

Rechtsgeschichte Legal History

www.lhlt.mpg.de

<http://www.rg-rechtsgeschichte.de/rg31>
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 31 (2023)
<http://dx.doi.org/10.12946/rg31/132-144>

Rg **31** 2023 132 – 144

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Ecclesiastics and Indigenous Slavery on the Frontier: The Case of Chile in the 16th and 17th Centuries

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Abstract

This article reviews ecclesiastical opinions on Indigenous slavery in early modern Chile, the southernmost frontier of the Spanish Empire. Generally, historiography has only analyzed missionary relations with the Mapuche people on the Mapuche-Hispanic frontier. However, the actions by other members of the Catholic Church with regard to Indigenous slavery have received less attention. Therefore, this article reviews how historiography has treated this topic, aiming to cover a larger spectrum of ecclesiastical opinions, discussions, and actions.

Keywords: Indigenous slavery, ecclesiastics, historiography, frontier, Chile



Constanza López Lamerain

Ecclesiastics and Indigenous Slavery on the Frontier: The Case of Chile in the 16th and 17th Centuries*

Introduction

Chilean historiography has widely documented and studied Indigenous slavery in colonial Chile. Nevertheless, scholars have often associated Indigenous slavery exclusively with the conflicts between the Spanish and Mapuche along the »Arauco frontier«, which has narrowed the perspectives of analysis and influenced the interpretation of one kind of sources at the expense of others. This has been extrapolated to Church history studies in Chile, which favor examining frontier missions and pay less attention to the actions of other ecclesiastical sectors connected to slavery.

This article will evaluate the stance taken by ecclesiastics on Indigenous slavery in the southern frontier territories of the Kingdom of Chile¹ during the 16th and 17th centuries, with a focus on analyzing how the secular clergy perceived this problem. Scholars so far have dealt almost exclusively with the position taken by the Jesuits on Mapuche slavery, given their close observation of this system. Most studies focus on the Jesuit evangelization in the frontier territories, leaving out the work of other ecclesiastical sectors, such as the aforementioned secular clergy – a segment of the Church that nonetheless expressed its views and even wrote influential *pareceres* on slavery. Basically,

these were treatises in which by means of debate and argument, an idea or concept was presented as a truth. In this article I will also use the synonyms treatises, opinion statements, or reports to refer to these *pareceres*.

I will show that the position taken by the secular clergy on Indigenous slavery was the opposite of that of the Jesuits, by drawing upon a series of reports and *pareceres*² from the early 17th century. While the Jesuits spoke out against Indigenous slavery in Chile, notable diocesan clergy members supported it. According to them, enslaving Mapuche who resisted Spanish domination was crucial for successfully conquering the entire territory. Their position must be understood in the context of the general Indigenous uprising of 1598, a disastrous event for Spanish settlers. Despite their fundamental role in promulgating the Royal Decree of 1608, which legalized the enslavement of »Indians of war« in Chile, the abovementioned reports are often overlooked.

To illustrate the alternative stance on Indigenous slavery within the Church, I will present the historical context that led to its legalization and briefly comment on the historiographic panorama of this phenomenon on the Mapuche-Spanish frontier. I will analyze the sources that show the secular clergy's position in favor of legalizing

* This article is part of the Partner Group research group »Towards a renewed legal history of indigenous labor and tribute extraction in the Spanish Empire« led by Thomas Duve and David Rex Galindo. This piece has been examined and evaluated by the Doctoral Commission of the History Department of Universidad de Chile as part of the History Ph.D. program in which I take part. I am particularly grateful for the valuable suggestions, comments, and perspectives that several scholars gave me to improve this paper: Karime Parodi Ambel, Manuel Bastias, José Luis Egío, Francis Goicovich, Hugo Contreras, and of course, my group colleagues, Carolina Hirribarren,

Mirko Suzarte, and David Rex Galindo. Particular thanks also go to Thomas Duve, Luisa Coutinho, Rômulo da Silva Ehalt, and Raquel Sirotti for their comments and suggestions made in a final online workshop with the Max Planck Institute for Legal History and Legal Theory. Finally, I am grateful to Thomas Rothe for translating an earlier version of this paper. All quotes are his translation.

1 The royal administrative term for the region was *provincias de Chile*. The Captaincy General of Chile was part of the Viceroyalty of Peru. However, the term *reino* (Kingdom) was unofficially used as of the second half of the 16th century and later

became common in historiography as well.

2 Strictly speaking, the mentioned documents consist of a treatise (that of Melchor Calderón) and three *pareceres*. Álvaro Jara refers to these documents as »four *pareceres*« in *Guerra y sociedad en Chile*, just as other authors do. The word *parecer*, literally »opinion« in English, frequently appears in documents from the period to identify a genre that aims to argue for and support a particular opinion. According to the *Diccionario de Autoridades*, vol. 5 (1737) 127, a *parecer* is a report, vote or ruling that is made or followed regarding any matter: »Dictámen, voto ò sentencia [...] Lat. *Dictamen. Sententia. Opinio.*«

slavery. These documents consist of *pareceres* written by the following priests: Melchor Calderón (presumably written ca. 1599), Reginaldo de Lizárraga (written in 1599), and Juan de Vascones (written around 1600–1601). I will also briefly analyze a text by Domingo de Eraso, a military officer and administrator trusted by the Kingdom's governors. Eraso spent many years in Chile and directly experienced the Mapuche-Spanish conflict along the frontier. The objective of including his view alongside that of the ecclesiastics is to provide a different but no less relevant perspective on this issue. These four reports, including Eraso's, have been called »the four *pareceres*«.

The Mapuche-Spanish Conflict before and after the 1608 Legalization of Slavery

As the conquest of Chile progressed southward in the mid-16th century, Indigenous groups south of the Biobío River³ opposed the occupation of their territories. The Spanish generically called the area around the city-fort of Arauco »the Araucanía«, although the Indigenous territory exceeded the region⁴. These lands were inhabited mainly by the Mapuche, who were organized into separate factions and had no unitary or homogeneous political system. However, in cases of threat or attack, the Mapuche formed alliances to defend their homeland in a unified effort.⁵ The Spanish attempts at conquest encouraged collaboration among different factions. The territory was divided into parts occupied by the conquistadors and areas controlled by the Mapuche, thus creating a frontier space defined by tensions, conflicts, and negotiations.⁶

Indigenous slavery quickly emerged as a practice in the disputed territory. Historians unanimously agree that Indigenous slavery existed *de facto* before it was formally legalized through the Royal Decree of 1608;⁷ it was exercised as a form of punishment after rebellions, and as labor compensation for *encomenderos*, individuals who were granted estates that relied on the work of Indigenous people. The first general Indigenous uprising in the southern Kingdom of Chile occurred in 1553 when the Mapuche assassinated Pedro de Valdivia, Chile's conqueror and first governor. According to contemporary and subsequent authors,⁸ Indigenous insurrections were a direct response to constant and relentless Spanish abuses, which included raiding Mapuche communities, torture, and even massacres.

The event the Spanish called the »Curalaba Disaster« marked a turning point in Hispanic-Mapuche relations. This second Mapuche uprising, in 1598, destroyed all Spanish towns in the southern part of the Kingdom of Chile. This episode prompted Spanish authorities to formalize the enslavement of »Indians of war«.

The legal order established by the New Laws of 1542 (*Leyes Nuevas*) reviewed the institution of *encomienda* as practiced until then in Spanish America and attempted to incorporate more significant regulations on Indigenous labor. Moreover, these laws banned all forms of Indigenous slavery. Throughout the Spanish Empire, the different labor systems for Indigenous populations were excessively abusive, especially on the part of the *encomenderos*. At least in the early years of the conquest, they used Indigenous labor howsoever they wished. The legislation created for the Indies – the term then used for Spanish America in norma-

3 Although I use the term *Mapuche* to refer to the Indigenous groups of the Araucanía region, it is important to clarify that this would not be the most appropriate term applied to the history of the 16th and 17th centuries, since other denominations were used at that time. There is a large historiographical discussion on this issue that I cannot address here for lack of space. See the explanation by BOCCARA (1996) 661; ZAVALA CEPEDA (2011) 18–20.

4 The conquistadors used this name to refer to the territory south of the Biobío River, where they were in

perpetual conflict with Mapuche communities. The territorial limits, however, extended beyond the city-fort of Arauco. The Spanish called all the Indigenous groups of this territory *araucanos*.

5 GOICOVICH (2006).

6 GOICOVICH (2007) 316–317.

7 For example, the jurist Hugo Hanisch Espíndola asserts that the legal sources of the period prove it: »Many testimonies confirm that Indians were being trafficked within the country and with the Viceroyalty of Peru, and account for a series of practices in which Indians, being

legally free, were treated by the conquistadors as if they were slaves.« HANISCH ESPÍNDOLA (1991) 91. Regarding the period directly prior to the Royal Decree of 1608, see pages 93–104.

8 DIEGO DE ROSALES (1877 [1674]) and other contemporaries expressed this hypothesis, as well as more recent historians, such as ÁLVARO JARA (1971).

tive writings – up until that point had not provided solutions to conflicts with the native populations. This gave rise to moral, legal, and philosophical discussions on what kind of relationship the conquistadors and their descendants should establish with the Indigenous peoples. Diocesan clergy members actively participated in these discussions and influenced their direction.⁹

The Dominican friar Francisco de Vitoria, founding father of the School of Salamanca, led this discussion, moving it away from the Aristotelian interpretations popular among jurists of the time, who validated the existence of slavery as something that was preordained by nature. Theologian Juan Ginés de Sepúlveda is also well known for having refuted Bartolomé de las Casas in the so-called «Controversy of Valladolid» in 1550: Ginés de Sepúlveda justified Spain's conquest of the Indies by claiming its inhabitants were incapable of self-government. After becoming subjects of the Crown, Indigenous peoples who rose up against the King could eventually be enslaved as part of a «just war».¹⁰ For Vitoria, only the gravest slander¹¹ could justify waging war on the native populations since the relationship with neophytes should profess Christian love in order to attract them to the true faith. In his work *Relectio de Iure Belli o Paz Dinámica* Francisco de Vitoria explains that »[t]here is only one just cause of war: the injury received. [...] Proof of reason: The purpose of offensive warfare is to punish an offense, as stated above. But there can be no punishment where no injury has preceded«,¹² and »[n]ot every insult or grievance is enough to declare war.«¹³ For Vitoria, the supposedly »less advanced« nature of American peoples did not justify their domination nor their enslavement.¹⁴

Despite this discussion and the Crown's legal traditions established to regulate labor performed

by Indigenous people, Chile proved to be a particularly complex case. There, like in other frontier territories of the Spanish Empire such as the Philippines,¹⁵ New Mexico,¹⁶ and other marginal areas of permanent conflict with Indigenous nations, exploitative systems were more likely to be developed.

In Chile, the armed conflict between the Spanish and Mapuche dragged on longer than the Crown's treasury had contemplated, and *encomenderos* claimed that it constituted an excessive burden for them. Their most significant difficulty was the shortage of Indigenous labor caused by the general uprisings and access to the resources they obtained from the frontier. However, they did not express this directly, but rather continuously requested to be compensated for their efforts and sacrifices during the conquest. This led to more leniency on the part of the Crown with regard to applying the law in Chile, and consequently authorities largely ignored regulations on Indigenous working conditions.¹⁷

The Curalaba Disaster of 1598, which resulted in the death of Governor Martín García Óñez de Loyola, provided kindling for a pro-slavery discourse among the settlers, *encomenderos*, clerics, officials, and Spanish authorities of the Kingdom, who insisted that the monarchy should legalize slavery to quell resistance on the frontier. In fact, as of 1599, there was a surge in treatises and so-called *memoriales* on the Chilean war that argued in favor for the legalization of Indigenous slavery.¹⁸ Although there were dissenting voices, the pro-slavery initiative received support in Spain, and Indigenous slavery was finally declared legal in April 1608.¹⁹

Still, some advocated for an alternative solution to crushing the violence on the frontier, such as the Jesuit Luis de Valdivia. He proposed founding

9 For a comprehensive review of the subject, see HANKE's classic work (1949).

10 ZAVALA CEPEDA (2010) 202–205.

11 The concept of *injuria* or insult mentioned by Vitoria referred to, »in its Latin sense, an unjust violation of the rights of others, including all kinds of real damages. Among other consequences, this led to Vitoria's strong belief that purely moral grievance is never a just cause of war. Therefore, war acquires a reflexive character for Vitoria. It is always a

response to an unjust act.« APARISI MIRALLES (2007) 101.

12 VITORIA (1981 [1539]) 127.

13 VITORIA (1981 [1539]) 129.

14 KORTH (1968) 19.

15 The case of the Philippines is extensively covered in Carolina Hiribarren's article in this *Focus* dossier.

16 GOICOVICH (2019).

17 MEZA VILLALOBOS (1946) 32.

18 Andrés Prieto argues that the Chilean pro-slavery discourse began around 1598 with the public reading of

Melchor Calderón's treatise and that it would later culminate in the 1608 Decree. PRIETO (2013) 31.

19 Andrés Reséndez, in his work on Indigenous slavery in Spanish America, *The Other Slavery*, points out that Chile was one of the few parts of the Spanish Empire where slavery was completely legal. RESÉNDEZ (2016) 115.

missions to promote Indigenous evangelization along the frontier. This ›defensive warfare‹ project was carried out between 1612 and 1626,²⁰ but it suffered numerous setbacks; these led to a re-statement of the offensive warfare model and a restoration of slavery, which greatly benefited the *encomenderos*.

In the following decades, as it became clear that the institution of slavery was expanding indiscriminately and disregarded any legal limits imposed by the Crown,²¹ ecclesiastical voices emerged to defend the Indigenous population. In 1655, a new Indigenous uprising in the Araucanía contributed to a revival of anti-slavery positions. The Jesuit Diego de Rosales wrote a manifesto against slavery, addressed to the Spanish authorities and published in Rome in 1670.²² He then traveled to Europe to gather support from the papacy and exert pressure on the matter. In 1674, his efforts seemed to take effect when a Royal Decree by the Queen Governor prohibited the continuation of Indigenous slavery in Chile. Despite this, abusive practices continued under other names and arguments.²³

Research on Indigenous Slavery in Chile

In the 1970s, Álvaro Jara contributed a novel analysis and compiled an extensive list of sources on Mapuche slavery in his historiographical work *Guerra y sociedad en Chile*.²⁴ He revealed that this practice was traceable well before the general uprising of 1598.²⁵ Referring to these conflicts as ›war‹ also shows how the newly instated Hispanic society sought to present the problem to Spain in order to receive the Crown's support. Capturing Indigenous people, referred to in historical sources as »pieces«, became common practice. Captives were usually moved to other areas of the Kingdom, or even outside the territory's limits, to be sold as workforce elsewhere.

Álvaro Jara's work inspired new research perspectives on Indigenous slavery in colonial times.

For example, in 2009, Jimena Paz Obregón and José Manuel Zavala noted the historiographical and documentary gaps on this subject; there was no systematic study of the informal practices that persisted after the abolition of slavery in 1674 through continued exploitation of loopholes.²⁶ On the other hand, Jaime Valenzuela Márquez, who has published numerous works on Indigenous slavery in Chile, highlights the cultural and ethnic consequences for enslaved groups who were displaced and exiled.²⁷ Other research has established connections between slavery and other colonial Indigenous labor institutions. For example, Hugo Contreras Cruces' studies of the institution of the *encomienda* and of domestic servitude have contributed to the topic of slavery²⁸ by further exploring its legal functions.²⁹

Beyond analyzing the actions of the Jesuits Luis de Valdivia³⁰ and Diego de Rosales, for whom slavery was the great enemy of evangelization,³¹ there was little scholarly interest in investigating other Church members' participation in the debate on slavery during the 16th and 17th centuries. Researchers have interpreted Rosales' works, such as the *Manifiesto apologético de los daños de la esclavitud del Reyno de Chile*³² (1670) and the *Historia General del Reino de Chile. Flandes Indiano* (1674), as part of the anti-slavery position. However, less is known about the author's efforts in Europe to stop Indigenous slavery in Chile.³³ Likewise, the criticism of Indigenous slavery in the second half of the 16th century by Diego de Humanzoro, Bishop of Santiago, remains understudied.³⁴ More recently, scholars have published new studies on Indigenous slavery in Chile. For example, Karime Parodi Ambel³⁵ studied the *pareceres* from a discursive perspective and historian Nancy Van Deusen³⁶ analyzed the Chilean secular clergy's archival sources on slavery in the 17th century. Indeed, the issue of Indigenous slavery in both Spanish and other European colonies has launched a new line of historiography still under development.

20 DÍAZ BLANCO (2010).

21 MELLAFE (1959) 36.

22 ROSALES (2013 [1670]).

23 HANISCH ESPÍNDOLA (1991) 121; OBREGÓN ITURRA/ZAVALA CEPEDA (2009).

24 See the important two-volume edition of sources: JARA/PINTO (1982, 1983).

25 JARA (1971) 159.

26 OBREGÓN ITURRA/ZAVALA CEPEDA (2009) 19–20.

27 VALENZUELA MÁRQUEZ (2009, 2011, 2017a, 2019, 2020).

28 CONTRERAS CRUCES (2017).

29 CONTRERAS CRUCES (2017) 51.

30 ZAPATER (1992); FOERSTER (1994); DÍAZ BLANCO (2009, 2010); DÍAZ

BLANCO/ZAVALA CEPEDA (2020); GAUNE (2016).

31 PINTO RODRÍGUEZ (1988) 52.

32 ROSALES (1909 [1672]); IDEM (2013 [1670]).

33 HANISCH (1981) 21.

34 KORTH (1968) viii.

35 PARODI AMBEL (2019).

36 VAN DEUSEN (2021).

The Four *Pareceres*: A Debate on Indigenous Slavery between 1599 and 1602

The consequences of the Mapuche uprising of 1598 were devastating for the Hispanic population, who lost recently conquered territories, along with their respective cities and many lives, including the governor's. It is no wonder that the climate was tense. At this point, settlers unanimously agreed that Mapuche slavery was a fundamental measure for taking control of their territory once and for all. The broad support for Melchor Calderón's 1599 treatise, the first of the four *pareceres* I investigate here, reflects this stance.³⁷ The arguments in this treaty, which I will analyze below, were decisive for the Crown's legalization of Indigenous slavery in 1608. It is relevant that the normativity produced by the Spanish Crown for this case originated in a debate held at the local level.

This circumstance challenged the concept of a centralized normativity which came from the heart of the Hispanic monarchy and applied to the colonial periphery. New perspectives on legal history encourage us to consider that lawmaking was not only limited to the holders of jurisdiction, but was also a capacity of jurists and theologians, whose prestige, authority (*auctoritas*), and knowledge of the textual tradition made them important sources of normativity.³⁸

Regulations originating from the colonial localities reflect a legal decentralization in the Spanish Empire. I analyze the *pareceres* created from a solid legal base drawing on classic normative bodies – canon law and moral theology – with irrefutable authority.³⁹ From this foundation, it was possible to build specific normativities to address the frontier problem in Chile. Although the abovementioned law of 1608 was issued in Madrid, the flow of information and influence followed a reverse path from the American peripheries to the monarchy's administration.

Melchor Calderón

The starting point of the reports sent to the Viceroyalty of Lima and then to the court in Madrid is Melchor Calderón's treatise, which, although not dated, is thought to have been written in 1599.⁴⁰ Entitled *Tratado sobre la importancia y utilidad de esclavizar los indios rebeldes de Chile*,⁴¹ this document was the first official request in favor of legalizing Mapuche slavery sent to the Monarch. At that time, Calderón was treasurer of Santiago's cathedral and had previously been an inspector general at the diocese of La Imperial.⁴² According to Calderón, the document expressed the consensus and approval of the most knowledgeable people in the Kingdom, so it can be considered a text that gathered the general sentiment of the Hispanic population at the time. The treatise was read out publicly in Santiago's cathedral before the lieutenant general and interim governor, Pedro de Vizcarra de la Barrera, other members of the cathedral chapter, the superiors of all the religious orders in Chile, and »the most educated religious members of the Kingdom, as well as secular people and elders versed in war, whose opinions are of the highest respect, to certify the fact.«⁴³ In a scholastic format, the treatise provides arguments both for and against the enslavement of »Indians of war«, ultimately concluding that slavery should be legalized. The text begins with an introductory paragraph explaining the reason for this manifesto: »After the unfortunate death of our good governor, Martín García de Loyola, along with forty other Spaniards, the lawyer Don Melchor Calderón [...] judged it necessary to ask the Viceroy and the Royal Audience of Lima to examine this point: whether it should be lawful to turn these rebellious Indians into slaves.«⁴⁴ In the form of a dispute, the text outlines arguments in favor of slavery and then a counterargument that is subsequently refuted. The narrative concludes with a categorical expression:

37 CALDERÓN (1963 [1599?]); PARODI AMBEL (2019); JARA (1971) 192–202.

38 BASTIAS SAAVEDRA (2022) 16.

39 BASTIAS SAAVEDRA (2022) 20.

40 JARA (1971) 186.

41 Treatise on the Importance and Utility of Enslaving the Rebel Indians of Chile.

42 The biographical data on Melchor Calderón provided by Parodi Ambel are: »Calderón was born in 1526

in Extremadura. Nephew of the conqueror Pedro de Valdivia, he graduated from high school in theology at the Universidad de Salamanca in 1552. He travelled to Chile around 1555 and settled in Concepción, where he was appointed an inspector general. Subsequently, he moved to Santiago, where he was granted various positions, both ecclesiastical and military. He was the

first commissioner of the Holy Office in Santiago; he served as lieutenant general of the Kingdom of Chile, treasurer of the Cathedral of Santiago and vicar general of the bishopric.« PARODI AMBEL (2019) 496.

43 CALDERÓN (1963 [1599?]) 6.

44 Ibid.

applying slavery to Chile's Indigenous rebels was imperative.⁴⁵

Calderón highlights that from a pastoral perspective Indigenous slavery would present an opportunity, since the capture and enslavement of the Mapuche »would incidentally be followed by their spiritual good [...] because they could be taught the faith«. ⁴⁶ That is, slavery would be an advantage because the Indigenous population would gain access to permanent spiritual instruction, which had been impossible to achieve. The text also recalls the king's duty to watch over his subjects, especially those recently baptized. This was one of the main reasons behind the Spanish monarchy's conquest of overseas territories: as a recurrent practice which contemplated political and ecclesiastical precepts, baptism converted Indigenous peoples into vassals of the Spanish Crown.

Baptism incorporated these souls into the Church's ecumenical community as Christians. After this first step, the king had to provide for the complete instruction of Indigenous neophytes in the Catholic faith. ⁴⁷ According to this interpretation, by accepting baptism, Indigenous peoples tacitly recognized their position as Christians; therefore, their rebellion against the Crown and the Church would make them apostates. The forceful rejection of religion was an offense punishable by both Church and the Crown. This is relevant in the treatise's argumentation since apostasy gave Spaniards »the right« to initiate an offensive war. To illustrate Calderón's arguments, the text follows the tenor of the Spanish philosophical and legal discussions of the first half of the 16th century.

Calderón also refers to the experience of conquest in other areas of the Spanish empire. He draws parallels between Chile's situation and other conflicts with Indigenous populations in Brazil, Peru, and New Spain, such as the Chiriguano and Chichimeca nations. Like the Mapuche in Chile, they refused to surrender their territories or their political autonomy. According to Calderón, in places where the Crown had allowed Indigenous slavery, conflicts had ceased, and its implementation in Chile would be equally beneficial. He then

suggests that the Indigenous populations along the frontier »could be enslaved, even for ten or twenty years, to punish them and to end this war and encourage soldiers inside and outside the Kingdom by baiting them with these slaves and other utilities that could be offered«. ⁴⁸ This last proposal displays another relevant element: the role of soldiers who had to enslave the Indigenous peoples. As Jara pointed out, those dealing with the frontier reality were Spaniards and Indigenous peoples already subjected to Spanish domination. To ensure their settlement in Chile, they had to be paid. *Encomenderos* hoped to profit from Mapuche slavery and secure manual labor; soldiers and other actors in this conflict also expected a reward for their efforts. In this respect, capturing Indigenous people would become a guaranteed benefit since they could be sold to the highest bidder – further proof of slavery's economic drive. Calderón's treatise highlights the expenses that the Indigenous rebellion meant for the Crown, for the upkeep of the soldiers on the frontier and for covering the material damages caused by the war. For example, connecting roads to southern cities were blocked, which hindered trade as well as the travels of preachers – both serious issues. Calderón highlighted the need to obtain military reinforcements to access these roads safely and to ensure the acquisition of goods and the continuity of trade between the Kingdom's Spanish settlements. The situation was significantly compromising for the Church because preachers and missionaries could not reach the places where the faithful required spiritual assistance, let alone make progress on Indigenous evangelization. In addition, roadblocks prevented ecclesiastical authorities from carrying out their work in the area, including bishops and provincials of religious orders who were unable to visit their jurisdictional territories. For Melchor Calderón, »this cause alone of losing the use of royal roads is enough to justify war«. ⁴⁹

The situation the Spanish encountered in the empire's margins was singular compared to what they experienced elsewhere. Usually, in regions where Indigenous people were fully subjugated, there was rarely any direct conflict that might have

45 PARODI AMBEL (2019).

46 CALDERÓN (1963 [1599?]) 7.

47 CALDERÓN (1963 [1599?]) 13.

48 CALDERÓN (1963 [1599?]) 13–14.

49 CALDERÓN (1963 [1599?]) 11.

resulted in captivity. However, the frontier context gave rise to phenomena such as temporal captivity and even diplomacy between the different factions in the conflict. Entering war territory made it lawful to kidnap an enemy and keep him as a hostage, which opened a space for negotiations between the parties to regain the captives. Sometimes this meant a payment or the exchange of other goods.

To no surprise, Calderón's treatise found a positive echo among the settlers and delegates affected by the conflict, and it became the catalyst for a process that would continue over the years following its publication. The text was sent to Lima for review by the Viceroy and several ecclesiastical authorities. The Dominican friar Reginaldo de Lizárraga, who lived in Lima at the time and had recently been appointed bishop of La Imperial in Chile, drafted his own statement after reading Calderón's treatise.

Reginaldo de Lizárraga

The *Parecer acerca de si contra los indios de Arauca es justa la guerra que se les hace y se pueden dar por esclavos*,⁵⁰ written by Reginaldo de Lizárraga in 1599, is the second *parecer* or opinion statement. Lizárraga was a relevant figure in Peru. A Dominican priest and doctor of theology, Lizárraga settled in Lima around 1560, where he successfully served as an ecclesiastical administrator. His work attracted the favorable attention of the Viceroy, who »greatly approves of his person, very clean, rigid and observant, of great government.«⁵¹ Fray Reginaldo was vicar general of the Dominican province of Chile, later named the first provincial of the Dominican provinces of Chile, Tucumán, and La Plata. His position as prior and inspector general in different areas of the Viceroyalty made him an ideal candidate to lead the diocese of La Imperial in Chile. Though appointed in 1598, Lizárraga delayed his transfer to the episcopal see as long as he could, finally assuming his post in 1602.

A few years before his transfer, in 1599, he participated in the discussion that Melchor Calderón's treatise had provoked in Lima. The Viceroy had consulted Lizárraga and other prominent ecclesiastics about Calderón's proposal, in the form of a questionnaire they were required to answer. These referred to the justification of the war and the punishment of Indigenous people for rejecting the Catholic faith, among questions about other theological and moral concepts that had been central in the mid-century debates in Spain. In this report, Lizárraga supported Calderón's arguments, first and foremost, by endorsing the war against the »Indians of Chile« as a fair and legitimate offensive.⁵² According to him, previous Viceroys hadn't even questioned this and had sent »relief soldiers and ammunition to fend off rebellious Indians, without any learned man, cleric, or priest ever claiming the war to be unjust.«⁵³ Even so, in the face of doubts over this legitimacy, governor Alonso de Sotomayor consulted Dominican theologian Diego Rodríguez de Chavez, the king's confessor at the time, who dissipated all misgivings: »He replied that there was nothing uncertain about this, but that he should do what His Majesty commanded so that there can be no doubt that the war on our part would be just.«⁵⁴

Like Calderón, Lizárraga expressed the need to defend those Spanish villages south of the Biobío River that had been disconnected from the rest of the cities, arguing that the settlers required spiritual assistance. He believed that the eventual depopulation of the towns would lure already converted Indigenous populations back into their pre-Hispanic religion, undoing all previous efforts to christianize them. Moreover, Lizárraga feared that the »Indians of war« would stir up the already christianized Mapuche, who might then join the rebellion. The bishop stated that »rebels« had captured Indigenous groups from other regions who had already been pacified and baptized. This was detrimental to the *encomenderos*, who relied on the workforce provided by those pacified Indigenous groups. All these reasons, in addition to the

50 Statement on Whether it is Just to Declare War Against the Indians of Arauca and Turn Them into Slaves.

51 »Names to fill the vacancy of the bishopric of La Imperial [Reginaldo de Lizárraga].« AGI, Chile 1, 26.

52 HANKE (1949) 293–300; KORTH (1968) 91.

53 LIZÁRRAGA (1943 [1599]) 296.

54 *Ibid.*

murder of the Governor Martín García Óñez de Loyola, were used to support the lawfulness of the war against the »rebellious« Mapuche of Arauco.

Another argument is related to the danger the Indigenous uprising posed in terms of defending Spanish dominions. There were growing concerns over other European powers' hypothetical invasion of southern Chile. These nations might establish ties with the Mapuche and other Indigenous groups from the far south to enter the Kingdom and jeopardize Spanish rule. To prevent possible alliances between Indigenous people and European rivals, Lizárraga urged »that these Indians of Purén, Tucapel, Arauco, those of the Mocha Island and others referred to, are expelled from their lands through all the rigor of war.«⁵⁵ Banishment was a practice already taking place in the context of armed conflict, and Indigenous peoples' capture frequently ended in expulsion and uprooting from their land.

It is interesting that this practice is so explicitly endorsed by an ecclesiastical authority. Although Lizárraga supported forms of slavery, he warned that capturing slaves should not be deliberate or indiscriminate; only the leaders of the »apostates and rebels« could be enslaved. »By reducing them and punishing the guiltiest, the others must be left as before so they understand how much Christian piety the Spaniards have.«⁵⁶ The evangelization experience in the Spanish colonies had shown that a successful tactic was to first christianize the chieftains or Indigenous leaders so that they could then attract and convert the rest of their communities. The same consideration applied to the »apostate« Indigenous peoples of the frontier.

In short, Lizárraga's text legitimizes forms of Indigenous slavery based on arguments from theology, moral philosophy, and canon law. It also shows the expansion of the debate on Indigenous slavery from Chile to the Viceroyalty of Peru and Spain.

Juan de Vascones

Juan de Vascones was a preacher and provincial vicar of the Order of Saint Augustine. He was born in Seville, traveled to Mexico, and participated in a mission in the Philippines with other members of the order. He lived in Quito and later settled in Peru. In 1595, he was sent to Chile to be prior to the Augustinian convent of Santiago, where he was also vicar of the order, preacher, and legal counselor of the Kingdom. On several occasions, he was delegated to oversee matters for the court in Madrid, a job he would perform throughout his career.⁵⁷ In 1600, the *cabildo* (town council) of Santiago submitted a formal request to King Philip III to act on the situation in Chile, entrusting Vascones with conveying these messages. Between 1600 and 1601, Vascones wrote a report to be presented to the court, entitled *Petición en derecho para el rey nuestro señor en su real Consejo de las Indias, para que los rebeldes enemigos del reino de Chile sean declarados por esclavos del español que los hubiere a las manos. Propónese la justicia de aquella guerra y la que hay para mandar hacer la dicha declaración.*⁵⁸ This document launched the Spanish cause to build a legal foundation for enslaving any »Indians of war«.⁵⁹

In his text, Vascones explains that, although he had not initially been in favor of enslaving the Mapuches in Chile, after witnessing the war for five years, he considered it »very justified«. He agreed with the general opinion throughout the Kingdom that »to end it, the said rebel enemies must be declared slaves of whoever's hands they are in, at least for as long as the war lasts«.⁶⁰ Vascones justifies this assessment throughout his treatise in the form of »titles«. These titles correspond to the following points: that the administration of Christian cities could not be abandoned;⁶¹ that waging war was just because roads were still blocked and thus the entry of preachers and the development of

55 LIZÁRRAGA (1943 [1599]) 300.

56 Ibid.

57 WALKER TRUJILLO (1992) 1–3.

58 This can be translated as »Legal Petition to the King Our Lord in his Royal Council of the Indies, that the Rebel Enemies of the Kingdom of Chile Should be Declared Slaves of Any Spaniard who Captures Them. Proposing the Justice of that War and

the Justice which Exists to Order the Said Declaration to Be Made«.

59 JARA (1971) 208; KORTH (1968) 94.

60 VASCONES (1943 [1599]) 305.

61 VASCONES (1943 [1599]) 306.

commerce was hindered; that non-Christian subjects of Christian princes could be compelled by force to accept the true faith;⁶² that if non-Christians committed indecencies or blasphemies, it was lawful to punish them; that it was the Monarch's obligation to free the Christians who remained captive in enemy hands;⁶³ that the crimes the »Indians of war« had committed in Chile gave grounds to enslave them; that it was common good and public cause to sustain the faith in the Kingdom of Chile and all the Indies, protecting them from other Protestant European nations;⁶⁴ and, finally, that the case of Chile was an exception to the regulations previously dictated for the Indigenous population in Spanish America. As we can see, these titles summarize and further explore the topics proposed by Melchor Calderón and later by Reginaldo de Lizárraga, reinforcing the arguments of both these authors. An interesting aspect of this document is that the conflict with the Mapuche in Chile was unlike any other in the Indies. Therefore, the solution could not come from previous experiences in which Indigenous people had been pardoned from slavery. Chile was an exception: »[A]nd it is very evident and clear that if the said pardon were now granted, it would exclude those of the aforementioned Kingdom of Chile.«⁶⁵

Following Calderón's treatise, Vascones based all his titles on classical authors of legal, philosophical, and theological topics, such as Aristotle, St. Augustine, St. Thomas, Francisco de Vitoria, Diego de Covarrubias, and Martín de Azpilcueta. These works of pragmatic literature supported the new regulations repeatedly requested from the Crown. As Thomas Duve defines it, »pragmatic normative literature can be defined thus: written texts used by practitioners in an immediate way to access the relevant normative knowledge required to produce a normative statement related to the legitimacy of human action.«⁶⁶ Likewise, Karime Parodi, who has studied the *pareceres* in greater depth, holds that Vascones »makes strategic use of references to authorities and canonical works of the Western

tradition, integrating them solely in favor of slavery.«⁶⁷

In addition, Vascones paints a portrait of the Mapuche people as brutes, employing a terrifying narrative so as to leave no doubt over the need for their enslavement. He asserts the complete »barbarism« of the »vicious« Mapuche by pointing out that they beheaded Governor Óñez de Loyola. He also recounts how they sent his head and other body parts to various other resistance groups on the frontier »to incite new rebellion«. According to the Augustinian, the Spanish could expect the worst from the Mapuche: they would murder them in the most gruesome ways, »shooting arrows at some, throwing spears at others, burning many alive, ripping out beating hearts to feast on blood, according to their bestial ceremonies«. The text also describes terrible acts of revenge that the Mapuche would perpetrate, such as burning Spanish towns and their churches, the desecration of sacred places and the murder of priests, and the rape and capture of women, among other atrocities. For this reason, »if for such crimes in which all, or almost all, of the rebels are apprehended, they can justly be hanged and dismembered, *argumentum a fortiori* they can be slaves, which is a lesser penalty.«⁶⁸

The tenor of the Vascones report is more aggressive than the *pareceres* described above. While it replicates practically all the arguments of classic ecclesiastical authorities, it adds comments that feed the image of the Indigenous populations as barbarians, even questioning their capability of being educated or living in what he considered »civilization«. He pleads for their enslavement and punishment and for treating them with the same cruelty they inflicted on the Spaniards.

It is impossible to determine to what extent this report reflects the opinion of the Augustinian legal councilor, since it gathers requests and judgements from numerous sectors of Spanish society. The statement reached the court and was reviewed by the War Council (*junta de guerra*), which in 1602 issued a report on the information delivered by Vascones. This report recognized the importance of

62 VASCONES (1943 [1599]) 307.

63 VASCONES (1943 [1599]) 308.

64 VASCONES (1943 [1599]) 310.

65 VASCONES (1943 [1599]) 311.

66 DUVE (2020) 20.

67 PARODI AMBEL (2019) 498.

68 VASCONES (1943 [1599]) 309.

resolving the situation in Chile as promptly as possible, approving the deployment of soldiers and monetary aid. However, it did not refer to Indigenous slavery, limiting its comments on the subject to the following line: »And as for the methods of war against the Indians, the said Viceroy and governor shall be in charge of making this decision, according to what they judge to be most convenient so that the pacification may conclude once and for all.«⁶⁹ In 1604, after he had spent four years in Spain, a document of the War Council stated that the Augustinian friar would return to Lima, where he was to manage what the *junta* saw fit. In other words, »that he returns there now with the thousand men whom Your Greatness sends to apply his advice and experience to help pacify those provinces.«⁷⁰ Again, the monarch did not respond directly to the request to legally enslave the Mapuche people. Given its severity, we can speculate that the Crown was reluctant to discuss the subject. However, as is well known, slavery of the »Indians of Chile« was legalized by Royal Decree in 1608.

Domingo de Eraso

The text by Domingo de Eraso, the fourth and final *parecer* I will discuss, is the only document not written by an ecclesiastical authority.⁷¹ Eraso, who was originally from Guipuzkoa (today a part of the Basque region), had served in military and administrative posts, rising to positions of trust in the governance of Chile.⁷² Like Vascones, he was sent to the Spanish court as a legal counselor in 1602, the year this particular report was dated. Eraso's tone in addressing the Council of the Indies differs somewhat from the previous *pareceres*. He refers to his military experience on the frontier to legitimize his arguments, focusing on the economic and strategic benefits of Indigenous slavery. These mat-

ters were the basis for the Spanish community's petitions for Mapuche slavery, especially for *encomenderos* and soldiers. According to Eraso, »if the Indians were made slaves, many people would willingly go to war to gain slaves from the battle«;⁷³ this implies that the Crown would not have to bear the high costs of war. Capturing Mapuche prisoners and turning them into slaves would facilitate their transfer to haciendas and *encomiendas* to serve as manual laborers. Here, the advantages of slavery are not based on moral or theological ideas, as in the ecclesiastical *pareceres*, but on practical reasons that interested the Crown.

If we consider Eraso's report the culmination of the statements presented to the Crown to legalize Mapuche slavery in Chile, we could say that the process was successful in the end, since Spain resolved to send a sizeable permanent contingent of soldiers, who were paid a royal salary.⁷⁴ Although this first wave of petitions to Madrid was not immediately effective, the legalization of Mapuche slavery soon became a reality. In 1608, the Council of the Indies, and thus the Spanish king, issued a Royal Decree detailing that they had thoughtfully studied »the papers, letters, reports, and treatises which have been sent on this subject from the said provinces of Chile and Peru«. In light of this, it was resolved that the best way to pacify these provinces was »that all the Indians, men as well as women, of the rebellious provinces of the Kingdom of Chile, men being over ten and a half years old and women over nine and a half years old, should be taken and captured by the captains and men of war, Indian friends of ours and any other persons involved in that pacification«. Two months after the Decree was published, the Mapuche captured by Spaniards at the frontier had to be »held as their slaves; and as such, they may use them and sell them, give them and dispose of them at their will«.⁷⁵

69 »Some things that should be provided for Chile and punishment of privateers entering through the strait of Magellan of the South Sea.« AGI, Chile 4. The document is published in MEDINA (1982) 160–163.

70 »Juan de Vascones should be sent to Chile.« AGI, Chile 4.

71 VALENZUELA MÁRQUEZ (2017b) 39.

72 VALENZUELA MÁRQUEZ (2017b) 39–46.

73 ERASO (1867 [1599]) 220–221.

74 VALENZUELA MÁRQUEZ (2017b) 44.

75 »Royal Decree so that the Indians of war of the provinces of Chile be taken as slaves, without limiting them to the Church guild before entering the service of people who would receive them.« LIZANA (1920) 314–315.

This Decree legitimized practices that had already existed for decades. The benefits were more plausible for *encomenderos*, soldiers, and other entities in the Kingdom who gained economic returns from slavery. Still, the Crown was skeptical about some of these practices, for example branding Indigenous people in the face to mark them as slaves and so that they would be recognized as such in other places. This was executed throughout the period of legal slavery, although the War Council questioned it within the Council of Indies in 1635: »Doubt has arisen as to whether these Indians, who are thus taken captive in the war and remain as slaves, are to be branded in the face, as their owners have grown accustomed to doing.« The War Council went as far as to consult on this issue with the Viceroy of Peru, who did not consider it advisable, given the possible revenge that Indigenous populations might take on Spanish prisoners. Therefore, »it seemed most advisable that Indians should no longer be branded, and the prosecutor of the aforementioned hearing says the same, after much consideration«. The governor of Chile, however, had a different opinion to the Viceroy, arguing that »branding the slave Indians is a consequence of legitimate slavery and a custom that has accompanied it from its beginnings«. After further deliberations, the War Council agreed that the matter should be referred to the Viceroy »so that whoever is informed of the matter, with the pros and cons of the case, may reflect on the situation and decide as is most convenient«. ⁷⁶

These comments demonstrate how considerations, opinions, and *pareceres* on local issues went back and forth in order to determine concrete actions.

Conclusion

These statements and their submission to the Viceregal and peninsular authorities exemplify transatlantic politics. A mechanism was deployed to address local matters from distant geographical spaces such as remote Chile. The *pareceres* testify to an impressive flow of ideas, people, and writings to achieve the goal of legalizing slavery on the Spanish-Mapuche frontier. While several years passed before a conclusive answer was given, the petition was ultimately successful, as is shown by Philip III issuing the Royal Decree of 1608.

The long duration of the procedures described above indicates how difficult it was for the Crown to endorse a practice such as slavery after all the discussions in Spain concerning Indigenous labor. It was neither a morally nor a financially simple decision. Consequently, ecclesiastical arguments alluded to the moral duty to protect the Crown's vassals and to present slavery as legitimate, just, and necessary. And secular authorities, as the Eraso report shows, reinforced the need for material sustenance and territorial protection.

My analysis of the *pareceres* in this article is an invitation to continue investigating the role of different ecclesiastical sectors in the problem of slavery on the Spanish-Mapuche frontier. Future studies should look to differentiate between various ecclesiastical structures, since sectors within the Church and their opinions and guidelines were quite diverse. Studying these reports in favor of Indigenous slavery in Chile illustrates a stance opposite to the well-known Jesuit position and highlights the transatlantic trajectory of crucial local initiatives. ■

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⁷⁶ War Council of the Indies, »On branding Indian slaves in the face.« AGI, Chile 4.

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