* 49.
[101] Miranda Horvath and Jessica Woodhams, "Introduction" in *The Handbook on the Study of Multiple Perpetrator Rape* eds. Miranda Horvath and Jessica Woodhams (Taylor and Francis, 2013), 3.
[102] Bernard, 'Les Victimes', 467.

doing so to impugn their honour and reassert the masculine right to bodily possess them. Again, the group dynamic exacerbated this, pushing each individual to outdo the others.

There are comparable cases in many other cities. Suzannah Lipscomb found multiple such cases in and around Nîmes. In the 1596 case of Suzanne Cregude, the victim was abducted from the house where she worked by two men.[103] She was perceived to be a legitimate target because of her occupation as a servant and the prolonged absence of her husband, and her attackers were young men with a history of causing disturbances, including a previous attack on a young girl. In his defence, one of the men alleged that Cregude 'had told him that she regularly had sex with Sergeant Ysac, who shared her house, and that she was a "public whore, notorious to all"'.[104] Both men claimed to have found her out in the street late at night and asserted that she was a notorious public prostitute. The case was prosecuted as adultery between the men and a married woman, a tragic indication that the authorities also doubted Cregude's respectability.[105] In 1581, three young men attempted to rape Lucie, a maidservant. They took her from her master's home to the countryside outside of town and offered her payment in the form of dresses.[106] Here the men attempted to turn Lucie into a prostitute and would undoubtedly have used her acceptance of the dresses to discredit any allegation she subsequently made.[107] Their attack was foiled when Lucie escaped and ran through the street shouting for help, in a textbook reenactment of the legal requirements to prove oneself a victim of rape.[108] Lipscomb highlights how these women were vulnerable because of their occupations and lack of present male relatives, something which also ruled out the possibility of offending another man's honour in the attack. I would add that in these cases, attempts were made to discredit the victims by associating them with public women, prostitutes, or by forcing them to accept payment which would render the attack a transaction instead. Their occupations and domestic situations meant they

[103] Lipscomb*, The Voices of Nîmes,* 246.
[104] Ibid.
[105] Ibid, 247.
[106] Ibid, 252.
[107] This is reminiscent of the gifts of jewellery made to rape victims in early modern Rome which were deemed 'payment'. Tessa Storey, 'Fragments from the "life histories" of jewellery belonging to prostitutes in early-modern Rome' *Renaissance Studies* vol. 19 (2005): 654.
[108] Garthine Walker, 'Rereading Rape and Sexual Violence in Early Modern England' *Gender and History* vol.10, issue 1 (1998): 3.

were considered sexually available, akin to public prostitutes, and their attackers tried to cement this status by offering payment or legally identifying them as 'public'.

In Mexico City there is no case during the period in question which matches this pattern, but I argue that this is not because no such attack ever happened. Instead, I suggest that this is due to the disinterest of colonial authorities in prosecuting attacks against enslaved people, freed Black or Indigenous women, who would almost certainly have been the most likely targets for such an attack. There are cases of collective sexual violence against enslaved women in various places in the early modern period, and the availability of enslaved (or otherwise marginalised) women to men in sixteenth century Mexico City would have made them vulnerable to attacks like these.

Collective sexual violence was a tool of a patriarchal system, used by men to reassert control over women deemed to have breached the social order. Victims were denigrated as prostitutes (some were potentially involved in occasional sex work) and some subsequently entered the public brothel or perhaps extralegal sex work to earn money, given the loss of their honour and thus marriage prospects as a result of rape. The men involved used the attack to bolster their own masculine identity, and perhaps to bond with the other men present. In this respect these attacks are reminiscent of the visits made by groups of young men to the public brothel in Lyon and Seville. By engaging in the masculine activity of sex, young men proved their masculinity to their peers and shored up the patriarchal system they were maturing into. When this was coupled with violence and dominance over women, as in the cases of multiple perpetrator rape, these men were able to reaffirm their masculinity in the group. However, in the sixteenth and seventeenth centuries this mentality came into conflict with that of elites who no longer endorsed this expression of male sexuality or method of policing morality. These groups of men were increasingly prosecuted – thus leaving a greater documentary record for the historian – and collective rapes became less common in the face of a model of masculinity that prescribed self-control and private sexuality.

Sexual Violence Against Men: Masculinity Through Dominance Over Other Men

While this chapter has focused on male violence against women, there were of course instances of male violence against men, and I argue that these often served the same purpose of asserting masculinity and followed similar racial patterns. As Cristian Berco has argued, far from being a subversion of traditional heterosexuality, sodomy was often another manifestation of it. Berco makes this case with regard to patterns of sodomy in which older men or boys took the active role with younger boys in the passive role, suggesting that this behaviour allowed boys to perform their masculinity as they aged into the active role, and that most went on to have relationships with women – displaying the same aggressive assertion of masculinity with them that they had learned as young boys.[109] Berco also suggests that there was a thriving market for the informal prostitution of young boys, 'allowing adult men to pursue sexual pleasure … in a manner that exploited the bodies of the poor': this is highly reminiscent of the exploitation of poor women that occurred simultaneously.[110] In the memoirs of Pedro de León on the criminal justice system in Seville, boys as young as four were victims of sexual violence at the hands of other men.[111] Most of the passive partners mentioned by Pedro de León are younger, many so young they were deemed unable to consent even by the standards of the Inquisition, and thus 'nothing was done to them on account of their being very young children'.[112] There were also several consensual relationships, and in these too the passive partner was almost always younger. Taking the active role was a way for men to manifest their masculinity by penetrating, and thus emasculating, another, much as it was in cases of rape.

Lamonte Aidoo has written extensively on instances of sodomitical rape in Brazil, and his conclusions are worth discussing here. He argues convincingly that slaveholders used rape as a tool of racial domination over enslaved men and boys, servants and other unfree labourers, who made up 43% of documented cases of sodomy.[113] Aidoo attests that 'the rape of male slaves was not solely or perhaps even primarily about the rapist's gratification, but also about the conscious use of sodomy as a form of degradation, terror and defilement

[109] Cristian Berco*,* 'Producing Patriarchy: Male Sodomy and Gender in Early Modern Spain'*, Journal of the History of Sexuality* vol. 17, no.3 (2008): 372.
[110] Ibid, 368.
[111] PDL*,* 275.
[112] '*a ellos no les hicieron nada per ser muy niños',* Ibid, 296.
[113] Aidoo, *Slavery Unseen,* 32.

that left the slave culpable and sinful in the eyes of the church', and that slaveholders' actions were a deliberate method of emasculating Black men whose masculinity they otherwise found threatening or inconvenient.[114] Aidoo's conclusion is entirely in keeping with my findings, and in fact reinforces them – men across the early modern world used rape as a way of asserting their masculinity and degrading their victim, whether man or woman, and they most frequently victimised enslaved people, servants and others over whom they had power or who they felt posed a threat to the social order. In his book *Rethinking Rufus,* Thomas A. Foster offers a profound examination of the sexual abuse perpetrated against enslaved men in North America, which also suggests that this abuse was used as a tool to accrue power to slaveholding men (and women). While Foster claims that assaults on men and boys did not shore up the patriarchy, I would disagree – in line with Berco and Aidoo – to suggest that in fact assaults on less powerful men and boys, such as those who were enslaved, allowed the aggressor to assert their masculinity over others and to define their masculinity through their power and dominance over other men.[115] There are clear overlaps here between the sexual violation of enslaved men and the rape of disorderly women, enslaved women, and others.

This chapter has a broad scope and offers an examination of both unfree sexual labour and the coercion or rape which I position as part of the same system. In the racialised patriarchy of the early modern world, men (and society at large) saw women as sexual objects and labouring bodies and acted to extract that labour by force. They asserted their own masculinity through their exploitation of women's bodies, and on occasion they used this exploitation as a homosocial bonding experience as in cases of multiple perpetrator rape. These attacks in particular are representative of male desire to reinforce control over certain women, but they also offer an insight into two clashing value systems: that of elites which condemned such attacks, and that of ordinary members of society who had yet to internalise these new standards. Individual rapes perpetrated against enslaved men and boys are also demonstrations of the need to bolster the supremacy of European men over others through the degradation of violent sexual assaults. While many of the cases under

[114] Ibid, 36.
[115] Foster, *Rethinking Rufus,* 4.

discussion here are not sexual labour, they are part of the same system which understood sex as a commodity which could be extracted from the bodies of the less powerful, and which perceived that commodity as something to which European men were entitled, by whatever means. As such, their study is of the greatest importance to our understanding of the forms of sexual labour in the early modern period.

Conclusion

In June 1975 over a hundred sex workers occupied the Saint Nizier Church in Lyon, prompted by 'lack of police vigour in arresting murderers of prostitutes and lack of adequate police protection for those who continued to work as prostitutes as well as to oppose increased police harassment through fines and imprisonment'.[1] This is one of the events credited with initiating the modern movement for sex workers' rights, and with bringing sex work to the core of feminist issues.[2] The site chosen, the Church of Saint Nizier, is a prominent feature of Lyon's landscape and has been so since the medieval period. In the sixteenth century, the parish of Saint Nizier was at the heart of the artisanal quarter of Lyon, with around 22,000 people taking communion there in the 1530s.[3] Until 1512 it was the site of official assemblies of the city council.[4] The Place de Saint Nizier was a street known for its criminal character, and the parish also included La Pêcherie, the largest bathhouse in Lyon and a known site of extralegal sex work.[5] During the latter part of the sixteenth century this was the area most heavily populated by Protestants, and in 1562 the church was desecrated during the Protestant takeover of the city.[6] Much like the church in which they took their stand, the issues raised by the sex workers of 1975 would have been familiar to their sixteenth century predecessors: violence inflicted by customers, fines and increased scrutiny by the authorities, and poor working conditions generally.

Municipal brothels were a late medieval institution across much of Europe which provided men with the opportunity to demonstrate their masculinity through sex, and which created masculine civic community through shared ownership of the public women of the brothel. They also allowed authorities to control women who would otherwise have been outside immediate patriarchal control: unmarried women, without parents or other family, or an employer who could discipline them. The public brothel provided a service for the city and

[1] Gregor Gall, *Sex Worker Unionization* (Palgrave Macmillan, 2016), 18.
[2] Molly Smith and Juno Mac, *Revolting Prostitutes* (Verso, 2018), 219.
[3] Natalie Zemon Davis, 'The Sacred and the Body Social in Sixteenth-century Lyon' *Past and Present* 90, no.1 (1981): 52.
[4] André Pelletier and Jacques Rossiaud, eds., *Histoire de Lyon des origins à nos jours*, (Horvath, 1990), 427.
[5] Françoise Bayard, *Vivre à Lyon sous l'ancien regime* (Libraire Academique Perrin, 1997), 121; Jacques Rossiaud, *Medieval Prostitution* (Blackwell, 1988), 6.
[6] Jérémie Foa, 'Le repaire et la bergerie des brebis du Seigneur au milieu de la France' *Histoire urbaine,* vol. 41, no 3, (2014): 160; Philippe Jaeger, 'Saint-Nizier: une église lyonnaise', *Les Amis de Saint-Nizier* (2007): np.

the community by supposedly preventing violence against honourable women and limiting male excesses. People understood that the prostitutes therein were workers, performing a service.

However, for the women of the public brothel this was a form of quasi-imprisonment in many cases, and working conditions could be extremely poor. Depending on the relationship of the women with their customers and with management, experiences of the public brothel could differ, but many women were trapped by debt or by exploitative managers, a situation clearly indicated by the regulations for legal prostitution in Seville and other Spanish and European cities. Despite this, these women enjoyed one advantage over their extralegal counterparts, in that they had recourse to the law to punish violence against them because they were deemed to be valuable to the city and thus protected legally and practically, at least in some cases. They could also hope for eventual rehabilitation through a reform house, marriage or domestic service in a private household. In Lyon, for example, elite men and women bequeathed money to reform houses, to serve as a dowry for repentant prostitutes.

In the early modern period this status quo changed. Reformation and Counter-Reformation attitudes to sexuality understood public prostitutes not as a source of moral and civic order but as producing moral corruption. A belief emerged that legal prostitution fomented immorality and that sex should be firmly confined within marriage. In Protestant areas public brothels were quickly closed and prostitutes condemned, and Catholic Europe soon followed. This was part of a wider attempt to reshape the morals of the Church and the laity which included remaking the city, redefining marriage, enclosing the poor and privatising sexuality. Similarly, campaigns for moral reform often took as their targets populations who manifested difference and thus a threat to the 'order' of the city, such as Jews or *moriscos:* campaigns in Venice linked Jews with the spread of syphilis, supposedly after their expulsion from Spain in 1494, before linking the disease to Indigenous Americans, and throughout sex workers were blamed as carriers.[7] Reforming the city meant enclosing or eradicating such

[7] Richard Sennett, *Flesh and Stone: The Body and the City in Western Civilization* (W. W. Norton and Company, 1994): 223. This book engages with the idea of remaking the city, and the role of the body in that process, across a much longer period and broader geographic scope.

dangerous populations. It was this school of thought which also led to the closure of bathhouses across France, for example, as public nudity came to be seen as immoral. These changes were also influenced by a growing conception of masculinity which privileged restraint and sexual continence instead of seeing sexual exploits as proof of virility.

Initially, these changes in mentality resulted in stricter enclosure for the women of the public brothel, who in Seville for example were subject to medical inspections, more severe regulations, and more frequent attempts at conversion and rehabilitation. But as the Counter-Reformation and newer attitudes to public sexuality gained momentum, the entire system of legalised prostitution became a target. Sex outside of marriage was no longer legible as work, only as a manifestation of lust.

The end of legalised prostitution was contested: this was a gradual movement that took time to gain ascendancy. Ordinary people were not at the forefront of the movement calling for the end of public brothels, but elites often wanted brothels moved from their areas and located at a distance, as in the petition of the *regidores* in Seville, the Church in Toulouse or the Saint-Georges parish authorities in Lyon. The eventual end of legal brothels came largely from top-down legislation, from royal edicts which indicated a change in policy influenced by religious movements and high-level pressure. As indicated by the two poems with which this thesis began, not everyone, even amongst the elite, thought brothels should be closed.

While the public brothel waned in Europe, it was never really exported to the colonies of Spanish America so far as we can tell. Its decline in Europe occurred in parallel with the establishment of colonial rule in Mexico City, where instead Black, Indigenous and mixed-race women met the demand for sex in extralegal sex work, transactional sex or unfree sexual labour. The colonial authorities lacked the will or the power to enforce a brothel monopoly, and by the end of the period European cities had joined the colonies in relying on other forms of sexual labour.

Throughout this thesis I have adopted the term extralegal to better communicate the complexities of the legal framework surrounding sex work in the early modern period. Selling sex itself was rarely prohibited in legal codes, and women were almost never

punished for selling sex or for having sex outside marriage. Procuring was much more clearly illegal and was subsequently prosecuted.

Many women in prostitution transitioned between legal and extralegal work repeatedly over the course of their working life, but some were able only to work extralegally because of their race or gender. Sex workers moved from one type of sexual labour to another, and often one form acted as an introduction: women who had performed transactional sex for a master might enter extralegal prostitution afterwards. The location and type of sex work often determined the working conditions someone might experience, as streetwork was inherently more dangerous than working in a brothel, and working with a procurer might make a prostitute safer but only if the procurer himself was not violent. This is amply communicated by the examples of procurers in Seville being prosecuted for violence against sex workers and others.

In extralegal work women could be managers, although this was far less common in Seville despite the depictions of procuresses in contemporary literature, while in Lyon this was the norm in both extralegal and legal prostitution. In Mexico City Indigenous and Afro-descended women are likely to have been particularly prevalent in extralegal sex work because of the low numbers of Spanish women in the early years of colonisation, and the lower socio-economic status of most women of colour. This was probably the case in Seville as well, with its significant minority of Afro-descended and Indigenous women. Across Europe, apart from the rarer but more ostentatious phenomenon of the courtesan, poorer women predominated in extralegal prostitution.

Over the course of the sixteenth century, visible sex work was increasingly under scrutiny, and in particular the sites of sex work were more likely to be targeted. In both Seville and Lyon sites of sex work were destroyed and condemned. This was part of efforts to remake the city to fit with newer moral and social norms, to enclose the poor and other undesirables and distance elites from unsavoury features of urban life. At the beginning of the period sex workers could declare their occupation in censuses and tax rolls, and largely lived as part of their community, but by the end of the period they could face expulsion

from their homes and their neighbourhoods, and be targeted by the authorities, particularly if they were deemed to be causing a disturbance.

The end of legalised prostitution contributed to a perception of extralegal prostitution as immorality, not work: sex work as a whole was devalued and delegitimised, and this impacted both legal and illegal workers. Sex work did not just consist of outright prostitution but could also include transactional sex, which was often undertaken in return for bed and board. This type of work was particularly common for women who could not contract a marriage, whether because of poverty, having been raped or dishonoured by sex before marriage. This was a form of survival sex work.

For servants and enslaved women, sexual labour was often an extension of the domestic labour they were expected to perform. This reflects how sex work was a gendered form of labour and often accompanied other forms of gendered labour such as productive and reproductive work. We must be careful, however, to consider whether these women had the opportunity to deny consent or whether they simply acquiesced, in the hope of rewards or to avoid repercussions.

Over the early modern period, concubinage was increasingly targeted as a demonstration of immorality. It was condemned by Reformation and Counter-Reformation movements alongside prostitution, and concubines frequently faced repercussions such as exile, imprisonment or corporal punishment. This is illustrated by the erosion of *barraganía* as a semi-legitimate form of concubinage, replaced by *amancebamiento* which was far more likely to draw the ire of the authorities. This change was part of the wider reform of morals and social order, including the Counter-Reformation movement to discipline the clergy which resulted in serious impacts for clerical concubines, attested to by the records of the Archbishopric court of Lyon, for instance. The end of legal prostitution meant there was no longer a public prostitute against whom to define concubines, thus creating a less clearly defined amalgamation of dishonourable behaviours which were targeted.

However, in Mexico City efforts to police cohabitation were sporadic and ineffective, perhaps because the women involved were usually Indigenous or Afro-descended and thus

deemed to be without honour to begin with. The colonial government also had its own priorities and lacked the manpower or will to enforce prohibitions, despite urging from the metropole.

Servants and enslaved women continued to perform sexual labour throughout the period and beyond, in the New and Old worlds, and this was largely unchanged by the shifting moral attitudes, although it was expected to remain private and women whose relationships with their masters (consensual or not) became public could be condemned for immorality.

Often, servants and enslaved women were in fact performing unfree sexual labour. Ideas about Black and Indigenous women as hypersexual and available to European men, and similar ideas about poorer European women (such as the notion of the sexually precocious servant), resulted in the legitimisation of sexual violence against them. These instances were presented as part of the labour owed by these women or as a result of their inherently sexual nature. These women could acquiesce, but they could rarely refuse or deny their consent and thus could not in fact consent. This is a powerful argument in favour of using the concept of acquiescence, and suggests just some of the issues with using the concept of consent in an early modern context.

Men also committed sexual violence against women they viewed as outside male control – they degraded women they assumed to be prostitutes, or they degraded women by asserting that they were prostitutes, because prostitution was no longer work but purely a source of shame and proof of immorality. Common in the late medieval period, these attacks were representative of a contested form of masculinity, which in the sixteenth century came into conflict with newer ideas about masculinity which prescribed sexual restraint, temperance and civic behaviour. This conflict often manifested in the prosecution of sexual violence by authorities, but women also suffered as their behaviour was frequently deemed to have been equally culpable.

This thesis has charted the evolution in how sex work was understood by people in the early modern period. By the end of the long sixteenth century, sex was no longer conceptualised as a form of exchange by religious and secular authorities. Instead, it should be a private

affair, the exclusive preserve of married couples. Thus, women having sex in other conditions were seen as immoral. Men were also viewed with disapproval for having sex outside of marriage, but as their honour was based on more than their chastity this disapproval was less damning than that experienced by women.

Along with other forms of gendered labour such as domestic and reproductive work, sex was increasingly seen as the natural inclination of women. For married women this meant their sexuality was a legitimate and expected part of their marriage as it had always been – although there was perhaps less recognition that they were owed material and financial security in return. But for unmarried women this meant sexual activity was a sign of immorality and uncontrolled lust. Sex was increasingly seen to be a matter for the home, for the private sphere.

This accompanied a wider movement on the part of elites to distance themselves from distasteful aspects of urban life: sex work, noise, the poor, among others. Elites and the authorities also asserted a form of masculinity focused on restraint and civility, which by the eighteenth century condemned visiting prostitutes, drunkenness and gambling as part of an unacceptable *vie libertine*.

However, this did not lessen the demand for sex work, it only changed the perceptions of that work and those who performed it – the prostitute was 'transformed from a member of society into an outright criminal'.[8] Black, Indigenous, and poor women were still exploited on a huge scale in domestic service, slavery and other contexts. This was simply made less visible than it perhaps had been in previous centuries.

In this new climate, women who had sex outside of marriage could be prosecuted for being public women, *mujeres publicas*: this term had shifted from denoting legal prostitutes performing a public service to a condemnation of any non-private sexual activity. It no

[8] Kathryn Norberg, "The Body of the Prostitute: Medieval to Modern" in *The Routledge History of Sex and the Body in the West: 1500 to the Present* eds. Kate Fisher and Sarah Toulalan (Routledge, 2013), 393.

longer communicated the important service previously performed by legal prostitutes in creating civic community and order and instead signalled immorality and lust.

Legal prostitution would eventually return, in Europe and beyond. When it did, it was usually viewed as a way of controlling or placating certain sectors of the population: usually working-class men or soldiers, as in the military brothels of the French empire in the twentieth century.[9] Contextualising these attitudes in the moral views of the early modern period allows us to better understand how sex work has been viewed since and is approached today. Not only that, but a study of sex work permits a more complete analysis of how gendered labour was devalued in the early modern period, how competing conceptions of masculinity were reconciled, and how various states of unfreedom and slavery were experienced by women in the early modern colonial world. Situating sexual labour in a history of work provides a wealth of opportunities to more thoroughly understand women's work in the early modern world and beyond, and nuances histories of prostitution and sexuality that attempt to examine attitudes towards women's sexuality in the Reformations.

By adopting a comparative approach this study has not only offered an evaluation of the differences and similarities between three important early modern cities, but has also demonstrated the impact of colony on the metropole, rather than the inverse which is by now well-demonstrated. In positioning Mexico City as the norm of the early modern period with regards to sex work, in its lack of a public brothel and its large-scale exploitation of the poor, women of colour, and enslaved people, the comparative lens has allowed us to better understand how such patterns were slowly adopted in Europe as well. This often happened with direct contact from the colony, as in the case of French colonies and the practice of keeping a Black housekeeper as a concubine.

Furthermore, the exercise of comparative history is one which fundamentally changed the structure of this study, encouraging me to adopt categories that were revealed only through

[9] Caroline Séquin, 'The shifting contours of colonial prostitution (Fort-de-France, Martinique, 1940-1947)' *Clio. Women, Gender, History*, no. 50 (2019): 19-36.

the comparison of practices in one city with another. A study of a European city might easily adopt a set of categories predicated on the existence of a public brothel, or a tolerated bathhouse, and position this as a norm against which to define 'illegal' sex work, while missing entirely other forms of sexual labour such as transactional sex and unfree sexual labour, which might be viewed only through the lens of coercion and rape. In doing so, such a study misses the opportunity to consider the relation between such categories, and the movement of individuals between them, as well as the facets revealed by their simultaneous examination, such as the dimensions of extralegality which are more useful in defining much of early modern sex work. Similarly, a study of a single colonial city would likely focus on sexual exploitation and omit a consideration of sexual labour in its other forms. Many studies have been written which follow such patterns, and while their value is clear, they do not, cannot, offer a full consideration of sexual labour. In contrast, a comparative study which combines European and colonial cities forces its writer to think more broadly about the full spectrum of sexual labour, and the relationships between different types of labour and labourers. Here lies the strength of the comparative lens, which led me to a perspective I could not have found otherwise, and to a framework which more aptly considers the swathe of experiences of sex workers in the early modern world.

This thesis has made the case that prostitution must be reconceptualised as part of how sexual relations are organised, and has demonstrated the need to reconsider concepts such as prostitution, rape, and consent both in the archive and in our own writings, based on analytical categories rather than accepting the labels used by early modern authorities and thinkers. Such a study provides an argument for re-examining the changing definitions of marriage, and the shift in attitudes to many other issues such as infanticide, instead understanding them as part of a broader shift in perceptions of sexuality and sexual behaviour.

Appendix 1: Timelines

Lyon:

1377	Girarde runs bathhouse of 'Rue de Notre Dame du Palais'.	AML CC60
1386	Bathhouse of Trèsmonnoye opens. It is next door to Palais de Roanne, seat of the royal court, and the cloister of Saint-Jean where the archbishopric court sits. It is run by Jacquemete, who pays 5 sous in tax.	AML CC64
1388	La Pêcherie is run by Guillot Marchis, a wealthy merchant. It is on the left bank of the Saône, almost opposite Trèsmonnoye, and is near to Herberie where the grand merchant families live.	AML CC1-2
1388	Guillemeta il Charolla has, amongst other buildings, four houses situated in the Rue de Sablis, which make up the Sablis bathhouse.	AML CC1-2
1388	Thomas Dodieu runs Bathhouse of Bourgneuf.	AML CC1-3
1439-1446	Gonin Tricaut Bathhouse La Pêcherie bathhouse, pays 7 *sous* 6 *deniers* in tax.	AML CC68-2
1439-1446	The widow of Ganivet (or maybe Gavinet), who was the keeper of the bathhouse, runs Ganivet bathhouse, pays 10 *sous* in tax.	AML68-1
1446	La Pêcherie is owned by Baronnat family.	AML CC3-3
1446	Friar P Mulat, owner of Sablis bathhouse, enters order of Precheurs – but retains ownership. Bathhouse made an annual offering of 12 oil lamps to church of Saint Romain.	AML CC3 1446 f.310
1446-1447	Wife of Louis Baronnat, d'Annonay, is the owner of La Pêcherie bathhouse	AML CC3-3
1460	Petit Jean is listed as Master of La Pêcherie and is charged 3 *sous* 9 *deniers* in tax.	AML CC84 f.272v
1468	Ecclesiastical court differentiates between prostitutes working in the	ADR 1G 184, f.29v

	brothels, in the bathhouses, and in private chambers.	
1470	Attempts to contain public prostitution and keep it away from churches, in an order expelling women of 'suspect living' from the cloister of the Archbishopric.	ADR 1G 184, f.29v
1473-1475	Jean Deschamps is listed as sergeant of the secular court of the Archbishop of Lyon, and host of la Chèvre bathhouse, near the Hôtel-Dieu.	AML CC92
1473-1475	La Casotte and Massin, hosts of La Pêcherie (described as 'of the street from the gate of the Augustines ended in l'Herberie') are taxed between them 30 *sous.*	AML CC93
1473	La Casotte is madam of La Pêcherie, along with Massin (her husband, Thomassin, who was provost of the workers in the mint), pays 20 *sous* in rent.	AML CC207
1477	Request of the inhabitants of Rue de La Pêcherie to obtain the consent and support of the Consulate to evict the bathhouse run by La Casotte because it is 'worse than a public brothel', and also a site of brawls, murders, and many other dangers.	AML BB350-1
1478	German merchants on their way to the fair brought prostitutes with whom they had travelled to the bathhouses of La Pêcherie.	AML FF Inventory Chappe, XIII 62/67
1478	La Pêcherie is owned by the Archbishop of Lyon.	AML FF Chappe, XIII, 62/27
1478	Trial of La Casotte (Casotte Cristal) for being suspect and a danger to public safety as a Flemish woman with a property (La Pêcherie) on the water. Case is brought by merchants who want the dock space – they are unsuccessful.	AML FF629
1480	La Casotte is still madam of La Pêcherie, and her rent rises to 5 *sous par denier.*	AML CC14
1483	La Casotte is still madam of La Pêcherie, pays 9 *livres* in rent.	AML CC160

1485	Amont, the host of La Pêcherie, successor to la Casotte, pays 4 *livres* in tax.	AML CC212
1485	Le Grand Richard, who makes the silver tinsel for prostitutes, is charged 60 *sous* in tax. This tells us that prostitutes are obliged to wear these distinguishing badges.	AML CC212
1489	Le Grand Richard appears again, as the maker of prostitutes' badges, but is assessed at 30 *sous* in tax. This suggests that the badges are less and less in use, and his business is waning.	AML CC105-2
1492	The heirs of the late butcher Humbert Combe, known as Nicod, own a house and another behind, where the La Chèvre bathhouse is located, adjoining the cemetery of the Hospital.	AML CC6-2
1493	Nicolas Chevallier rents the La Pêcherie bathhouse for 210 *livres tournois* annually.	AML CC7, f.84.
1493	New attempt by inhabitants of Rue de la Pêcherie to close the bathhouse, demanding the consulate put a gate on the Saône at this location.	AML BB20-2, f.48 v.
1493	Ambroise Tesson, armourer, has a house in which are the bathhouse du Palais, on the banks of the river. He rents it annually; wine and beds are included – it is worth 245 *livres tournois.*	AML CC5-1
1493	Guillaume de Darnal owns the Saint-Georges bathhouse, in the street of the same name, on the banks of the river. It is worth 105 *livres tournois* a year.	AML CC5-3
1493	Catherine Guiot, of Paris, prostitute, rents the ground floor of the house of Pierre Millery, for 3 *livres* 15 *sous.*	AML CC5-3
1493	Gilles de Foreys has a house worth 30 *livres tournois* in the street coming from le Puits-Pelu and leading to Port-Charlet, which he rents to two prostitutes, who pay 9 *livres.*	AML CC6-3
1493	Georges Lenfant, miller, owns a house 'open to prostitution', likely an illicit brothel. It is only one house away from the property owned by Gilles de	AML CC6-3

	Foreys. He charges prostitutes 23 *florins* in rent, and the property is worth around 18 *livres tournois* a year.	
1493	Jean Terry, merchant, has a house in Rue la Blancherie, which he rents to two prostitutes.	AML CC6-3
1493	Four prostitutes have two houses in the street which comes from le Saint-Esprit, and goes towards Notre Dame de Rue Neuve, and pay 6 *livres tournois* each annually.	AML CC7-3
1493	Two prostitutes rent one of the three houses owned by Claude and Louis Taillemont in the Rue Malpertuis, for 10 *livres.*	AML CC7-3
1493	Francois Pajaud is host of La Chèvre bathhouse, is estimated first of all to be worth 60 *livres* but then is moderated to 48 *livres* because he was thrown out of the bathhouse.	AML CC9-5
1493	Guillaume Darnal has the houses of the bathhouse of Saint-George, estimated to be worth 105 *livres* a year.	AML CC10-2
1493	Pierre Barsurabe, dyer, owns a barn, garden, and within the garden eight small rooms which make up the corner of Rue Pet-Estroit, adjoining the barn of Varey and the house of Combrement, with an alley between the two. He rents the eight rooms to prostitutes, and each is worth 6 *livres* a year, making the total property worth 60 *livres tournois*.	AML CC7-2
1493	Francois Caleant, sergeant, possesses five small and low houses (presumably single story) in the Rue Pet-Estroit, which he rents to prostitutes.	AML CC7-2
1496	Prostitutes are chased out of district of Notre Dame de Rue Neuve.	AML BB24 f.23
1496	The Filles Repenties are permitted by the city council to stay in the building of the Hôtel-Dieu, until a house of refuge is built for them.	AML BB24
1496-7	George de la Noyerie is paid for having drawn up an order to oust the prostitutes of the Ganivet bathhouse.	AML CC531

1499	Nicolas Chevalier, cloth shearer, is host of La Pêcherie, and pays 62 *sous* and 6 *deniers* in tax.	AML CC107-2
1502-3	Request by the suffragan bishop of the Order of the Convent of the Augustines, to give a site for the hospital for repentant women.	AML BB356-1
1503	Pierre Regnard, Jean Bautier, Amé Bulliod, Humbert Mathieu and François Torvéon, members of the city council, give their wages to the Hôtel-Dieu to feed and benefit the poor, including the establishment of buildings to house and feed poor repentant women.	CC558
1503	Jacquet Rocher, host of La Pêcherie, pays 2 *livres* in tax.	AML CC113
1503	La Louve is madam of Saint-Georges bathhouse, and will soon move into the establishment she runs, but for now lives near the Hôtel-Dieu.	AML CC237
1503	La Casotte appears for the final time as 'the widow of Massin Carpentier' and is taxed at 4 *livres*. However, a later note states that she is not actually charged.	AML CC111, f.7.
1511	The order is given to demolish the bathhouses. La Chèvre is demolished 1513, La Pêcherie by 1520, Trèsmonnoye by 1529, Sablis between 1517 and 1528.	AML BB30
1512	Nicolas Chevalier remains host of the Saint-Georges bathhouse.	AML CC116-1
1512	Madeleine Lambert, listed as a prostitute, pays 15 *sous* in tax.	AML CC116-3
1513	Madeleine Lambert, prostitute, lives on Rue Ferrachat. She pays 4 *deniers*, a reduced rate because she previously paid 8 *deniers* in June 1513/	AML CC250
1513	Madeleine Lambert, prostitute, lives on La Rue de l'Ours and pays 3 *livres.*	AML CC120-2
1513	Expenses are paid to 12 masons and 6 workmen for demolishing La Chèvre bathhouse, following the ordinance of Monsieur Alabre, grand provost of the marshals of France, who ordered the execution of two men for murders and other crimes committed in the	AML CC616

	bathhouse. He declared that this house can never more host prostitutes or baths, because of the public danger it caused.	
1513	Case between the Consulate and Michel Descombes on the subject of La Chèvre bathhouse, of which Descombes is proprietor, and which the provost Alabre illegally demolished.	AML BB32
1514	Madeleine Lambert and Marcienne/Marianne live together and pay taxes.	AML CC321
1515-16	Madeleine Lambert and Marcienne, both listed as madams of prostitutes, live on the Rue de l'Ours near the church of Saint Georges. Madeleine pays 24 *deniers*, 2 *livres*, 5 *sous*. Marcienne pays 30 *sous*	AML CC122
1516	The city council conduct a visit to the Hôtel-Dieu and inspection of the staff there, including a report on the numerous conversions of prostitutes by an Italian *cordelier* named Brother Thomas. The report mentions the financial difficulties of the institution as a result of having to feed and clothe the new repentant women.	AML BB36
1517	Madeleine Lambert pays 40 *sous* in taxes to the King, and Marcienne, who lives next door, only pays 20 *sous.*	AML CC132-2
1517	Claude Barsurabe, dyer, has a house in Rue de Montribloud/Rue Mulet, along with a barn, press and garden. In the garden, above the barn, five small rooms are rented to prostitutes. The house is on the corner of Rue Pet-Estroit.	AML CC34
1517	Next door to Claude Barsurabe's house, Jeanne, the widow of Michel Roy, known as Combremont owns a portion of a house. Prostitutes live there.	AML CC34
1518	Construction of a wall to enclose the repentant women at Hôtel-Dieu.	AML CC664
1518	Expenses for detaining Pierre Boucher at the request of the city councillors. He is accused of 'inducing the	AML CC6664

	reformed women to vice and sin', and of impregnating Claude Damas.	
1518	Further expenses in the Boucher case, this time including a sentence of three years imprisonment and deprivation of all offices and benefices, as well as a sum to be paid to the Hôtel-Dieu.	AML CC674
1519	Expenses to feed and house Claude Damas throughout her pregnancy.	AML CC677
1519	Expenses to feed and house a new priest from Savoy, Claude Viet, who replaced Boucher at the Hôtel-Dieu.	AML CC677
1519	Expenses to raise the wall around the repentant women's lodgings, to stop people entering.	AML CC677
1520	Case against Pierre Boucher, priest attached to the Hôtel-Dieu, who after having seduced Claude Damas, a reformed prostitute who was in his spiritual care, and having impregnated her, chased her from the establishment in the night.	AML BB38-4
1522	Establishment at the Hôtel-Dieu of a prison to which to send repentant women who 'merit it'.	AML BB39
1523, 23rd September	Archbishopric court investigates Jean Gros, priest and beneficiary of the Church, for cohabiting with a suspected prostitute named Perrenette.	ADR 10G643
1524	Madeleine Lambert, prostitute, pays 30 *sous* 8 *deniers* in rent.	AML CC265
1525	Expenses for the establishment of a dormitory for repentant women at the Hôtel-Dieu, and of a ward for young children.	AML CC739
1528	Master Moulin, clerk, has a house in the same street as the Hôtel-Dieu, which he rents to two printers and several prostitutes. Moulin will soon become the municipal tax collector for the city.	AML CC39-2
1528	The widow of Louis Levert, embroiderer, owns a house on the Rue de la Blancherie with a courtyard and garden. She rents it in its entirety to Antoinette Dauxerre, a prostitute.	AML CC39-2

1528	Claude Jobert, weaver, owns a tall house and another adjoining house, on the edge of the Rhône, forming the corner of the Rue de la Blancherie. He rents rooms to la Thoyne (Antoinette) Breysi, prostitute, la Simonde, a fortune teller, Katherine, private prostitute, and la Guette, fortune teller.	AML CC39-2
1528	La Montréal owns a house near Hôtel-Dieu, tenants include 'la fillie' of Master Phillippe Bonnet, marshal, a prostitute.	AML CC39-2
1530-40s	Scandal at the Hôtel-Dieu when repentant prostitutes working there were implicated in sexual impropriety. In 1543 the council act to put a stop to it.	Natalie Zemon Davis, 'Scandale a l'Hôtel-Dieu de Lyon' in *La France d'Ancien Regime: etudes réunies en l'honneur de Pierre Goubert,* 1984.
1534	Rectors of Hospital de Charité complain about river boatmen carrying prostitutes from Savoy to Lyon on their boats.	AML E4 f.101v
1534, 29th June	Archbishopric court investigates Maudine and Jeanne Ballanière for living in the cloister and expels them. They were likely the partner/concubine and daughter of a priest.	ADR 10G 610 no. 2
1539, Thursday 2nd July	Request is made by Madeleine, hostess of prostitutes, to gather all the prostitutes who have been spread around the town, into a brothel on Rue Ferrachat.	AML BB56-3 f.41
1540	Authorisation granted to Madeleine, hostess of prostitutes, to gather the prostitutes of Lyon in Rue Ferrachat, as it is far from respectable streets and passages.	AML BB57
1542	Request is made by the Commander of Saint-Georges parish to close the brothel on Rue Ferrachat because it is a disturbance to the nearby church.	AML BB58-2 fs. 50-51
1543	Inquest into the conduct of Sisters Hilaire and Couronnée, of the Hôtel-Dieu, who were accused of immorality and wicked behaviour for having led	AML BB60, AML 3GG122

	others into sin - including transactional sex.	
1543	Expenses paid to Anthoine Valloyre, or Beguin, for a trip ordered by the city councillors to deliver Mothers Hilaire and Couronnée to the convent for reformed women in Blois.	AML CC958
1543	Repeated complaints from rectors of Hospital de Charité about river boatmen carrying prostitutes on their boats from Savoy to Lyon.	AML E5 f.304v
1546	Complaints are made about the behaviour of the women in the Rue Ferrachat brothel.	AML BB65
1551	Repeated complaints about the Rue Ferrachat brothel.	AML BB71
1552	Decision to close certain towers of the city walls at Saint-Just, because they are a site of thefts, scandals, and *paillardise*, and the men there have even attempted to rape chambermaids who go to the vineyards there on their masters' orders.	AML BB74
1560	Estates of Orleans forbids all brothels.	Estates of Orleans, Article 101; François-André Isambert et al eds. *Recueil general des anciennes lois françaises depuis l'an 420 jusqu'à la Révolution de 1789,* t. XIV (Belin-Prieur, 1829)
1572, 24th June	Parishioners of Saint George complain about their priests always missing mass because they're in the brothel outside the parish.	ADR 4G22, AML 1GG528-9
1581	Disorders reported at the Hospital Saint-Laurent, a provost is to be appointed to punish those who are involved in *paillardise*, and who lead a wicked and out of control life.	AML BB107
1587	General Assembly convoked to remedy the problem of large number of vagrants who wander the streets – including *'femmes et filles desbauchées'.*	AML BB119
1591	Closure of the inn of the Red Hat, situated next to Saint-Sebastian,	AML BB128

	because of the scandals that have generated great complaints.	
1594, 15th January	Rectors of Hôtel-Dieu discuss the cost of providing treatment to syphilitics, and whether they should continue to pay, when the disease is acquired by sin.	HDL, AHD Registre E, f.281
1598, 22nd December	Catherine du Bois and Claudine Bourbon are banished from the cloister by the Archbishopric court after being found 'at a suspect hour' in the bedchambers of Barthelemy Marquis and Jacques Guay, respectively. Both men were priests.	ADR 10G 610 no. 4
1605, 31st October	Jeanne Valencienne is prosecuted by the Archbishopric court after being found in the house of Pierre le Grine, clerk of the church, with the intent to 'prostitute herself to him'.	ADR 10G 610 no. 6
1624	Order to Captain la Vioze, quartermaster of the city, to command the women and girls of wicked life who live in two houses opposite each other in the quarter of Bourgneuf to vacate these houses and the aforementioned quarter within three days, or their possessions will be thrown into the street.	AML BB165
1631	Request from the people of the Quarter of La Pêcherie, concerning the basement of a house bordering the Saône which is the site of great excesses committed there at night.	AML BB179
1657	Permission for Antoine de Neufville, Abbot of Saint-Just, nephew of the Archbishop of Lyon, to establish a house for repentant women in the city, which will be placed under the direction of the sisters of the Visitation of Saint Mary.	AML BB212
1702	Sum of 1,500 *livres* provided by the aldermen to the directors of the House of Recluses, to contribute to their costs for receiving, lodging and cloistering in perpetuity 'the brothel madams who prostitute young women, and the	AML BB261

	street whores who infect the youth and soldiers'.	

Seville:

Date	Event	Archival Reference
1337	First mention of establishing a *mancebía* in Seville, to combat violence.	AMS Sec 1a, Caja 15
1416, 24th July	City council orders the *mancebía* enclosed entirely, especially streets from Tonelería and Calle de la Mar, to avoid continued scandals in the area.	AMS Sec 15 Papeles del Mayordomazgo, 1416, 24 de Julio
1417, 18th August	Payment is arranged for Diego Alonso, stonemason, resident of Triana, of 13,200 *maravedies* for the task of enclosing and building the gate of the *mancebía.*	AMS Sec 15 Papeles del Mayordomazgo, 1417-1431, 31
1423, 26th July	Payment is arranged for Juan Ingles, *alcalde* of the *mancebía*, of 1000 *maravedies* of bread and maintenance for the men he has to guard the *mancebía* and those inside.	AMS Sec 15 Papeles del Mayordomazgo, 1417-1431, 67
1461, 19th October	Enrique IV reiterates rule against city officials protecting ruffians and procurers	AMS Sec 10 Actas Capitulares, 1a Escribania octubre 19 1461
1474, 4th October	Members of council of Seville told to search their parishes to make sure there were no prostitutes working outside the *mancebía.*	AMS, Sec 10, Actas Capitulares, 4 de Octubre
1480	Census shows numerous prostitutes living outside the *mancebía.*	Collantes de Terán, A.: *Sevilla en la Baja Edad Media. La ciudad y sus hombres*, Diputación Provincial, Sevilla, 1977, p. 263, n. 3.
1491, 6th July	Prohibition on married men entering the *mancebía.*	AMS, Sec 10, Actas Capitulares, 6 de Julio
1499	Repairs to the *boticas* and houses of the *mancebía* are paid for by the council.	AMS Sec 3, Tomo 11, 58
1511, 13th February	Certification given by Juan de Celada, deputy of the chief scribe, that Pedro Fernandez,	AMS Sec 15 Papeles del Mayordomazgo, 1511-1515, 13243

	cobbler, resident of Santa María parish, is the landlord of *boticas* in the mancebía that the city council ordered rented for 19 years from 1st march, for 12000 *maravedies* annually.	
1519	King Charles V orders constables to survey public spaces and *mancebías* and detain public women who are making excessive noise or disturbance.	Novisima Recopilación, Tomo 2, Libro V, Titulo XXIII, Ley VII
1529	Council is billed for lime used to repair the houses of the *mancebía.*	AMS Sec 3, Tomo 11, 59
1553, 7th May	Ordinances of Seville – regulations for running of *mancebía.*	"Titulo LXXI, Mancebía" in *Antiguas ordenanzas municipales de la ciudad de Ronda y su jurisdicción: mandadas pregonar por orden del rey Don Felipe en la plaza de viva rambla de la ciudad de Granada en el año 1568* (Ronda, 1889), 307.
1557	Doctor Luis Suarez reports on the poor state of contraceptives used in the *mancebía.*	AMS Sec 3, Tomo 11, 69
1563	Report from brothel *padre* Juan de Velasco about holes in the walls of *mancebía* allowing procurers entry.	AMS Sec 3, Tomo 11, 60
1571, 10th March	First *mancebía* legislation that applied across Castile – essentially an extension of the 1553 Seville Ordinances.	Pragmatica del 10 de marzo de 1571; BL Egerton 1873, fs.155-161
1572	Surgeon charged with inspecting prostitutes in the *mancebía* reports that women with syphilis are not going to hospital, but are working elsewhere in the city.	AMS Sec 3, Tomo 11, 62
1573	Diego de Castro, ruffian/procurer, is prosecuted for attacking a prostitute in the	AGS CCA DIV 29,2,1, Fol.271

	mancebía because she refuses to work for him.	
1573	Gonzalo de Almarante is prosecuted for attacking an official attempting to arrest a man for attacking a prostitute in the *mancebía.*	AGS CCA DIV 29,2,1 Fol.298
1574	Testimony of Juan de Aguilar that one of the royal provisions stated that no one could be padre of the *mancebía* without the approval of the owners of the houses there, presented before the council for approval, and having sworn to uphold the ordinances. Asked for by Rafael Ruiz, *padre* of the brothel.	AMS Sec 3, Tomo 11, 61
1575	*Regidores* attempt to move *mancebía* and establish a monastery of the order of San Agustin there instead, but it was stopped by *cabildo de jurados.*	AMS Sec 3, Tomo 11, 1
1576, 11th July	Petition to the council about numerous openings in the walls of the *mancebía*, asks for repairs and increased vigilance.	AMS, Sec 17, 11 de Julio de 1576
1590, 21st May	Diego Felipe, *padre*, reports that the door to the *mancebía* has been destroyed by the gang of the Laguna and as a result wicked men are mistreating the women within, destroying the houses, and stealing doors and materials.	AMS Sec 3, Tomo 11, 63
1594, 20th May	City council denounces interference of the constables of the *Audiencia* court, who they claim inspected the houses of the *mancebía* without authority.	AMS Sec 10, Actas Capitulares 1a Escribania 20 mayo 1594
1595	Jesuit priest Agustin de Figueroa reports to the council on sermons to convert prostitutes, asks for *mancebía* to be properly enclosed again	AMS Sec 11, Tomo 7, 20

1599	Pacheco claims that Fray Luis Rebolledo converted 27 prostitutes from the *mancebía* on Mary Magdalene's feast day.	Pacheco, Francisco. *Libro de descripción de verdaderos retratos, de illustres y memorables varones*. Spain, 1881
1599	Manuel Lopez is hanged for killing a man he was trying to con, near the *mancebía.*	PDL, 363
1607, 31st August	Baltasar de los Reis, *padre,* states that he has excused some women from the *mancebía* from attending mass because they are ill or lack cloaks with which to cover themselves.	AMS Sec 4, Tomo 22, 8
1616, 30th May	Complaint by Juan de Espinosa, owner of several houses in the *mancebía* on behalf of himself and other owners, about the problems and disruptions caused by Jesuit priests attempting to convert women in the *mancebía.*	AMS Sec 10, Actas Capitulares, 1a Escribania, 30 mayo 1616
1619, 8th February	The city council hears the petition of the brothel *padres,* read before the lieutenant of the *Asistente* a few days earlier, which complained about the interference of Jesuit priests in the business of the *mancebía.*	AMS Sec 10, Actas Capitulares, 1a Escribania 8 febrero 1619
1619, 8-12th March	A commission is established to consider the regulations of the *mancebía and* presents its findings to the council on 12th March. They recommend new ordinances which include limits on preaching to the prostitutes of the *mancebía.*	AMS, Varios Antiguos, 339
1619, 20th March	A sermon is preached at San Vicente church in Seville (to an elite audience) about the dangers of public prostitution. This angers the city council, who debate this matter the next day.	AMS Sec 10, Actas Capitulares, 1a Escribania 21 marzo 1610. The full text of the sermon can be found in Manuel Pizarro, Gaçeta Medica de Sevilla, 12 Junio 1881, 183-186.

1620	Official inspection of the *mancebía*, includes accounts of women working there and owners of houses.	AMS Sec 11, Tomo 7, 73
1620, 31st January	Juan Ruiz de Galera, *padre,* stated that *mancebía* is empty and this is a problem for the chapels, hospitals, churches and monasteries which own *boticas* there, and reports the danger of women being spread across the city. Galera had rented houses of the *mancebía* from city council for ten years in 1613.	AMS Sec 4, Tomo 22, 9; AMS Sec 10, Actas Capitulares, 1a Escribania 31 enero 1620
1620, 12th July	Jesuit priests Alonso Ruiz and Gumielos appear before officials of the *Audiencia* with a copy of the 1553 ordinances, urging a return to these regulations. This results in a ruling which nullifies the 1619 ordinances.	AMS Sec 10, Actas Capitulares, 1a Escribania 12 julio 1620
1620, 20th August	Royal Provision authorised 9 new regulations of the *mancebía*, largely in line with 1619 ordinances.	AMS Sec 4, Tomo 22, 13
1620	Juan Ruiz de Estremera*, padre,* declares that the *mancebía* is empty, and asks council to confirm the new ordinances (as recommended by commission of March 1619 and the royal proposal of August 1620) so it can reopen.	AMS Sec 4, Tomo 22, 10
1620, 11th November	Juan Ruiz de Estremera, *padre,* again states that priests are bothering women of the *mancebía* in an attempt to convert them and force a return to the previous ordinances, and thus women are fleeing.	AMS Sec 4, Tomo 22, 11
1620, 13th November	The council finally agrees to register the new regulations as laid out in the royal provision. These include repeated prohibitions on married men, non-Christian and non-Spanish	AMS Sec 10, Actas Capitulares, 1a Escribania 13 noviembre 1620

	women and the need for enclosure of women in the *mancebía.* They also reiterate prohibitions on exploitation of prostitutes by brothel *padres*.	
1621	Juan Ruiz Galera, *padre*, asks for permission to open the *mancebía* while the new ordinances are in process of being approved, to avoid the women of the *mancebía* (who he claims are mostly infected with syphilis) wandering through the woods, barbicans and pits of San Sebastian and public streets.	AMS Sec 4, Tomo 22, 17
1621	Brothel *padres*, panicking about the emptiness of the *mancebía* and the delay in registering the ordinances, apply for permission to turn the *mancebía* into a residential zone and destroy the perimeter wall.	AMS Papeles del Conde del Aguila, Tomo 7 en folio, no.74
1621, 19th May	In an attempt to delay the council's registration of the new regulations, the *Regente de la Audiencia* required them to deliver all documentation referring to the new ordinances.	AMS Sec 10, Actas Capitulares, 1a Escribania 19 mayo 1621
1621, 24th May	The chief lawyer of the council, by appearing before the *Audiencia,* ensures the new ordinances are presented and approved only five days after the initial delay.	AMS Sec 10, Actas Capitulares, 1a Escribania 24 mayo 1621; AMS Sec 4 Tomo 22, 15; AMS Sec 4, Tomo 22, 14 for final draft of new regulations.
1621	Nicolas Galan, unofficial *padre*, asks the cabildo to agree on the conditions and qualities required of him by the new ordinances.	AMS Sec 4, Tomo 22, 16
1621, 12th July	Brothel *padres* complain that the *mancebía* remains empty.	AMS Sec 10, Actas Capitulares, 1a Escribania 12 julio 1621;

	This is repeated in November 1621.	AMS Sec 10, Actas Capitulares, 1a Escribania 17 noviembre 1621
1623, 10th February	Felipe IV officially closes all *mancebías.*	Ley VII, titulo XXVI, libro XII de la Novisima Recopilación
1623, 20th February	*Padres* and brothel owners complain to the council of the dangers posed by prostitutes who were now spread across town after the closure of the *mancebía.*	AMS Sec 10, Actas Capitulares, 1a Escribania 20 febrero 1623
1623, 11th October	The city council writes to the King to request they are allowed to keep the *mancebía* open, stating dangers to public order and health if it is closed.	AMS Sec 10, Actas Capitulares, 1a Escribania 11 octubre 1623
1631	City officials write to the King to ask him to reopen *mancebías*, arguing a rise in crimes against honesty and scandals in the street.	AMS Sec 13, Tomo 5, no 21

Mexico City:

Date	Event	Archival Reference
1538	Royal permission for Mexico City to open a brothel.	AGI, México 1088, L3 F 158R-V159, Real cédula de Isabel de Portugal a la Ciudad de Mexico, 1538
1540, 17th April	Letter of Juan de Zumarraga to the King mentions existence of illegal brothels, and the fact that two priests were known to visit them.	Carta de Don Fray Juan de Zumarraga al Emperador, México 17 de abril de 1540, in Cuevas, *Documentos Ineditos*
1542, 19th September	Act of the *cabildo* discusses the intended location of the public brothel.	Acta del Cabildo de la Ciudad de Mexico de 19 de septiembre de 1542
1543, 20th February	Act of the *cabildo* discusses the builder who will be responsible for the construction of the public brothel.	Acta del Cabildo de la Ciudad de Mexico de 20 de febrero 1543
1544	Ordinances of Tello de Sandoval, the inspector of New Spain, encourage constables to prosecute procurers in their jurisdictions.	I Sanchez Bella, *Ordenanzas del visitador de la Nueva Espana, Tello de Sandoval, para la administración de justicia (1544),* 1969: ordenanza XVII, 45
1555	Archbishopric court begin criminal case against Ana/Maria de Tepe for procuring for Indians, Spaniards, Black people and *mestizos.*	AGN Indiferente Virreinal, Caja 5428, Exp.62ß
1567	Luisa de Espinosa is investigated for procuring her own daughter, as well as two Indigenous women, and one Spanish woman.	AGN Indiferente Virreinal, Caja 2275, Exp.11
1568	Instructions given to Martín Enríquez, viceroy of New Spain, include provisions on preventing prostitution and cohabitation.	AGI, Mexico, 1089, L.5 F.194V-209V.
1570	Trial of Catalina Garcia for procuring.	AGN Bienes Nacionales, vol.497, Exp.7
1571	Trial of Anton Temiño for procuring his own wife.	AGN Bienes Nacionales, Vol. 497, Exp.28

1572	Two men are tried for rape and abduction – this record is no longer available to consult so no further details are known.	AGN Inquisición, Vol. 95, Exp.1
1577	Martin de Vildesola is tried for procuring his wife.	AGN Bienes Nacionales, Vol. 1072, Exp.15
1577	Maria del Avila is accused of procuring her two daughters.	AGN, Indiferente Virreinal, Criminal, Caja 5568, Exp.40
1582	Gaza Lopez Serrano and his wife are accused of procuring.	AGI, Audiencia de México, Legajo 70, tomo 2, *Lista de Prisioneras de la Real Sala del Crimen*
1582	Parents of 16-year-old Ana de Alameda are prosecuted by the Archbishopric for procuring their daughter, although this is more likely cohabitation.	AGN, Indiferente Virreinal, Caja 2307, Exp.9
1585	The third Mexican Church Council discusses the link between cohabitation and procuring, declares all as wicked and immoral.	Luis Martinez Ferrer, *Decretos del Concilio Tercero Provincial Mexicano* (1585) vol. II (El Colegio de Michoacán, 2009): 414, 606-608.
1589	Instructions given to the Viceroy Luis de Velasco y Castilla include command to prevent prostitution and cohabitation.	AGI, Mexico, 1092, Legajo 12, F.204V-225V.
1609	Domingo de Molina accuses Diego Hernández of abducting and deflowering his fifteen-year-old granddaughter and ward, Ursula Infante.	AGN, Tribunal Superior de Justicia Distrito Federal Colonial, Caja 195, Esp. 8
1617	The Inquisition prosecute Isabel de San Miguel/Isabel Guijarro and Jeronima de Mendoza for procuring and witchcraft	AGN, Inquisición Vol. 314, Exp.8
1621	Ana Bautista is tried for running an illicit brothel.	AGN Bienes Nacionales, Vol. 207, Exp.18
1633	María de la Cruz accused an enslaved man named	AGN, Tribunal Superior de Justicia Distrito Federal Colonial, Caja 61, Exp.22

	Nicholas of raping her daughter Damiana Ramirez.	
1655, 31st August	A dispute between an honourable gentleman and father Pedro Giron breaks out in an illicit brothel. Rumours of the incident are common knowledge.	AGI, Audiencia de México, Legajo 38, Documento fechado el 31 de Agosto de 1655

Not included here are the 101 cases of cohabitation, prosecuted between 1540 and 1631. These are chiefly from the Archbishopric court and are available from the Archivo General del la Nación, Mexico.

Appendix 2: Glossary

Meaning	French Terms	Spanish Terms
Public brothel	Prostibulum publicum Bonne carrière (a district/street rather than a single building) Bordel Maison commune Maison de la ville	Mancebía Aduana* (literally, customhouse) Burdel Cambio* Campodepinos/Montaña de pinos/Montaña/Monte* Cerco* Cortijo* Gúanta* Guisado* Manfla/Manflota* Pifla*
Brothel (could be public or private)	Bordel Bordelage Bon hostel Basselette Bourdeau Chateau-gaillard Maison lupanarde Maison des fillettes	Burdel Buena casa
Bathhouse	Estuve	Baño
Public prostitute	Femme publique Fille commune publique Meretrice	Iluminaria (one who stands at the entrance of the brothel to entice men) Mujer pública Niña* Prostituta Pelota* (literally, bag of money) Tributo/tributaria/censuaria/vaca/yegua* (pays a tribute to a procurer)
General words for a prostitute	Femme de deshoneste vie Femme de joye Femme Joyeuse Femme de bordiaulx/bordel	Abadejo/badea//bujaharra/gusarapa/pelleja* (a low quality, even ugly prostitute) Bagasa Cisne* Coima*

	Femme commune secrète (one who works outside the public brothel) Femme du monde Femme folle Femme (suspecte) de mauvaise vie Femme de partie Fille de peché Fille abondonnée Fille debauchee Fillette Garce Meyssen/Meschine Prostituée Putain Pute	Concejil* Escaldada* (an old and unattractive prostitute) Gaya* Germána* Grofa* (in particular, of a low status even among other sex workers) Honrada* Hurgamandera* Iza* Mala mujer Maleta* (a prostitute who brings customers to be robbed by her procurer) Maraña* Marca/marquida/marquisa* Marica* (can also be used to signify the passive partner in homosexual intercourse) Mujer de mal vivir Mujer del mundo/mundaria Mujer del partido Mujer errada Mujer escusere Mujer perdida Pencuria* Pobreta* (a prostitute of low quality, literally 'poor') Prostituta libre (one who works outside the public brothel) Puta Puta honesta* (appears as an honest woman, a prostitute of quality) Olla* (an experienced but not yet old prostitute) Ramera Sufridora de trabajo* (literally, one who suffers work) Tapada* (prostitute who covers her face apart from one eye, who is veiled) Trabajadora* (literally, worker)

		Trucha* (a very young and high-quality prostitute)
Streetwalker	Cantonnière Coureuse (literally, runner)	Andorra/andorrera* Cantonera/puta de canton* (one who has a specific corner on which she works) Mujer Corriente* Niña comun* Puta de callejera* Trotona/mujer al trote*
Location specific terms for prostitute	Clostrière (works in a private brothel) Fille secrete (works in a private brothel)	Cotarrera/cotanera/piltrofera* (shelter-whore, one who works from a hospital or poor house) Dama de rumbo y manejo* (one who works from a house) Establera* (one whose clients are servants, who frequents stables) Moza de soldada/celeminera* (inn-whore) Puta de celosia* (one who sits at her window to attract customers) Carcavera* (solicits in cemeteries) Moza de soldada/celeminera* (inn-whore)
Prostitute/concubine of a soldier		Barbacanera* Moza* Piquera*
Prostitute whose clients are chiefly clergy		Devota* Mula del diablo*
Courtesan (wealthier, tending to see one or a couple of men)	Courtesane Femme entretenue (literally, kept woman)	Cortesana (which originally meant a soldier's concubine) Mujer amorosa Mujer enamorada
Concubine	Concubine	Manceba (in Germanía, this also came to mean a prostitute) Amancebada Mujer traida*
Other terms for women suspected of	Femme legière Femme lubrique Femme libertine	Dama/rabiza* (one who has paid sex with her husband's permission)

having sex outside of marriage	Paillarde	Mujer de condición al uso* (one who has paid sex under the protection of her husband) Mujer errada Mujer escandalosa Mujer Perdida
Reformed prostitute	Femme reformée Femme repentie	Arrepentida Convertida* Mujer recogida Recogida
Public brothel manager	Abbesse Hôte/Hôtesse Maîtresse	Padre Madre Alcancía* Cambiador* Tapador*
Procurer	Hôte/Hôtesse Maîtresse Ruffian	Alcahueta/o Lenocino Rufián Enjibador* Enjibacayre* Gayo* Germáno* Leon* Tia/madre/madrina* (only applicable to women)

Terms with an asterisk next to them are *Germanía,* the slang which originated in Seville but which spread across the Spanish Empire. They are drawn from Juan Hidalgo, *Romances de Germanía de varios autores: con el Vocabulario por la Orden del a.b.c para declaración de sus términos y lengua* (Don Antonio de Sancha, 1779), likely written by Cristóbal Chaves. More details can be found in José Luis Alonso Hernández, *El lenguaje de los maleantes espanoles de los siglos XVI y XVII: la Germanía* (Ediciones Universidad de Salamanca, 1979).

Other useful terms:

Cayra/cayre/cayro/cayron/caida/caudal*: *a prostitute's earnings*

Comer carne *: *to have sex with a prostitute*

Disanto*: *when prostitutes stop working (eg. for feast days)*

Doncella chanflona/apretada*: *a prostitute who passes herself off as a virgin repeatedly, so as to earn more money*

Empeñarse*: *to link oneself to a procurer. Accordingly, to be 'desempeñada' was to be without a procurer*

Faraute/mandil/mandilandines*: *servant of a procurer or prostitute*

Guardacoimas/guardaizas/guardadamas*: *servant of brothel manager*

Gorrona de puchero en cinta*: *one who prostitutes herself only for food*

Hordada*: *a woman who is known not to be a virgin, or alternatively the passive partner in homosexual intercourse*

Izado*: *the state of cohabiting, being amancebado*

Leona*: *affectionate term given by a procurer to the woman who works for him*

Manflotescos*: *those who follow or congregate around the mancebía*

Pagote*: *men who monitor prostitutes to ensure they are paid and give that money to their procurer*

Prima*: *used by prostitutes to refer to others who work under the same procurer*

Reclamo/traynel/urgamendal*: *servant of a public prostitute*

Rescate*: *the fee paid by women to free themselves of their procurer*

Socorro*: *the money a sex worker gives to her procurer*

Tener carne en el tajo/ganar con carne*: *to work as a prostitute*

Zurratica/zurrona/estragada*: *a prostitute who shows visible signs of syphilis, a derogatory term*

Appendix 3: Maps

Figure 1. Map of Seville c.1550

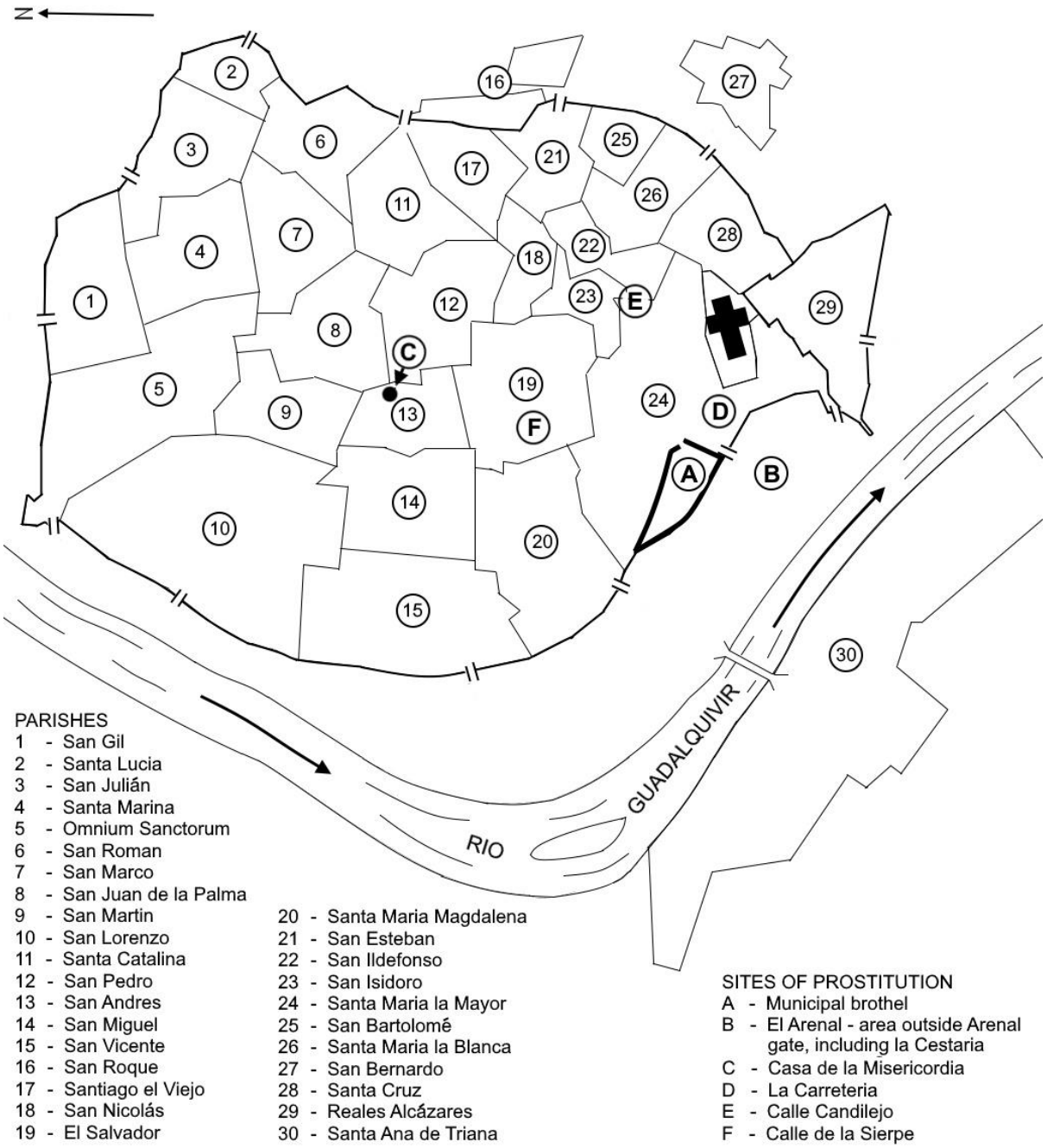
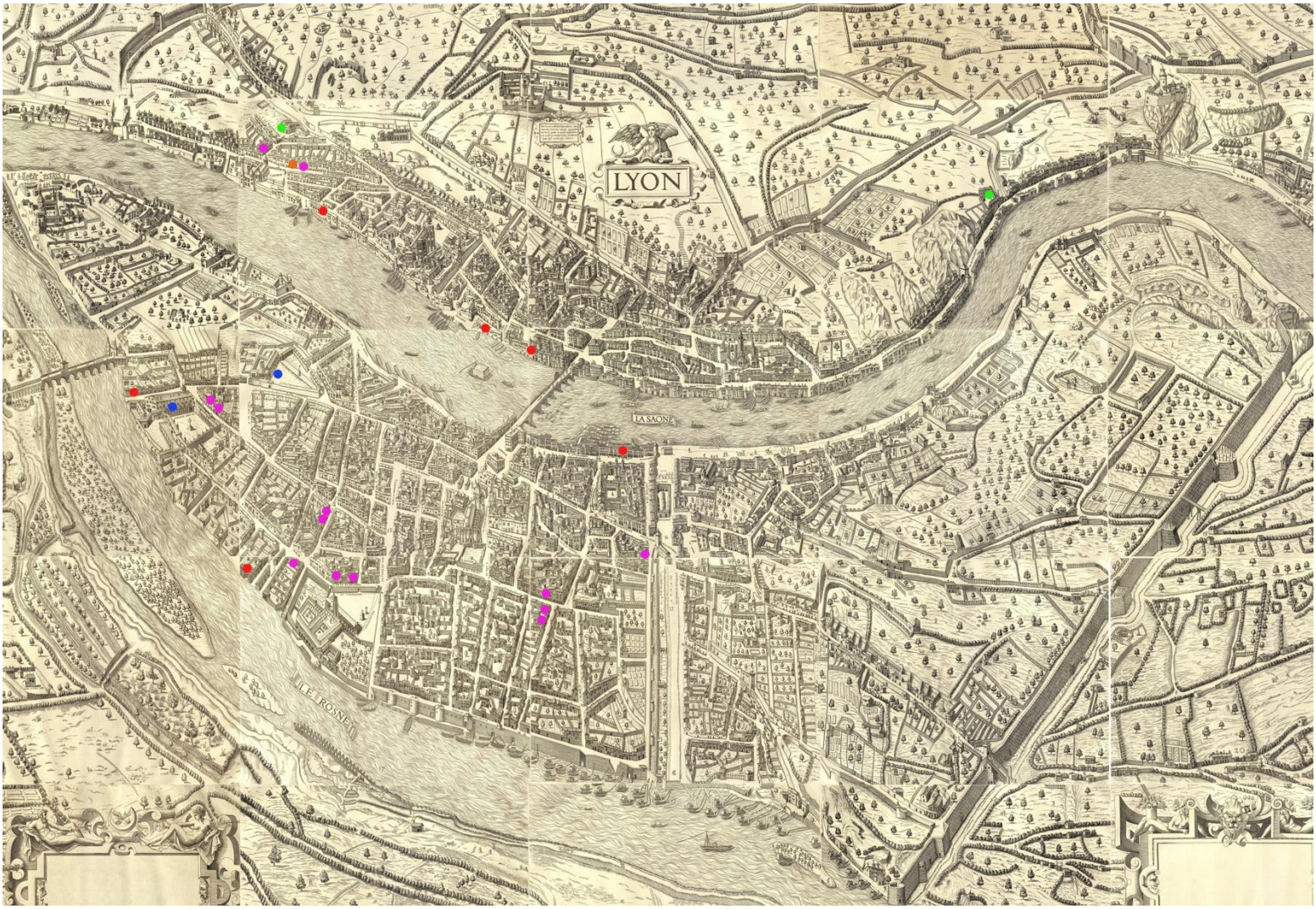


Figure 2. Map of Lyon, 1571



	Bathhouse
	Reform house
	Possible Medieval brothel
	Rue Ferrachat brothel
	Reported residence of a sex worker

All locations are approximate, due to the nature of the records. They are accurate to street level in most cases.

I have been unable to source a period-accurate map of Mexico City with enough detail to make a similar image feasible.

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