



RESEARCH ARTICLE

# Moving to Your Place: Labour Coercion and Punitive Violence against Minors under Guardianship (Charcas, Sixteenth through Eighteenth Centuries)\*

Paola A. Revilla Orías 

Universidad Católica Boliviana, San Pablo in La Paz, Bolivia and Institut d'Études Avancées de Nantes, France, e-mail: [p.revillao@gmail.com](mailto:p.revillao@gmail.com)

## Abstract

This article examines the experience of minors at the intersection of guardianship, domestic servitude (free and unfree labour), and punitive violence in Charcas (Bolivia) in the sixteenth through eighteenth centuries. The author proposes that the study of the role of punishment in the lives of working children and adolescents allows us to question how practices that occurred under the legal cloak of guardianship – in which many members of colonial society participated – were used as a hidden practice of domination that sought to reproduce servitude based on certain origins from an early age. In this context, punitive violence exercised by masters and lords would have been at the core of prevailing prejudices about ethnic and racial difference.

## Introduction

Child labour is a long-standing regional problem in Latin America and the Caribbean. The practice not only relates to financial difficulties seen in recent decades, but also to forms of labour relationships dating back several centuries. In these pages, I propose a view of the experience of minors at the intersection of guardianship, labour coercion, and punishment. I focus on children and adolescents in domestic service – understood in the broadest sense of the concept, in activities both inside and outside the home – and any kind of service position that operated under the jurisdiction of Charcas (Bolivia) ([Figure 1](#)) in colonial South America, from its administrative headquarters in the city of La Plata, between the sixteenth and eighteenth centuries. I argue that some mechanisms of discipline and control,

---

\*A preliminary version of this text was presented at the Fourth Conference of the European Labour History Network on 31 August 2021 in Vienna, and as a lecture at the Bonn Center for Dependency and Slavery Studies on 15 September 2021, where the author was a postdoctoral researcher. Special thanks to Christian G. De Vito, Adam Fagbore, and to the peer reviewers for their comments on the final draft of this text.



**Figure 1.** Map of the Real Audiencia de Charcas (with changes during the sixteenth century) and location of the Cordillera Chiriguana. Based on the work of Joseph Barnadas (1973) and cartographer Federico García Blaya (2021).

exercised by the masters and authorities over child labourers, within the logic of paternalistic guardianship, played a key role in ensuring the reproduction of labour of certain origins from a tender age.

First, I focus on workers who lived in or passed through the farm (*chacra* or *chácara*), the workshop, or the colonial settlement in the city, where there were hundreds of male and female children of different ethnic origin. I am interested in highlighting the multiplicity of work systems and situations that led to child labourers being employed under the service of master or lord at these worksites, whom they supported in various tasks. Second, I study the relationship between the application of the legal figure of guardianship and coercive work (free and unfree labour) in which minors, mainly indigenous and Afrodescendants, were compelled to participate. I focus specifically on minors who did not have *patria potestad* (parental authority) due to a lack of knowledge, orphanhood, illegitimacy, or kidnapping, among other reasons. Finally, I assess both physical and psychological forms of violence inherent in the nature of guardianship of minors and “rescued”, “deposited”, or “settled” minors who were placed under the protection of a guardian. For this purpose, I analyse how *señores* and *señoras* (lords and ladies) subjected child labourers to various forms of punishment and intimidation, but also how local authorities intervened on behalf of the Crown in certain situations.

The proposed methodology of a broad view and concrete cases enters into dialogue with recent studies on the history of socio-labour practices and power relations in America under the colonial regime. It stops at considerations of labour differentiation according to gender – formed, stereotyped, and practical – and does not disassociate the history of minors from that of the adults around them. Constructed in fuzzy boundary categories, the analysis is the result of an inter-ethereal relational approach, in the sense that it does not seek to artificially separate a history of “adults” from one of legal minors, but rather it aims to glimpse the complexity of the relationship between the two within certain historical phenomena.

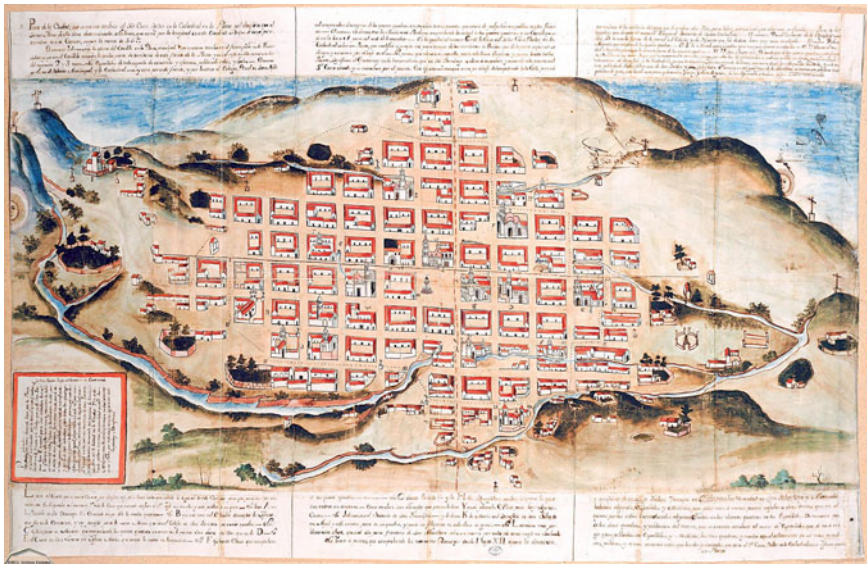
### Immersion in the Servile Experience

In Latin American colonial societies, having a populated house in the city and on the farm was synonymous with economic prosperity and status. This was clearly the case for the residents of La Plata (Figure 2).<sup>1</sup> Its status as the seat of the court (since 1560) and archbishop (since 1609), as well as the resources it administered from the nearby Potosí mines (87 km away) and from the more than 60,000 Indians who were tributaries in its twenty-nine divisions, led its inhabitants to consolidate the idea that they were residing in a privileged place within the group of “overseas provinces”.<sup>2</sup>

In the early seventeenth century, La Plata’s population – some 14,000 inhabitants, originating from diverse cultures of different origins, together with temporary

<sup>1</sup>Settlement in the Andean mesothermal valleys populated by the Yampara *señorío* (lordship), incorporated into the Inca State in the mid-fifteenth century and called Villa de (La) Plata in the Province of Charcas by the Spaniards from the sixteenth century onwards. Cf. Josep M. Barnadas, *Charcas, orígenes de una sociedad colonial 1535–1565* (La Paz, 1973).

<sup>2</sup>Fray Antonio de la Calancha, *Crónica Moralizada del Orden de San Agustín en el Perú, con sucesos ejemplares en esta Monarquía* (Barcelona, 1638), vol. 3, bk. 2, ch. 40, p. 298.



**Figure 2.** Plan of the city of La Plata (Sucre or Chuquisaca) by Ildefonso de Luján (1777). *Archivo General de Indias MP, Buenos Aires, 244.*

workers from the surrounding area and merchants and people passing through on their way to other regions – gave shape to a particularly pluralistic scenario of the daily life of *tratos y contratos* (dealings and contracts).<sup>3</sup> According to Antonio de Herrera y Toledo, “The Spanish neighbourhood had just over 650 reasonable dwelling houses and, together with those of the Indians, which were smaller, [the number of houses in Plata] amounted to 1300”.<sup>4</sup> Most of them had small and medium-sized farms in the surrounding areas, where they frequently came and went with their goods and dependents along roads that linked them with each other and the city.

Servitude was essential to demonstrating wealth. Whether slave, free, or belonging to the ambiguous categories of freedman or pacified, hundreds of people of different origins and life paths made up La Plata’s households and resided or spent a large part of the day in them.<sup>5</sup> Although not all family nuclei achieved this form, the Catholic monarchy sought to consolidate an archetype that reflected its own relationship, with the figure of the king (and his delegated authorities) as the father of a large and hierarchical family. Some of the domestic servants in these spaces were children and young people under the age of twenty-five, minors within the legal parameters of

<sup>3</sup>Pedro Ramírez del Águila, *Noticias políticas de Indias y relación descriptiva de la ciudad de La Plata, metrópoli de la provincia de los Charcas* (Bloomington, IN, [1639] 1963), p. 74.

<sup>4</sup>Antonio de Herrera y Toledo, *Relación eclesiástica de la Santa Iglesia Metropolitana de los Charcas*, ed. Josep M. Barnadas (Sucre, [1639] 1996), pp. 43–44. Unless otherwise stated, all translations are mine.

<sup>5</sup>The term “pacified” refers to the indigenous people of the lowlands of Charcas, who were considered rebellious and taken captive in the cities and farms of the colonial jurisdiction. Isabelle Combès and Thierry Saignes, *Alter Ego. Naissance de l’identité chiriguano* (Paris, 1991).

the time.<sup>6</sup> The diversity of origins, experiences, and paths that led them to the homes of third parties make it necessary to exercise caution when historicizing their reality, and to avoid arbitrary homogenizations of this group of dependents.<sup>7</sup> First, there were the sons of service *mitayos* who came from the surrounding areas.<sup>8</sup> They entered the homes accompanying and helping their mothers to fulfil different tasks that they had been assigned, while their fathers complied with their own work schedule in the city or on the farms, performing agricultural labour, handicraft, general labour, and construction, among other forms of work. As prescribed, they were supposed to work for the public benefit but, in reality, they were regularly assigned to personal service, albeit this was presented as being voluntary.<sup>9</sup> The length of their stay varied and although it was stipulated that they could not stay indefinitely, on occasion they did. If a *mitayo* arranged with his *cacique* to stay longer than initially planned, he could then try to get his daughters work in domestic service or urban commerce and his sons a position in a workshop where they could learn a trade.<sup>10</sup>

In these spaces they met other children of indigenous, mestizo, Afrodescendant, and European origin who had to work in manual trades to support themselves. Among them, children of urban *yanaconas* – whose parents were specialized in various arts and crafts – were trained as specialist workers like their parents.<sup>11</sup> Vázquez de Espinoza claimed that, by 1610, there were sixty-four *tiendas* (artisan workshops) in La Plata, most of them employing *indios oficiales* (official Indians) of all trades.<sup>12</sup> These workshops were both a place of work and a residence for the settled minors, to whom the artisan had to offer food, clothing, and sometimes a certain amount of pesos in exchange for their service and for the duration of their stay, which, according

<sup>6</sup>“Domestic” servant is understood as a concept that denotes a servant’s relationship with the master’s house but whose activities are not limited to those performed in it.

<sup>7</sup>Childhood, a broad stage between birth and adolescence up to about fourteen years of age, was differentiated from infancy, the period before the child learned to speak. Cristina V. Masferrer, “Hijos de esclavos. Niños libres y esclavos en la capital novohispana durante la primera mitad del siglo XVII”, *Uluá*, 19 (2012), pp. 81–99. However, it is not accurate to say that children and adolescents were limited to certain activities because of their age and that there were designated adult tasks. It all depended on the capabilities that the child had developed as he or she grew up in his or her immediate environment. In this sense, age was merely referential.

<sup>8</sup>From the Quechua *mit’a*, meaning “shift or period of service”, this system of compulsory and rotating work in the Tawantinsuyu (the name of the Inca Empire among its subjects) was adopted by the Spaniards, who gave it its own characteristics. It implied the performance of a series of tasks to be carried out by a male population between the ages of eighteen and fifty. The worker was known as a *mitayo*.

<sup>9</sup>Juan de Matienzo, *Gobierno del Perú con todas las cosas pertenecientes a él y a su historia* (Paris, [1566] 1967), pp. 18–20; Herrera y Toledo, *Relación eclesiástica*, p. 296.

<sup>10</sup>A *cacique* or *curaca* is understood to be the highest authority of the community or colonial settlement.

<sup>11</sup>In the era of the late Tawantinsuyu, the *yanakuna* were those who, having been separated from their community of origin, were not obliged to participate in the usual rotation of servants. They had been distributed by the Inca into the service of a lord for whom they worked as perpetual servants, bequeathing their condition to their descendants. The practice was adopted and became institutionalized as *yanaconazgo* in the colonial period.

<sup>12</sup>Antonio Vázquez de Espinosa, *Compendio y Descripción de las Indias Occidentales* (Washington, DC, 1628–1629] 1948), p. 602. Around 103 *yanaconas* residing in the city towards the end of the sixteenth century were counted by Juan de Matienzo to elaborate the “Tasa de los yanaconas de la ciudad de La Plata” dated 1575. Most of them were from Cuzco. Archivo Histórico de Potosí (Historical Archives of Potosí [hereafter, AHP]): *Cajas Reales*, 18.

to the archives, could last from a few months to several years. Some children of *yanaconas* also served for an indefinite period in public institutions, together with their parents. Others worked with traders, in a fluid dynamic between the farms and the city, and even beyond La Plata's jurisdiction. Unlike the children of *mitayos*, the *yanaconas* did not have to return to the *pueblos de indios* (Indian villages) with their parents, so their immersion in activities and prolonged apprenticeships was more feasible.<sup>13</sup>

We also find them with their parents on the farms around La Plata, in small houses near the lord's hacienda, cultivating the land on whose usufruct they lived for generations. Legally, minors under taxable age should not be compelled to work.<sup>14</sup> They could, however, voluntarily participate in domestic service and, with their parents' authorization, they could be compelled to perform certain occupations for which they had to be paid. The law stated: "[I]f, of his own free will and with that of his parents, a boy wants to be a shepherd, he shall be given two and a half reales every week [...] plus food and clothing."<sup>15</sup> Nevertheless, minors participated in different agricultural activities on the farms.

The sons and daughters of Africans and Afrodescendants (whether of African descent, Bozales, or Creoles, slaves or manumitted) were also present in all of the aforementioned labour spaces. Enslaved children arrived in the markets of Charcas quite early during the conquest process and some were even born in the homes of their parents' masters. We see them accompanying their enslaved parents in their daily chores. However, not all slaves resided in their masters' house, nor can we say that all freedmen always resided in their own house. In fact, it is not surprising that many remained for a period or, indeed, indefinitely in their former masters' homes due to a lack of resources, out of gratitude, or because of preconditions placed on the manumission and their children with them.

Both enslaved and freedmen sought to place their children in the domestic service of others, in agricultural and livestock activities on farms or as apprentices in artisan workshops.<sup>16</sup> Minors could achieve better living conditions and generate resources that, in some circumstances, would allow them to obtain the manumission of one of their relatives. The masters did not usually object. Having slaves with skills was beneficial, because it increased their price in the local market and the slaves themselves could benefit from a higher *jornal* (daily wage).<sup>17</sup> The freedmen proceeded in the same way with their children.<sup>18</sup> They usually stayed two to three years in the workshop, after which they took a "skill and ability" test and became journeymen, receiving tools. It is important to emphasize that this was

<sup>13</sup>The concept of *pueblo de indios* should be understood as a space differentiated from the Spanish cities, within the social separation measures established by Viceroy Toledo in the second half of the sixteenth century, in the period between the so-called two republics.

<sup>14</sup>*Recopilación de Leyes de Indias* [hereafter, *RLI*] (Madrid, 1681), bk. 6, tit. 13, law 9.

<sup>15</sup>"Que las mujeres e hijos de indios de estancias que no estén en edad de tributar no sean obligados a ningún trabajo", *RLI*, bk. 6, tit. 13, law 9.

<sup>16</sup>Archivo y Biblioteca Nacionales de Bolivia (National Archives and Library of Bolivia [hereafter, ABNB]), Escrituras Públicas (Public Deeds [hereafter, EP]) 1575, García de Esquivel, vol. 19, fo. 645. ABNB: EP, Luis Guisado de Umanes, 14 March 1595, fos 679–680.

<sup>17</sup>ABNB, EP 1593, Luis Guisado de Umanes, vol. 40, fos 549v–550v.

<sup>18</sup>ABNB, EP, Luis Guisado de Umanes, 18 January 1594, fo. 616; Jerónimo de Porres, 18 September 1589, fo. 696.



not only a learning experience for the minors, but also a work experience and service to the artisan. The process mirrors that of the *mozos para todo* (boys for everything) in exchange for lodging, food, some clothes, and care in case of illness, as was performed in Spain.<sup>19</sup> The formal boundary between apprenticeship and domestic service is blurred. No less important is the presence of the children of indigenous Chiriguano captives from the lowlands of Charcas, who had been kidnapped from their place of origin and traded as service *piezas* (pieces) to work in domestic spaces, workshops, and farms in La Plata. They were devalued, barbarized, infantilized, and even demonized because of their ethnicity. Something similar happened with the inhabitants of southern Chile.<sup>20</sup> Even after their trade and enslavement was prohibited, its practice continued and was legitimized by custom. Their children grew up in the places where their parents worked, whose status as “pacified Gentiles” plunged them into an ambiguous limbo between slavery and legal freedom.

The differentiation of jobs by gender was assimilated and naturalized from a very early age.<sup>21</sup> The multiple tasks performed by girls and young women in the houses and streets of La Plata were usually described as “service” in reference to domestic work, which was not considered a trade.<sup>22</sup> Unlike their male counterparts, there are no data on girls with artisan or agricultural occupations, which certainly does not mean that they did not participate in work activities together with their relatives.

After performing temporary service, these children were placed in either the home, workshop, or farm of the lord their family served, before returning to their communities, in the case of service *mitayos*, under servitude but detached from *yanaconazgo*, captivity, or inherited slavery. Some were even born in these spaces, immersed from an early age in the mechanisms of servile labour, and can be linked to different labour systems. The more fortunate could pursue apprenticeships and develop skills that allowed them to live with a greater degree of autonomy within a strongly hierarchical and racialized setting. Most were of indigenous and African descent. Not all kept their inherited affiliations; on the contrary, frequently, they were hinges between systems. It is not surprising to find children of *mitayos* (pacified or freed Afroindigenous *yanaconized*) in the city and the farms, temporarily or indefinitely, both the lord and the worker profiting from the opportunity. Regardless of their place of residence, these children maintained links with their relatives and places of origin where, with the exception of Africans and first-generation captive Chiriguanos, they used to come and go, creating bridges that transcended the limits of the social separation order

<sup>19</sup>Antonio Muñoz Buendía, “La infancia robada. Niños esclavos, criados y aprendices en la Almería Del Antiguo”, in María D. Martínez San Pedro (ed.), *Los marginados en el mundo medieval y moderno* (Almería, 2000), pp. 65–78, 68.

<sup>20</sup>Jaime Valenzuela, “Esclavos mapuches. Para una historia del secuestro y deportación de indígenas en la colonia”, in Rafael Gaune and Martín Lara (eds), *Historias de racismo y discriminación en Chile* (Santiago de Chile, 2009), pp. 225–260; Catherine Julian, “Colonial Perspectives on the Chiriguana (1528–1574)”, in María Susana Cipolletti (ed.), *Resistencia y adaptación nativas en las tierras bajas latinoamericanas* (Quito, 1997), pp. 17–76.

<sup>21</sup>There were also many boys in domestic service in the households of Charcas, although there was always a differentiation with their female counterparts, who were assigned tasks considered appropriate to their sex.

<sup>22</sup>ABNB, Expedientes Coloniales (Colonial Files [hereafter, EC]) 1623, no. 10, fo. 7.

that Viceroy Francisco de Toledo tried, unsuccessfully, to impose on them. However, not all of them had parents or relatives to take care of them. This is a sensitive issue that deserves further study in relation to the work situations to which they were exposed.

### Guardianship and the Labour Coercion of Minors

There were a number of reasons why working children may have had absent parents. If they were slaves, this could be due to the master's decision to sell the child to another family. Similarly, the descendants of captive Indians from the lowlands of Charcas had an ambiguous legal status, which meant that their lords acted as their *de facto* masters. The sons of *yanaconas* and *mitayos* were able to work in different spaces for the same lord, some in farms, others in the city house, depending on the delegated activity. Indigenous and Afrodescendant children, whether *horros* or free, settled in urban workshops while their relatives could live in the surrounding *repartimientos*, or they could work on the farms while their parents lived in the city.<sup>23</sup>

These diverse situations of coerced or voluntary family distancing, for work-related reasons, led to increased dependence not only materially but also affectively on the figure of the master whom the minor served and from whom he learned his craft. The sociability of minors was thus moulded beyond their nucleus of origin in spaces where they coexisted with peers from other cultures with whom they had in common the occupation and the authority under which they were organized. Sharing a roof and daily life with a family was, in this sense, the privilege of some.

The family strategies that mediated these separations not only obeyed material imperatives, but were also influenced by the idea that by linking them to urban activities in the homes of neighbours in La Plata, the children could receive a better education, indoctrination, and protection. Thus, when thirteen-year-old Domingo went to serve in the house of Manuel de Orías for three years in 1579, it was requested that, in exchange for the work, he be taught to live *en policía*, that is to say, in accordance with good customs.<sup>24</sup> Parents of different origins placed their children in temporary *depósito* (deposit) in the house of others to whose authority they were obliged to submit. As Ramírez del Águila mentions: "The *caciques* give their children to Spaniards, to serve them, because they teach them to speak Spanish, read and write, which they are very fond of", and he adds that one reason for establishing *compadrazgo* between Spaniards and Indians was precisely to have the possibility of leaving their godchildren with their godparents in the city to serve them in exchange for protection and education.<sup>25</sup> Some celebrated a written agreement before a notary as a guarantee for these minors *mandados a criar* (sent to be raised), but most were satisfied with a verbal arrangement. The Crown and the Church did not oppose this practice.<sup>26</sup> This "tutored servitude" of minors thus led to the coexistence of boys

<sup>23</sup>See ABNB, EP, Luis Guisado de Umanes, 14 March 1595, fos 679–680.

<sup>24</sup>ABNB, EP 1579, Juan García Torrico, vol. 26, fos 14v–15v. All the information quoted comes from the quill feather of notaries. It is interesting to highlight the labour relationship that the writing draws, according to the formulas of the time, to justify certain practices.

<sup>25</sup>Ramírez del Águila, *Noticias Políticas*, p. 268.

<sup>26</sup>*Siete Partidas de Alfonso X* (Valladolid, [1256–1265], 1988), *Partida* 4, law 1, tit. 20.



and girls of different origins within the same houses, satisfying the needs of families, the desire of others to become servants, and the dynamics of the colonial market.<sup>27</sup> It should be noted that in Charcas, as in Chile, when parents had debts or faced economic difficulty, the service of their children was sometimes ceded to third parties for a period.<sup>28</sup>

There is also data relating to indigenous children forced to leave their *repartimientos* to work in the homes of neighbours in the city.<sup>29</sup> Something similar was happening in Quito, for which the Crown issued a document dated 1577, which states that “although it is understood that they take them so that they may learn and have *policía* and be better trained and taught, the purpose for which they do so is only to keep them as slaves and serve them and then leave them lost”.<sup>30</sup> Kidnappings of minors from the so-called unredeemed lowlands of Charcas occurred with particular frequency and crudeness throughout the colonial period under the legal formula of *ventas a la usanza* (sales in the style) and of *rescate* (ransom).<sup>31</sup> Once taken captive, they were (re)sold in the colonial cities and farms at prices two to three times lower than those of enslaved Africans.<sup>32</sup>

Traces of such violent captivity and uprooting can be found in the documentary evidence.<sup>33</sup> These practices with minors, which had been expressly prohibited by the Crown, were not viewed widely with opprobrium; on the contrary, they were socially accepted.<sup>34</sup> These minors were often baptized by their captors, others by the men or women who bought or even ordered them. Thus, in 1593, Juan Bravo de Castro, a priest in Tomina, commissioned Miguel Gutiérrez Bonilla, an inhabitant

<sup>27</sup>Nara Milanich, “Degrees of Bondage: Children’s Tutelary Servitude in Modern Latin America”, in Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (eds), *Child Slaves in the Modern World* (Athens, OH, 2011), ch. 5, pp. 104–123, 106.

<sup>28</sup>In this regard, the Archbishop of Charcas wrote to the king in 1639 that some *mitayos* “sell their wives and children to different houses and persons”. Archivo y Biblioteca Arzobispal de Sucre (Archbishop’s Archives and Library of Sucre [hereafter, ABAS]), Capitular, RC (1619–1700), 1693. See also Milanich, “Degrees of Bondage”, p. 110; Valenzuela, “Esclavos mapuches”, p. 240.

<sup>29</sup>See ABNB, EC 1705, 35, fo. 3.

<sup>30</sup>Richard Konetzke, *Colección de documentos para la historia de la formación social de Hispanoamérica (1943–1810)* (Madrid, 1953), p. 503.

<sup>31</sup>Jaime Valenzuela (ed.), *América en diásporas. Esclavitudes y migraciones forzadas en Chile y otras regiones americanas (siglos XVI–XIX)* (Santiago de Chile, 2017); Hugo Contreras, “Siendo moztón o güeñi salió de su tierra a vivir entre los españoles. Migración y asentamiento mapuche en Chile central durante el siglo XVIII, 1700–1750”, *Historia Indígena*, 9 (2005), pp. 7–32; Ignacio Chuecas Saldías, “Venta es dar una cosa cierta por precio cierto. Cultura jurídica y esclavitud infantil en pleitos fronterizos chilenos (1673–1775)”, in Macarena Cordero, Rafael Gaune, and Rodrigo Moreno (eds), *Cultura legal y espacios de justicia en América, siglos XVI–XIX* (Santiago de Chile, 2017), pp. 167–194; Daniel Villar and Juan Francisco Jiménez, “Para servirse de ellos. Cautiverio, ventas a la usanza del país y rescate de indios en las pampas y araucanía (siglos XVII–XIX)”, *Relaciones de la Sociedad Argentina de Antropología*, 26 (2011), pp. 31–55.

<sup>32</sup>Paola Revilla Orías, *Coerciones intrincadas. Trabajo africano e indígena en Charcas. Siglos XVI y XVII* (Cochabamba, 2020), p. 64.

<sup>33</sup>See: ABNB, EP, Francisco Pliego, 26 October 1589, fos 469–470; 1587, Gerónimo de Porres, vol. 51, fos 491–491v.

<sup>34</sup>Prohibido por cédula real de 1553 y 1563. See *RLI*, bk. 6, tit. 2, law 13. José María Ots Capdequí, *Manual de Historia del Derecho español en las Indias y del derecho propiamente indiano* (Buenos Aires, 1945), p. 140.

of Lima passing through La Plata, and Antonio Gutiérrez Barreto, a resident of La Plata, to deliver two unbaptized boys of sixteen and eighteen years of age and a Chiriguana of eight years of age, whom he had “rescued” from the Cordillera Chiriguana region, to the edge of the tropical forest.<sup>35</sup> Sometimes, the kidnapping and its purpose were undisguised, and the priest who baptized the child registered the child as a servant, pointing out that the parents were “on their land”.<sup>36</sup>

Local authorities did not contemplate the possibility of returning them. Despite having censured the captivity and notorious trade, they preferred to place the minor in temporary custody by assigning him a guardian who might instruct him in life *en policía*. This may have seemed more convenient in a scenario in which the *encomienda* system had entered into crisis and where obtaining labour grants was more complicated than gaining access to it by force.<sup>37</sup> Guardianship was thus a means of covering up the coercion and labour exploitation of minors who could hardly refuse to live this reality.

Those in a position to acquire slaves, regardless of their origin, did so, within or outside the norm, and there were certainly those who preferred to acquire them as children to educate them in servitude. In 1597, Don Juan de Aymoro, *cacique* of the Yampara, bought for 500 pesos a ten-year-old enslaved boy named Francisco Moreno, born in the house of Pedro Serrudo.<sup>38</sup> The freedman Agustín Mensia, a dance teacher, bought a Bozal child named Felipe in 1598, whom he would later sell to the freedwoman Gracia García.<sup>39</sup> Children were thus passed from house to house, and could be exchanged, mortgaged, or donated several times.<sup>40</sup> The prices paid for them by the inhabitants of La Plata were significant.<sup>41</sup>

Among the most vulnerable minors under servitude were orphans. When, for various reasons, the children had no one to exercise parental authority over them, the competent authority placed them in custody and under the temporary guardianship of a neighbour, who was responsible for them, in exchange for their service. Given the strong patriarchal bias of colonial society, there were children who, even though they had a mother, were treated as orphans since legal parental authority rested with

<sup>35</sup>ABNB, EP, Juan de Saldaña, 25 August and 10 October 1593. Legally speaking, the *rescate* meant that the Indians had been taken from their land during the battle or bought to prevent them from being subdued and violated by others. This never applied legally to minors.

<sup>36</sup>ABAS, Archivo Parroquial (Parish Archives [hereafter, AP]), Santo Domingo, baptisms, vol. 1, 9 December 1571, fo. 53.

<sup>37</sup>The *encomienda* institution comprised the lands and the services of indigenous people granted by the Crown to those who had made merits for the conquest. See Ana María Presta, “Encomienda, familia y redes en Charcas colonial. Los Almendras 1540–1600”, *Revista de Indias*, 57:209 (1997), pp. 21–53.

<sup>38</sup>ABNB, EP, Agustín de Herrera, 3 December 1597, fos 36–37.

<sup>39</sup>ABNB, EP 1598, Agustín de Herrera, 10 August 1598, fos 105–107.

<sup>40</sup>See: ABNB, EC 1642, no. 8, 1680, no. 17, 1674, no. 35, 1695, no. 4; EP, Gaspar Núñez, 12 October 1613, fos 11–19v; EP, Luis Guisado de Umanes, 13 June 1594, fos 463–465; EP, Jerónimo de Porres, 4 July 1587, fo. 491.

<sup>41</sup>From a sample of 1545 cases studied, among which, in addition to the unit price, there is information on the sex and the estimated age of the enslaved traded in La Plata between 1560 and 1630, 19 per cent were between twelve and eighteen years old and their price was between 468 and 700 pesos; 38 per cent were between nineteen and twenty-five years old and their price was around 623 pesos on average; and only 3 per cent were children between three and eleven years old whose price ranged between 250 and 300 pesos. Girls were in all cases more expensive than boys.

men.<sup>42</sup> Others were considered ignorant or “morally unfit” to be educated *en policía* because their parents were poor. By soliciting, kidnapping, and receiving “orphans” in their homes, colonial society guaranteed the reproduction of uprooted domestic servitude.<sup>43</sup>

It could happen that the orphan minors themselves asked for a guardian in order to be able to gain a position in the service of third persons and secure a livelihood. Thus, Polo de Ondegardo, mayor of La Plata around 1593, appointed a tutor for the young Francisco, son of the deceased mulatto Francisco del Solar, who wanted to learn the carpenter’s trade.<sup>44</sup>

Among those considered orphans there may also have been some illegitimate children, whom a lord refused to publicly acknowledge because they were the product of a spurious, adulterous, incestuous, or sacrilegious encounter. Without recognizing their origin or indicating another, they kept them in their homes, under their authority.<sup>45</sup> Sometimes, the lords made a certain affective effort with them, treating them the same as their other children; other times they did not, with the illegitimate children growing up receiving very different treatment from their siblings and often working as servants.

In spite of the fact that Viceroy Toledo, adopting the determination of Carlos I of 1571, had ordered that “free black men and women or slaves should not serve Indians”, the assets detailed in the will of the freed black woman Esperanza de Robles, dated 1589, included an orphaned indigenous girl named Yulsita, left to her by her mother before her death.<sup>46</sup> Christian affection and charity may have mediated in this type of spontaneous *depósitos* in which the local royal authority did not intervene; this does not mean, however, that the weight of the servitude to which the minor was obliged was less.

In addition to the high degree of dependence all these minors had on their guardians, the vulnerability with which they lived the day-to-day life of imposed servitude exposed them to all kinds of abuses that were part of a certain legitimized logic of disciplining the dependents.

### The Punitive Violence of Civilizing Paternalism

While it is true that minors who entered servitude under guardianship in scenarios like those described above could generate bonds of friendship with and deep affection for their masters, it is no less true that the exercise of tutelage could also prove to be very violent. This is despite the implicit agreement of protection that the guardian owed to all dependents in his household as *paterfamilias*. To understand this reality, we must consider that, in colonial society, the ideology of paternalism was mixed with notions of *limpieza de sangre* (blood cleansing), transferred from the European

<sup>42</sup>Bianca Premo, *Children of The Father King. Youth, Authority and Legal Minority in Colonial Lima* (Chapel Hill, NC, 2005), p. 28.

<sup>43</sup>Luis Miguel Glave, “Mujer indígena, trabajo doméstico y cambio social en el virreinato peruano del siglo XVII. La ciudad de La Paz y el Sur Andino en 1684”, *Bulletin de l’Institut Français d’Etudes Andines*, 16:3–4 (1987), pp. 39–69.

<sup>44</sup>ABNB, EP 1593, Luis Guisado de Umanes, vol. 40, fos 549v–550v; EP 1599.

<sup>45</sup>The father was not obligated to his upbringing. *Siete Partidas, Partida 4*, tit. 14, law 3.

<sup>46</sup>RLI, bk. 7, tit. 5, law 7. ABNB, EP, Francisco Pliego, 26 October 1589, fos 469–470.

imaginary and recreated anew.<sup>47</sup> These notions nurtured strong discrimination and racialization in relations between subjects.<sup>48</sup> The exercise of patriarchal tutelar authority over minors, mostly indigenous and Afrodescendants in the service of houses, farms, and workshops in Charcas, reflected this civilizing paternalism.

In the already asymmetrical relationship of dependence between lords and minors at their service or in apprenticeship, it was believed that part of the educating, “civilizing” role of the former was the correction of the conduct of the latter. Physical and verbal violence and punishments were, in this sense, considered a sign of the proper exercise of authority, responsibility, and love towards the dependent in the execution of his tasks.<sup>49</sup> In this context, prejudice triggered actions that went far beyond what could be legally justified as corrective punishment, and which was nothing more than abuse, revealing the power of control and discipline over servitude.

Without seeking to generalize, and assuming the diversity of relationships between lords, ladies, and minors, we can imagine that the orphans were exposed to significant arbitrariness and (bad) treatment. This does not contradict another reality, which is that due to the prevailing power relations, the authority of the parents in servitude over their children was notably diminished compared to that of the lords in whose service and under whose tutelage they were, making it very difficult for them to avoid outrages against them.

From an early age, the enslaved had to suffer the intervention of the master’s will on their bodies, who considered the gesture a property right. The skin of thousands of Africans, but also sometimes of lowland Indians, was burned with red-hot iron on different parts of the body.<sup>50</sup> However, it was not only a matter of making clear the ownership over their persons, but also of punishing behaviour. Another highly infamous (because of its link to slavery) punishment was whipping, used when the master considered it necessary to correct the behaviour of not only his enslaved but his free dependents.<sup>51</sup> It could be that the worker had not complied with an order, that he had performed a task badly, that he was suspected of having stolen or broken an object in the house, that he had tried to run away, or that he had disrespected his master; there were many reasons that “justified” corrective flagellation. It should not be believed that free workers were not subject to this type of punishment. In urban workshops it was usual for the craftsman in charge to use the whip when he

---

<sup>47</sup>That is to say, the mechanism of discrimination against those who, because of their filiation, birth, or beliefs, were seen as “contaminated”. Paternalism is understood as the application of the notion of paternal authority towards children to other spheres, in this case labour, leading to the loss of autonomy and freedom of the worker under the justification of their protection.

<sup>48</sup>Max S. Hering Torres, “La limpieza de sangre. Problemas de interpretación: acercamientos históricos y metodológicos”, *Historia Crítica*, 45 (2011), pp. 32–55.

<sup>49</sup>Mónica Ghirardi, “Familia y maltrato doméstico Audiencia episcopal de Córdoba, Argentina. 1700–1850”, *Revista Historia Unisios*, 12:1 (2008), pp. 18–24, 19; Natalie Guerra Araya, “Representaciones del cuerpo-niño: desprotección y violencia en Chile colonial”, in Susana Sosensky and Elena Jackson (eds), *Nuevas miradas a la historia de la infancia en América Latina. Entre prácticas y representaciones* (México D.F., 2013), pp. 63–87, 79.

<sup>50</sup>See the case of María, a Chiriguaná whose face was shaved: ABNB, EP, Diego Sánchez, 14 October 1595, fos 305–306.

<sup>51</sup>See Patricia Zambrana, “Rasgos generales de la evolución histórica de la tipología de las penas corporales”. *Revista de Estudios Histórico-Jurídicos*, 27 (2005), pp. 197–229.

considered it necessary, in a similar way to how the father used it at home with his children. Wives or widows who assumed the administration of the household and its dependents also took the reins of punishment.<sup>52</sup>

Punishments could be given in different spaces, with varying degrees of intensity, by different people and levels of authority, according to the degree of the offence and the intention of the lords to make it public or not. Legal parameters were followed, but local customs and habits were also influenced by the imagination and temperament of those who deemed them necessary to inflict punishment. A case-by-case analysis of the exercise of punitive violence and its justification leads to the conclusion that the criteria for its application was manifold. Minor offences were usually corrected in the privacy of homes in the city and on the farms. Punishment was meted out by the lord or, failing that, by his delegated servants.<sup>53</sup> When it was supposed to be exemplary, it was given in front of other servants, in the common courtyards. Hair cutting – particularly in the case of women – and temporary confinement might complement the whipping. There was no lack of minors whose hands and feet were immobilized by stocks and punished with iron shackles. Some houses, workshops, and institutions had these instruments of torture permanently available, and they were not only used with adults. Depending on the fault and those affected, the punishment could be decided and defined by the local authority in agreement with the *señor* or *señora*, in open spaces that allowed punishment and humiliation to serve as a warning to other workers. Hence towns and cities like La Plata used to have a *rollo* in the main square, to act as a space of exemplary torment. In these cases, the punishment was inflicted by the delegates of the mayor, the *corregidor*, among other local secular and ecclesiastical authorities.

But how far did corrective punishment go and what justified its application in either private or public spaces? A lot depended on the specific relationship between master and servant, on their ways of being, on the situations in which they found themselves. There were, however, some punishments that masters and lords could not give without authorization from the local authorities. This was the case with the tearing of ankles and wrists, legitimized by Viceroy Toledo, when the enslaved tried to flee or steal.<sup>54</sup> By way of reference, the code of the *Siete Partidas of Alfonso X* (1256–1265), the *Ordenanzas* of Viceroy Toledo (1575–1580), and multiple laws gathered in the *Recopilación de Leyes de Indias* (1681) prescribe specific punishments that lords and justice administrators should impose for certain offences and according to the condition, *calidad* (quality), gender, and age of the subjects – but these were far from being systematically applied. On the other hand, intensity was not always well measured. Sometimes, the force of punishment was such that it ended with mutilation. The enslaved twenty-year-old Juan, accused of stealing money, was condemned to such torment that he ended up losing an arm.<sup>55</sup> The

<sup>52</sup>This denotes a certain plasticity in the exercise of patriarchal authority, which tends to be understood as exclusively masculine, although parental authority was always ultimately vested in men.

<sup>53</sup>For more information on people who had private prisons in their homes despite it being forbidden, see ABNB, EC 1678, no. 40, fo. 6.

<sup>54</sup>*Siete Partidas de Alfonso X, Partida 4*, tit. 21, law 6. If the runaway had lasted more than ten days, the slave could be taken to the public *rollo* to be punished. ABNB Dir., no. 9, fos 54–55.

<sup>55</sup>ABNB, EC 1675, no. 21.

number of floggings permitted had some age considerations but also fell into excess.<sup>56</sup> Since the enslaved were valuable assets to their masters, the punishments aimed, at least in theory, to avoid mortal wounds and bloodshed. Part of this ritual of physical punishment of subordinates, whether the local authorities intervened or not, involved the master paying for treatment at home or at the Santa Bárbara hospital.

In addition to the actual punishment carried out, the threat of punishment had an important effect on the relationship between master and dependent. Lucía, an enslaved woman born in Lima and living in the house of Francisca Bustos in La Plata, said, in 1666, before the court, that “every day she threatens me that she wants to sell them to me”, in reference to her mistress and her sons José and Francisco.<sup>57</sup> Hers is not an isolated case. Fearing that the threat of removing their children would be carried out, when they had the opportunity and were emboldened to confront the intimidation of their masters, the enslaved initiated processes whose outcome could prove vital for their descendants. Cases of unusual violence have been reported, against which the authorities acted. One such case was that of María, no more than seven years old, whose mother, Isabel Mansilla, asked justice administrators from the Royal Audiencia de La Plata, to remove the child from the power of Doña Antonia Delgadillo since, rather than the Christian education and good treatment the lady had promised to give her, she had instead prostituted her.<sup>58</sup> In addition, she had caused the little girl to lose an eye and had broken her arm with the blows she had given her.

The legal difference between punishment considered legitimate and *sevicia* prohibited as inhumane lay in the intensity of correction.<sup>59</sup> The *señores* and *señoras* knew this, and to avoid difficulties with the justice system, they made formal and explicit requests to the authorities to infer certain mistreatments and punishments that were not customary. These could be accepted or rejected as excessive, as was the case with Diego Verasmendi’s request to brand his slave for being a maroon.<sup>60</sup> Archival records make it possible to identify situations in which, in addition to the intention to discipline, a violent lack of control and abuse of power by the master is evident. In 1665, the case of Francisco de Perález, who had cruelly whipped the son of his slave Inés, in addition to having *carimbado* both of them in their faces, a forbidden practice, was heard before the court of La Plata.<sup>61</sup> Such cases of excessive cruelty reveal the extremes to which the control and exercise of discipline over the bodies and lives of those in servitude, often from a very tender age, could reach.

<sup>56</sup>In terms of what has been documented for Charcas in the sixteenth and seventeenth centuries, between twenty-five and fifty lashes for adults was considered light punishment, 100 unbearable, and more than 200 placing the person’s life at risk.

<sup>57</sup>ABNB, EC 1666, no. 32.

<sup>58</sup>ABNB, EC 1780, no. 64.

<sup>59</sup>*Sevicia* should be understood as the most common term used at the time to refer to treatment with excessive cruelty.

<sup>60</sup>Archivo de la Casa de Moneda de Potosí (Potosí Mint Archives), Cabildo, Gobierno e Intendencia (Cabildo, Government and Quartermaster’s Office) 1666, no. 1136, fo. 4v.

<sup>61</sup>ABNB, Acuerdos del Cabildo de La Plata (Agreements of the Cabildo de La Plata), 19 November 1665, no. 63, vol. 6, fo. 51. *Carimbar* was the act of marking parts of the body of enslaved persons with red-hot iron.



The royal authorities intervened in notorious cases of excessively violent punishment or if someone (possibly the minor themselves via a concerned jurist) had filed a complaint. In 1697, the Audiencia de La Plata received the case of several minors between four and fifteen years old, free mulattoes, who had been placed under the guardianship of Lieutenant Juan Perafán, a neighbour of Córdoba in Tucumán, so that “they would not be idle”.<sup>62</sup> The eldest of them, Gabriel, accused his guardian of treating them as slaves of the *encomienda* where his father worked as a slave, without paying them wages and without taking care of their subsistence: “[W]henever he wants or has wanted to, he has given me enough [money to buy] underwear and an old *ongarina* to suppose that if it were not for my mother we would be walking around naked, me and my other siblings.” The court decided to place him in custody in the public jail, where he was assisted by the defence attorney José Menacho. Disgruntled, Perafán sought to intimidate him by preventing his mother from assisting him with food. To escape prison, the young man agreed to return to serve the ensign if the authorities ordered him to do so, “even if they recognize the bad treatment that he will give me and that he will not pay me for my service and personal work [...]. [B]eing as I am imprisoned and locked up in this jail, I will not be able to go in search of the witnesses that I could give”. The Audiencia ordered his release, after which Gabriel fled. Perafán, enervated, asked that Gabriel be given an exemplary punishment once found, “for being so shameless [...] with the justices and Spaniards”.<sup>63</sup> The ensign did not assume when making these statements that he was talking about a recognized free Indo-African minor, master of his own will and one who did not owe him gratuitous service.

There is further evidence of minors addressing the courts with the support of assigned lawyers. Another case is that of the enslaved eighteen-year-old Miguel Baluín. His deceased mistress had left him in the service of Don Martín Arroyo in Potosí. In 1696, Miguel went before the court of La Plata, stating that Arroyo had “treated him with such rigour in word and deed that it was not possible to tolerate him”.<sup>64</sup> He asked not to return under his roof because he knew he would be punished in retaliation and, as he was ill, feared it would cost him his life. When it was not possible to file a complaint as a minor, some did so later, demanding fairer treatment by the family with whom they had grown up and of which they were often blood relatives.<sup>65</sup> Thanks to testimonies such as those discussed here, we now know that violence against minors in the service of others, under the auspices of disciplining and teaching them to live *en policía*, poorly hid the desire to ensure control of their labour.

## Conclusions

As we have seen, there is a direct relationship between the practice of guardianship of minors and the reproduction of servitude from an early age in colonial Charcas. This

<sup>62</sup>ABNB, EC 1697, no. 14, fos 17–18.

<sup>63</sup>ABNB, EC 1697, no. 14, fo. 21.

<sup>64</sup>ABNB, EC 1696, no. 8, fo. 1.

<sup>65</sup>See the case of Marcela Velázquez in 1630, who defended herself against being treated as a slave by her brothers: ABNB, EC 1630, no. 11. See also ABNB, EC 1677, no. 2; ABNB, EC 1684, no. 3.

was due not only to a different view of childhood and early youth, but also to the prevailing model of socio-labour relations and the desire of some to be served by others, to take advantage of their efforts, and to achieve greater status in their “populated house”.

Minors, especially Afrodescendant and indigenous children, were immersed alongside their parents in a variety of coercive labour systems performing multiple assigned tasks. Some slaves, others recognized as free, found themselves in the homes, farms, and workshops of the *señor* or *señora* and thus grew up in servitude. What the masters wanted to pass off as activities in the public interest were, in fact, personal service, which, in theory, was forbidden for the king’s free subjects.

Minors’ vulnerability increased in the absence of their parents due to death, temporary surrender, or kidnapping, and their age became a control mechanism. I have given special attention to the justification of guardianship for raising *en policía*, which revealed itself as a disguised form of reproduction of servitude of certain origins that were strongly racialized and discriminated against through the generations. Even in the artisan workshops where minors were settled as apprentices, the price of labour training was often exploitation.

This case analysis of the corrective and exemplary punishments documented by the archival records doesn’t just reveal the abuses experienced by minors. The practical and symbolic mechanisms of punitive, physical, and psychological violence bring out the desire to remind the minor of his subordinate role as a worker and as an ethnic and racialized subject. Apart from considerations about the legal status of people when inflicting punishments, it is perceptible how violence deepens prejudices that recreate differentiations that are strongly anchored in colonial society and perpetuated at different levels. The exercise of abusive power did not occur without the reaction of the minors who, when they could, made themselves heard before the courts to defend their violated rights. Regrettably, however, the dynamics of the relationship to which we have referred would remain in force for a long time to come.