

© THE AUTHOR(S), 2023. PUBLISHED BY CAMBRIDGE UNIVERSITY PRESS ON BEHALF OF ACADEMY OF AMERICAN FRANCISCAN HISTORY. THIS IS AN OPEN ACCESS ARTICLE, DISTRIBUTED UNDER THE TERMS OF THE CREATIVE COMMONS ATTRIBUTION-NONCOMMERCIAL-NODERIVATIVES LICENCE ([HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY-NC-ND/4.0/](https://creativecommons.org/licenses/by-nc-nd/4.0/)), WHICH PERMITS NON-COMMERCIAL RE-USE, DISTRIBUTION, AND REPRODUCTION IN ANY MEDIUM, PROVIDED THE ORIGINAL WORK IS UNALTERED AND IS PROPERLY CITED. THE WRITTEN PERMISSION OF CAMBRIDGE UNIVERSITY PRESS MUST BE OBTAINED FOR COMMERCIAL RE-USE OR IN ORDER TO CREATE A DERIVATIVE WORK.

doi:10.1017/tam.2023.33

WHY INDIGENOUS SLAVERY CONTINUED IN SPANISH AMERICA AFTER THE NEW LAWS OF 1542

ABSTRACT: A prevailing idea in the scholarly literature is that the New Laws of 1542 outlawed the enslavement of *indios* (Indigenous people of the Spanish Indies, a category invented by Europeans) in Spanish America. Many see the enactment of this legislation as emblematic of the Spanish crown's exertion of imperial authority over the conquerors who had caused irreparable damage to the Indigenous peoples of the Americas. This article contests this prevailing narrative. It explores how and why the Council of the Indies (the governing council of the Spanish possessions, reporting directly to the king), the Spanish king, and viceroys (or *audiencias* with viceregal approval) mandated Indigenous slavery for life or for a temporary period. Mandates affected at least 15 Indigenous groups in at least ten locations throughout the Spanish-occupied Western Hemisphere in the seven decades following the passage of the New Laws. I focus on this period to explain the conditions, rationales, legal channels, and procedures used by vassals and local and imperial authorities to authorize the enslavement of targeted Indigenous peoples.

KEYWORDS: Indigenous slavery, Spanish legislation, petitions

A prevailing idea in the scholarly literature is that the New Laws of 1542 put an end to further enslavement of *indios* (Indigenous people of the Spanish Indies, a category invented by Europeans) in Spanish America.¹ Many see the enactment of this legislation as emblematic of the Spanish crown's exertion of imperial authority over the conquerors who had caused irreparable damage to the Indigenous peoples of the Americas. Once chattel slavery ended, scholars argue, the Spanish crown exerted further control over its Indigenous vassals, and access to their labor and other labor systems came to dominate colonial production. Under the watchful gaze of the crown, adult Indigenous males worked on *encomiendas* (grants of Indigenous laborers under

Research for this article was made possible by a Social Sciences and Humanities Research Council of Canada Insight Grant. I would like to thank the anonymous readers at *The Americas* and Mercedes Avellanada, Luis Miguel Glave, Megan Griffiths, Alanna Loucks, Iman Mansour, Adrian Masters, Preston Schiller, and Erin Stone for their comments and assistance.

1. The New Laws iterated the papal decree of 1537, *Bulla Veritas Ipsa* (*Sublimis Deus*) affirming the humanity of the Indigenous people of the Americas. The Ordinances of 1573 stressed the prohibition of Indigenous slavery.

the authority of an Indigenous lord and awarded to Spaniards); as *repartimiento* workers (Indigenous laborers assigned to a particular task or organization, such as the Church); as laborers; as *mit'a* corvee laborers in the mining sector, or as personal servants called *yanaconas* or *naborías* attached to a master. Over the next three centuries, historical studies claim, slavery continued sporadically in isolated areas with little crown control, and only under exceptional circumstances.²

The reality is that Spain's New Laws of 1542 never conferred a complete emancipation of slaves, since owners could appear before local magistrates or other authorities, provide legal documents, and retain their property.³ Not only were the laws implemented sporadically, but they also met with tremendous resistance.⁴ Attempts to free Indigenous slaves in Castile and Spanish America in the years following the passage of the New Laws occurred only intermittently and, in some cases, as feckless gestures.⁵ In 1546, the Dominican friar Bartolomé de las Casas, who took a serious interest in the design of the New Laws, called for a special council to investigate the apathetic manner in which the 1542 reforms on slavery were being implemented and to resolve questions surrounding their interpretation.⁶

Thus, in spite of limited and piecemeal efforts to end bondage, both legal and illegal Indigenous slavery and forms of temporary legal guardianship (*depósito*)

2. *La Recopilación de Indias*, libro 6, tít. 2, ley 1, ordena que ninguna persona “sea osado de cautivar indios ni tenerlos por esclavos . . . excepto en los casos y naciones que por las leyes de este título estuviere permitido.” Exceptions mentioned in the 1680 code are enslavement of *caribes* (Caribs) of the Windward Islands (libro 6, tít. 2, ley 13); the Mapuche (libro 6, tít. 2, leyes 14 and 16), and the inhabitants of Mindanao (libro 6, tít. 2, ley 12); Richard Konetzke, “La esclavitud de los indios como elemento en la estructuración social de Hispanoamérica,” *Estudios de la Historia Social de España* (Madrid: Instituto Balmes de Sociología, 1949), 1: 457. Another exception is that Indigenous elites, according to customary law, could continue to hold enemy Indigenous captives as slaves. For an example of colonists in the Spanish Philippines petitioning judges to allow exceptions to prohibiting slavery, see Tatiana Seijas, *Asian Slaves in Colonial Mexico: From Chinos to Indians* (Cambridge: Cambridge University Press, 2014), 44.

3. Carta al virrey [de Nueva España]: sobre que vea un capítulo sobre la libertad de los indios,” April 16, 1550, Valladolid, in Vasco de Puga, *Provisiones cédulas, Instrucciones de su Magestad: ordenanças . . . para Nueva España y para el buen tratamiento y observación de los yndios, desde el año 1525 hasta este presente de 63* (Mexico City: Casa de Pedro Ocharte, 1568), fols. 178v–179r. On the exceptions to the New Laws, see Nancy E. van Deusen, *Global Indians: The Indigenous Struggle for Justice in Sixteenth Century Castile* (Durham: Duke University Press, 2015), 147–69. Former slaves were to be paid wages, but owners resisted compensating former slaves with back pay for their years of service. “Capítulo de una real carta a la Audiencia de México,” September 7, 1558, Valladolid, in Diego de Encinas, *Cedulario indiano*, 4 vols. (Madrid: Ediciones Cultura Hispánica, 1945 [1596]), 4:374; Ley General, September 7, 1558, Valladolid, in *Recopilación general de las leyes de Indias*, libro 6, tít. 2, ley 15.

4. Manuel Lucena Salmoral, *Leyes para esclavos: el ordenamiento jurídico sobre la condición, tratamiento, defensa y represión de los esclavos en las colonias de la América española* (Madrid: Fundación Ignacio Larramendi, 2011), 76–86.

5. Silvio Zavala, “Los esclavos indios,” in *Contribución a la historia de las instituciones coloniales en Guatemala* (Mexico City: El Colegio de México, 1945), 120–123. Chronicler Juan López de Velasco compiled some of the ordinances ordering the freeing of slaves in different audiencias or jurisdictions, including Hispaniola, Honduras, and Venezuela. Juan López de Velasco, “Gobernación espiritual y temporal de Las Indias,” in *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de Ultramar*, 2 Ser. (Madrid: Real Academia de la Historia, 1885–1932), 21:192.

6. Silvio Zavala, *New Viewpoints on the Spanish Colonization of America* (New York: Russell & Russell, 1943), 61–62; Alain Milhou, “Las Casas y las reivindicaciones de La Española,” *Historiografía e Bibliografía Americanistas* 19–20 (1975–76): 20–21.

of war captives continued throughout the Spanish empire for centuries.⁷ The better-known examples of crown-sanctioned slavery include the enslavement of the Reche-Mapuche people of Chile (1608–1674), the Chiriguano (Ava Guaraní people) of southeastern Bolivia in the Audiencia of Charcas (1574–1600), and the Chichimeca of Northern New Spain (1550–1600). A panoramic view of crown-sanctioned legislation enacted after 1542, however, reveals more widespread practices that were far from exceptional.⁸

This article explores how and why the Council of the Indies (the governing council of the Spanish possessions that reported directly to the king), the Spanish king, and viceroys (or audiencias with the approval of the viceroy) mandated Indigenous slavery, for life or for a temporary period, against a minimum of 15 Indigenous groups in at least ten locations throughout the Spanish-occupied Western Hemisphere in the seven decades following the passage of the New Laws (see [Figure 1](#)). For a descriptive chronology of these interventions, see the appendix.

I focus on this period to explain the range of rationales, conditions, legal channels, and procedures used by vassals and local and imperial authorities to authorize the enslavement of targeted Indigenous groups. Authorizations allowing for slavery did not solve problems between Indigenous polities and Spaniards or with other Indigenous polities, and often exacerbated them. Some requests took decades to resolve. A few were disallowed, but many were successful, including the first major authorization, in 1547, five years after the promulgation of the New Laws, when the crown allowed the enslavement of Carib (Kalinago) Indians of Caribbean islands. The local European inhabitants characterized the Carib as aggressive cannibals guilty of attacks on the inhabitants of Puerto Rico.⁹

Following the successful petitioning by the vassals of Puerto Rico in 1547, authorizations for slavery in the following decades extended to other Lesser Antilles islands and also to women. In 1556, after reviewing the reports sent to the council by Bishop Tomás Casillas, the crown approved the enslavement and denaturalization of the Lacandón people in Guatemala.¹⁰ Subsequent

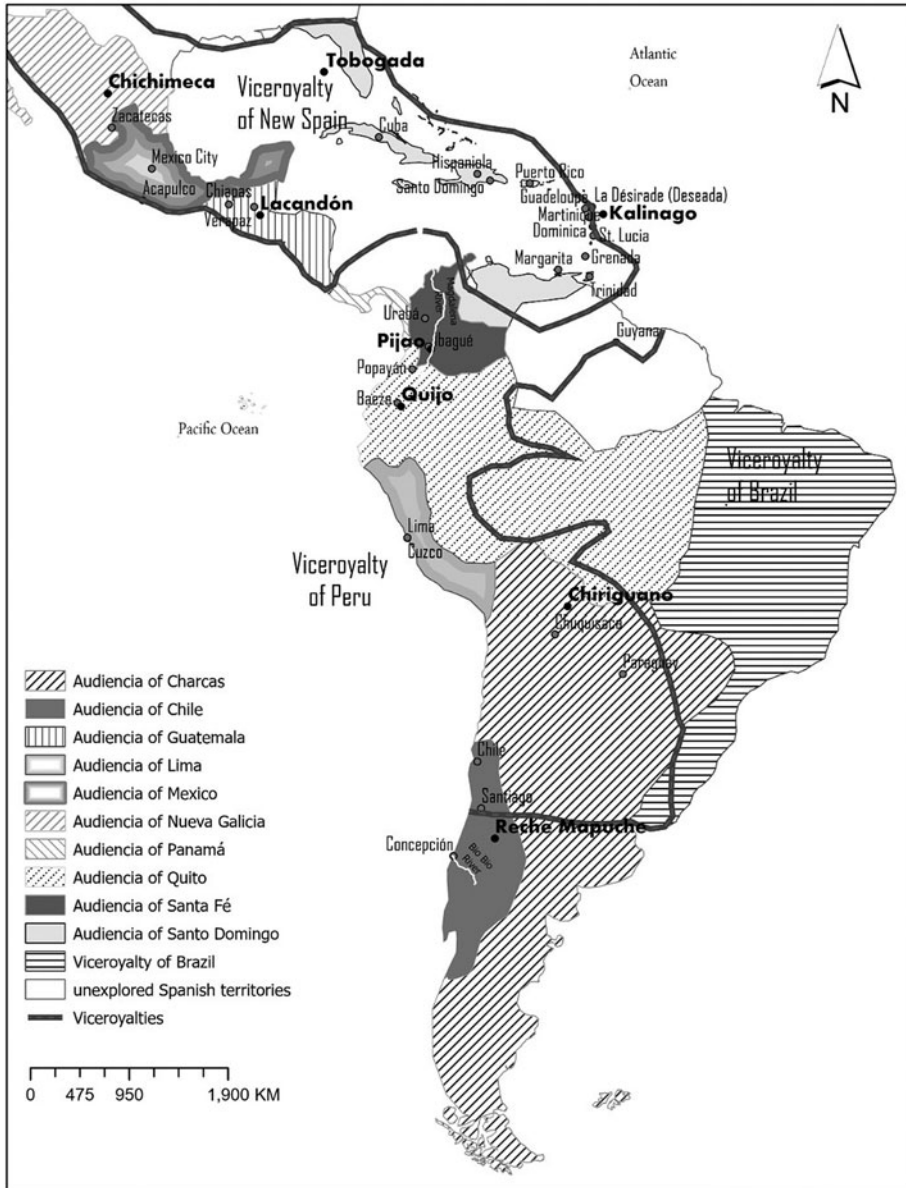
7. In the 1560s, Viceroy Luis de Velasco (1550–64) allowed town magistrates (*alcaldes mayores*) to divide Chichimeca prisoners among the town populace, who would hold them in *depósito*. Philip Wayne Powell, *Soldiers, Indians & Silver: The Northward Advance of New Spain, 1550–1600* (Berkeley: University of California Press, 1952), 64–66.

8. Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton Mifflin Harcourt, 2017).

9. “Provisión real cancelando la ‘ley nueva,’” May 4, 1547, Madrid, Álvaro Huerca, *Ataques de los caribes a Puerto Rico en el siglo XVI* (San Juan: Academia Puertorriqueña de la Historia; Centro de Estudios Avanzados de Puerto Rico del Caribe; Fundación Puertorriqueña de las Humanidades, 2006), 196–198.

10. The council authorized war and the enslavement (punishment) of the Lacandón and Puchutla people in March of 1556, “in spite of the New Laws,” and to help those Spaniards who voluntarily joined the military expedition to defray their costs. Consulta del Consejo de Indias, March 14, 1556, Archivo General de Indias [hereafter AGI], Indiferente, 737,

FIGURE 1
Indigenous Groups in Spanish America Targeted for Crown-Sanctioned Slavery, 1547–1620



Source: Map designed by Iman Mansour.

endorsements in various locations throughout the Western Hemisphere demonstrate a sustained practice across thousands of kilometers, over a prolonged period. Evidence shows that the sanctioning of slavery in one location informed the marshalling of proslavery arguments elsewhere, leading to the extension of Indigenous slavery in disparate locations. An exploration of the legal efforts to legitimize Indigenous slavery reveals that there was no seminal break in the enslavement of Indigenous people before and after 1542, even if the crown considered Indigenous people to be free Spanish vassals with their attendant privileges. Yes, the numbers of slaves taken after 1542 decreased compared to the previous 50 years, but the practice continued, and the legal channels used to enact slavery were many.¹¹

I draw attention to crown-authorized slavery to counter the prevailing myth that slavery continued illegally at the local level while crown authorities did their best to uphold the New Laws.¹² Unquestionably, the crown continued after 1542 to rely heavily on local leaders to do the dirty work of empire-building via authorizations of *capitulaciones* (contracts for military exploration, which are generally associated with the early colonial period).¹³ It is important to understand, however, that the relationship between the Council of the Indies, the king, and the local authorities who resorted to violence against Indigenous inhabitants was symbiotic. The intricacies of colonial legal governance can be understood neither in terms of a top-down Eurocentric vision for implementing and promoting order, nor by assuming that municipal councils far from the “center” could maintain complete autonomy. Outside of urban areas, millions of miles of territory remained under the control of Indigenous polities, and the Spaniards knew that. Therefore, warfare was convenient for both crown and cabildo, and with military conflict came requests for slavery, which were often granted for fixed periods of time.¹⁴

no. 144. A copy of the 1553 account by Casillas of atrocities waged by the Lacandón and Puchutla (including cannibalism) was attached to the council document. When, two years later, the council had received no response from the audiencia to the decree, they issued another one in 1558, authorizing slavery. It was received and published in Guatemala on January 3, 1559, Juan Villagutierre[z] Soto-Mayor, *Historia de la conquista de la provincia de el Itza* (Guatemala: Tipografía Nacional, 1933 [1701]), libro I, chapt. 9, 56, <http://bibliotecadigital.accdid.es/bibliodig/es/consulta/registro.cmd?id=689>, accessed April 26, 2023.

11. I want to emphasize that the illegal enslavement of thousands of Indigenous adults and children continued in tandem with legal practices, or despite laws and ordinances to the contrary. Illegal slavery is not the subject of this essay.

12. Efforts by Spaniards to curtail raids and exchanges with caciques of Indigenous slaves did occur after 1542. In the 1560s and 1570s, cleric Martín González attempted to explain the ongoing practice of slavery, especially of Cario women in Paraguay and especially in Asunción, to crown authorities. See Guillaume Candela, “Las mujeres indígenas en la conquista del Paraguay entre 1541 y 1575,” *Nuevo Mundo/ Mundos Nuevos* (2014), <https://doi.org/10.4000/nuevomundo.67133>.

13. Germán Colmenares, *Historia económica y social de Colombia, 1537–1719*, 2 vols. (Bogotá: La Careta, 1979), 1:23; P. Delgado, “La política española con los caribes durante el siglo XVI,” *Revista de Indias* 119–22 (1970): 117–120.

14. Mauricio Arango Puerta, “Informe de Domingo de Erazo sobre la guerra contra los indios pijaos, 1606,” *Historia y Sociedad* 33 (June 2017): 381. The surname Erazo has various spellings, including Eraso.

A crown-sanctioned mandate or decree to enslave a specific group of Indigenous people could be established through one of two channels, one bureaucratic and the other legalistic.¹⁵ The first channel was based on *gracia* petitions, whereby the king or council allowed exceptions to legal rules by granting special considerations or *mercedes*.¹⁶ The types of legal documents produced by vassals to receive exceptions to rules varied. While kings were generally not legislators, they could, as the fathers of their people, create laws as *lex animata*, the living law, resulting in series of ongoing and everchanging decisions, believed to emanate from God.¹⁷ Through *gracia*, for example, the king could grant a license or privilege in his instructions to a viceroy or an audiencia president about to depart Spain for America. The king's *mercedes* also came in the form of *capitulaciones*, which stipulated the responsibilities of an expeditionary commander such as an *adelantado*, who signed a private contract with the king and who would remain under the king's direct authority and independent of viceroys.¹⁸

The second and more commonly used channel, *gobierno*, was based on proposals and petitions related to administration and governmental interests that were presented to the Council of the Indies or audiencia magistrates, who then issued edicts.¹⁹ This was by far the most frequently used method that vassals pursued to advocate for Indigenous slavery. Requests could come in the form of treatises or reports (sometimes commissioned by the council or king), letters, and petitions that included dossiers of interrogations, witness statements, and other documents. Finally, special councils or *juntas* assembled to debate a serious issue like Indigenous slavery could make recommendations to the king, the council, or the viceroy and audiencia. This article focuses mainly on the two channels of *gracia* and *gobierno*.²⁰

15. For distinctions between law (*derecho*) and legislation (*ley*) and discussion of how legal mandates originated from a variety of canonical sources and practical customs, see the excellent piece by Tamar Herzog, "Colonial Law: Early Modern Normativity in Spanish America," in Jörg Tellkamp, *A Companion to Early Modern Spanish Imperial Political and Social Thought* (Leiden: Brill, 2020), 105–127.

16. Covarrubias describes *merced* as designating a privilege or award such as that given by a prince to a vassal or dependent. Sebastián de Covarrubias Orozco, *Tesoro de la lengua castellana, o española* (Madrid: Sánchez, 1873), Internet Archive, <https://archive.org/details/tesorodelalengua00covauoft>, accessed April 26, 2023.

17. Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957), 93, 99.

18. The use of *adelantados* increased during the reign of Philip II. Eugene Lyon, *The Enterprise of Florida: Pedro Menéndez de Áviles and the Spanish Conquest of 1565–1568* (Gainesville: University of Florida Press, 1976), Appendix 2, 25, n.13; "Pedro Men[én]dez de Áviles: indios de la costa de Florida," AGI, Patronato 257, 1574, n. 1, Gen. 3, r. 20. im. 33. A reliance on private enterprises was also reinforced in the 1563 ordinances.

19. Adrian Masters, "A Thousand Invisible Architects: Vassals, the Petition and Response System, and the Creation of Spanish Imperial Caste Legislation," *Hispanic American Historical Review* 98:3 (2018): 382–383; Adrian Masters, *We, the King: Creating Royal Legislation in the Sixteenth-Century Spanish New World* (Cambridge: Cambridge University Press, 2023).

20. Masters, "A Thousand Invisible Architects," 382. Spanish governmental officials and vassals, including Indigenous slaves, could seek justice (*justicia*) through the court system, the third mechanism of governance. Courts in

Gracia and gobierno petitioning could begin at the local level, with documents then moving from the cabildo to the audiencia. In the authorization of slavery of the Pijao and Páez people in the New Kingdom of Granada, petitioning efforts on a local level (from vassals or municipal councils) were sent to captains general, viceroys or the audiencia, any of which could either authorize the temporary enslavement of Indigenous people captured during *entradas* or allow exceptions to an existing prohibitive decree.²¹ In some instances, requests for crown approval to enslave a particular group might be made multiple times, with petitions sometimes submitted several times over many years. For instance, during the 30 years between 1572 and 1602, three different royal decrees allowed the temporary enslavement of the Pijao and Páez, in the New Kingdom of Granada. Documents accumulated over this period reported many times that the area of Ibagué (to the southwest of Bogotá) was in a continual state of war, with strong Indigenous resistance to Spanish military incursions, despite valiant efforts to found towns and build roads that could reach valuable mineral deposits and enhance communication with the region of Popayán to the south.²²

LEGISLATION AND LEGAL PRACTICE

Given the persistence and ubiquity of crown-sanctioned slavery and its effects on the lives of thousands, if not hundreds of thousands, of Indigenous people, why do we see 1542 as a watershed that defines the transition from conquest to the establishment of colonial order? Why do we explain away local (and often illegal) practices of Indigenous enslavement as either exploitation of legal loopholes or as evidence of the adage that “I obey but I do not comply”?

America or appellate courts in Spain would issue verdicts (*sentencias*) on certain cases using casuistic reasoning. These cases invoked laws or decrees but did not produce them.

21. In 1596, the Audiencia de Charcas declared a war of fire and blood (*fuego y sangre*) against the Chiriguano and the Chané and authorized their enslavement. A letter to the audiencia from King Philip II acknowledged that the king was aware of their decision. “Carta del rey a la audiencia sobre varios asuntos,” September 17, 1596, *Cedulario de la Audiencia de la Plata de Los Charcas (Siglo XVI)*, José Enciso Contreras, coord. (Sucre: Archivo y Bibliotecas Nacionales de Bolivia [hereafter ABNB], 2005), 597–601. On colonists petitioning the Audiencia of Manila in 1584 to allow exceptions (*gracia*) to keep their slaves, see Seijas, *Asian Slaves*, 44.

22. On Bartolomé de Mújica Guevara’s interest in using Pijao enslaved labor for gold mining in 1577, and again after 1590, see María Luisa Martínez de Salinas Alonso, “Los intentos de pacificación de los indios pijao (Nuevo Reino de Granada) a fines del siglo XVI,” *Revista de Indias* 49:186 (1989): 361–363. On the parallel development of *entradas* into mining áreas of Mariquita, Cáceres, and other locations, see Luis Miguel Córdoba Ochoa, “Guerra, imperio y violencia en la Audiencia de Santa Fé, Nuevo Reino de Granada” (PhD diss.: Universidad Pablo de Olavide [Seville], 2013), 324. On the need to maintain a road to Popayán and Quito, see Córdoba Ochoa, “Guerra, imperio y violencia,” 402. On the founding of new towns after 1570, see Juan José Velásquez Arango, “La guerra contra los indígenas Pijaos: financiamiento, organización militar y vida cotidiana, 1550–1615” (Master’s thesis: Universidad Nacional de Colombia, Sede Medellín, 2018), 57–64. Only half of newly founded towns survived into the seventeenth century. Colmenares, *Historia económica y social de Colombia*, 1:34.

First, we must understand that the creation of legislative decrees in the sixteenth and seventeenth centuries occurred organically, evolving in both local and imperial contexts as additional knowledge was accumulated. This “additional knowledge,” which councilors used in reviewing petitioners’ requests, included facts about local exigencies that were considered along with the tried-and-true accusations of cannibalism and the taking of vassals as captives or killing them. This patchwork accumulation, over space and time, explains the apparently contradictory nature of the legislation, which we call “law.”²³ In other words, council magistrates issuing ordinances or decrees based on new or newly available information could bend existing legislation without going so far as to formulate a guiding principle that would influence future deliberations.²⁴ Ordinances and general and specific decrees that fell under the rubric of *gobierno* administration thus did not serve as precedents.²⁵ In fact, officials engaged in very little comparative research on prior cases to render judgment. For instance, when the Council of the Indies authorized the enslavement of the Lacandón people of Guatemala in 1556, based on reports from local secular and ecclesiastical authorities of cannibalism and brutal killings, council members insisted that the change did not “alter or revoke the [New Laws of 1542] which the Council had passed, with so much consideration.”²⁶

Second, legal mandates could be interpreted in multiple ways. Because many laws related to Indigenous slavery applied to a specific locale or Indigenous polity or were to be in effect for only a specific period, government officials in Spanish America could consider a law that was responsive to the demands of specific circumstances, without affecting the broader existing law. In 1573–74, a formal inquisition and junta of secular and religious authorities was held in Chuquisaca, Bolivia, to determine whether war and slavery were justified against the Chiriguano people of the eastern slopes of Bolivia. Two participants in the junta, Francisco de Quiñones, president of the Audiencia of La Plata, and Manuel Barros de San Millán, were aware

23. Alfonso García-Gallo de Diego, “La ley como fuente de derecho en Indias en el siglo XVI,” *Anuario de Historia del Derecho Español* (1951–52), 617–618, https://www.boc.es/biblioteca_juridica/anuarios_derecho/anuario.php?id=H_1951-1952, accessed May 19, 2023.

24. Brian Owensby, “The Theater of Conscience in the ‘Living Law’ of the Indies,” in *New Horizons in Spanish Colonial Law: Contributions to Transnational Early Modern Legal History*, Thomas Duve and Heikki Pihlajamäki, eds. (Frankfurt am Main: Max Planck Institute for European Legal History, 2015), 128; Victor Tau Anzoátegui, *Nuevos horizontes en el estudio histórico del derecho indiano* (Buenos Aires: Instituto de Investigaciones de Historia del Derecho, 1997).

25. Victor Tau Anzoátegui, *La ley en América hispana: del descubrimiento a la Emancipación* (Buenos Aires: Academia Nacional de la Historia, 1992).

26. Consulta del Consejo de Indias, March 14, 1556, AGI Indiferente, 737, no. 144, fol. 1r: “no se deve alterar ni revocar la ley que con tanta consideración y consejo se mandó hazer.” This language would be repeated in subsequent legal authorizations.

of the authorization of slavery against the Lacandón people, both having previously served as *oidores* in Guatemala. Quiñones and Barros based their objections to the enslavement of the Chiriguano on a 1530 law abolishing all Indigenous slavery, even in cases where slaves had rebelled against the crown.²⁷ According to eyewitness Reginaldo Lizárraga (later archbishop of Santiago, and a proponent of war and enslavement against the Reche-Mapuche), Toledo responded to Quiñones and Barros's protestations by stating that the 1530 law was not applicable to the Chiriguano: "never having [before] seen such a decree nor understanding that it applied to kingdoms other than [to] Mexico and Guatemala."²⁸

The fact that the viceroyalty of Peru did not even exist in 1530 when the law was enacted convinced Quiñones, Barros, and all but one member of the junta's ad hoc committee of the inapplicability of the 1530 "Guatemala law" to the Chiriguano situation. They approved the punishment of the Chiriguano as both just and necessary.²⁹ In 1583, after a second junta, at which the Audiencia of Charcas gathered testimonies from local authorities in Santa Cruz de la Sierra, a region of recent Spanish settlement with an active Chiriguano presence, the *oidores* approved the enslavement for life of the Chiriguano and of the Chanés, an Indigenous group whom the Chiriguano had captured.³⁰

Third, local authorities in Spanish America could overrule laws or bend them. In deciding how (or whether) to implement ordinances, render long-time customs as binding, enact procedures, and other such matters, administrators could rely on the precept of just determination or conscience, based on local exigencies and judicial discretion.³¹ Brian Owensby's research shows that pragmatic judgment was key to understanding the relationship between the king's royal officers of the law—viceroys, *oidores*, *corregidores*, *alcaldes*, and notaries—and the crown

27. Lewis Hanke, "Introduction," *Cuerpo de documentos del siglo XVI: sobre los derechos de España en las Indias y las Filipinas*, Agustín Millares Carlo, ed. (Mexico City: Fondo de Cultura Económica, 1943), xviii. The stage had already been set by Licenciado Matienzos in a scathing account of the Chiriguano he sent to Philip II in 1561: Carta a S.M. del Licenciado Matienzos, October 20, 1561, in *Audiencia de Charcas: correspondencia de presidentes y oidores*, Roberto Levillier, ed., 3 vols., (Madrid: Imprenta de J. Pueyo, 1918–22), 1:54–55. A copy of the testimony made during the junta is in Testimonio de la Junta que se hizo para justificar la guerra de los chiriguanaes, 1574, La Plata, Biblioteca Nacional de Madrid [hereafter BNM], Ms. 3044, fol. 302r.

28. Reginaldo de Lizárraga, Opinión relativa a la guerra contra los indios chilenos, 1599, BNM, Ms. 2010, fol. 181r; Hanke, *Cuerpo de documentos del siglo XVI*, 300: "ni aver visto aquella cedula ni entenderse en estos reynos sino en los de México y Guatemala."

29. "Papeles pertenecientes á la guerra que hubo de hacerse contra los indios Chiriguanaes," 1573–74, in Ricardo Mujía, ed., *Bolivia-Paraguay: exposición de los títulos, Anexos* (La Paz: Editorial El Tiempo [undated]): 2:218–252; Provisión de la Audiencia de Charcas sobre condenas a los Chiriguanaes, 1574, AGI Patronato 235, r. 6.

30. "Auto de la Real Audiencia en que se toma resolución de la guerra que se ha de hacer á los chiriguanaes," November 12, 1583, La Plata, in Mujía, ed. *Bolivia-Paraguay*, 2:401–404.

31. Charles Cutter, *The Legal Culture of Northern New Spain, 1700–1810* (Albuquerque: University of New Mexico Press, 1995).

and, ultimately, God.³² In making decisions to uphold laws, royal officers were meant to follow their conscience, and by extension God's will.

Early seventeenth-century Chile provides a good example of pragmatic ethics in action. In 1608, after long deliberation, King Philip III decided that aggressive warfare and slavery against the Reche-Mapuche were justified, but by 1612, intensive lobbying had led the king to reverse his decision. He declared an end to the four-year "offensive" war (*guerra de sangre y fuego*, war of blood and fire) that would have allowed the enslavement of all captives. From this point forward, the king argued, Spaniards could react only "defensively" to Reche-Mapuche attacks. No longer could they cross an established border at the Bío-Bío River separating Reche-Mapuche and Spanish territory, nor could they take slaves, especially males over ten and a half years old and females over nine and a half years old. Because travel was difficult, and delays in notifications were common, news of the change did not reach La Concepción in southern Chile, close to the border established with the Reche-Mapuche, until some time had passed.³³ The king's decision received a lukewarm reception, but the slowness in communication is only partially to blame for it. Soldiers, townspeople, and even the members of the city council of La Concepción found it difficult to accept that they would now have to free the slaves they had taken in *malocas* (raids) after 1612, but before word of the king's mandate had reached them.³⁴

To enforce the royal mandate, Fernando Machado, prosecuting attorney (*fiscal*) for the crown, traveled in 1615 to the estates and *encomiendas* near La Concepción, intent on freeing those slaves taken unjustly and now being called "free servants" (*criados libres*).³⁵ The cabildo of La Concepción warned Machado that he had "[taken] more into his hands than the King gave him, giving freedom to those who were not free, because so many [Indigenous people] fall under the category of personal servants." A frustrated Machado tried arresting recalcitrant city officials, but they blockaded themselves in the house of the *maestro de campo* (military chief of staff). To de-escalate tensions

32. Owensby, "The Theater of Conscience," 127–128. As Owensby states, acting out of *consciencia* was based on the "conviction that ultimately men and their judgments, rather than unmediated impersonal norms, sustained the project of governing human communities," 129.

33. Sylvia Sellers-García, *Distance and Documents at the Spanish Empire's Periphery* (Stanford: Stanford University Press, 2014).

34. Diego de Rosales, *Historia general de el reino de Chile, Flandes Indiano*, Benjamin Vicuña MacKenna, ed. (Valparaíso: Imprenta del Mercurio, 1877–78), 2:625.

35. For lists of Indigenous slaves "taken in [just] war" (*cogidos en la Guerra*) and servants raised from an early age on estates and *encomiendas* surrounding La Concepción in Chile, see [Visita] *Encomienda*, Gaspar de la Barrera Chacón, August 23, 1615, La Concepción, Archivo Nacional Histórico (Chile) [hereafter ANHC], Real Audiencia (RA), vol. 1277, fol. 32; and [Visita] *Encomienda*, Gonzalo Martínez de Vergara, August 19, 1615, La Concepción, ANHC, Capitanía General (CG), vol. 527, fol. 81r. My thanks to Daniel Stewart for sharing these references with me.

and keep the public peace, procurador Juan de Contreras convinced Machado that he had exceeded the power of his office and must accept local interpretations of the law, thus allowing alienable “servitude” to continue.³⁶

SLAVERY’S LEGAL ARCHIVE

The Council of the Indies in Spain needed considerable amounts of information to render decisions that could lead to degrees and mandates. We often assume that council members in Spain, and local authorities in Spanish America, not only tracked accumulated legislation, ordinances, and decrees, but could retrieve them easily.³⁷ But written documents issued by the king and his council provided no sure way for the center to have control over the periphery. In fact, the Spanish imperial center continually suffered from information overload. Historian Arndt Brendecke has considered the epistemic settings or conditions under which a high-level Castilian governmental official could know something.³⁸ He shows the difficulty that members of the council had in keeping track of their own deliberations, reports, and decrees. Papers circulated freely in the sixteenth century, but there was no centralized repository where all documents related to Spanish possessions were stored.³⁹ The Council of the Indies had its own internal archive, but the storage of papers was uneven.⁴⁰ More commonly, the presidents, secretaries, scribes, and chroniclers of the Council of the Indies maintained their own personal *archivillos* (little archives) at their homes and accumulated information related to their decisions only in fits and starts.

Put simply, it was patently difficult in the sixteenth century for the secretaries of the Council of the Indies in Castile and for audiencia and city council authorities in Spanish America to be aware of the numbing number of *leyes* (laws), *cédulas* (decrees), *ordenanzas* (ordinances), and *provisiones* (provisions) enacted and kept in registers.⁴¹ At the council, register books (*cedularios*) were organized by

36. “excedía su commission y que se tomaba más mano de la que el Rey le daba.” Diego de Rosales, *Historia general de el reino de Chile*, 620.

37. Arndt Brendecke, *The Empirical Archive: Spanish Colonial Rule and the Politics of Knowledge* (Berlin; Boston: Walter de Gruyter, 2016), 12; Margarita Gómez Gómez, “Remedios para la distancia: la escritura y el documento como instrumentos de gobierno y representación en Indias,” in *Vencer la distancia. Actores y prácticas del gobierno de los imperios español y portugués* (Seville: Universidad de Sevilla, Proyecto Labex, 2016), <https://distancia.hypotheses.org/400>, accessed April 26, 2023.

38. Brendecke, *The Empirical Archive*, 7–8.

39. Arndt Brendecke, “Arca, archivillo, archivo”: The Keeping, Use and Status of Historical Documents about the Spanish Conquista,” *Archival Science* 10 (2010): 267–283. Simancas comes the closest to a centralized repository, but only certain papers were sent there.

40. Masters, *We the King*, 191–194.

41. García-Gallo, in “La ley como fuente,” 618, says the distinction between one type and the other was not always clear, although *leyes* were the most binding. Legal dispositions could be included in *leyes*; *ordenanzas* of a specific nature; *instrucciones* on carrying out an administrative office; *cartas* (letters to royal authorities); *provisiones* (legal provisions)

province and maintained by regional secretaries. The crown mandated that all legal dispositions (*disposiciones*) dispatched to the Indies—provisions, decrees, ordinances, instructions, and recommendations—were to be recorded verbatim, and chronologically.⁴² Such was the enormous quantity and variety of legislation that by the mid sixteenth century, it was impossible to know which decisions had been made and where to find them, unless the interested party knew the exact date.⁴³

In 1563, when council secretary Juan López de Velasco began revising the registry books that contained all of the legislation mandated by the Council of the Indies from the time of discoveries to the present, he found 200 volumes containing over 10,000 legal provisions.⁴⁴ Following in the footsteps of López de Velasco, Juan de Ovando lamented in 1571 that it was impossible for council members to have any clear sense of the plethora of ordinances and decrees recorded.⁴⁵ He attempted to organize some of the laws and ordinances but was unable to complete them by 1575, when he died.⁴⁶ Adrian Masters calculates that by 1598, the year of King Philip II's death, more than 110,000 pages of decrees and dispositions had been archived in 300 massive tomes.⁴⁷ Although there were further efforts to compile and publish the laws and ordinances, no one of these was ever comprehensive.⁴⁸

sanctioned by the royal councils, issued by the king, and carrying the most weight); and *cédulas* (legal decrees simpler in their composition, carrying less weight than provisions, and included in dispatches other than those from the councils). *Pragmáticas* were dictated by the king and had to be published. Alfonso García Gallo, "Estudio del Cedralario de Encinas," in *Cedralario indiano o Cedralario de Encinas* (Madrid: Real Academia de Historia, 1945–46), 4:20, BOE.es - CEDULARIO INDIANO, accessed on June 3, 2023.

42. Antonio Muro Orejón, *Antonio de León Pinelo: libros reales de gobierno y gracia: contribución al conocimiento de los cedularios del Archivo General de Indias (1492–1650)* (Seville: Escuela de Estudios Hispanoamericanos, 1960). After 1572, the Council of the Indies distinguished between cedularios of *oficio* and *de partes*. Those of *oficio* were related to matters of governance, and those of *partes* were more specific and maintained in separate books for Peru, Charcas, Chile, Tucumán, Quito, Tierra Firme, Cartagena, Nuevo Reino de Granada, Popayán and Seville. Muro Orejón, *Antonio de León Pinelo*, 13.

43. García Gallo, "Estudio del Cedralario de Encinas," 4: 21, BOE.es - CEDULARIO INDIANO, accessed on June 3, 2023.

44. García Gallo, "La ley como fuente," 711.

45. García Gallo, "La ley como fuente," 712.

46. Juan de Ovando, "La consulta de la visita del Consejo de Indias con S.M.," in Marcos Jiménez de la Espada, *El código Ovandino* (Madrid: Imprenta de Manuel G. Hernández, 1891), 12–13; García Gallo, "Estudio del Cedralario de Encinas," 21; Felipe E. Ruan, "Prudent Deferment: Cosmographer-Chronicler Juan López de Velasco and the Historiography of the Indies," *The Americas* 74:1 (2017): 37–39.

47. Masters, "A Thousand Invisible Architects," 380.

48. Vasco de Puga compiled and published laws and ordinances promulgated between 1525 and 1563 into one volume for judges, lawyers, and secular and ecclesiastical authorities for the "buena expedició[n] de los negocios, y administració[n][de] justicia y gobernació[n][de]sta nueva España," and to indicate which laws had already been approved. Vasco de Puga, *Provisiones cédulas, instrucciones de su Magestad*, 2. In 1574, Alonso de Zorita finished a compilation of laws for the Audiencias of Santo Domingo, Guatemala, and Mexico, but it remained in manuscript form. It was not until 1598 that Diego de Encinas, then the *oficial mayor* de la Escribanía de Cámara, with over 40 years experience working for the Council of the Indies, compiled a more comprehensive cedulario, still far from complete, that remained in the Council's chambers. García Gallo, "Estudio del Cedralario de Encinas," 11. See also Ernst Schäfer, *El Consejo Real y Supremo de las Indias* (Seville: Universidad de Sevilla, 1935), 1:307; and Juan Manzano y Manzano, *Historia de las recopilaciones de Indias, siglo XVI* (Madrid: Editorial Cultura Hispánica, 1948), 61.

It is therefore a mistake to think that the administrative center in Spain had an omniscient view of where Indigenous slavery was being practiced or promulgated in the different areas of its empire. The same can be said of administrative centers in Spanish America, where even a general knowledge of royal pragmatics, decrees, and ordinances was uncommon. Crucial laws, pragmatics, and ordinances such as the New Laws of 1542 were printed and sent to the various authorities in Spanish America, but legal decrees often traveled to their destinations with the person overseeing their implementation.⁴⁹ Nor did important legal decrees always circulate widely. In Paraguay, for example, it was not until after 1558 that a member of the clergy insisted on circulating a copy of the 1542 New Laws, in Asunción.⁵⁰

Recognizing its lack of control over its own legal instruments, the crown attempted to organize access to legal codes in the 1560s. Audiencias and town councils were mandated to keep an up-to-date copy of legal codes in a *cedulario* and to preserve all originals, with an alphabetical and chronological index.⁵¹ The truth is, however, that each viceroyalty, audiencia district, or city council generally received only the dispositions related to its own interests, and even these were not always read out in a public setting to make them legally binding.

PETITIONING AND LEGAL SLAVERY

If the channels by which administrators in Spain could access information in the sixteenth century were labyrinthine, the means by which vassals could access the Council of the Indies in person or in writing— what Brendecke calls the “communicative settings”—were varied and effective. Vassals had a number of channels at their disposal to request that legislation be passed and to influence crown officials in policymaking. These channels were active and expanding, especially as demands for new “discoveries and conquests” continued to beset the Council of the Indies and the crown throughout the sixteenth century.

As recent research shows, the issuing of thousands of royal pragmatics, ordinances, and other legislative documents came as a result of petitioning

49. García Gallo, “Estudio del *Cedulario* de Encinas, 21.

50. Guillaume Candela, “Influences of the Lascasian Discourse in Paraguay (Sixteenth Century): The Itinerary of Martín González,” cites a 1558 letter from Martín González to Philip II, asking for a copy of the New Laws to show in Paraguay, in *Bartolomé de las Casas: History, Philosophy, and Theology in the Age of Exploration*, David Thomas Orique O.P. and Rady Roldán-Figueroa, eds. (Leiden: Brill, 2018), 398.

51. García Gallo, “Estudio del *Cedulario*,” BOE.es - *CEDULARIO INDIANO*; “Al Virrey Francisco de Toledo para que en las audiencias exista un libro donde se asienten las provisiones y cédulas de su magestad,” Aranjuez, November 30, 1568, in *Cedulario de la Audiencia de la Plata de Los Charcas (Siglo XVI)*, José Enciso Contreras, coord., 275–276. These decrees are currently housed in the ABBN, *Cédulas Reales* (Ach), Real Cédula 80, 1568.

efforts from non-elite vassals, important elites, local municipal council members, and the *audiencia*.⁵² Adrian Masters's important research on the mechanism of the petition process indicates that individual and local interests drove the legislative agenda in the sixteenth century.⁵³ The passage of decrees, he argues, resulted from the efforts of "a thousand invisible architects" seeking to influence policies both large and small.⁵⁴ A close look at the petitions and petitioning process to promote Indigenous slavery reveals what Víctor Tau Anzoátegui calls the "socio-legal experiences" of colonists, rather than the power of an all-seeing king and council.⁵⁵

Although petitions advocating for Indigenous slavery existed before the 1542 New Laws, petitions made after 1542 became more elaborate and generally took longer to receive royal approval.⁵⁶ Priests and friars, merchants, local administrators—city council and *audiencia* members, governors and captains general, and viceroys—used the petition process to request that the crown make war on and enslave certain groups of Indigenous people, despite the New Laws.⁵⁷ To inform and persuade, there arose a practice of conducting public relations campaigns, in which "petitions" (requests for favors of justice) were crafted under a broad documentary rubric that included *memoriales* (reports), *informaciones* (accounts) and *cartas* (letters). Often, these accounts also included *probanzas*, or notarized interrogations in which witnesses answered a set of predetermined questions, to prove the need for Indigenous slavery.⁵⁸ Together, the documents were meant to persuade king and council that certain actions

52. On the medieval tradition of petitions influencing pragmáticas in the kingdoms of Spain, see García-Gallo, "La ley en Indias en el siglo XVI," 621.

53. Masters, "A Thousand Invisible Architects," 401–402; *We the King*, 6–39. There were, as Masters argues, thousands of these petitions coming from non-elite colonists, seeking awards such as *gobierno* (consideration of matters of colonial administration), *gracia* (edicts of privilege) and *justicia* (justice at the appellate court level in Spain) by appearing in person or by remitting correspondence.

54. Taken from the Masters title, "A Thousand Invisible Architects."

55. Víctor Tau Anzoátegui, "Provincial and Local Law of the Indies: A Research Program," in *New Horizons in Spanish Colonial Law*, 236.

56. Masters, "A Thousand Invisible Architects," 381. For medieval and sixteenth century Spain, see Yanay Israeli, "Petition and Response as Legal Process: Royal Power, Justice and the People in Late Medieval Castile (1474–1504)," *Past & Present* (2023): 1–43. For an example of Indigenous slavery petitioning efforts in Spain prior to 1542, see the responses to the 1530 royal provision in Guatemala: "Real provision que no se pueda cautivar, ni hacer esclavo a ningún indio," Madrid, August 2, 1530, in *Colección de documentos para la historia de la formación social de Hispanoamérica, 1493–1810*, Richard Konetzke, ed. (Madrid: Consejo Superior de Investigaciones Científicas, 1953), 1:134–136; and in Puerto Rico, in 1533, petitions to retract (successfully) the 1530 decree: ("nos tuvimoslo por bien," was the decision). They were granted the right to make war on and enslave Caribs in several Lesser Antilles islands, overriding a 1530 decree that had suspended such activities. Real cédula para hacer guerra a los Indios Caribes, Monzón, September 13, 1533, AGI, Santo Domingo, 2280, Libro 1, fol. 166, [im. 339, 343 skips]; Licencia [a Gerónimo Dortal] de rescate y trato con los indios de Paria, Monzón, October 25, 1533, AGI, Indiferente, 416, L.3, fols. 65r-66v; Konetzke, *Colección de documentos para la historia*, 1:145–146.

57. Bredecke, *The Empirical Archive*, 85–86.

58. In 1943, Silvio Zavala, noting how much petitions influenced Spanish legislation, found that it is misguided to focus on the 1680 *Recopilación* as the result of a long process of creating binding legislation. Zavala, *New Viewpoints on the Spanish Colonization of America*, 61.

were good practice.⁵⁹ The organization and presentation of the packet of documents to support a petition (probanzas, interrogatories, and other documents) was formulaic, but the content within each document could vary considerably.⁶⁰

Thus, both flexibility in interpreting laws and the role of vassals in driving the legislative agenda in the sixteenth century are important in explaining why Indigenous slavery continued. But petitioning efforts after 1542 took place in a different imperial context, one in which warfare against recalcitrant Indigenous people no longer meant that captives could automatically be taken as slaves based on principles of just war, as was laid out in medieval canon law. Enslavement was now a matter of debate, and a topic given serious consideration in juntas, in treatises, and at council meetings.⁶¹ Prior to 1542 laws allowing slavery *carte blanche* in multiple locations existed, petitions now had to be presented to the crown on a case-by-case basis.

AN ARMORY OF RATIONALES

Responding to blistering criticism and the realities of demographic decline in various locations, crown authorities in the post-1542 world emphasized evangelization and *buen policia* (good governance) toward Indigenous subjects. The 1549 royal decree on “discoveries” specified that war on Indigenous peoples could be made only after other options to *reducirlos* (subject them) to Spanish obedience were exhausted. Instead, evangelization and “pacification” were now to be the primary motivation and means of contact with Indigenous people.⁶² The exhaust-other-options rationale was enshrined some years later in the *Ordenanzas de descubrimiento, nueva población y pacificación* (ordinances on discoveries, new settlements, and pacification) for the Spanish Indies, composed principally by Juan de Ovando, head of the Council of the Indies,

59. Brendecke, *The Empirical Archive*, 6–7; Masters, “A Thousand Invisible Architects,” 383–84; Lex Heerma van Voss, “Introduction,” *International Review of Social History* 46, Supp. 9 (2001), 2–3.

60. With the goal of conducting warfare and enslavement against the Reche-Mapuche of Chile, procurador general Domingo de Eraso drew up a request for the governor, Francisco de Quiñones, in La Concepción (January 24, 1599) to conduct a questionnaire comprised of 34 questions. The answers to the questions would provide an explanation of the violent history of the Reche-Mapuche and the destruction they had rendered over the previous 40 years. Domingo de Eraso, “Interrogatorio para una información presentado por Domingo de Eraso para atestiguar los servicios de los vecinos de Santiago y de las otras ciudades del reino,” January 30, 1599, in José Toribio Medina, ed. *Colección de documentos inéditos para la historia de Chile, Segunda serie*, 5, 1599–1602, Pedro de Vizzarrra–Francisco de Quiñones (Santiago: Fondo Histórico y Bibliográfico J. T. Medina, 1961), 5:71–82.

61. For example, see Guillermo de Santa María, “Du droit de faire la guerre aux Chichimecas,” *Bibliothèque National de Paris, Espagnol*, 271.

62. “Real cédula sobre descubrimientos,” in Francisco Morales Padrón, *Teoría y leyes de la conquista*, 2nd ed. (Seville: Universidad de Sevilla, 2008), 458–460.

and issued by Philip II in 1573.⁶³ Providing a new legalistic framework, the ordinances iterated the crown's evangelizing role and authorities' need to find a balance between violent conquest (the word "*descubrimiento*" was to replace "*conquista*") and the peaceful integration of Indigenous subjects under Spanish rule.⁶⁴

It was now strictly forbidden to encourage Indigenous allies of the Spanish to make war on a resistant group, nor could slaves exchanged through *rescate* (exchange or ransom) be denaturalized and transported outside their territories.⁶⁵ Whereas, in the past, use of the purposefully vague verb '*castigar*' (to punish) in the authorization of military expeditions generally involved enslavement, that was no longer assumed to be the case.⁶⁶ Only after all attempts to pacify or persuade (*allanar*) had failed could slavery be authorized, and then on a case-by-case basis.⁶⁷ Another important effect of the 1573 Ordinances is that the crown would no longer finance exploratory missions, which meant that the financial burden of "pacifying" Indigenous populations by military action now fell on local governments and Spanish *encomenderos*.⁶⁸

Efforts to evangelize, found towns, and conduct warfare now worked in tandem.⁶⁹ King and council advocated warfare to bring about peace and the incorporation of "recalcitrant" Indigenous subjects. In practice, authorizations to make war and enslave specific Indigenous groups sometimes came directly

63. In 1556, the marquis of Cañete received the 1556 instructions for a new viceroy. (Legal scholar Morales Padrón argues that these contained the "embryo" of the 1573 Ordinances.) The instructions still included a provision that Indigenous peoples impeding the preaching of the gospel should be punished and that armed Spaniards could enter communities to forcibly subject them to royal authority. "Ynstrucción al Virrey del Peru sobre lo de las poblaciones y nuevos descubrimientos, [1556]," in Francisco Morales Padrón, *Teoría y leyes de la conquista*, 2nd ed. (Seville: Universidad de Sevilla, 2008), 461–467, quote is on page 464: "por mano armada y oprimir a los que se lo resistieren y sujetarlos y traerlos a nuestra obediencia."

64. Ordenanzas de descubrimiento, nueva población y pacificación de las Indias dadas por Felipe II, July 13, 1573, en el bosque de Segovia, AGI, Indiferente General, 427, Libro 29, fols. 67–93. See also Francisco Morales Padrón, *Teoría y leyes de la Conquista*, 2nd ed. (Seville: Universidad de Sevilla, 2008), 489–518; and Milagros de Vas Mingo, "Las Ordenanzas de 1573, sus antecedentes y consecuencias," *Quinto Centenario* 8 (1985): 83–101.

65. Ordenanzas de descubrimiento, 494. The last subsection, called "pacifications" (nos. 138–148 of the ordinances), is dedicated to the preaching of the Catholic faith and "reducing" the Indigenous people to obedience to the crown in this fashion.

66. Morales Padrón, *Teoría y leyes de la conquista*, 455.

67. See for example the language in the 1559 decree about the Lacadón: "proveyesen, que por todas las vías que se pudiese, se pacificasen aquellos indios; y si para ello conviniese y fuese necesario, se les hiciese la guerra." Villagutierre[z] Soto-Mayor, *Historia de la conquista de la provincia de el Itza*, 101.

68. Cabildos hired legal advocates to travel to Madrid to lobby for their interests, using the rationales of sacrifice and necessity. Néstor Meza Villalobos, *Formas y motivos de las empresas españolas en América y Oceanía: su esencia económico-cultural* (Santiago de Chile: Imprenta Universitaria, 1937), 22; Silvio Zavala, *Las instituciones jurídicas en la conquista de América* (Madrid: Centro de Estudios Históricos, Sección Hispanoamérica, 1935), 22, 123–124, 127, 145, 162; Córdoba Ochoa, "Guerra, imperio y violencia," 399–401.

69. Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge: Harvard University Press, 2015), 110–113.

from the king in the form of *gracia* privileges granted in instructions to new viceroys or governors.⁷⁰ In 1588, King Philip II authorized Antonio González, newly named as president of the Real Audiencia of Santa Fé (in modern-day Colombia, with its seat in Bogotá) and about to cross the ocean to assume his post, to appoint an appropriate person to organize a capitulación. González chose Bernardino de Mújica [also spelled Mojica] to make war on the Pijao and take slaves.⁷¹ Reports to Philip from the Audiencia of Santa Fé and town councils make it clear that slaves could serve as a reward to those encomenderos who would participate voluntarily in these military ventures.⁷² In other instances, the king's *merced* was more specific. In Philip II's 1568 instructions to the new viceroy of Peru, Francisco de Toledo, the king authorized making war on the Chiriguano but did not mention slavery. That would come six years later, in 1574.⁷³

Given the 1573 guidelines on new discoveries, no one reason was persuasive enough to convince royal authorities of the need for slavery.⁷⁴ Rather, petitions made to the audiencias and the council to address an extreme need for a just war and enslavement often grouped multiple rationales in several ways. For one, petitions and reports would request authorization to act against groups of non-subjugated people—often unrelated polities that the Spaniards lumped together as targets specifically for this purpose. They might define a targeted group composed of different Indigenous ethnicities and then collapse them into an ethnonym (“Carib,” “Chichimeca,” “Chiriguano,” “Lacandón,” or “Pijao”), or even create one in order to legitimize warfare and enslavement against those they had defined as part of the targeted group. Petitions emphasized the barbaric behavior and resistance to pacification efforts of ethnic groups inhabiting vaguely demarcated territories that were considered

70. “Cédula dirigida al virrey del Perú,” November 30, 1568, Encinas, *Cedulario indiano*, 4:229; “Instrucción al virrey del Perú, marqués de Cañete, sobre poblaciones y nuevos descubrimientos,” Morales Padrón, *Teoría y leyes de la conquista*, 466; “Poder y título de su excelencia [Felipe II] de Virrey gobernador y capitán general Francisco de Toledo,” November 1568, Aranjuez, in *La Audiencia de Charcas: correspondencia de presidentes y oidores: documentos del Archivo de Indias (1561–79)*, Roberto Levillier, ed. (Madrid, 1918), 1:302.

71. Pedro Simón, *Noticias historiales*, tomo 8, 7th noticia, chapt. 32, 234. Bernardino de Mújica had requested permission in 1577 from the Audiencia de Santa Fé to make war on and enslave the Pijao, but the request was denied until 1590, when a new crown authorization allowed him to capture slaves. Córdoba Ochoa, “Guerra, imperio y violencia,” 332–333.

72. By 1588, Philip II had already received numerous petitions and accounts showing that the military expeditions to date had not been sufficient to “pacify” the Pijao, who were continuing to inflict damage on small Spanish settlements. He authorized the distribution of slaves to military participants as their payment. Royal decree, August 31, 1588, AGI, Audiencia Santa Fé, 535, L.7, fols. 45v–46r, [im. 90–91]; Martínez de Salinas Alonso, “Los intentos de pacificación de los indios pijao,” 362. The *Capitulaciones* are in Asiento para la pacificación de los Pijao, AGI, Patronato, 164, R. 1, fols. 297r–298r [im. 570–571]. They are also cited in Córdoba Ochoa, “Guerra, imperio y violencia.” 75. Audiencia president Juan de Borja referenced some of these decrees in his 1608 historical accounting of conflicts with the Pijao. *Relación y discurso de la Guerra contra los indios Pijaos*, dirigido por Juan de Borja, June 20, 1608, AGI, Patronato 196, r. 27.

73. “Copia de dos cédulas reales dirigidas al Virrey del Perú D. Francisco de Toledo, sobre la guerra de los indios chiriguanaes,” December 19, 1568 and 1571, BNM, Ms. 3044, fol. 309.

74. Powell, *Soldiers, Indians, and Silver*, 50.

barbarous “frontier” arenas.⁷⁵ Requests also proposed that Indigenous groups who had engaged in prolonged and unprovoked warfare against defenseless Spaniards or *indios amigos* (Indigenous allies) should be taken captive and enslaved.⁷⁶ Targeted groups, petitioners argued, served as bad examples for the Christianized Indigenous peoples who had already been baptized and “reduced” (*reducidos*), inducing them to rebel against Europeans.

In addition to creating new ethnic groupings and collapsing - disparate Indigenous peoples into them, petitions also arbitrarily distinguished enemies from *indios amigos*.⁷⁷ The purposeful classification of Indigenous peoples into new ethnic groups allowed Spaniards to target certain ethnicities as dangerous to Spanish settlement, but it also had the effect of creating an archival repository based on new ethnic distinctions. With that repository there arose a new and powerful vocabulary that not only equated enslavability with certain targeted bellicose groups but distinguished the enslaveable from the unenslaveable.⁷⁸ In addition to ethnonyms, certain undefined territories could be designated as places where enslaveable Indigenous people lived, for example “Sierra Cruz de la Sierra” in southeastern Bolivia or the “lands of the Chichimeca” in northern New Spain.⁷⁹

Petitions for warfare and enslavement could also claim the vulnerability of Indigenous people to Spain’s enemies—whether they be “Turks” or the Dutch, English, or French. By the late sixteenth century, areas considered vulnerable to attack by foreigners included the Lesser Antilles and the southern coast of Chile, among other locations. There were even reports of ships off the coast of Mexico purportedly filled with Ottomans.⁸⁰ Most notably, written rationales encouraging the enslavement of captured enemies emphasized their

75. Some ethnonyms like ‘Chichimeca’ pre-date the arrival of the Spaniards. On the term *chiriguano*, see Guillermina Oliveto, “Chiriguano: la construcción de un estereotipo en la política colonizadora del sur andino,” *Memoria Americana* 18:1 (2000): 47–73. The ethnonym ‘Lacandón’ also included the Chole, Mopan, Itza, Queach, Tirampie, and others. Villagutierrez[z] Soto-Mayor, *Historia de la conquista de la provincia de el Itza*, 46. On the diverse “tribes” constituting the “nation” of the Pijao, see Tulio Enrique Tascón, *Historia de la conquista de Buga*, 2nd. ed. (Bogotá: Editorial Minerva, 1938), 12. For an excellent article on the political use of changing ethnonyms, see Jeffrey A. Erbig Jr. and Sergio Latini, “Across Archival Limits: Colonial Records, Changing Ethnonyms, and Geographies of Knowledge,” *Ethnohistory* 66:2 (April 2019): 249–273.

76. On proposing that the rebellious Tocobaga people of coastal Florida be enslaved for taking captives, see Pedro Méndez de Avilés: *indios de la costa de Florida*, 1574, AGI, Patronato, 257, N.1, G.3, R.20, fol. 1r.

77. Tamar Herzog, *Frontiers of Possession*, 113.

78. Ann Laura Stoler, “Archival Dis-Ease: Thinking Through Colonial Ontologies,” *Communication and Critical/Cultural Studies* 7:2 (2010): 215–219.

79. Santiago Muñoz Arbeláez, “The New Kingdom of Granada: The Making and Unmaking of Spain’s Atlantic Empire, 1530–1620” (PhD diss.: Yale University, 2018), 164, 169, discusses how the mountainous territory to the southwest of the Audiencia of Santa Fé became increasingly associated with the violent Pijao people after 1550.

80. Karoline P. Cook, “Muslims and Chichimeca in New Spain: The Debates over Just War and Slavery/Musulmanes y *chichimecas* en la Nueva España: los debates sobre la guerra justa y la esclavitud indígena,” *Anuario de Estudios Americanos* 70:1 (January–June 2013): 17–18.

engagement in cannibalism, a barbaric, inhumane (read: non-human) practice, long considered to be outside of natural or God's law.⁸¹ Europeans had been labeling Indigenous peoples of the Americas as cannibals regularly since the 1490s, and this well-worn justification continued as a rationalization for slavery well into the seventeenth century.⁸²

Petitioners in the post-1542 world were, in fact, often putting old wine in new bottles. Petitions and treatises justifying enslavement pointed to the long-standing Indigenous practice of making slaves out of enemies, as in the case of the Philippines, which had been "conquered" by the Spanish in the late 1560s.⁸³ Or, they maintained that because the conquest had been going on for 60 years or more, Indigenous peoples designated as enemies were in fact apostates who had not only been introduced to the Christian faith years before but had rejected it.⁸⁴ Evidence of this dereliction might include the killing of priests or Christianized Indigenous subjects, blatant iconoclasm, or more spectacular examples, like tearing out the hearts of captured children on Church altars.⁸⁵ Some of the strongest advocates for both warfare and Indigenous slavery on religious grounds were clergymen. Tomás Casillas, the Dominican bishop of Chiapas who replaced Bartolomé de las Casas, had initially supported the Lascasian vision of denouncing slavery but then departed from it in his ministrations to the Indigenous people under his watch.

81. On the Pijao and Carare of the New Kingdom of Granada, see Álvaro Félix Bolaños, "Antropofagia y diferencia cultural: construcción retórica del canibal del Nuevo Reino de Granada," *Revista Iberoamericana* 41:170–171 (January–June 1995): 86–87.

82. On a broad range of people in South America being designated as Carib-cannibal, see Neil L. Whitehead, *Lords of the Tiger Spirit: A History of the Caribs in Colonial Venezuela and Guyana, 1498–1820* (Dordrecht: Foris Publications, 1988), 172–174. On reports of the Chane and Chiriguano engaging in cannibalistic practices, see Testimonio de la Junta que se hizo para justificar la guerra de los chiriguanaes [copy], 1574, BNM, Ms. 3044, fol. 302v. A letter from the Audiencia of Charcas to the King noted that a relación accounting for cannibalistic and apostatic offenses of the Chiriguano had already been sent to the council. Carta de la Audiencia de los Charcas, August 3, 1583, La Plata, in *Audiencia de Charcas: correspondencia de presidentes y oidores*, 2:62–63. On the Pijao, see Carta de la Audiencia al rey, February 16, 1577, Santa Fé, AGI, Santa Fé, 16, r. 21, n. 76, fols. 5v–6r. The royal cédula allowed the temporary enslavement of cannibal rebel Pijao and Paez. Real cédula, November 11, 1580, Badajoz, in Konetzke, ed., *Colección de documentos para la historia*, 1:531. See also Relación y discurso de la Guerra . . . se haze contra los indios rebeldes de la provincia de los Pixaos, June 20, 1608, AGI, Patronato, 196, R.27, fol. 991r; and Álvaro Félix Bolaños, *Barbarie y canibalismo en la retórica colonial: los indios Pijaos de fray Pedro Simón* (Bogotá: CEREC, 1994). On the Reche-Mapuche, see Memorial cerca del gobierno y guerra del Reyno de Chile del Licenciado Juan de Herrera, ca. 1598, BNM, Ms. 3044, fols. 233r–235r (quote on cannibalism on fol. 233v). On the Audiencia of Quito calling certain indios of Popayán "caribes," see Royal cédula a la Audiencia de Quito, September 19, 1580, Badajoz, in Konetzke, ed., *Colección de documentos para la historia*, 1:527.

83. In 1568, Philip II charged Legazpi with the task of demonstrating that slavery pre-dated the arrival of the Spaniards to the Philippines. Lucena Salmoral, *Leyes para esclavos*, 39–40.

84. Members of the religious orders had protested the unjust comparison of indios to "moros" prior to 1542, but after that date, friars increasingly made comparisons of apostasy. Zavala, "Los esclavos indios," 19–20. See also Reginaldo de Lizárraga, "Opinión relativa a la guerra contra los indios chilenos."

85. Tomás de Casillas to King Charles V, September 3 1553, AGI, Indiferente General 737, n. 144^a, 1r; Antonio de Remesal, *Historia de la Provincia de S. Vicente de Chyapa y Guatemala* (Madrid: Francisco de Angulo, 1619), libro 10, chapt. 11, 619–622; Juan Villagutierrez[z] Soto-Mayor, *Historia de la conquista de la provincia de el Izza*, Libro 1, chapt. 9, pages 47, 92.

In a 1553 report to the Audiencia of Los Confines (Guatemala), Casillas declared the Lacandón people from the Chiapas area enslaveable based on their heretical and apostatic practices, thus implicitly comparing them to people of the Islamic faith who had rejected Christianity.⁸⁶ The Council of the Indies approved his request in 1556, but stated that the license thus granted did not signify a revocation of the New Laws, but rather an exception.⁸⁷ In the decades that followed, authors of treatises and petitions claimed that certain Indigenous peoples were “returning to Islam” to justify their enslavement. In two juntas that took place in different hemispheres, participating authorities made ethnological comparisons between the nomadic customs of the Chichimeca (northern Mexico) and the Pijao (New Kingdom of Granada, in the Audiencia of Santa Fé) and the Arabs (or Moors), thus implying that both the Chichimeca and Pijao had apostatic tendencies.⁸⁸

The killing of a high-ranking military authority or priest was also grounds for serious concern and a catalyst for more decisive action.⁸⁹ Below the surface of such outrage, however, other interests prevailed. Mandates to conduct warfare against people obstructing “progress” gave entrepreneurs a cover for encroaching on Indigenous territories that they coveted.⁹⁰ They would whisper alarming news into the ears of town magistrates in the hope of establishing a town or building a road through ‘enemy-occupied’ territories, especially if that town or road would help to open up a newly discovered mining area, or provided a way to funnel laborers to encomiendas or estates.⁹¹ They also hoped to convince the crown to assume the costs of these military operations, especially where the discovery of new mines was involved.⁹² Garnering slaves could also bring profit.

Emphasizing the continual attacks on Spanish settlements also had strategic legal ramifications for Indigenous enslavement. The establishment of cities and *pueblos* (European settlements) in remote areas carried with it the necessity for military

86. A copy of Tomás Casillas’s letter, written from Chiapas, September 3, 1553, is included in *Consultas del Consejo de Indias*, March 14, 1556, AGI, Indiferente 737, n. 144; Villagutiérrez [z] Soto-Mayor, *Historia de la conquista de la provincia de el Itza*, Libro 1, chapt. 9.

87. *Consultas del Consejo de Indias*, 1r.

88. Cook, “Muslims and Chichimeca,” 22–23: “por ser gente vagabunda como a [los] arabes”; Carta de la Audiencia al rey, Santa Fé, February 16, 1577, AGI, Santa Fé, 16, r. 21, n. 76, fol. 6r.

89. These actions included the killing of Nuflo de Chaves by the Itatín in the region of Moxos in 1568 and the subsequent entrada of Diego de Mendoza to “someterlos.”

90. Córdoba Ochoa, “Guerra, imperio y violencia,” 328.

91. On roads to the silver mines in Zacatecas, Mexico, see Carta de Pedro Gómez de Contreras, Francisco de Arbolancha y Francisco de Proaño, tesorero, contador y factor de Nueva Galicia, al rey, Guadalajara, 1562, AGI, Guadalajara, 51, L.1, n. 77, fol. 254r; *Informaciones, Indios Chichimecas*, 1561, AGI, Mexico 206, n. 45; Alberto Carrillo Cázares, *El debate sobre la guerra Chichimeca, 1531–1585* (Zamora: El Colegio de Michoacán, 2000), 1:226–227; and Cook, “Muslims and Chichimeca,” 25–26.

92. By 1588, the glimmer of gold in the Magdalena valley of the Audiencia of Santa Fé had attracted King Philip II’s attention, and he expressed an interest in establishing a Casa de Moneda. Instructions to Antonio González, AGI, San Lorenzo, May 25, 1588, AGI, Audiencia Santa Fé, 535, L.7, fols. 7r-v [im. 13–14].

protection against enemies. The 1573 Ordinances emphasized and supported the foundation of towns because those towns could boost the crown's evangelizing mission. The towns also expanded juridical and economic control over Indigenous-controlled areas where, from a Spanish perspective, *civitas* (community) did not yet exist. Once established, a new town would serve as a base for future expeditions of pacification (read: expansion).⁹³ After the 1570s, hundreds of cities and towns sprang up in remote areas, chartered with crown privileges (*fueros*), and staffed by governors or *adelantados* and other local officials. These towns were effectively "political organs of the monarchy."⁹⁴

Municipal councils were among the many polycentric legal entities that reported to higher crown authorities, but they also had considerable latitude and leverage of their own in regulating and implementing customary laws and practices.⁹⁵ They had the power to make decisions about war, which were approved or denied through petitioning efforts to the *audiencia*.⁹⁶ Although we generally associate *entradas* and *capitulaciones* with the sixteenth century, they continued to be a major means of conducting warfare and engaging in violence and slavery throughout South and North America in the seventeenth century and beyond.⁹⁷ Efforts to expand Spanish control into more remote areas (so-called "new discoveries") remained privatized endeavors well into the seventeenth century. Dozens of armed expeditions called *entradas*, popular in the interior of Spanish South America, resulted in the enslavement of hundreds if not thousands of Indigenous people of different ethnicities over vast territories. *Entradas* could be sanctioned by the governor of an area in accordance with its *cabildo* and did not require crown approval.⁹⁸ The governor of a region

93. Martiría Sánchez López, "La ciudad en el Nuevo Mundo según las Ordenanzas de 1573," in *Coloquios Históricos de Extremadura (Asociación Cultural)* 52 (September 18–24, 2023): 2, <https://chdetrujillo.com/la-ciudad-en-el-nuevo-mundo-segun-las-ordenanzas-de-1573/?pdf=2981>, accessed April 27, 2023.

94. Muñoz Arbeláez, "The New Kingdom of Granada," 71.

95. Lauren Benton and Richard J. Ross, "Empires and Legal Pluralism," in *Sovereignty, and Political Imagination in the Early Modern World*, Lauren Benton and Richard J. Ross, eds. (New York: New York University Press, 2013), 1–18. In 1560, the municipal council of Quito authorized the enslavement of the Quijo of eastern Ecuador (in Napo province) with the *entrada* of Rodrigo Núñez de Bonilla. Under the leadership of the cacique Jumandy, they had "resisted" Spanish incursions and the founding of the town of Baeza and had killed Spanish authorities. The purpose was to gain forced laborers. This authorization lasted until 1578. Memorial de [Alonso de Peñafiel] tocante a cosas de la gobernación de los quijos. BNM, Ms. 3044, fols. 478r-v.

96. For an example, see Autos en razón de los daños que los indios Pijaos hizieron en la ciudad de Ybaguay y su contorno, Archivo General de la Nación, Colombia, RM 178 – VF Du 1 – 96; and Córdoba Ochoa, "Guerra, imperio y violencia," 402–403.

97. Thierry Saïgues, "Las zonas conflictivas: fronteras iniciales de guerra," in *Historia general de América Latina*, Franklin Pease and Frank Moya Pons, eds. (Paris: UNESCO, 2000), 2:269–300. The viceroy could also issue *gracias* and *mercedes* to conduct *entradas* for defensive purposes. Pareceres del Presidente y Audiencia de las Charcas, 1574–75, *Audiencia de Charcas*, 1:302. See the important work of Mercedes Avellanada, "La esclavitud en los siglos XVI, XVII, y XVIII en relación a la región del Paraguay y Chiquitos en el Oriente Boliviano," *Revista História e Diversidade* 8:1 (2016): 162–188.

98. Felipe Castañeda, "Las entradas, la guerra justa y la concepción del otro en José de Acosta (1540–1600)," in *Formas de Hispanidad* (Rosario: Editorial Universidad del Rosario), 147–162.

assumed the title of captain general and oversaw recruitment of a military force, leaning mainly on encomenderos, who were required to provide manpower and resources and recruit commoner males and Indigenous allies; the latter were critical to the success of these military ventures. The governor could also award encomiendas to men serving as soldiers. This meant that Indigenous war captives became “encomienda” Indians or personal retainers called *yanaconas*, and that Indigenous captives taken by Indigenous allies were either sold to Spaniards or incorporated into the allied Indigenous community.⁹⁹

REGIONAL MOMENTUM

Although the petition process involving the creation of associated documents often began at the local level, communications between Madrid and diverse locales generated both archival momentum and documentary density across broad geographical areas. Council of the Indies members may not have known which decrees were issued and when, but interested petitioners often kept track of documents authorizing slavery and used them to great effect. This is particularly evident in the Greater and Lesser Antilles where interest in slavery against the Kalinago people (called Caribs by the Spanish) was high.¹⁰⁰ Over the decades, reports, investigations, and petitions demonstrating threats that merited attention from the council and the crown copied the wording from previous archived legal decrees. Copies of documents shared among the vecinos of various Caribbean islands and with their legal advocates in Spain also created a documentary blueprint that facilitated future petitioning.¹⁰¹

In issuing the 1547 royal provision allowing the vecinos of San Juan, Puerto Rico, to make war on and enslave invading Kalinago people, the Council of the Indies noted that it had reviewed the documentary corpus, including the account (*relación*) written by the vecinos of San Juan of “damage done by the Carib Indians,” and their attacks on Puerto Rico.¹⁰² The dossier included an *interrogatorio*, or legal questioning of authoritative witnesses, and a *parecer*

99. Paola Andrea Revilla Orías, *Coerciones intrincadas: trabajo africano e indígena en Charcas, siglos XVI y XVII* (Cochabamba: Instituto de Misionología, 2020); Avellenada, “La esclavitud.”

100. The ethnonyms ‘Kalinago’ (Island Carib people) and ‘Carib’ are somewhat problematic since some scholars argue that the term used by the Spanish, Dutch, and other Europeans came into being through the Indigenous slave trade and intercultural exchanges that evolved over the course of the sixteenth and seventeenth centuries. Carolyn Arena, “Indian Slaves from Caribana: Trade and Labor in the Seventeenth-Century Caribbean” (PhD diss.: Columbia University, 2107), 6–7.

101. Brendecke, *The Empirical Archive*, 136.

102. “Relación de los vecinos de San Juan de Puerto Rico,” May 10, 1546, San Juan, Puerto Rico, in Huerga, *Ataques de los caribes a Puerto Rico en el siglo XVI*, 195. “o dar licencia para que armen los vecinos y otras personas, y se les haga guerra y cautivar por ser gente cruel, demás de comer carne humana y otros daños que hacen contra el servicio de Dios y de Su Magestad.”

(informed opinion).¹⁰³ Vested with legal authority to represent the interests of the city council of San Juan, legal advocates Diego Ramos and Sebastián Rodríguez crossed the ocean in 1546 to present the petitions from the vecinos of San Juan to the Council of the Indies.¹⁰⁴ In granting the request for a merced (privilege or right) the following year, the council noted that the arguments in the documents were well founded and that it would therefore make an exception to the New Laws.¹⁰⁵

However, vecinos (and the procurators who represented them at court) sometimes wanted more, and they drew on legislative precedents established in documents stored in their own archival dossiers to help their cause. The council had on occasion allowed the vecinos of Puerto Rico to make occasional war on certain Caribs, but only with the permission of the governor; however, the vecinos of several islands in the Lesser Antilles went further. In 1554, they secured the help of legal advocate Baltasar García, who represented the interests of the island of Hispaniola at court between 1554 to 1561, to draft a series of petitions requesting an expansion of the areas where Spaniards could make war on and enslave Kalinago people.¹⁰⁶ Residents of the islands of Dominica and Guadalupe collected testimonies (probanzas), based on responses to questions compiled by the cabildo of Santo Domingo, detailing atrocities and attacks they had faced. This paperwork constituted the petition “archive” that traveled to the Council of the Indies with García after the oidores of the Audiencia of Santo Domingo had approved the contents of the dossier.¹⁰⁷

The resulting 1558 decree was worded similarly to the 1547 royal provision granted to the vecinos of San Juan.¹⁰⁸ The council then determined, in May of 1558, to authorize both war and the enslavement of war captives, under the condition that the slaves be brought before the Real Audiencia and questioned properly. No females or boys under the age of 14 could be enslaved, nor could

103. Spaniards’ records about the Caribs have a long historiography, beginning with Columbus. Delgado, “La política española,” 73–130.

104. “El cabildo de la ciudad da poderes a Diego Ramos y Sebastián Rodríguez, para que presenten a su Magestad ciertas peticiones,” May 10–14, 1546, San Juan, in Huerga, *Ataques de los caribes a Puerto Rico en el siglo XVI*, 194–196.

105. “Real provisión cancelando la “ley nueva” que prohibía esclavizar caribes,” May 4, 1547, Madrid, in Huerga, *Ataques de los caribes*, 196–198.

106. Expediente sobre hacer la guerra a los indios caribes, 1558, AGI, Patronato 173, N.1, R.13, image 9. The vecinos and their legal advocate were talking about war against the Caribs from the islands of Pasaje and Enparra and the mainland of Tierra Firme who organized flotillas of pirogues to attack different islands, capturing Europeans, Africans, and Indigenous people and either enslaving or consuming them.

107. Expediente sobre hacer la Guerra a los Indios Caribes, 1558, AGI, Patronato, 173, N.1, R. 13, image 5. The campaign to provide *relaciones* of the damages to residents of Dominica began in 1557 with efforts made by Seville resident Pero Suarez de Castilla to represent the residents of Dominica before the Council of the Indies, Real cédula, May 25, 1557, Valladolid, AGI, Santo Domingo, 899, L. 1, fols. 62r–63r.

108. Expediente sobre hacer la Guerra a los Indios Caribes, 1558, AGI, Patronato, 173, N.1, R. 13. On García’s appointment as general procurator, April 24, 1554, AGI, Santo Domingo 899, L. 1, fols. 105r–106v.

they be taken from the island of Trinidad.¹⁰⁹ Despite the prohibition on taking Indigenous slaves included in the New Laws of 1542, the Council of the Indies allowed the taking of captives from the Lesser Antilles “Carib” islands of Guadalupe and Deseada and from the mainland of Tierra Firme (coastal Venezuela) who were attacking the Spanish settlers living on the island of Margarita.¹¹⁰ This provision was then stored in the cedulaario for the Audiencia of Santo Domingo, and served as a blueprint for subsequent requests, including one from the European residents of the island of Margarita to make war on and enslave Kalinago Indians in 1564.¹¹¹

The 1560s saw efforts by vecinos in the Caribbean to amend previous crown mandates. After being granted the right to temporarily enslave Carib captives in 1547, the cabildo of San Juan compiled a petition ten years later, complete with probanzas and relaciones. The dossier was hand-carried to Madrid by the cabildo’s legal representative, Francisco Alegre. The vecinos wanted a rectification to the 1547 provision, arguing that they had diligently obeyed the 1547 decree but now wanted permission to arm themselves and attack the Caribs of Trinidad.¹¹² Thus, we see several authorizations in 1557, 1567, and 1580 that allowed for alterations to previous decrees and authorized the enslavement of Carib women and of the inhabitants of Trinidad.¹¹³ Ironically, as crown approvals of petitions allowing the enslavement of Kalinago of different genders and on different islands increased, retributive Kalinago raids

109. Expediente sobre hacer la Guerra a los Indios Caribes, Madrid, 1554–1558, AGI, Patronato, 173, N.1, R. 13. Quote is from the annotation made by council members at the top of the petition, image 5. In 1558, the council reviewed the petitions that had been drawn up in 1555. The royal provision allowed the people of Santo Domingo to make war on the Caribs of Guadalupe, Martinique, and other islands, Real provision, June 22, 1558, Valladolid, AGI, Santo Domingo 899, L.1, fols. 111r–112r. The 1547 decree is also cited (archived) in petitions launched in 1562: Daños ocasionados por los caribes y su remedio: La Margarita, 1562 AGI, Patronato, 179, N.4, R.1, im. 42.

110. Real provisión a los vecinos de Santo Domingo, June 22, 1558, Valladolid, AGI, Santo Domingo, 899, L.1, fols. 111r–112r; Milhou, “Las Casas,” 3. Several provisions granted to the active and successful legal advocate Baltasar García are in AGI, Registro de Partes, 1555–1566, Santo Domingo, 899, L.1.

111. “Reiterando la autorización para hacer la guerra a los indios caribes,” November 28, 1564, Madrid, *Cedulaarios de la monarquía española de Margarita, Nuevo Andalucía y Caracas, 1553–1604*, 2 vols., Enrique Otte, ed. (Caracas: Edición de la Fundación John Boulton, 1967), 1:17.

112. Real provisión, May 4, 1557, Madrid, AGI, Patronato, 175, R. 32, im. 12. See also a 1573 request from the vecinos of Puerto Rico to eliminate the bureaucratic step of presenting slaves before the Real Audiencia of Santo Domingo for verification. Información para suplicar a Su Magestad, May 26, 1573, AGI, Patronato 179, N. 4, R.1. See also Huerga, *Ataques de los caribes*, 110–117.

113. See the “Información sobre ataque” of the island of Guayama in 1564, in Huerga, *Ataques de los caribes*, 230–247. The law was passed in 1567. For further petitioning efforts regarding the island of Dominica, see Excesos de los indios caribes de la isla Dominica, AGI, Patronato, 173, N.1, R.14. This document shows that after reviewing the February 1560 petition sent by the cabildo of Santo Domingo, which included an interrogatorio, the Council of the Indies recommended in marginal notes that “estos indios infieles carines [sic] sean captivos en la forma y manera que su magestad se a mas servido.” (fol. 72r). The real cédula,” October 4, 1583, San Lorenzo, AGI, Santo Domingo 2280, L. 3, fols. 129v–130r [im. 266–67], which allowed the enslavement of the Kalinago of Dominica “por algún tiempo,” was stored in the register for Puerto Rico. On additional authorizations, see Neil Whitehead, “Carib Cannibalism: The Historical Evidence,” *Journal de la Société de Americanistes* 70 (1984): 69–87; Richard Konezke, “La esclavitud de los indios,” 1:472.

against Spanish settlements and the taking of captives became more effective and regular.¹¹⁴ Crown efforts to curtail raids included issuing a capitulación to Captain Thomé Cano in 1608 (the same year war was authorized against the Mapuche), giving him broad authority to launch a war “of fire and blood” against the Kalinago and take male and female captives on numerous Lesser Antilles islands.¹¹⁵ But these efforts only served to escalate violence and acts of Kalinago retribution.

ANALOGY AS POWER

As crown authorizations for Indigenous slavery increased after 1547, petitioners and writers of relaciones and treatises began to cross-reference slavery authorizations occurring elsewhere in the Western Hemisphere and in Europe. Information about crown approvals became more widely available in several ways. High-ranking oidores, viceroys, and male religious who promoted slavery had read circulating manuscript treatises, or they had served in multiple locations where they experienced ongoing conflicts with Indigenous subjects, or they had spent time in the hub of Madrid, where crown administrators and military figures could share news from different parts of the empire. They recognized that petitioning efforts could be successful and learned how to marshal arguments effectively. Apart from these verbal communications, a common vocabulary and semiotics were emerging in requests for enslavement in the 1560s. As crown authorizations for slavery gradually became more common, petitions began using analogy, precedent, normative practice, and similitude in various locales to argue for it in others.

In the late 1560s, it was easier for vassals to look to Spain for analogies to support slavery than to the Americas where new enslavement would take place. In the War of the Alpujarras (1568–71), in which the Crown of Castile was pitted against the “rebellious” *moriscos* of Granada (the Mudéjars, people living in Spain who were forced to convert from Islam to Christianity in 1502), Spanish soldiers removed 80,000 moriscos from Granada and enslaved thousands of them. In 1573, King Philip legalized the ongoing dispersal and selective enslavement of captives on the grounds that they had rebelled against the Crown of Castile and God.¹¹⁶ The

114. “Testimonio, Pedro, caribe,” October 20, 1580, in Huerga, *Ataques de los caribes*, 299–300; Real cédula, May 25, 1557, Valladolid, AGI, Santo Domingo, 899, L.1, fols. 62r–63r.

115. “Memorial del Thomé Cano,” 1608, in Delgado, “La política española,” 127–130.

116. Manuel E Fernández Chaves and Rafael M. Pérez García, *En los márgenes de la Ciudad de Dios: Moriscos en Sevilla* (Valencia: Universitat de València, 2009); Aurelia Martín Casares, *La esclavitud en la Granada del Siglo XVI: género, raza y religión* (Granada: Universidad de Granada y Diputación Provincial de Granada, 2000); Carlos Javier Garrido García, “La esclavitud en el Reino de Granada en el último tercio del siglo XVI: el caso de Guadix y su tierra” (PhD diss.: Universidad de Granada, Departamento de Historia Moderna y de América, 2011).

mandate exempted boys under the age of ten and a half and girls under the age of nine and a half from slavery but required them to live in depósito with Christians and remain in their service until the age of 20.¹¹⁷

The “local” nature of the war and the specificity of the resulting mandate only encouraged comparisons between the enslavement of the moriscos of Spain and the need to adopt the same practice against “rebellious” Indigenous peoples of the Americas who refused to become *reducidos*.¹¹⁸ Treatises in support of the enslavement of the Chichimeca looked for commonalities between the so-called barbaric customs of the “moriscos” in Granada and those of the “Chichimecas.”¹¹⁹ So great was the impact of the crown’s responses to the Alpujarras rebels that 30 years later treatises in Lima and Chile promoting warfare and the enslavement of the Reche-Mapuche referred to Philip II’s “recent” decision to enslave the moriscos of Granada for their crimes of apostasy, rebellion, and murder.¹²⁰ Dominican cleric Reginaldo Lizárraga’s 1599 exposition not only supported the enslavement of the Reche-Mapuche, but also drew on historical precedent in suggesting that Philip II’s order for morisco children to be raised with Christians be applied to captive Reche-Mapuche children.¹²¹

Lizárraga was not alone in creating a campaign to promote crown endorsements based on both analogy and precedent. The previous year Melchor Calderón, treasurer of the Church of Santiago, wrote a treatise that would eventually reach the chambers of the Council of the Indies. It checked all the appropriate boxes for why enslavement of the Reche-Mapuche (who were also called Aucaes) was justified. To Calderón, they were indeed apostates and carnivores, but worse,

117. Aurelia Martín Casares, “The Royal Decree on Slavery of Morisco Men, Women and Children and Its Consequences,” *World Journal of Islamic History and Civilization*, 3:4 (2013): 154.

118. Viceroy Francisco Toledo was given his marching orders by Philip II just before the Alpujarras Rebellion broke out in December of 1568. Responding to petitions characterizing the Chiriguano as “people who wander from one place to another, like Arabs” and their practice of turning captives into slaves, Philip II granted Toledo broad powers to make war on them if they continued resisting Spanish sovereignty (fol. 309), “Copia de dos cédulas reales dirigidas al Virrey del Perú D. Francisco de Toledo, sobre la guerra de los indios chiriguanaes, 1568 and 1571[?],” BNM, Ms. 3044, fol. 309r: “gente que *anda vagando de una partes a otras como alarves*, y todos los que toman en la guerra los traen por esclavos.” Philip II did not authorize their enslavement at this point, however. That would come later. Catherine Julien interpreted this order to mean that the king sanctioned their enslavement. Catherine J. Julien, “Colonial Perspectives on the Chiriguano (1528–1574),” in *Resistencia y adaptación nativa en las tierras bajas latinoamericanas*, M. S. Cipoletti, ed. (Quito: Abya-Yala, 1997), 17–76: “y así os mando que constándoos convenir a nuestro servicio así, y aviando vos usado de todos los medios humanos para reducir estos indios al servicio de dios y nuestro, y no lo queriendo ellos hacer, les podays hacer guerra, hasta reducirlos.”

119. The 1570 proslavery treatise of Franciscan Juan Focher was influenced by events in Spain. Carrillo Cázares, *El debate sobre la guerra Chichimeca*, 1:260; Cook, “Muslims and Chichimeca in New Spain,” 169–172.

120. Melchor Calderón, *Tratado de la importancia y utilidad que ay en dar por esclavos a los indios rebelados de Chile* (Madrid: 1601); Lewis Hanke, “Introduction,” *Cuerpo de documentos del siglo XVI*, lxiv.

121. Lizárraga, “Opinión relativa a la guerra contra los indios chilenos,” 1599, BNM, Ms. 2010, 181r. “En lo tocante a los ynocentes, a esto digo que justamente vuestra Excelencia puede mandar sirvan a los que tomaren en la guerra, o se aga con ellos lo que Su Magestad mandó con los ynocentes moros de Granada.”

they had attacked and killed high-ranking Spaniards, including two governors. They enslaved *indios amigos* and allied with European enemies who were intent on making inroads on the west coast of South America. To persuade council and king, Calderón added to his analogies between the moriscos of Spain and the Reche-Mapuche arguments pointing to legal enslavement practices occurring elsewhere in North and South America at the time. He wrote, “So, if his majesty has declared slaves in Brazil, the Chiriguanaes in Peru, and the Chichimecas in Mexico, as well as in other places, it seems that these [Aucaes] could be made slaves, even if for [only] ten or twenty years to punish them, end this war, and inspire the soldiers outside and within this province [of Chile].”¹²²

According to historian Álvaro Jara, Calderón’s arguments were encapsulated in a 1607 report that was reviewed by the Council of the Indies just before Philip III concurred with enslaving the Reche-Mapuche in 1608. Apparently, Calderón’s treatise had a greater impact than all previous efforts.¹²³ His carefully laid out logic also influenced simultaneous (though ultimately unsuccessful) efforts led by Juan Buenaventura de Borja y Armendia, captain general and governor of the New Kingdom of Granada, who wanted to extend the 1602 royal order allowing what was then the temporary enslavement of captured Pijao to be extended to them and their descendants for life.¹²⁴

References to legally sanctioned slavery occurring in East Asia also became increasingly common after the discovery of the Legazpi Current opened up trade with East Asia.¹²⁵ In theological juntas in New Spain that took place between 1569 and 1575 to determine whether to enslave the Chichimeca or

122. Calderón, *Tratado de la importancia y utilidad en hacer esclavos* [1601], 201. “Pues, si en el Basil [sic], y en el Piru a los Chiriguanaes, y en Mexico a los Chichimecas, y a otros en otras partes, ha dado su Magestad por esclavos, parece que a estos podira [sic] dar, si quiera por diez, o veinte años, para castigarlos, y para acabar esta guerra, y animar a los soldados de dentro y fuera del Reyno, con el cebo destes esclavos.”

123. Álvaro Jara, *Guerra y sociedad: la transformación de la Guerra de Arauco y la esclavitud de los indios* (Santiago: Universitaria, 1971), 221, <http://www.memoriachilena.gob.cl/602/w3-article-8219.html>, accessed April 28, 2023.

124. By the time Borja arrived in Madrid, the council and king were thick in discussions about the recent decision by King Philip III to allow the enslavement of the Reche-Mapuche in Chile. In the margin of Borja’s account, the secretary of the Council of the Indies noted, “That we consult with the king about whether these *indios* can be enslaved as the governor says, in the manner they were made slaves in Chile.” *Relación y discurso de la Guerra contra los Pijaos por Joan de Borja, Presidente, Governador y Capitán General del Nuevo Reyno de Granada*, June 20, 1608, AGI, Patronato, 196, r.27, fol. 987v. “y es precisamente necesario que V.M. declare por esclavos perpetuamente no solo aellos pero a toda su descendencia como se hace con los negros y moros.” Quote, from council member: “que se consulte a su magestad que se pueden dar por esclavos estos indios como dice el gobernador, en la forma que se hizo con los de Chile,” [987v].

125. A petition to the Council of the Indies by Capitán Bartolomé Mújica de Guevara in 1577 to make war on the Pijao referenced the royal declaration to authorize the enslavement of the Caribs of the island of Dominica, as “cosa muy justa y permitida en ley divina y humana.” [Delitos y esclavitud de pijaos y paces], 1575–77, AGI, *Patronato*, 233, R.1, fols. 128v–129r; María Luisa Martínez de Salinas Alonso, “Los intentos de pacificación de los indios pijao,” 361; *Excesos de los indios caribes de la isla Dominica*, 1560, AGI, Patronato, 173, N.1.R.14. In 1577, the audiencia granted Captain Talaverano the right to conduct this expedition and the right to keep slaves for 20 years, [Delitos y esclavitud.] fol. 143.

place them in temporary bondage, slavery opponents compared abuses against the Chichimeca to what was occurring in the Philippines, called the *Islas Ponientes*.¹²⁶ Not only were religious sending accounts to the members of their orders, but slaves called *chinos* from South and East Asia were beginning to appear in small numbers in New Spain, arriving through the port of Acapulco. The presence of East and South Asians on North American soil alerted vassals and authorities to the practice of slavery in other parts of the world.¹²⁷ Although he was unable to garner crown authorization in 1574 for a complete war of *fuego y sangre* against the Chichimeca (which would have translated into extermination practices and perpetual enslavement for captives), Viceroy Martín Enríquez did allow their temporary enslavement.

In fact, the enslavement had actually begun years earlier, after a 1569 junta on the matter. The 1569 agreement was that captives would undergo a trial to prove that they had committed or abetted a crime of robbery or murder. If they were found to have done so, they were to be held in legal depósito, as slaves, for 13 years.¹²⁸ Children were exempt.¹²⁹ In 1574, Enríquez convened another junta, which concluded that a war of fire and blood was now warranted.¹³⁰ When yet another council of jurists and regular clergy members requested permission in 1585 from the Council of the Indies to engage in total war, they drew on the common toolbox of rationales. But the Council of the Indies rejected their request, finding their “imagined grievances” to be unconvincing.¹³¹

Reports of slavery and arguments for advocating it also spread by means of communication networks established by crown authorities serving in different imperial locations.¹³² As officials assumed posts and administered justice in the Philippines, Spain, Mexico, and South America, they learned how to draw comparisons between so-called bellicose Indigenous cultures and others they

126. Carrillo Cázares, *El debate sobre la guerra Chichimeca*, 1:371. They received a *memorial* from friar Domingo de Salazar, who abhorred the mixing of warfare and evangelization and opposed slavery based on what he was seeing in the Philippines. Carta de Domingo de Salazar sobre agravios a los indios, June 20, 1582, AGI, Filipinas, 74, n. 12.

127. Silvio Zavala, *Los esclavos indios en Nueva España* (Mexico City: Colegio Nacional, 1967), 188–189.

128. Powell, *Soldiers, Indians, and Silver*, 106, 109–110. Powell also notes that captives were to be placed on “trial” for their crimes before local magistrates before being distributed to soldiers and others.

129. Carrillo Cázares, *El debate sobre la Guerra Chichimeca*, 1:56.

130. Powell, *Soldiers, Indians, and Silver*, 106.

131. Stafford Poole, “War by Fire and Blood: The Church and the Chichimecas, 1585,” *The Americas* 22:2 (October 1965): 135, quote on 136.

132. Pedro Ordoñez de Ceballos, a fascinating global figure of the late sixteenth century, was the author of *Viaje del mundo* (1614). According to historian Miguel Zugasti, Ordoñez wrote of the cannibalism of the Pijao, the barbarity of the Quijo, and slavery he had witnessed in East Asia. Miguel Zugasti Zugasti, “La vida exagerada de Pedro Ordoñez de Ceballos: de la ‘autobiografía maravillosa’ a la biografía documentada,” in *Los límites del océano: estudios filológicos de crónica y épica en el Nuevo Mundo*, Guillermo Serés and Mercedes Serna Arnáiz, eds. (Valladolid: Universidad de Valladolid, 2009), 217–314. On the globalization of knowledge, see Jürgen Renn and Malcolm H Hyman, “The Globalization of Knowledge in History: An Introduction,” in *The Globalization of Knowledge in History*, Jürgen Renn, ed. (Berlin: Edition Open Access, 2012).

were considering whether to enslave, and comparison became a highly effective tool of persuasion.¹³³ These officials, considered men of authority, were often called as expert witnesses by the Council of the Indies. In 1563, King Philip II issued his instructions to the head of the Audiencia of La Plata (in Bolivia), Pedro Ramírez de Quiñones, authorizing him to make war on whatever rebels he found there, based on Ramírez's previous experiences in Central America.¹³⁴

Four years prior, Ramírez had served as an oidor in the Audiencia of the Confines (Guatemala), where he was responsible for organizing the armed expedition against the Lacandón in the area of Verapaz (Guatemala) that resulted in enslaving them and removing them from their homelands.¹³⁵ Ramírez de Quiñones was also aware of actions in northern New Spain against the Chichimeca and efforts there to ramp up legal slavery. In testimony he gave during a 1573 royal inspection of the Audiencia of La Plata, where he advocated for the enslavement of the Chiriguano of southeastern Bolivia, Ramírez de Quiñones described his earlier encounters in Guatemala in the 1550s with "a perverse nation of *indios* called Lacandón[es] y Pochutla[s]" who were "worse than the Chichimecas," because they continually waged assaults and robberies in the frontier area of Guatemala and Chiapas. Conveniently, while Ramírez and his men were already on the road to conduct the military operation against the Lacandón and the Pochutla, a royal provision arrived, "ordering them to make war upon and punish them and make slaves out of the evildoers."¹³⁶ After a successful attack by boat, hundreds of captives were immediately denaturalized from their homelands and bound, with collars around their necks. Ramírez de Quiñones thought that a similar treatment of the Chiriguano (despite geographical differences) would benefit the European inhabitants of the Audiencia of La Plata.

High-ranking military officers with war experience in New Spain were sometimes called on by the Council of the Indies or the king to offer advice or to recommend suitable tactics or strategies to use against recalcitrant Indigenous groups. As they did so, the officers were creating an archive that would become available to other

133. Thomas Duve, "What is Global Legal History?" *Comparative Legal History* 8:2 (2020): 73–115, doi.10.1080/2049677X.2020.1830488.

134. Instrucciones a Pedro Ramírez de Quiñones, August 16, 1563, Madrid, AGI, Indiferente, 415, L.2, fol. 415v: "los rebeldes que oviere"

135. Antonio León Pinela, "Relación que en el Consejo Real de las Indias hizo el Licenciado Antonio de Leon Pinela, Relator de su Alteza, sobre la pacificación, población de las provincias del Manchè, i Lacandon, que pretende hacer Don Diego de Vera, Ordoñez de Villaquiran, Cavallero de la Orden de Calatrava," BNM, Ms. 8553, fol. 200v; Zavala, "Los esclavos indios," 48.

136. Testimonio del presidente de Charcas, Pedro Ramírez de Quiñones, dando cuenta de sus servicios previos, [Visita], Audiencia de La Plata, 1573, AGI, Escribanía de Cámara, 862, fol. 32r: "les mandaba hacer guerra y castigo y a los malhechores se hiciesen esclavos."

petitioners interested in matters of warfare against Indigenous people in the future.¹³⁷ Domingo de Erazo [Erauso, also spelled Erasos] had not only fought and strategized in Chile, but he had provided a record of his efforts, documenting his movements from one post to another in numerous accounts and letters. He also spent crucial years in Spain, offering his expert advice to the Council of Indies. As a procurador general, Erazo acted as an intermediary and strong advocate for the enslavement of the Mapuche in the years prior to Philip III's authorization in 1608 to allow war and slavery against them.¹³⁸ His expertise in Chile led to his subsequent appointment by Juan de Borja, president of the Audiencia of Santa Fé, to serve as governor from 1605 to 1612 in the New Kingdom of Granada and to conduct a military campaign against the Pijao.¹³⁹ Given Erazo's ability to sway authorities in Spain to support slaving endeavors, Borja asked him to write a report in 1606 detailing the state of the New Kingdom of Granada as of that year. That report was then circulated by Borja to key military figures before a decisive meeting to discuss strategy.¹⁴⁰

Francisco de Sande y Picón (1540–1602) is also worth mentioning in regard to military and slavery matters, because his experience of governance in three locations influenced imperial policies toward Indigenous people. While serving as governor of the Philippines (1575–80), Sande drew on his firsthand experience with the Chichimeca in Mexico. Between 1567 and 1573 he had

137. Córdoba Ochoa's examination of the *méritos de servicio* documents of several military figures shows an extensive global network among them. "Movilidad geográfica, capital cosmopolita y relaciones de méritos. Las élites del imperio entre Castilla, América y el Pacífico," in *Las redes del imperio: élites sociales en la articulación de la Monarquía Hispánica, 1492–1714*, B. Yun Casilla, ed. (Madrid: Marcial Pons; Seville: Universidad Pablo de Olavide, 2009), 129–155.

138. For example, he presented an extensive *memorial* to the court in 1597, and an elaborately detailed report to the king requesting military support for Chile in 1600. Domingo de Erasmo [sic], *Guerra y estado de Chile, 1600*, AGI, Patronato, 228, R. 14. Álvaro Jara claims he wrote 11 letters to the king in 1597. Jara, *Guerra y sociedad*, 124–125. For Jara, the death of Loyola was just the tipping point after a protracted effort of petitioning. *Guerra y sociedad*, 126. See also Jaime Valenzuela Márquez, "Del Biobío al Magdalena: para una historia conectada de experiencias militares y fronteras imperiales, Domingo de Erazo (1592–1617)," in *Transcendiendo fronteras: circulaciones y espacialidades en torno al mundo americano*, Fernando Purcell and Ricardo Arias Trujillo, eds. (Bogotá: Universidad de los Andes; Santiago: Pontificia Universidad Católica de Chile, 2020), 13, n. 30 and n. 31, and 19, n. 50 and n. 51. On Erasos advocating for the enslavement of the Reche-Mapuches, see Domingo de Erasos, [Erauso, Erasos], "Papel sobre la esclavitud de los indios de Chile," *Colección de documentos inéditos para la historia de España*, (Madrid: Imprenta de la Viuda de Calero, 1867), 50: 220–231. A review of war council deliberations in the Council of the Indies about the "War in Chile," recommended that military authorities who had served in Flanders, Milan, in the War of Alpujarras, in Florida, and against the Chiriguano be sent to Chile. AGI, Chile 4, fol. 29r.

139. In 1606, Governor Borja named Captain Domingo de Erasos, a lieutenant colonel to offer his expert advice on campaigns against the Pijao in Nuevo Reino de Granada. Carta de Domingo de Erasos [sic], January 18, 1606, AGI, Audiencia de Santa Fé, 51, r.3, n. 58, fols. 1r-v; Córdoba Ochoa, "Guerra, imperio y violencia," 408.

140. Mauricio Arango Puerta, "Informe de Domingo de Erazo sobre la guerra contra los indios pijajos, 1606," *Historia y Sociedad* 33 (June 2017): 365–396. See Bernardo de Vargas Machuca's listing of the most bellicose Indians: the Guachichil and Chichimeca, the Pijao, the Tairona of Santa Marta, and the "Araucos" (Reche-Mapuche) in Chile. *Milicia y descripción de las Indias* (Madrid: Casa de Pedro Madrigal, 1599). For quote, see *Milicia y descripción de las Indias / por el Capitan don Bernardo de Vargas Machuca . . . | Biblioteca Virtual Miguel de Cervantes* (cervantesvirtual.com), fol. 140v, accessed June 4, 2023.

served as a legal advocate, *alcalde de corte*, and oidor, and for a brief period had adjudicated criminal trials against Chichimeca captives.¹⁴¹ However, his refusal to turn over the trial records of captive Chichimecas to his secretary (Did he have something to hide?) infuriated Viceroy Enríquez.¹⁴² Sande compared the ferocity of the Chichimeca to that of the Zambales people of the Philippines, whose main ambition, he claimed, was to cut off men's heads.¹⁴³

While serving as president of the Audiencia of Santa Fé from 1597 to 1602, Sande drew on his experience in both northern New Spain and the Philippines to persuade Philip II to authorize the enslavement of the Pijao and Páez. Concerned about the ineffectiveness of previous Spanish campaigns against Indigenous groups, he argued in a 1597 letter that the insistent and calculated attacks by the Pijao and Páez impeded Spaniards' access to gold sites in the Magdalena River area. Twice Sande emphasized that war against the Pijao and the Páez was even more important economically than the war against the Chichimeca.¹⁴⁴ He also thought that tactics and strategies used against the Pijao could be implemented in Chile to help de-escalate tensions.¹⁴⁵ Here we see a man with broad influence in both Madrid and varied imperial locations whose vision and experience advocating for the enslavement of targeted Indigenous groups had a global reach.

CONCLUSION

Petitions were an effective means to promote royal intervention in the issue of slavery, but both the crown and Council of the Indies were also deeply involved in the continuation of Indigenous slavery. Several conditions and situations facilitated the authorization of legal slavery between 1542 and the 1620s. Foremost among these were the sharing of geographic and military knowledge and experiences with Indigenous enslavement across vastly different territorial domains and the cumulative petitioning efforts at local and imperial levels that supported the authorization of legal slavery between 1542 and the 1620s. Other methods and strategies were also effective. Applying ad hoc ethnonyms

141. Powell, *Soldiers, Indians, and Silver*, 116.

142. [Copy] Carta de Virrey Martín Enríquez de Almansa to Philip II, May 30, 1572, BNM, Ms. 19.692, fols. 52–56.

143. Seijas, *Asian Slaves in Colonial Mexico*, 48.

144. Carta de Francisco de Sande, presidente de la Audiencia de Santa Fé, October 21, 1597, Santa Fé, AGI, Santa Fé, 17, r.14, n. 140, fol. 3v: "y por mi horden de tiempo de don Martín Enríquez la villa de Celaya en los chichimecas, provincia de Nueva España." See also Carta de Francisco de Sande, November 1597, Santa Fé, AGI Santa Fé 17, r. 14, n. 141, in which Sande again compared the practices of the Pijao to the Chichimeca and to the Reche-Mapuche.

145. Carta de Francisco de Sande, presidente de la Audiencia de Santa Fé [copy], October 21, 1597, AGI, Santa Fé, 17, r. 14, n. 140, fols. 2r, 3v.

that could be collapsed or expanded to encompass different Indigenous polities living in vaguely defined geographic domains and the use of tropes for demonstrating savagery that dated back to the medieval period also fed into the decisions and decrees that allowed for the temporary enslavement of targeted groups.

Although neither the Council of the Indies nor the king had precise control of the vast legislative corpus of over 10,000 mandates, the council did actively engage with the great numbers of ongoing petitioning efforts. Sometimes the council approved slavery with a simple “*probeydo*” scrawled in the margins of a request. On other occasions, the council issued a more formal decree. Above all, and key to understanding the process, petitioning efforts, whether successful or unsuccessful, show a mutually beneficial system of governance that was neither rigidly authoritative nor based on complete local autonomy. There were reasons that the crown stood to benefit from warfare and enslavement just as much as vassals in North and South America and the Caribbean would. Legal mandates were an expression of normativity in pragmatic efforts to solve problems.¹⁴⁶

The fact that the promulgation of legislation dealing with war and enslavement came from both the top down and the bottom up, and came into being in a symbiotic manner, asks us to rethink the “I obey but do not comply” paradigm that has dominated scholarship on colonial Latin America for so long. When we think about royal mandates for governing the Spanish Indies, especially those regarding slavery, and the interlocutory relations between crown and local officials that would lead to different kinds of legislation, it is important to consider the mechanisms and channels that led to those legal declarations.¹⁴⁷ This perspective also gets us beyond thinking about laws like the New Laws of 1542 as decisive, hegemonic and as the ultimate signifier of colonial order. A more productive way of approaching Indigenous slavery is to consider how “hard” and “soft” laws came into being, how they changed over time, and how they supported, contradicted, or superseded each other.

In cases where petitions were partially successful (think of Juan de Borja or Martín Enríquez, for example), petitioners were forced to compromise or find other ways to put old wine in new bottles. Perhaps this has to do with the arbitrary nature of Spanish governance, who was on the council, and what they could and did know. Also, there were definite limits as to who could be enslaved and removed from their homelands. When, for instance, the Audiencia of Santo Domingo

146. Masters, *We the King*.

147. Masters, “A Thousand Invisible Architects,” 402.

petitioned in 1569 to allow Indigenous slaves from Brazil to be sold in the Greater Antilles, Philip II denied their request.¹⁴⁸ This was outright slave-trafficking. Unlike the Kalinago who posed a threat to inhabitants of the Greater and Lesser Antilles, Brazilian ‘cannibals’ did not. Granting the petition would have involved overstepping imperial bounds.

Just as some petitions for enslavement were unsuccessful or had only a limited effect, calculated and protracted efforts could also result in a renunciation of slavery, or a rethinking of the terms under which it could be practiced.¹⁴⁹ Even if slavery was allowed in certain areas, governors could modify certain practices.¹⁵⁰ A newly arrived viceroy could reverse a previous policy.¹⁵¹ In some instances, the crown authorized “softer” forms of temporary servitude such as the depósito, not going so far as to mandate slavery.¹⁵² Those presenting petitions or treatises protesting the targeting and enslavement of designated Indigenous people might also achieve success.¹⁵³

Decrees promoting legal slavery were not necessarily effective as means of “punishing” groups against whom the Spaniards conducted lengthy wars. Many military ventures initiated by Spaniards were not successful in the short or long run. Although documents are often not explicit, mandating slavery was often a means to pay soldiers, or to exact a profit from the sale of a captive. The enslavement of war captives did not, with a few exceptions, resolve problems in Indigenous-Spanish relations. In many cases, slavery further exacerbated tensions and resulted in the taking of European, African-descendent, and Indigenous allies as captives by Indigenous polities in acts of retribution. Some groups, like the (ethnonymically created) “Chiriguano,” the “Chichimeca,” or the Kalinago benefited greatly by taking hundreds of captives and incorporating weaker indigenous groups into their kinship systems. Captive-taking enabled macro-polities like the Chiriguano to

148. Real cédula a la Audiencia de Santo Domingo, May 26, 1570, El Carpio, AGI, Santo Domingo 899, L.2, fols. 165v–166r.

149. As Goicovich has illustrated, strategies employed by the Franciscans at the end of the sixteenth century to end the Chichimeca War and slavery were copied by the Jesuits in Chile who argued vehemently for a “defensive” war against the Reche-Mapuche and who were able to halt legal enslavement from 1612 to 1624. Francis Goicovich, *Soldados, indios y franciscanos en la primera frontera continental del Nuevo Mundo (1529–1605)*, (Santiago: Editorial Universitaria, 2017).

150. For example, in 1586, during the Chichimeca War, Viceroy Álvaro Manrique de Zúñiga disallowed the sale of captured Chichimecas. Copy of an order given by Manrique de Zúñiga, 1586, AGI, Patronato 181, r. 14. See also Zavala, *Los esclavos indios en Nueva España*, 201–203.

151. Such a reversal occurred after Álvaro Manrique de Zúñiga, the Marquis of Villamanrique, arrived in New Spain to assume his post as viceroy in 1585.

152. Royal decree, May 26, 1580, Badajoz, AGI, Audiencia de Guatemala, 386, L. 2, fol. 96r [im. 203]. Referring to the Chontales of Nicaragua, the decree stated, “conviene dar los dichos yndios a servicio por algun tiempo, de manera que no sea por esclavos.” Zavala, “Los esclavos indios,” 48–49.

153. For a discussion of the efforts of Alonso Maldonado de Buendía to stop war and enslavement against the Chichimecas, see Pedro Borges, “Un reformador de Indias y de la Orden Franciscana bajo Felipe II: Alonso Maldonado de Buendía, O.F.M.,” *Archivo Ibero Americano* 20 (1960): 281–337, 487–535, and [no.] 21 (1961): 53–97.

offset population losses from ongoing military excursions, thus ensuring their ethnic survival.¹⁵⁴

Finally, it is time to stop thinking of Indigenous slavery after the New Laws of 1542 as an exceptional and mostly illegal practice in Spanish America. Enslavement continued in many areas and circumstances and remained coterminous with other practices of managing Indigenous labor, such as the *encomienda*, *repartimiento*, or *mit'a* service. These practices also fed one another. Unfree labor relations involved a continuum of practices related to personal servitude such as *yanaconaje* and the use of *naborias* (Indigenous servants attached for life to a master) in addition to legal and illegal captive-taking that prevailed into the late-colonial period.¹⁵⁵ Although the authorization of Indigenous slavery was often a short-term solution, it remained within the legislative toolbox of colonial administrators and vassals long after the signing of the New Laws of 1542.

Queen's University
Kingston, Ontario
dnev@queensu.ca

NANCY E. VAN DEUSEN

154. On the Chiriguano taking and selling captives, see Carta del oidor Alberto de Acuña, September 25, 1598, AGI, Panamá 40, n. 99, im. 50. On the Chiriguano taking over 2,000 captives in a given year, see Alonso Riquelme de Guzmán, Relación, Lima, October 2, 1623, Biblioteca Universitaria de Sevilla, Colección Marqués del Risco, varios 320/122, fols. 48–54; Thierry Saignes, *Historia del pueblo chiriguano*, Isabel Combès, ed. (Lima: Instituto Francés de Estudios Andinos, 2007), 62, n.15; and Thierry Saignes, *Ava y Karai: ensayos sobre la frontera chiriguano (siglos XVI–XX)*, (La Paz: HisBol, 1990), 71–74. On the Kalinago in the seventeenth century, see Tessa Murphy, “Kalinago Colonizers: Indigenous People and the Settlement of the Lesser Antilles,” in *The Torrid Zone: Caribbean Colonization and Cultural Interaction in the Long Seventeenth Century*, L. H. Roper, ed. (University of South Carolina Press, 2018), 17–30.

155. Reséndez, *The Other Slavery*; Revilla Orias, *Coerciones intrincadas*.

APPENDIX: CROWN AUTHORIZATIONS OF ENSLAVEMENT AND CONDUCT OF WAR (1547–1618)

Between 1547 and 1618, there were numerous authorizations to enslave or make war on Indigenous peoples of Spanish America. The following is a selected list.

- 1547** Petitions from the *vecinos* of San Juan de Puerto Rico claim that “Caribs” (Kalinagos) are attacking their island. The crown authorizes their enslavement. Authorities are required to verify the island of origin of the captives.^a
- 1556** Following reports from the Bishop of Chiapas, the Audiencia of Guatemala receives a royal license authorizing the enslavement of Lacandón and Puchutla people.^b
- 1557** Royal authorization is given to enslave the Kalinagos who are attacking the residents of the island of Dominica.^c
- 1558** The Council of the Indies authorizes the *vecinos* of Santo Domingo to enslave “Carib” invaders from the islands of Guadalupe, Matinino, and La Deseada, but excludes the Indigenous inhabitants of Trinidad.^d
- 1560** The Council of Quito authorizes the enslavement of the Quijo of eastern Ecuador (Napo province) during the *entrada* of Rodrigo Núñez de Bonilla, based on understandings that the cacique Jumandy and his people have “resisted” incursions and the Spaniards’ founding of the town of Baeza. This authorization lasts until 1578.^e
- 1560** Viceroy Velasco of New Spain gives the *alcalde mayor* of Zacatecas the authority to take Chichimeca captives, and to deposit them with their captors for a period of six years, or a longer period as designated by the Audiencia of Nueva Galicia.^f

a Real provisión, May 4, 1547, Madrid, Archivo General de Indias [hereafter AGI], Patronato, 175, R. 32, im. 12; Álvaro Huerga, *Ataques de los caribes a Puerto Rico en el siglo XVI*, (San Juan: Academia Puertorriqueña de la Historia; Centro de Estudios Avanzados de Puerto Rico y del Caribe; Fundación Puertorriqueña de las Humanidades, 2006), 196–198.

b The Council authorized the conduct of war and the enslavement (punishment) of the Lacandón and Puchutla people in March of 1556 “in spite of the New Laws,” and to help those who voluntarily joined the military expedition to defray their costs. Consulta del Consejo de Indias, March 14, 1556, AGI, Indiferente, 737, no. 144. Another decree in support of enslavement came from the Council in 1558.

c Real cédula, May 25, 1557, Valladolid, AGI, Santo Domingo, 899, L.1, fols. 62r–63r.

d Real provisión, June 22, 1558, Valladolid, AGI, Santo Domingo 899, L.1, fols. 111r–112r.

e Memorial de [Alonso de Peñafiel] tocante a cosas de la gobernación de los quijos, Biblioteca Nacional de Madrid, MSS/3044, [1569–70,] fols. 478r–v; Wilson Gutiérrez Marín, *Baeza, la ciudad de los Quijos: su historia desde el siglo XVI hasta el siglo XIX*, (Quito: Editorial Abya-Yala), 62–63.

f Comisión al alcalde mayor de las Zacatecas sobre los robos que hacen los Guachichiles y Chichimecas, April 30, 1560, Archivo General de la Nación (Mexico) [hereafter AGNM], Mercedes, V, fols. 26r–27v; Philip Wayne Powell, *Soldiers, Indians & Silver: The Northward Advance of New Spain, 1550–1600*, (Berkeley: University of California Press, 1952), 251, n.4.

- 1564 A royal decree authorizes the enslavement of Kalinago people who have attacked the residents of the island of Margarita. The decree is based on the 1558 provision, mentioned above.^g
- 1569 Philip II authorizes the vecinos of the “islands of Barlovento” (the Lesser Antilles) to make war on and enslave the Carib Indians of those regions, if the prisoners are not under 14 years old or female.^h
- 1570 Philip II writes to Miguel López de Legazpi, governor of the Philippines, allowing the enslavement of the *moros* (narrowly, Islamic people, but term is also associated with apostasy) from nearby islands who are attacking Spaniards.ⁱ
- 1574 After a junta, the Audiencia of Charcas, in accord with Viceroy Francisco Toledo, allows the enslavement of the Chiriguano people.^j
- 1574 The Real Audiencia of Santa Fé authorizes Diego de Bocanegra and Gonzalo Jiménez de Quesada to make war on the Gualíes Indians, who have rebelled for the second time.^k
- 1574 In authorizing a “war of fire and blood” (*guerra de fuego y sangre*) Viceroy Enríquez allows the enslavement of Chichimecas for a period of 13 years, except for children. They are to be held in legal *depósito*, although proof of captivity will be necessary.^l
- 1574 Appointed by King Philip II as *adelantado*, governor and captain general of Florida, Pedro Menéndez de Ávila draws up a report on damages inflicted by the Tocobaga (an ethnonym that encompasses a variety of chiefdoms of Gulf Coast Florida). Earlier, in 1564, the magistrate of the *cabildo* of Havana, with whom Menéndez had close ties, ordered Ávila to conduct a formal investigation of the matter, complete with *informaciones* recommending that the Tocobagas be enslaved, including children. Eventually the compiled petitions and reports reach the Council of the Indies and, in 1574, the king

g “Reiterando la autorización para hacer la guerra a los indios caribes,” November 28, 1564, Madrid, in *Cedularios de la monarquía española de Margarita, Nuevo Andalucía y Caracas, 1553–1604*, Tomo 1, *Cedulario de Margarita*, Enrique Otte, ed. (Caracas: Edición de la Fundación John Boulton, 1967), 1:17.

h *Recopilación de leyes de los reynos de las Indias*, libro 6, tít. 2, ley 13; Konetzke, “La esclavitud,” 1:471.

i Carta de Felipe II a Martín Enríquez,” July 4, 1570, Encinas, *Cedulario indiano*, 4:374. Here Philip recounted to Enríquez what he had written to Legazpi allowing for the enslavement of those ‘*moros*’ who resisted evangelization or violently resisted coming into “royal service.” See also Konetzke, “La esclavitud,” 1:470–471.

j “Papeles pertenecientes á la guerra que hubo de hacerse contra los indios Chiriguanaes, 1573–74,” in Ricardo Mujía, ed. *Bolivia-Paraguay: exposición de los títulos, Anexos*, (La Paz: Editorial El Tiempo [undated], 2:218–252; “Provisión de la Audiencia de Charcas sobre condenas a los Chiriguanaes,” 1574, AGI, Patronato 235, r. 6.

k [Delitos y esclavitud de pijaos y paeces], 1575–1577, AGI, Patronato, 233, R.1, fols. 35v–36r, 50v.

l This decree came from the viceroy, not the crown. Enríquez had issued a similar mandate in 1569. Moya de Contreras mentions that because of the junta of 1574, all agreed (except for the Dominicans), to a compromise of temporary servitude with proof. Moya de Contreras to Juan de Ovando, August 31, 1574, in Francisco del Paso y Troncoso, *Epistolario de Nueva España, 1505–1818*, 11 (1570–1575), (Mexico City: Antigua Librería Robredo, de José Porrúa e Hijos, 1940): 179, and full letter pages 171–180; Zavala, *Los esclavos indios*, 188–189; Alberto Carrillo Cázares, *El debate sobre la Guerra Chichimeca, 1531–1585: derecho y política en la Nueva España*, 1:56. For different interpretations of this law, see Powell, *Soldier, Indians & Silver*, 106, 110–111, 252–257, n.22.

- approves the enslavement of the Tocobagas for a period of 12 years. Menéndez will profit directly from this trade.^m
- 1577** On June 3, the Royal Audiencia of Santa Fé allows Captain Bartolomé Talaverano, vecino of Ibagué to conduct a military expedition (*jornada*) to take Pijao captives, who will remain slaves for 20 years. They are to be marked with a brand on the hand and can be sold. It is required that they be registered before a captain, notary, or town magistrate.ⁿ
- 1580** In 1580, King Philip II and the Council review a compilation of documents sent by the Audiencia of Santa Fé (including a letter written in 1577), citing numerous references to cannibalism, attacks on newly authorized towns, and the blocking of the road to Popayán by the Pijao and Páez. Their short-term enslavement is authorized in a royal decree.^o
- 1580** A royal decree allows for the temporary servitude—but not slavery—of captured Chontales. The king defers to the Audiencia of Guatemala to decide on the conditions under which the Chontales will be held.^p
- 1583** The Audiencia of Charcas (again) allows for the enslavement of Chiriguano captives.^q
- 1588** King Philip II authorizes Antonio González, who is about to cross the ocean to assume the post of president of the Royal Audiencia of Santa Fé, to name an appropriate person to conduct a *capitulación* against the Pijao. After the *capitulación*, they will be kept as slaves for a limited period.^r
- 1602** The Audiencia of Santa Fé declares the enslavement of the Pijao for 10 years.
- 1604** The crown names Juan de Borja president of the Audiencia of Santa Fé and charges him with “pacifying” the Pijao, Cararé, and Yararguí people.
- 1608** A royal decree authorizes a “war of fire and blood” against the Caribs of Dominica, Guadeloupe, Martinique, Grenada, St. Vincent, and St. Lucia.^s

m Pedro Men[én]dez de Áviles. Indios de la costa de Florida, AGI, Patronato, 257, 1574, n. 1, Gen. 3, r. 20. im. 33. On July 27, 1574, the Council of the Indies declared Menéndez’s petition to be “*proveydo*” (proven), allowing for the Tocobagas to be sold for a period of 12 years to vecinos on the islands of Española, San Juan, and Cuba, im. 69.

n [Delitos y esclavitud de pijaos y paeces], 1575–1577, AGI, Patronato, 233, R.1, fol. 143; María Luisa Martínez de Salinas Alonso, “Los intentos de pacificación de los indios pijao (Nuevo Reino de Granada) a fines del siglo XVI,” *Revista de Indias* 49:186 (1989): 362.

o “R. c. sobre lo que toca al hacer guerra a ciertos indios rebelados,” November 11, 1580, Badajoz, AGI, Audiencia de Santa Fé, 528, L. 1, 64; no. 396; “Royal Decree,” Konezke, *Colección de documentos para la historia*, 1:531. Slaves could be taken “por tiempo limitado o perpetuamente.”

p Royal decree, May 26, 1580, Badajoz, AGI, Audiencia de Guatemala, 386, L. 2, fol. 96r [im. 203]; Silvio Zavala, *Contribución a la historia de las instituciones coloniales en Guatemala*, (Mexico City: El Colegio de México, 1945), 48–49.

q “Auto de la Real Audiencia en que se toma resolución de la guerra que se ha de hacer á los chiriguanaes,” November 12, 1583, La Plata, in Mujía, ed. *Bolivia-Paraguay*, 2:401–404.

r Royal decree, August 31, 1588, San Lorenzo, AGI, Audiencia Santa Fe, 535, L.7, fols. 45v–46r, [im. 90–91].

s Neil Whitehead, *Lords of the Tiger Spirit: A History of the Caribs in Colonial Venezuela and Guyana, 1498–1720* (Dordrecht: Foris Publications, 1988), 174. This provision remained in effect until 1652. See also P. Delgado, “La política española con los caribes durante el siglo XVI,” *Revista de Indias* 30 (1970).

- 1608** A royal decree authorizes a war of fire and blood against the Reche-Mapuche people of Chile. A royal mandate prohibiting slavery will come in 1674, but it will not be applied in Chile until 1679.^t
- 1609** A royal decree issued to the governor of the island of Margarita states that *indios* from Guyana may be kept as slaves.^u
- 1618** A royal decree gives the governor of the Rio de la Plata and Guayrá the authority to make war on the Payaguá and Guaicurú Indigenous nations living to the north of Asunción, Paraguay, and allows for their capture and servitude.^v
- 1620** A royal decree authorizes the Audiencia of Panama to make a war of fire and blood against the “rebellious” Indigenous people of the Darién.^w

^t “Revalida las ordenes de la libertad de los Indios, y da nueva providencia en los de Chile,” Carlos II, June 12, 1679, in *Recopilación de las leyes*, libro 6, tít. 2 [“De la libertad de los Indios,”] ley 16.

^u “Real cédula al gobernador de Margarita,” December 20, 1609, Madrid, and “Real cédula,” July 3, 1610, Aranda, in Konetzke, *Colección de documentos para la historia*, vol. 2, Part 1, pages 173 and pages 173–174, respectively.

^v Real cédula, April 16, 1618, AGI, Buenos Aires, 2, L.5, fols. 65r–66v; Shawn Michael Austin, *Colonial Kinship: Guaraní, Spaniards, and Africans in Paraguay*, (Albuquerque: University of New Mexico Press, 2020), 163–167.

^w Real cédula a la Audiencia de Panamá, July 15, 1620, Madrid, AGI, Panama, 237, L.14, fol. 190.