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## Forms of Indigenous Labor on New Spain's Northern Frontiers: The Cases of New Mexico and California (17th–18th Centuries)

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## Abstract

This essay discusses various forms of Hispanic-Indigenous labor relations on New Spain's northern frontiers, with a focus on 17th-century New Mexico and late colonial California. The article reconstructs how local practices of exploitation and abuse took various forms and eventually acquired normative values. In doing so, it offers an analysis of the interconnectivity of practices and norms in labor relations in such frontier territories. The essay takes historical, normative, and etymological approaches to reveal the diversity of labor systems and forms of coercion then present in New Mexico and California as well as the various conceptual and normative foundations behind this plethora of systems.

Keywords: California, New Mexico, Indigenous slavery, coercion, labor history



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## Forms of Indigenous Labor on New Spain's Northern Frontiers: The Cases of New Mexico and California (17th–18th Centuries)\*

From the late 15th until well into the 20th century, European empires colonized territories across the globe and sought to gain riches of all kinds from the regions thus conquered. The mining, pastoral, and agricultural industries relied on the labor of local, freely mobile people as well as individuals who were brought in by force to secure resources. Wealth in extractive commodities such as silver, sugar, coffee, and tobacco ultimately underpinned European empires' expansive, global power from the 15th century onward. While Spanish expansion was based on military conquests, it also involved incorporating local groups into the colonial social fabric. In Spanish America and the Philippines, the extraction of Indigenous labor and tribute, central to empire building, took many shapes depending on temporal, geographical, and global contingencies. Economic growth in Spain's empire thus rested on various labor mechanisms that showcased the Spanish imperial diversity.

The manifold forms of labor relations with the Indigenous population resulted from the territories' vastness, ecological, political, and cultural heterogeneity, and colonists' unequally distributed presence. Thus, control over Indigenous labor varied depending on the power Spanish colonists could enforce in the territories where they settled. Although not all situations involved coercion or the use of unfree laborers – one instance was the thriving silver production center of Potosí in

Upper Peru (now Bolivia), where waged labor became dominant because of insufficient numbers of coerced free workers and enslaved people – Spanish authorities resorted to various mechanisms of compulsory work wherever needed and possible.<sup>1</sup>

In this essay, I want to highlight that much of such resourcefulness and diversity in establishing various modes of Indigenous labor is historical and connected to frontier experiences. Coercive, exploitative instances of Indigenous labor endured in the Spanish empire's frontier territories, areas with higher levels of violence, where alterities were constructed, and with weaker reaches of viceregal and royal dictums. Two noted instances of the interconnectivity of frontier violence and Indigenous exploitation emerge from New Mexico and the Hispanic-Mapuche frontier in Chile from the 17th through the 18th centuries. In these liminal spaces, Apache and Mapuche men, women, and children were captured, sold to the highest bidder, forced to migrate to distant territories such as Cuba and Lima, and worked in mines, homes, agricultural enterprises, and textile factories.<sup>2</sup> Yet, in both frontier settings in northern New Spain and the Southern Cone, various forms of Indigenous labor coexisted: in addition to the capture, sale, and displacement of independent Indigenous people, laborers were employed through the *encomienda* and *repartimiento* systems, *aborías*, or waged work.

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1 We know that waged labor, perhaps not utterly detached from coercive practices, also thrived in certain circumstances, primarily in successful mining centers, ranches, and *haciendas*. Demand for workers, at least in these scenarios, favored the labor

conditions of Indigenous and African mining workers in the 16th and 17th centuries. Peter Bakewell showed how the workforce in Potosí, now Bolivia, derived from waged workers, *mitayos*, *yanacomas*, and slaves, BAKEWELL (1984). Also, wage workers became part of the workforce in large ranches and *haciendas* or *estancias*, MELVILLE (1994).

2 See, for instance, CONRAD (2021) and the essays in VALENZUELA (ed.) (2017).

Various levels of coercion and abuse, which to some might resemble ›slavery-like‹ working conditions, occurred in these diverse workforces, but these were part of an overall variety of labor systems that coexisted in the frontier regions of the Spanish empire.<sup>3</sup>

Locally, due to the contingencies of frontier life, Indigenous peoples, Africans, Europeans, and their mixed offspring adapted to local contexts and needs by creating and tailoring local and imperial norms and practices of labor systems. In frontier settings, norms emerged from local practices in order to regulate the daily lives of individuals and communities in areas where locals operated with less sense of scrutiny from royal and imperial authorities. In the areas analyzed in this *Focus* – late medieval Granada, 17th-century Chile, 19th-century Philippines, and northern New Spain – there was a certain plasticity in the various normative orders underpinning labor relations in the Hispanic world. Thomas Duve’s multinormativity model, which proposes various normative levels for early modern legal praxis, may fit in the context of multi-ethnic and multi-cultural frontiers. In imperial peripheral areas, the acts of colonial subjects were scrutinized against various layers of normative orders ranging from pre-Hispanic legal traditions and the Castilian *ius commune* to moral and customary norms. Casuistry and jurisprudence, seasoned with local customs and norms, imperial laws, norms governing ecclesiastic issues, and Catholic morals came together to create a diverse pool of multi-normative orders from which actors sought justice. The overlapping multi-nor-

native orders administered daily lives and also tailored normativities around labor and the status of Indigenous peoples. Canon law, for instance, was crucial in establishing categories of subjects, including the status of *persona miserabilis* for Indigenous peoples in the Americas.<sup>4</sup>

Thus, we can reconstruct how local practices of exploitation and abuse acquired a normative value, even if against the grain of norms emanating from the empire. Another important element to consider is the fluidity of frontiers in those regions. Against this backdrop, I aim to illustrate the interconnectivity of practices and norms in the study of labor relations in such frontier territories. My goal here is to depict the diversity of labor systems and forms of coercion as it pertained to the Spanish empire’s northern frontiers and the various conceptual and normative foundations behind this plethora of systems.

›Frontier of empire‹ as a category of analysis is also useful in this case. I look at frontiers as territories where various independent groups coalesced and encountered each other with various degrees of violence and shaped each other. In this sense, frontiers are dynamic spaces that change geographically, ecologically, and demographically because of these encounters, which regularly involved violence and biological, material, or epistemological exchange, and the creation of alterities.<sup>5</sup> Because much emphasis has been placed on coercion in studying labor relations, I first explore the coercive nature of some labor systems in the Spanish empire. I then concentrate on slavery as a category of analysis in approaching labor systems

3 See, for instance, DEEDS (1989) and HACKEL (2005), chapter 7. Recent works agree that on northern New Spain’s frontiers, Indigenous slavery prevailed throughout the colonial period, see BROOKS (2002); CONRAD (2021); GUTIÉRREZ (1991); RESÉNDEZ (2016). Throughout the 16th century, the economies on frontier territories increasingly turned to Indigenous slavery as a source of labor and profit; no one would prove immune to its effects. However, *encomiendas* and *repartimientos* were also legal justifications for such abuses, which RESÉNDEZ (2016) coined as ›the other slavery‹. In Chile, Hugo Contreras Cruces has also argued that the *encomienda* and *repartimiento* systems,

along slavery, lasted through the 18th century as Hispanic colonists resorted to the capture and sale of Mapuches even into Potosí and Lima, CONTRERAS CRUCES (2017). See also VALENZUELA (ed.) (2017).

4 DUVE (2022); and the essays in DUVE / DANWERTH (eds.) (2020). For the status of Indigenous peoples as *persona miserabilis*, see CUNILL (2011, 2017); DUVE (2004). For the role of ecclesiastical law and clerics in the discourse over slavery in early Chile, see Constanza López Lamerain’s article in this *Focus*. Since early Christianity, theologians and canonists like Augustine of Hippo acknowledged the need for the unfree servitude of captives of

war, whose lives were spared to serve the victors. Sins caused war, and hence bondage was a way to atone for sins, CERVINO HERNANDO (2014).

5 I acknowledge my Eurocentric and imperial approach, as frontiers refer to the peripheries of empire, distant from imperial cores in areas like central New Spain or Peru, but comprising the centers to those living in such frontier territories as local colonists and Indigenous peoples. For definitions of frontiers, see SANZ CAMAÑES / REX GALINDO (eds.) (2014). See also ADELMAN / ARON (1999) and the short reply essays by HAEFELI (1999); SCHMIDT-NOWARA (1999); WUNDER / HÄMÄLÄINEN (1999).

in the Americas. I believe the institution of slavery merits conceptual, historical, and etymological overviews to illustrate its extensive use and historiographical alternatives. Finally, I analyze various forms of Hispanic-Indigenous labor relations on New Spain's northern frontiers, particularly in 17th-century New Mexico and late colonial California.

### The Coercive Nature of Colonial Labor Systems

Scholars have emphasized coercion in their studies of Indigenous and African (and their descendants') labor relations in the Iberian empires. For the Hispanic world, most studies centered on the institutions of *encomienda*, *repartimiento*, *mita*, personal servitude (*servicio personal*), and slavery, to cite a few instances. These labor systems in Spanish colonial possessions entailed the control, forced mobility, and subjugation of the working force.<sup>6</sup> For New Spain, Silvio Zavala, in his studies of Indigenous labor in New Spain and Peru, has established that Indigenous »free labor« entailed degrees of coercion.<sup>7</sup> Richard Salvucci pointed out that economic development in early Mexico, when the Indigenous population declined and the Spanish proprietor population increased, could not have happened without coercing the working force. While free labor existed, reliance on compulsion and the aforementioned institutions were incentivized.<sup>8</sup> Even if the rise of capitalism eventually led to the end of the legality of unfree labor, particularly chattel slavery, capitalist practices of free-wage labor have endorsed (extreme) labor

coercion. Indeed, historically, to be free did not imply complete freedom from coercion.<sup>9</sup>

As for this paper, a look at Indigenous labor in the Spanish Caribbean and New Spain shows how labor practices, coercion, and the casuistic normative systems in the Americas overlapped. It further underscores the legislative oscillations in establishing labor systems due to contingent temporal and spatial circumstances in the Spanish possessions during the colonial period. One instance emanates from the origins of slavery, *encomienda*, and *repartimiento* in the first century of conquest and the status of Indigenous peoples. Until 1542, Indigenous slavery coexisted with other forms of labor on the Caribbean Islands and the mainland. Colonists resorted to the enslavement of enemy local peoples in the Caribbean basin and on the *encomienda*, a royal grant of Indigenous labor to the colonists on the Caribbean islands. By the mid-16th century, the king further offered the *encomenderos* or grantees tribute collections from their granted Indigenous peoples. In exchange for tributes and work, Indigenous peoples would be christianized and turned into loyal Catholic subjects of the king. The *encomienda* resembled the feudal system by which a lord protected peasants in exchange for tribute and work on their land. Eventually, the crown dropped tribute collection as part of the rights of *encomenderos*, who from then on could only extract labor.<sup>10</sup>

Tensions over unfreedom and the Indigenous status as free vassals of the monarch unfolded early on.<sup>11</sup> However, the status of Indigenous peoples as *personae miserabiles* (since the 16th century) conceded asymmetrical relations between Spaniards and Indigenous peoples in the administration of justice. Authorities believed Indigenous peoples

6 The number of works is too vast to enumerate. For recent historiographical introductions to Indigenous labor see GIL MONTERO (2015, 2020); DIAS PAES (2020); GRAUBART (2020); TEUBNER (2020). See also CONTRERAS CRUCES (2017), chapter 1. 7 ZAVALA (1993).

8 SALVUCCI (2010) 629–631, quote on p. 631, states that population scarcity due to demographic collapse in the first century of conquest should have increased wages in a free market with free labor. The wages of Indigenous workers did not increase, and authorities resorted to compulsory work. Salvucci points out that early

Mexican markets and productions were not efficient: »The landlord maximizes his or her share of output not by enhancing productivity, or by doing the kinds of innovations that the »improving« landlords of England did, but by using the law to keep the Indians from demanding anything approximating a market wage that reflects their true opportunity cost.«

9 MAHMUD (2013) 218–219.

10 ZAVALA (1993); SIMPSON (1966); LOCKHART (1969); KEITH (1971). Studying the *encomienda* grants, James Lockhart pointed out that Indigenous peoples – and not tribute –

were granted to the *encomenderos*, LOCKHART (1969) 414–415.

11 Following Isabel I's will, the 1512 Laws of Burgos, the Royal Junta of 1523, and finally, the *Leyes Nuevas de Indias* or New Laws of the Indies of 1542 established this status. These royal edicts conflicted with feudal practices in the Americas and launched conflicts between the monarch and local elites in the Americas, recalling the end of the medieval seigneurial rule for the modern state; on this, see HANKE (1949).

lacked knowledge of the colonial system imposed upon them; they were considered minors who needed tutelage and protection. Labor was part of that necessary instruction and control in order to reach a higher level of ›civilization‹, that of the Spaniards. Hence, the juridical status and economic needs altogether justified their *repartimiento* – the allocation of Indigenous peoples to work in public works or for individuals – in the *encomienda* system; this included the use of coercion, if necessary, theoretically and ironically, for the well-being of local communities. In return, conquistadors should procure the means to evangelize their trusted Indigenous communities, bring them into Catholicism, teach them the Spanish culture, and protect them.<sup>12</sup> The *encomienda* system, imprinted with a historical, normative genealogy, rested on existing power asymmetries and subsequent coercion of Indigenous ›free vassals‹.<sup>13</sup> As a corollary, researchers have also called to move beyond rigid juridical slavery-freedom dichotomies and emphasize the complexities of labor experiences and how Indigenous and African labor relations in all their forms affected subjugated individuals in different, interrelated ways.<sup>14</sup>

For instance, scholars in the Bonn Center for Dependency and Slavery Studies have relied on the asymmetrical dependency concept to move away from the term ›slavery‹ in order to elicit a less Eurocentric analysis in the study of coercive relations. They seek to strike down the ›slavery versus freedom‹ dichotomies, arguing that asymmetrical dependency encapsulates institutionally sanctioned control over other individuals' actions, access to resources, and spatial mobility. However, the challenges presented by this approach lie in

determining how these processes emerge, sustain, and materialize in social relations.<sup>15</sup> One goal of the Partner Group project and the articles in this *Focus* was to go beyond such bipolar approaches to slavery and freedom and illustrate various labor systems that included compulsion within freedom. That has also been the goal of research conducted at the Max Planck Institute for Legal History and Legal Theory, which has focused on the multi-normative aspects behind the various asymmetrical dependency systems.<sup>16</sup> As Paola Revilla Orias suggests, we should pay attention to the ›entangled coercions‹ of African slavery and Indigenous labor systems in colonial Spanish America. She proposes to study labor experiences to highlight that ›those who, despite being free, were exposed to multiple non-free labor systems, were linked, and many times in their most intimate coactive characters, to those who lived under standardized slavery.‹<sup>17</sup>

The study of African slavery has received ample – and necessary – attention. Scholars have analyzed the various routes of slavery in the Mediterranean, the Atlantic, and the Caribbean and quantified the numbers of African slaves who perished as well as those who survived the calamitous trade routes.<sup>18</sup> Researchers have analyzed the socioeconomic facets behind the slave trade and slavery and the catastrophic effects on those enslaved and on Africa. We also know the consequences of the slave trade for the development of Europe, the Americas, and Africa, as well as for enslaved people's resistance, survival, and cultures. More recently, the Pacific slave trade of Asians into the Americas has emerged from scholarly neglect.<sup>19</sup> Historians and legal historians have also studied the normative orders regulating trade, the slavery system, and

12 MIRA CABALLOS (1997) 77. For *persona miserabilis*, see DUVE (2004); CUNILL (2011, 2017).

13 RESÉNDEZ (2016); REVILLA ORIAS (2020) and the English version REVILLA ORIAS (2021).

14 Paola Revilla Orias, in her study of African and Indigenous slaveries in the Audiencia of Charcas (current Bolivia), suggested to study differences and commonalities between both systems of unfree labor and how life experiences were beyond legal conditions, REVILLA ORIAS (2020) and the English version REVILLA ORIAS (2021). See also WINNEBECK et al. (2023) *passim*.

15 WINNEBECK et al. (2023) *passim*.

16 DUVE (2021).

17 REVILLA ORIAS (2021) 4.

18 The impressive trans-Atlantic and intra-American slave trade databases ›Slave Voyages‹ can be accessed at [www.slavevoyages.org](http://www.slavevoyages.org), which offers insightful quantitative analyses of embarked and disembarked slaves, the slave ships, dates and ports of origin and destination, crew, ethnicity, and nationality, etc. According to recent estimations from the massive Trans-Atlantic and Intra-American slave trade databases, 15 million human beings were enslaved in Africa to be traded to Europeans. These

studies estimate that in over 36 000 voyages, more than 12,5 million Africans embarked, and over 10,7 million disembarked on the American coasts and in Europe.

19 A historiographical review in ZEUSKE (2012). For Latin America, see the classic KLEIN/VINSON (2007). For the Pacific slave trade, see SEIJAS (2014); OROPEZA (2020).

the slaves' conditions.<sup>20</sup> Most of this work addresses the chattel slavery of peoples of African descent. Indigenous slavery, on the other hand, has received less attention because of its temporally and geographically restricted existence, and most work in Spanish America and the Philippines has centered on other forms of servitude and labor regimes with a compulsory nature.<sup>21</sup>

Conceptualizing and defining the terms used in order to comprehend practices and norms related to bondage and forms of labor posit challenges, as the long-standing debate over the meaning of ›slavery‹ demonstrates. From a conceptual and semantic viewpoint, ›slave‹ and ›slavery‹ have become mammoth terms. Mostly based on research into African chattel slaves in the Atlantic world from the 15th through the 19th centuries – the time frame of the Trans-Atlantic slave trade – scholars tend to establish parallels between forms of coerced labor and chattel slave conditions and chattel slave status, more so because such similarities can bring more attention to specific study topics. The historical and etymological backgrounds of terms also merit some attention: slavery takes the voice of alterity – the Slav – which has depicted the coercive relations in colonial settings between the colonizer and the colonized other.

#### A Note on Terms

A look at the etymological origin of ›slavery‹ seems pertinent because it offers a window into the ample use of the term and its generalizations. The terms *Sklave* (German), *slave* (English), *esclavo* (Castilian), *schiaivo* (Italian), and *esclave* (French) evolved from the Latin root *sclavus*, which in medieval Europe originally meant an ethnic Slav. Western European medieval documents show the Latin term *serva* / *servus*, deriving from Roman law, to refer concurrently to an unfree person, a slave, or a free person such as a free serf. The fluidity of the term *servus* in the early Middle Ages contrasted to the fixed meaning of *ancilla* as an enslaved

person. Juridically, *servi* (pl. of *servus*) had various obligations and rights that differed from region to region in Europe.<sup>22</sup> For instance, in the 13th-century *Siete Partidas*, Alfonso X's compilation of Castilian norms and customs, victors spared war captives' lives through bondage. The *Siete Partidas* classified three classes of *servi*: the first are those captured in war who are enemies of the faith; the second, those born of *servi*; the third, a free person who allows himself to be sold.<sup>23</sup> By the 1200s, most captives sold in Western European markets were ethnic Slavs, and so the term *sclavus*, which initially meant a Slav or an enslaved Slav without any further distinction, began to displace Latin words such as *ancilla*, *serva* / *servus*, and *familius* for an enslaved person.<sup>24</sup>

Western Europeans also imported Greek ideas of bondage and unfree labor into their societal hierarchies. Aristotle became a significant source for the defense of slavery in medieval and early modern Europe and its colonies. Aristotle's human taxonomy categorized the *doûlos* / pl. *doûlous* [δοῦλος / pl. δούλους] or ›enslaved‹ humans and their *despotēs* [δεσπότης] or masters by nature. To Aristotle, the *doûlos* was attached to the status of bondage, hence scholars have translated *doûlos* as slave, and created the term ancient slavery, distinct from early modern chattel slavery, or modern slavery. Because *doûlous* did not belong by nature to themselves, they were another person's dependents and, ultimately, property. Aristotle further ensured a rational and physical difference between the *doûlos* and free people. Thus, the *doûlos* was strong and ready for »servile labor«, while a free person was »useful for political life«. In a last twist, because nature prompted such categories, slavery was convenient and just. Aristotle, however, criticized the slavery of captives since it might happen that, in this way, those who were not slaves by nature could become enslaved. Aristotle's words set a precedent in defining a blurry term such as slavery, mainly because it was unclear who was or was not a slave by nature, but also because alterity could eventually justify the exploitation and even-

20 For Brazil, see for instance DIAS PAES (2021); JIMÉNEZ CANTISANO / DIAS PAES (2018). For Spanish America, LUCENA SALMORAL (2005).

21 On Indigenous slavery, see, for instance, MIRA CABALLOS (1997); RESÉNDEZ (2016); REVILLA ORIAS (2021).

22 KEOSOWSKA (2020) 161, 170–173. For the connection to Roman law, see CUENA BOY (2022).

23 PHILLIPS (2010, 2014), and Mirko Suzarte's essay in this *Focus*.

24 KEOSOWSKA (2020) 160, 171.

tual enslavement of the other, as would happen in colonial settings, particularly in violent frontier territories.<sup>25</sup> Daniel Santibáñez Guerrero, in his etymological analysis of concepts of bondage, unfree labor, and slavery in classical Greek, laid out the use of other terms such as *oiketēs* [οικέτης] or domestic servant; *ákólouthos* [ἀκόλουθος], a soldier's servant but also a domestic servant; *látris* [λάτρις], another kind of domestic servant who worked in the household but also in the fields; and *doúlema* [δούλεμα], which explicitly addresses the physical work carried out by slaves that Aristotle described in his *Politics*. Besides the *doúlos*, these terms reflect the various forms of dependency through compulsory subjection and lack of choice between human beings.<sup>26</sup>

As mentioned above, western Europeans and Muslims began to change their terminology to define bondage relations by the 1200s. Late medieval juridical texts in Latin and Arabic introduced demonyms as synonyms of *servus*: *sclavus*, *sarracenus*, and *maurus* in Latin, and in Arabic *zawila* (Libya), *súdan* (Africa), *sq̣lābi/sq̣āliba* (singular/plural, Slav), *'abd / 'abid* (Black), and *milk / mamluk* (property). At least in Arabic, terms that referred to physical appearance also became synonyms of bondage men, women, and children and indicated specific classes or hierarchies within them. As Hannah Baker points out, demonyms, physical appearance, and terminology were used to categorize various bondage conditions in the late medieval Mediterranean basin, practices that the Spaniards then exported to the Americas and the Philippines, as the case of the Apaches shows for northern New Spain and the Coolies in the Philippines, Cuba, and Peru.<sup>27</sup>

Because of historical connections to the Mediterranean, various forms of bondage and coercive relations linked to the Greeks, Romans, Visigoths, Muslims, Jews, and Christians spread throughout the Iberian Peninsula. In the 8th century, Muslims brought their forms of unfree labor and coerced

relations into Muslim Iberia, and their practices endured in Christian Iberia. Inter-faith warfare and the Mediterranean slave routes underpinned the trading of captives. As scholars have shown, much of this human trade on Iberian soil happened in the seaports under the Crown of Aragón, where primarily women from Eastern Europe, North Africa, and sub-Saharan Africa were bought and sold in cities like Barcelona and Valencia. This late medieval exploitation was urban rather than rural, targeting mainly Muslim and non-Catholic peoples from the eastern Mediterranean basin. The practice of unfree labor and bondage differed in Castile, with fewer commercial ties to the Mediterranean and an ongoing conflict with Muslim Iberia until 1492, when the last Muslim kingdom of Granada fell under Queen Isabel and King Fernando. Frontier warfare fed Andalusia, Murcia, and the Royal Court with bonded men, women, and children. Inter-faith violence on the Granada-Castilian frontier ensured the continuity of well-supplied markets of human beings. Even in the 16th century, the Morisco rebellions – instigated by those Muslims who had remained unconverted on Iberian soil – resulted in Muslim captives to be sold in southern Spain.<sup>28</sup> These practices and their normative foundations translated to the New World in the age of discovery and conquest.

Like in Europe, Africa, and elsewhere, coercion and unfreedom were also ingredients of the labor menu in America and the Philippines, where pre-conquest societies were socially stratified and hierarchical, and unfree labor presented all its diversity and complexity there. In pre-Hispanic societies, violence and warfare precluded the establishment of domination and coercion. In the Philippines, as Carolina Hiribarren shows in her contribution to this *Focus* dossier, there were trading routes for captives among the different ethnic groups on the islands of this archipelago.<sup>29</sup> Scholars have studied institutions such as the *mita* in Peru to highlight the compulsory, rotatory labor regimes for public

25 ARISTOTLE (1916) 34–36, 1254b–1255a. Aristotle's natural slave, via Thomas Aquinas, had an everlasting imprint on those who defended the enslavement of Indigenous and African peoples in the early modern period, see HANKE (1949) and PAGDEN (1982).  
26 SANTIBÁÑEZ GUERRERO (2021) 84.

27 KEOSOWSKA (2020) 162–163, citing the work of Meouak for Arabic. See also BARKER (2019), in particular chapter 2. Paul Conrad points out that in northern New Spain, the term »Apache« became synonymous for slaves in the 18th century: CONRAD (2021). For the Coolies, who were people of Chinese descent in the

Philippines, see Carolina Hiribarren's essay in this *Focus*.

28 PHILLIPS (2010, 2014), and Mirko Suzarte's essay in this *Focus*.

29 See Carolina Hiribarren's essay in this dossier and HIRIBARREN (2022).



works in the Andes under Inca rule and the *tlacotin* (sing. *tlacotli*), or Nahua serfs, in early Mesoamerica.<sup>30</sup> I will comment briefly on the latter.

Nahua society was stratified and hierarchical. At the top of the social pyramid, the *tlatoani* (speaker) was the ruler of an *altepetl* or city-state, who could also be considered ›king‹ of a city-state such as Mexico-Tenochtitlan. Beneath the *tlatoani*, the hierarchy comprised diverse groups of elite members such as the *tecubtli*, who lived in the palaces inside the cities over which they kept control and collected tribute for the *tlatoani*, and the noble *pipiltin*, who had access to high-ranking positions within the military, the priesthood, and the government. There were also the *pochteca* or merchants, who traveled long distances to bring back luxury goods treasured by the nobility, and the *macehualtin*, or commoners, who were farmers, warriors, and craftsmen – most free members of the Nahua societies. At the bottom of Aztec society were the *tlacotin* (or *tlatlacotin*; sing. *tlacotli*). Nahua people became *tlacotin* by selling themselves to another person to pay for debts or as punishment for crimes; families could sell their children and spouses to pay for debts and obtain revenue. People were also captured in war and could then be sold and become *tlacotin*. They were not property but could be temporarily pawned. Nevertheless, their status as *tlacotin* was temporary, and they had certain rights. Their owners could not mistreat them, they could buy their freedom, their masters could not sell them unless they agreed, and the descendants of *tlacotin* did not inherit such status. Whatever the individual circumstances, their condition implied certain levels of uncertainty, arbitrariness, and abuse in their treatment by their masters. After the conquest, Spaniards relied on these local stratified societies to exert dominion.<sup>31</sup> This instance from Nahua society shows how Indigenous communities had their own bondage and compulsory labor systems. However, for Indigenous societies, such concepts and terminologies are difficult to appreciate in all their nuances from the historical record. Scholars' overly broad use of the term ›slavery‹ to categorize otherwise complex and diverse modes of unfree labor and

coerced conditions has persuaded those working on the Spanish empire.

#### A Normative, Historical Approach to Coercive Labor in Northern New Spain

By studying the cases of 17th-century New Mexico and late-colonial California, two frontier territories in northern New Spain, I offer empirical evidence on the diversity of labor forms and how local norms and practices mingled with royal and vice-royal dictums from Madrid and Mexico City. From the early Caribbean conquest onward, a contingent creation of normativities related to Indigenous labor and status took place. At the apex of reform in the mid-16th century, the 1542 Juntas of Valladolid and Barcelona debated the treatment of Indigenous peoples in the Americas, explicitly targeting slavery, *encomienda*, the grant of labor or tributes from trusted Indigenous peoples to their trustee in exchange of protection and Christianization, and *repartimiento*, the distribution of Indigenous peoples to work in public works or for individuals. The subsequent *Leyes Nuevas de Indias*, the ›New Laws of the Indies‹ (1542), forbade existing Indigenous slavery and new enslavement, in all contexts. Until 1542, the crown had authorized the enslavement of Indigenous peoples in specific situations: captives considered cannibals, captives in just war, and ›*indios de rescate*‹ who had been rescued by Spaniards from enslavement by other Indigenous peoples. Since all Indigenous peoples were the monarchs' vassals, the new laws asserted they could not be enslaved under any circumstance; and, as the *Leyes Nuevas de Indias* further prohibited a transfer of the *encomiendas* by way of inheritance, they were also condemned to disappear. This landmark legislation mainly targeted a cadre of local feudal elites, called *encomenderos*, who emerged after the conquest and received labor and tribute from their trusted Indigenous peoples.<sup>32</sup>

In northern New Spain, however, the practices of the *encomienda* and the enslavement of Indigenous peoples remained pervasive through the

30 For the *mita* in Peru, see BAKEWELL (1984).

31 MENTZ (2007).

32 ZAVALA (1993); MASTERS (2022). Because the *encomenderos* fiercely

opposed the laws in Peru and New Spain, in 1545, King Carlos I (r. 1516–1556) allowed for the inheritance of *encomiendas* to the following generation.

eighteenth century despite royal bans. While Chile was an outlier – slavery in cases of just war became legal over the course of the 17th century, as Constanza López Lamerain shows in this *Focus* – legal bans became effective in New Spain.<sup>33</sup> Nevertheless, in the province of New Mexico, established around Santa Fe in 1598, violence and economic gain stimulated the capture of independent groups such as Apaches, Pawnees, Kiowas, or Comanches. Situated amid sedentary Pueblo peoples and surrounded by nomadic Indigenous groups, New Mexico remained a peripheral colony with few settlers and fewer economic opportunities. Thus, local colonial officials particularly championed recurrent campaigns to obtain captives to be kept and sold within and without the province. That is why, despite retreating in other parts of the empire in the 16th century, the *encomienda* and the capture and sale of Indigenous peoples thrived in New Mexico (and in other imperial frontier territories such as Chile and the Philippines).<sup>34</sup>

But in 17th-century New Mexico, the *encomienda* was conceived predominantly as a tribute-exacting institution. Pueblo communities were entrusted to a conquistador or *encomendero*, and, as a 1638 report shows, »each household of Indians pays to him each year, either as tax or tribute, one *fanega* of maize, which in that country is valued at four *reales*, and also a piece of cotton cloth six palms square, which is reckoned in price at six *reales*.«<sup>35</sup> Due to demographic collapse, by 1643, the ambitious governor Alonso Pacheco had requested to increase the collection of tributes from each household to each Pueblo individual, increasing the pressure on the Pueblo communities. Moreover, as part of the *encomienda* relation, Pueblo communities worked at the *encomenderos'* estates and homes for a daily salary that was hardly satisfying. Such demands became untenable when *encomenderos* maintained their requests to a diminishing Pueblo population, and labor became abusive

and exploitative. Scholars have long argued that untreated grievances from excessive labor and tribute demands, among other reasons, caused the Pueblo Revolt of 1680, the most successful North American Indigenous rebellion against a European power.<sup>36</sup>

Moreover, New Mexico governors, with meager salaries and living in harsh frontier conditions, sought to make their positions as economically rewarding as possible. Because of the lack of minerals, governors turned to other sources of wealth, particularly human trafficking. Most 17th-century governors were involved in capturing and selling individuals from independent Indigenous peoples, particularly Apaches and Navajos. Colonists joined the efforts to turn this practice into a steady source of coerced labor for New Spain's agrarian and mining ventures. Hence, colonists and Pueblo communities also participated in and profited from this system of coerced labor, even if such widespread and undiscerning treatment of captives was illegal according to royal decrees.

Sources and various studies by authors such as James Brooks, Andrés Reséndez, and Paul Conrad document the capture and sale of Apaches throughout New Spain and the Caribbean colonies.<sup>37</sup> Depositions against New Mexican governors reveal the widespread practice of Apache captivity and enslavement and the far-reaching trade of human beings. For instance, in 1664, governor Diego de Peñalosa was accused of forcibly taking young girls from their families to work in his household, where they were probably sexually exploited and eventually sold in distant markets. In one case, a nine-year-old girl from the Indigenous town of Tzia was taken as a servant to his home and sold in central New Spain. Andrés López Zambrano's deposition against Peñalosa valued female Apache servants at 26 pesos in the 1660s.<sup>38</sup>

Colonists listed their property in their wills and in court cases; this included the presence of In-

33 See, for instance, CUELLO (1988).

34 GUTIÉRREZ (1991) 102–105.

For 17th-century Chile, see Constanza López Lamerain's essay in this *Focus*; and for 17th-century Philippines, see SEJAS (2014); OROPEZA (2020).

35 Petition of Father Juan de Prada, Convent of San Francisco, Mexico City, 26 September 1638, in: HACKETT (ed.) (1937), vol. III, 110.

36 GUTIÉRREZ (1991) 105–107, 117–118;

CONRAD (2021) 27–28. Even if the *encomienda* system was outlawed after the 1680 rebellion, the crown authorized a *repartimiento* or levy of Pueblo Indians to work for the colonists as saw fit by the local authorities, see GUTIÉRREZ (1991) 159–160.

For governor Alonso Pacheco's 1643 increase of tribute and consequences, see FORBES (1960) 139–141.

37 BROOKS (2002); RESÉNDEZ (2016);

CONRAD (2021).

38 Declaration of Andrés López Zambrano, Santo Domingo, February 20, 1664, in: HACKETT (ed.) (1937), vol. III, 243–244.

Indigenous servants. That was the case of the German Bernardo Gruber, who was arrested by the Inquisition for sorcery in 1668, and declared that he owned mules, horses, mares, »three Apache men and women«, socks, fine stockings, a sword, harquebuses, buckskins, saddles, and lassos, among other items.<sup>39</sup> Although strictly speaking, he did not own the three Apaches, the Inquisition collected the information to seize the defendant's assets as potential securities during the trial. This included the Apaches, who could be sold to the best bidder to secure payment of expenses incurred during the case. In this and other situations, as Paul Conrad has noted, Apache men and women were forcefully transported throughout New Spain, the Caribbean, and New France. Such ubiquitousness of Apache captives led to the use of the term »Apache« as an identity category for somebody who could be enslaved, thus blurring its ethnic meaning with that of status just as it had happened with the term »slave« in medieval Europe.<sup>40</sup>

Bonded and free workers coexisted in northern New Spain through coercion in the form of *encomienda* and *repartimiento*, captivity, and servitude. Besides the Pueblo Indian laborers, who technically were free vassals of the monarch but subjected to abuse and exploitation, there were also free Apaches who worked for daily pay. These paid, free workers performed higher-skill duties within the Spanish colonial society. Paul Conrad suggests that the free daughters of Apaches slaves might have lived among the Spanish elites as »free Apaches«, which in turn would mean that »Indian slavery was temporary and not hereditary.« Eventually, »Apaches could transition from slavery to freedom [...] after ten- or fifteen-year periods of enslavement« in what Conrad defines as »temporary slavery.«<sup>41</sup> New Mexican governors created norms and left a paper trail to justify their raids to »legally« capture and sell Apaches and Navajos throughout the seventeenth century. Their legal

maneuvering had more to do with how Hispanic frontier communities instilled a normative value to their local practices, despite contravening royal decrees, than with an intentional local-imperial legal confrontation.<sup>42</sup>

Likewise, the survival of Spanish colonial settlements on the California borderlands rested on the various forms of labor in the pastoral economy of Franciscan missions and ranches. Alta California was established in 1769 as a buffer colony against Russian and British encroachment on North America's Pacific Northwest coast. Between 1769 and 1821, Spain founded 21 Franciscan missions, four military *presidios* or forts, three *pueblos* or towns, and numerous ranches. Alta California never comprised more than 3000 Hispanic settlers on a coastal stretch from San Diego to the San Francisco Bay Area amidst tens of thousands of California Indigenous people. The existence of slavery has been at the core of the debates on Indigenous labor relations with the Hispanic population. While several scholars have ascribed to the slavery paradigm of labor, others have questioned whether California Indigenous working conditions indeed resembled slavery. Principally, scholars maintain the classification of Indigenous labor as coercive and abusive but ask for a nuanced analysis of the sources.<sup>43</sup>

There is a history in the »slavery-like« interpretation that dates to the early visitors of Alta California in the late 18th century. A documented instance comes from French explorer Jean-François de Galaup de la Pérouse, who spent ten days in the Monterey Bay area in 1786. De la Pérouse met with the Franciscan missionaries and mission neophytes in Mission San Carlos.<sup>44</sup> He claimed that the state of these neophytes was similar to that of slaves in »plantations which are governed with most mildness and humanity«. De la Pérouse held great admiration for the Franciscan missionaries but struggled to rationalize their treatment of the converts living in the missions; he did not hesitate

39 Sequestration of the goods of Gruber, Abó, April 19, 1668, in: HACKETT (ed.) (1937), vol. III, 276.

40 CONRAD (2021) 34, 81, 95.

41 CONRAD (2021) 38–39. Pueblo communities suffered under the *encomienda* and *repartimiento* systems until the Pueblo Revolt of 1680. Governor Diego de Vargas' reconquest of New Mexico in 1693 changed Hispanic-Pueblo relations,

abolishing *encomiendas* and consolidating the *repartimientos*. GUTIÉRREZ (1991) 155–156.

42 CONRAD (2021) 30.

43 There is a significant body of literature on the matter. For short insights into the disputes and bibliographical support, see for instance ARCHIBALD (1978a); HACKEL (2005) 9–10, 272–273, and more recently HACKEL (2023).

44 Neophytes, a category of *personae miserabiles* in canon law, were Indigenous converts who lived in mission compounds and surrounding areas. Because of their status as neophytes, they enjoyed certain privileges but also lacked many rights and, in the case of the California and New Mexico missions, were subjected to Franciscan oversight, DUVE (2004, 2010).

to disclose that corporal punishment was regularly administered.<sup>45</sup> This and a few other testimonies by short-term visitors have fueled the interpretation of Indigenous labor in California as slavery.<sup>46</sup> Yet, like in other parts of Spanish America and the Philippines, Franciscan missionaries, colonists, and local authorities in California profited from multiple forms of Indigenous labor.

While Indigenous peoples in California labored in missions, towns, forts, and ranches against their will, as Steven W. Hackel has pointed out, they also asserted their demands against excessive conditions and attempted to implement various modes of labor whenever possible. The historical record shows that Franciscans resorted to violence and coercion to turn pre-conquest California peoples into loyal Christian subjects of the Spanish monarch. Yet Hackel asserts that »Indian laborers at the missions were neither enslaved nor indentured servants: in essence, they were a semicaptive labor force, held in place by both their own needs for food and community life and by the Spaniards' willingness to make them work and remain at the missions.«<sup>47</sup> California's agricultural and pastoral economy required the labor force to be productive. Like New Mexico and other frontier territories, California lacked a significant migration movement from the settled centers of Spanish dominion because of its remoteness and apparent absence of mineral resources. Demographics shaped labor needs: colonists, particularly missionaries, relied on Indigenous workers to fulfill their economic subsistence.<sup>48</sup>

Neither *encomienda* nor *repartimiento* systems made it to New Spain's distant northwestern frontier in the late eighteenth century. However, Cal-

ifornia Indigenous peoples worked in the *presidios*, towns, and ranches in a »wide spectrum of arrangements and statuses ranging from coerced and uncompensated to independent and paid.«<sup>49</sup> I find Steven Hackel's thorough categorization of Indigenous labor systems valuable for moving beyond monochromatic models. For heavy-duty construction, military garrisons relied primarily on convict labor and contracted workers from the Franciscan missions. Indigenous prisoners, often convicted of minor offenses, were forced to labor at the *presidios* to fulfill their sentences. They received no salaries and a meager ration for working under abusive and exploitative conditions imposed upon them by soldiers and officials.<sup>50</sup> Missions also delivered contractual neophyte labor to the *presidios* for a fixed period and at a daily wage, according to the *presidios'* needs. This work consisted mainly of domestic duties such as cleaning and cooking, construction, and loading and unloading of ships. Missions charged the *presidios* a certain amount of money to provide neophyte labor. Despite the contracts, soldiers' demands seem to have reached abusive and exploitative levels, eventually triggering the missionaries' complaints to military authorities. For instance, in 1795, Indigenous laborers from Mission Santa Barbara protested being excessively overworked at the *presidio* of the same name, to the extent that they refused to return until conditions and/or payments improved, which eventually happened in 1801. Mission girls and women, despite concerns voiced by friars about abuse and sexual violence, cared for the soldiers' children and performed domestic chores in the soldiers' households.<sup>51</sup>

45 »The color of these Indians, which is that of Negroes; the house of the missionaries; their storehouses, which are built of brick and plastered; the appearance of the ground on which the grain is trodden out; the cattle, the horses – everything in short – brought to our recollection a plantation at Santo Domingo or any other West Indian island. The men and women are collected by the sound of a bell; a missionary leads them to work, to the church, and to all their exercises. We observed with concern that the resemblance is so perfect that we have seen both men and women in irons, and others in the stocks.

Lastly, the noise of the whip might have struck our ears, this punishment also being administered, though with little severity.« »Corporal punishment is inflicted on the Indians of both sexes who neglect the exercises of piety, and many sins, which in Europe are left to Divine justice, are here punished by irons and the stocks.« PÉROUSE (2018 [1786]) 81–82. My understanding of this source also draws from HACKEL (2005) 272–273.

46 See RAWLS (1984).

47 HACKEL (2005) 281.

48 ARCHIBALD (1978b); HACKEL (2005), chapter 7.

49 HACKEL (2005) 287.

50 HACKEL (2005) 296–297.

51 HACKEL (2005) 297–308. The case of Santa Barbara is mentioned on p. 304–305. Hackel offers the amounts missions charged the *presidios* and the number of days of labor performed by the mission neophytes. It is not clear how those salaries impacted the Indigenous workers directly. Robert Archibald states that mission neophyte labor was crucial to the *presidios* and then lists the wages paid to the missions for the contractual work of their neophytes, ARCHIBALD (1978b) 102–104.

Outside of contractual work, California Indigenous peoples, particularly those with skills such as weavers, shoemakers, tanners, and masons, sought informal work on their own – with or without approval from the missionaries – for *presidio* soldiers, officials, and their families. Eventually, as Archibald and Hackel suggest, these skilled Indigenous laborers from the missions had the upper hand in negotiating better wages in California.<sup>52</sup> To bypass the missionaries' monopoly over mission neophyte labor, settlers and the military sought non-converted Indigenous people from nearby *rancherías* or Indigenous villages to work in the *presidios* and *pueblos* or towns.<sup>53</sup> Abuse and exploitation of non-converts were pervasive in the towns; certain authorities aimed at preventing excesses by passing regulations to control over Indigenous work. Captain José Joaquín Moraga's 1782 norms to regulate Indigenous labor in San José, a town near the San Francisco *presidio*, served as the basis for the regulations on Indigenous labor in Los Angeles issued by governor Pedro Fagés in 1787. Fagés' instructions sought to prevent California Indigenous peoples from staying inside the colonists' homes, suggested their just treatment and payment rates, limited punishments to 20 lashes »with humanity«, and threatened to discipline settlers who coerced and mistreated Indians. Fagés pointed out that although under his regulations California Indigenous peoples had the same legal status as children, they could not be mistreated.<sup>54</sup> Due to their legal status as minors or *personae miserabiles*, Franciscans created a regimented daily routine at the bell's toll to motivate the (in their eyes) lazy, undisciplined, insolent, and unruly California Indigenous people to work. Franciscans in California defended their control over neophytes based on the history of colonial relations and differentiated juridical status.<sup>55</sup>

Likewise, in the 1790s Fagés encouraged unconverted independent peoples from nearby *rancherías* or villages to work regularly in the *presidios*. For instance, throughout that decade the Ohlone cyclically worked for pay and food allotments in the Monterey *presidio*. Hackel has shown that gentle

labor in the *presidios*, incentivized by Fagés, was cheaper and more reliable than contractual labor from the missions.<sup>56</sup>

Hispanic populations turned to any means of Indigenous labor to secure their foothold in the territory. This proved particularly relevant in distant frontier territories where economic and military survival was in the hands of the local communities. Once Hispanics had some level of control, they resorted to any means possible, including coercion and exploitation, to secure the necessary local labor force. This entailed the risk of taking things too far, and so, in order to prevent the forced laborers from escaping or even instigating an uprising, local authorities regulated the use and abuse of the Indigenous communities by setting certain limits, even though it is questionable whether those were ever actually fulfilled.

#### Final Remarks

In this article, I aimed to explore the plethora of labor systems on New Spain's northern frontiers to expose their complexities. I agree with other scholars that the labor conditions of Indigenous peoples in the provinces of New Mexico and California were characterized by abuse, compulsion, and exploitation, although not all forms – as traumatic as they were – paralleled the chattel slavery of Africans and their descendants. Colonizers did impose stringent labor systems not limited to Indigenous slavery, the *encomienda* or *repartimiento*; however, as this article shows, various forms of labor also manifested the negotiating power of local communities. Thus, I hope to have illuminated how local actors adapted modes of labor to specific situations.

The early abolishment of Indigenous slavery did not prevent abuse and exploitation from persisting in many forms; however, the nature of Indigenous labor relations, whether coercive, free or unfree, needs to be studied in its various contexts and conditions. A look at California and New Mexico illustrates the tensions to reduce compulsion and

52 HACKEL (2005) 309; ARCHIBALD (1978b) 103.

53 HACKEL (2005) 311–312.

54 HACKEL (2005) 310–311. A translated summary of Fagés' guidelines can be found in MASON (1975) 96–98.

55 Franciscan view of Indigenous peoples as minors was embedded in canon and civil law. See note 43.

56 HACKEL (2005) 312–319. Hackel compares the amount of money paid to gentiles and to neophytes:

507 pesos for 14 550 days of work at the *presidio*, versus 2727 pesos, HACKEL (2005) 317.

abuse in labor relations to slavery-like systems while exposing the plurality of labor regimes in Spanish America and the Philippines. The examples from New Mexico and California further show that labor institutions have historical, normative genealogies that were built on coercion and asymmetries such as the juridical status of neophytes and *personae miserabiles*.

This historiographical, semantical, and conceptual tour of different forms of labor relations in asymmetrical colonial settings offers some insights into the multi-layered approaches to work relationships of coercive nature. Models such as dependency theory have tried to uncover the diverse modes of labor relations that might be hidden under the concept of ›slavery.‹ My approach, which combines etymology and history, further unveils such diversity of unfree labor and compulsory work. In fact, the rise of unfree labor systems such as slavery, particularly the rise and consolidation

of African slavery, the formation of normative regimes of Indigenous labor, and the coercion against Indigenous peoples informed each other.<sup>57</sup>

I also hope that this study can contribute to the debates over the meaning of modern slavery. More recently, lawyers and legal courts worldwide, as well as international treaties, have encountered difficulties in applying definitions of modern slavery to the daily practice of court cases.<sup>58</sup> As we saw, even if coercion and exploitation manifested ubiquitously, there were multifarious typologies of Indigenous labor systems on New Spain's northern frontiers. Numerous layers of sometimes contradictory imperial and local norms over the status and treatment of Indigenous peoples, blended with evolving practices and discourses of alterity, expose the tensions to establish limits over Indigenous labor and tribute extraction.



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<sup>57</sup> REVILLA ORÍAS (2021).

<sup>58</sup> See ALLAIN (ed.) (2013) and ALLAIN/HICKEY (2012).

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