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A Prison by any Other Name: Incarceration in the Seventeenth and Eighteenth- Century
Audiencia de Quito.

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Doctor of Philosophy

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B.A., DePaul University, 2000

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An abstract of
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Abstract

A Prison by Any Other Name: Incarceration in Seventeenth and Eighteenth- Century Audiencia de Quito

By Agnieszka Czeblakow

Until recently, scholars have characterized pre-modern or colonial modes of penal justice as exemplary, violent, cruel, public and uncivilized, while portraying its modern counterparts as humane, benevolent, and civilized. This dissertation attempts to unsettle the commonly accepted dichotomy between pre-modern and modern practices of criminal justice, and challenges the assumptions about the beginnings of prisons and related institutions of confinement and their development in Latin America. By examining the myriad of confinement systems and practices in the Audiencia of Quito, such as *obrajes*, custodial jails, banishment and transportation as well as torture from the late seventeenth century to the late eighteenth century, the dissertation demonstrates that early modern incarceration was not only prominent feature in colonial penal systems, but it coexisted alongside physical punishment and the scaffold for a long period of time.

Intertwined throughout the project are questions of modernity, civilization, and their less triumphant sibling, colonialism. The dissertation shows how modernity was not an essentially and exclusively Western European phenomenon. Colonial prisons in Latin America provided an outlet for the articulation of cultural, racial, economic and ideological mythology of domination engendered by Europe's earliest foray into colonialism--the Spanish and Portuguese conquest of America. Finally, analyzing colonialism from the perspective of its corrective institutions and their inmates also provides an opportunity to understand how the colonial state managed to maintain its power, to legitimate and to define its authority. The co-existence of penal bondage with corporeal and capital punishment suggests that the use of force and fear were not the only tools available to colonial state-makers. Rather, colonial political power and state formation depended on a number of forces, coming together in pursuit of shared mission for social order and public security. A network of local office holders, state bureaucrats, and private individuals and entrepreneurs who created, mediated and enforced rules, policies and practices of the state became central to the successful formation and operation of an increasingly active and intrusive state apparatus.

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Introduction

Each day, the magistrates and judges who sat in Spanish colonial Quito's criminal courts selected from an array of penalties to punish criminal offenses. Between 1565 and 1790, the Kingdom of Quito's convicts heard dreadful pronouncements subjecting them to whippings, hangings, public shame, temporary or permanent banishment, fines, military, and galley service, not to mention forced labor on private, public, or religious enterprises. Yet among this wide assortment of penal practices one, surprisingly, was missing: prison. This is not to say that Quito's judges failed to condemn the guilty to months or years of work and seclusion. They just did not call the places they sent criminals "prison." Instead, convicts did time in textile and tobacco factories, city and royal jails, bakeries, artisan workshops, stone quarries, hospitals, monasteries, military fortifications, and penal colonies.¹

This dissertation on Quito's punitive spaces and the penal practices inside of them redirects our understanding of the development of modern modes of punishment, showing how these penal processes emerged out of Spanish colonialism's distinct and complex social and labor relations. It is a history of the daily operation of colonial institutions not normally associated with the bricks and chains of the prison block that demonstrates the unique historical role "prisons by other names" played as punitive and

¹ Quito, the capital of the Kingdom, did have a royal jail, but it was technically not utilized to house convicted criminals. Rather, it served as a temporary place of detention before trial and sentencing, or to hold debtors in hopes of eliciting faster payment of debts, Tamar Herzog, *Upholding Justice: Society, State, and the Penal System in Quito, 1650-1750* (Ann Arbor: University of Michigan Press, 2004), 36-37. For a discussion on city jails, see Cynthia Milton, *The Many Meanings of Poverty: Colonialism, Social Compacts, and Assistance in 18th Century Ecuador* (Stanford University Press, 2007), Tamar Herzog, *Upholding Justice*, 32-33, John Leddy Phelan, *The Kingdom of Quito* (Madison: University of Wisconsin Press, 1967), 201.

disciplinary spaces in colonial Ecuador. Examining the diverse array of colonial punitive institutions together, rather than individually, reveals that colonialism and its shifting practices and processes of penal bondage heralded the arrival of the civilizing processes associated with modernity and were an important aspect of modern state formation in the Spanish colony of Kingdom of Quito (today Ecuador).

Theoretical Contribution: Modernity, Marginality, and the Modern State

This project is poised to contribute to our understanding of three broad areas of theoretical inquiry important not only to Latin Americanists, but to all who are concerned with the emergence of the modern world, and, particularly, the role of discipline and punishment in that world. Situating this dissertation in the historical and theoretical debates on the disappearance of cruel physical punishment and the emergence of “civilized” and rational methods of incarceration and rehabilitation, I argue that the rapid introduction and spread of new penal methods and spaces in the eighteenth and nineteenth century was not the result of the efforts of Enlightened or Liberal reformers. Nor was it a response to rapid political and economic transformations.² Rather, I suggest, the sudden rise of penal institutions such as prisons, poorhouses, or reformatories in fact was an acceleration of processes that had been in practice in Spanish colony of the

² The debates mostly take place among scholars of modern and early modern Europe in response to the pioneering study of Michel Foucault. In Latin America, the enlightened reforms of the Bourbons are seen as the beginning of the processes of penal transformation. The emergence of proper, modern prisons in Latin America, however, is associated with the Liberal reforms of the post-independence period of the nineteenth century. Examples that focus on the nineteenth century include Carlos Aguirre, *The Criminals of Lima and their Worlds* (Durham: Duke University Press, 2005); Silvia Arrom, *Containing the Poor: the Mexico City Poor House, 1774-1871* (Durham, NC: Duke University Press, 2000); Cynthia Milton, *The Many Meanings of Poverty*; Ricardo D. Salvatore, Carlos Aguirre and Gilbert M. Joseph. *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham: Duke University Press, 2001) among others. For a notable exception, albeit one that does not deal with prisons per se, but situates the origins of modernity and civilization in the sixteenth century see Irene Silverblatt, *Modern Inquisitions: Peru and the Colonial Origins of the Civilized World* (Durham: Duke University Press, 2004).

Audiencia de Quito since the turn of the seventeenth century. Hard work, solitary confinement, surveillance and heavy doses of religious guidance instituted inside of royal prisons, city jails or textile mills of colonial Quito were only a few of the calculated steps in the colonial mission to create modern subjects before the implementation of rehabilitative incarceration inside of modern prisons.

Inspired by the influential work of Michael Foucault, historians and other scholars of early modern Europe have argued that highly regimented prisons, isolated from the free population and aimed at rehabilitation through hard work and discipline, became defining features of modernity as penal practices shifted from public executions to more private confinements in the late eighteenth and early nineteenth centuries.³ As the eighteenth century came to a close, prison workhouses and their corresponding disciplining technologies became a feature of French, English, Dutch and German urban landscape. This project demonstrates that such discipline and regimentation also characterized colonial spaces. Inmates subjected to penal bondage by the judges of the Audiencia de Quito carried out specific tasks and daily quotas, and followed a regimented timetable aimed at maximizing efficiency and production. Spanish colonial administrators turned punishment into a matter of organizational routine and discipline by meticulously recording prisoners' vital statistics (race, age, gender, occupation) during criminal proceedings and during inspections of carceral institutions or keeping accurate accounts and receipts of the deliveries of human cargo to penal institutions. They also issued countless ordinances and regulations, and maintained well-documented dialogue with local officials and private entrepreneurs who guarded and transported convicts.

³Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1979).

What is more, through a system of religious indoctrination, confessions, group prayers and choral singing, and various material rewards, colonial administrators aimed at normalizing and rehabilitating the colonial subjects into new, authorized “almost the same, but not quite” versions of themselves.⁴

However, this is not merely an institutional history that challenges the chronology of the emergence of modern penal practices and the prevailing assumption that modern prisons were an entirely new and sudden invention deployed around 1800 to rapidly and seamlessly replace penal systems based on physical punishment in order to more effectively combat social deviance in a rapidly modernizing, industrializing and urbanizing world. This project joins Latin American scholars in challenging the region’s marginal historical status and role by demonstrating how modernity was not an essentially and exclusively Western European phenomenon. Colonial prisons in Latin America provided an outlet for the articulation of cultural, racial, economic and ideological mythology of domination engendered by Europe's earliest foray into colonialism--the Spanish and Portuguese conquest of America.⁵

According to Enrique Dussel, the myths of modernity—the European sense of historical and material superiority and development, with its obligatory mission to

⁴ Homi K. Bhabha, “Of Mimicry and Man: The Ambivalence of Colonial Discourse.” In *Tensions of Empire: Colonial Cultures in the Bourgeois World*, ed. by Frederic Cooper and Ann Laura Stoler (Berkeley: University of California Press, 1997), 152-159.

⁵ For the colonial origins of modernity see Irene Silverblatt, *Modern Inquisitions*; Walter Mignolo, *The Darker Side of the Renaissance: Literacy, territoriality, and Colonization* (Ann Arbor: University of Michigan Press, 1997); Fernando Coronil, “Beyond Occidentalism: Towards Non-Imperial Geohistorical Categories” *Cultural Anthropology* 11, no. 1 (1996): 51-87; Enrique Dussel, “Eurocentrism and Modernity” *boundary 2* 20/3 (1993): 65-76. Mignolo “The Geopolitics of Knowledge” in Mignolo. W. *Local Histories /Global Designs*; Anibal Quijano, “Coloniality of Power, Eurocentrism, and Latin America” *Nepantla: Views from South* 1 (2000): 553-80; Samir Amin, *Eurocentrism* (New York: Monthly Review Press, 2009); Gilbert Joseph, “Introduction: in Joseph, G. M., Catherine LeGrand, and Ricardo Donato Salvatore. *Close Encounters of Empire: Writing the Cultural History of U.S.-Latin American Relations* (Durham, N.C.: Duke University Press, 1998).

develop, civilize, uplift and educate the inherently inferior and underdeveloped barbarian “others”-- emerged out of the unique colonial relations and hierarchies based on a color-coded social order. The triumphant trajectory of Western modernity was not Europe's "pristine development from ancient Greece to eighteenth-century "culminating in the intra-European phenomenon" of Reformation, Enlightenment, and the French Revolution, but rather the territorial expansions of Spain and Portugal (Europe's own periphery) into the Islamic world.⁶ Events on the Iberian Peninsula, in turn, initiated a model for the colonization of the New World, where the rule and power of the colonial state would rest on categorization and organization of vast numbers of people into caste categories that, in theory, were to become permanent markers of identity.⁷ Spain became the first "modern" nation with extensive state apparatus that not only unified the Iberian Peninsula, expanded its military and bureaucracy (Inquisition), but expanded Spain's economic reach throughout the Atlantic region, making Spain and Portugal the key players in world mercantilism. For Dussel, the centrality of Spain and its colonies "in world history stands as the fundamental determination of modernity." As a result of this, he posits that any future developments around Europe of the seventeenth century "must be seen as the consequence, rather than a starting point" of one-and-a-half centuries of Latin world's modernity.⁸ Spain paved the way, which the rest of Europe expanded and broadened in the seventeenth and eighteenth centuries. By the nineteenth century, with the advent of European imperialism, Western Europe replaced Spain at "the helm of modern Europe and of world history." With the advent of Western Europe (England, France) as the

⁶ Dussel, "Eurocentrism," 75

⁷ Ibid., 75; Mignolo, "Goeopolitics of Knowledge" 60-61, Silverblatt, *Modern Inquisitions*; Dussel "Europe, Modernity," 469-47.

⁸ Dussel, "Europe, Modernity," 470.

hegemonic power, Spain, Portugal and their American colonies were occluded from the triumphant Eurocentric narratives of modernity and civilization.⁹

The critique of Eurocentrism also entails an engagement with the forms of knowledge that contributed to the legitimation of colonial Spanish domination. According to Aníbal Quijano, European colonial power was predicated on the hierarchical classification of populations. The practice, first established in the sixteenth century on the Iberian Peninsula, flourished in the Spanish colonies of America and later found full legitimacy with the advent of scientific models in the eighteenth and nineteenth centuries. The taxonomies (or epistemic base) divided the inhabitants of the New World into naturally inferior and superior races and fixed them into a permanent position on the spectrum of social hierarchies. This knowledge became the foundation of colonial Spanish domination, and centuries later, it would transform into a useful tool of European colonial legitimacy.¹⁰

Proposing a concept of “coloniality of power,” Quijano explains the Spanish civilizing project of transforming the native inhabitants of America into a “new man” made in the image of the colonizer through systematic evangelization and hard labor. This imposition of European modes of thinking, being, and expressing and producing knowledge attempted to radically alter the identities, will and cognitive structures of the

⁹ Dussel, “Europe, Modernity,” 471; On the Black Legend see Todorov, Tzvetan. *The Conquest of America: The Question of the Other*. New York: Harper & Row, 1984.

¹⁰ See Quijano "Coloniality of Power, Eurocentrism, and Latin America" *Nepantla: Views from South* 1 (2000): 553-80.

dominated populations in order to prepare them for a "way out from a state of regional and provincial immaturity."¹¹

Penal practices (imprisonment, forced labor, transportation) and the inherent praxis of violence and coercion (torture) implemented by an increasingly efficient bureaucratic apparatus of colonial officials, local elites and entrepreneurs offer a lens through which we can read and examine Spain's colonial/modern project of the "integral conversion" of the colonial subjects, and of the attempt to transform their worldviews and subjectivities. The knowledge production that accompanied the placement of colonial subjects into their respective social categories through a diligent state recording of vital statistics, or record keeping during convict transportation, and the unbridled coercion and violence unleashed on the colony's undesirable inhabitants became the necessary, rationalized and inevitable costs of Spain's redemptive projects of civilizing, educating and modernizing the primitive and barbarous colonial subjects.¹² As viable penal alternatives to corporal and capital punishments, incarceration, isolation, and exclusion were a feature of colonial society. But they also coexisted with other, more brutal penal sanctions like whipping, hanging, or quartering long before modern prisons made their historical debut in the nineteenth century.

To say that Spanish American colonial sites of discipline and punishment in the Audiencia de Quito served as a testing ground for modern punitive practices is not to say that they *were* modern prisons, where skilled and efficient cadres of legal bureaucrats designed practices to rehabilitate inmates in isolation from each other and the outside

¹¹ Santiago, Costro-Gomez, "(Post) Coloniality for Dummies: Latin American Perspectives on Modernity, Coloniality, and the Geopolitics of Knowledge" in Moraña, Dussel, and Jáuregui *Coloniality at Large*, 280-281, Dussel, "Europe, Modernity," 470.

¹² Dussel, "Eurocentrism," 75

world. Yet neither were they like the medieval “theater of horror,” where the body of the criminal became the subject of legal vengeance displayed with pomp in public streets and plazas.¹³ Rather, textile and tobacco workshops, city jails and penal colonies of Spanish America were uniquely hybrid colonial/modern spaces where local and individual needs and benefits (financial gain in obrajes, private punishment, custody) coexisted with modern, central state’s civilizing agendas and public security (isolation, exclusion). Inside of the colonial carceral spaces, despite the state’s efforts to isolate the delinquent populations spatially in dungeons, cells, and in distant territories, and epistemologically through a routine imposition of socio-racial characteristics, which classified, organized and differentiated the convicts and free populations, the prisoners and the free rarely existed on the opposite ends of the carceral spectrum.

As such, the prisoners and the “prisons by any other name” formed a unique phase in the system of repression before the advent of the modern prison that must be understood in order to truly grasp modern penal practices. Although hidden from public gaze by the high walls and thick doors of factory buildings or jails, the prisoners (the term was used by both administrators and the inmates) did not live their lives totally secluded from the surrounding population. They were very much a part of their local and regional communities. Sentenced to textile or tobacco factories, they traveled to their destination in the company of other convicts and soldiers, while petty merchants (*pulperos*) served as their guards.¹⁴ Inside of the factories, jails, bakeries, or artisan workshops convicts observed daily comings and goings of free workers and slaves, worked alongside poor whites and apprenticed sons of the colonial middling classes, and

¹³Norval Morris and David J. Rothman, *The Oxford History of the Prison: the Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995).

¹⁴ ANHQ, Quito, Gobierno, Caja 29 exp. 4, 10-v-1780.

often found themselves spending nights in the workshops chained and locked with forced Indian laborers or recalcitrant slaves.¹⁵ This provided the free, the enslaved, the forced, and the incarcerated an opportunity to cultivate a particular way of understanding themselves and their role in the slowly emerging modern world around them. In short, convicts and prisoners were not outsiders in the colonial society, but integral to it.

Finally, analyzing colonialism from the perspective of its corrective institutions and their inmates also provides an opportunity to understand how the colonial state managed to maintain its power, to legitimate and to define its authority. The co-existence of penal bondage with corporeal and capital punishment suggests that the use of force and fear were not the only tools available to colonial state-makers.

Moreover, the power of the state did not derive from some disembodied force or a single person who held sway over subjugated and fear-stricken minions. Rather, colonial political power and state formation depended on a number of forces, coming together in pursuit of shared mission for social order and public security. A network of local office holders, state bureaucrats, and private individuals and entrepreneurs who created, mediated and enforced rules, policies and practices of the state became central to the successful formation and operation of an increasingly active and intrusive state apparatus.¹⁶ But cooperation and coordination among the various offices and individuals was not always successful, as local elite needs and private benefits frequently did not

¹⁵ For the variety in the population of convents, poorhouses hospitals, obrajes see Arrom, *Containing the Poor*; Kathryn Burns, *Colonial Habits: Convents and the Spiritual Economy of Cuzco Peru* (Durham: Duke University Press, 1999); David Cahill, "Financing Health Care in the Viceroyalty of Peru, 1532-1824" *Journal of Latin American Studies* 26, no.2 (May 1994): 325-347; Milton, *The Many Meanings of Poverty*; Samuel Kagan., "Penal Servitude in New Spain: The Colonial Textile Industry." Ph.D. diss., City University of New York, 1977.

¹⁶ Michael J. Braddick, *State Formation in Early Modern England, C. 1550-1700* (Cambridge [England]: Cambridge University Press, 2000), 14.

parallel the central state's imposition of a "programme of civility" upon public life and behavior.¹⁷ The failure, or the success of the colonial state would be determined by the extent that local and metropolitan needs moved in tandem.

The colonial office holders and bureaucrats were not the only members of the colonial society who could implement or mediate the realities of colonial state formation. While agreement among local elites and crown bureaucrats on the civilizing agendas of the state was important, the African, mestizo, Indian and white prisoners' active engagement and negotiation with legal rituals, procedures, and rhetoric mitigated the need for the constant application of military force and was essential to the colonial state's existence and persistence.

Colonial subjects helped shape and spread beyond the courtroom specific meanings of authority, legitimacy and power when they witnessed and participated in the variety of punishments colonial officials meted out, when they encountered the rhetoric of legal argumentation, and when they decoded myriad rituals and legal symbols embedded in courtroom procedures, petition writing, sentence pronouncements, and when they travelled across the Andean landscape in chain gangs in convict transports. A scaffold may have conveyed the sheer and absolute force of the sovereign's divine power and authority. But a colonial criminal, hearing a sentencing to an *obraje*, where particular regimes of religious indoctrination and a system of rewards were the norm, or receiving the penalty of banishment to a distant jurisdiction instead of the scaffold, may have conjured an image of a more sensible or even caring state authority that was no less powerful.

¹⁷ Ibid., 347.

What is more, colonial prisoners and convicts were not passive subjects of Spain's civilizing programme. Frequent escapes, prison arson, and various forms of disobedience challenged the authority of the colonial state, and made nearly impossible its mission to isolate, silence and render invisible the dangerous masses of social deviants, criminals and delinquents. Prisoners' resistance to authority not only increased their own visibility, but it also exposed the faults and failures, inefficiencies and incompetency of the bureaucratic apparatus. Weak infrastructure which facilitated escapes, incompetence and carelessness of officials in supervising prisoner's conduct, and a dissonance between public interests of security and order, and private and local needs of economic gain and political power testified to the failure of the central state to create and actualize a singular, uniform blueprint for the consolidation and legitimation of its power. Emphasis on these weaknesses, however, does not mean that the colonial state was impotent in implementing its modernizing and civilizing mission. Instead, the failures exposed the potentiality of colonial modernity, which lay hidden behind moments of official inefficiency or corruption and obstructed by the porous prison or *obraje* walls through which prisoners slipped into liberty. Propelled by a momentum and confronted with its own inadequacies and failures, the central bureaucracy moved swiftly to seek optimal solutions in its quest for social order and political power. Thus, the various forms colonial punishment took and the myriad of penal and bureaucratic processes it engendered are crucial to our understanding to the survival of Spanish colonial power and social authority for nearly 300 years.

Historiography

Although the Crown explicitly forbade judicial authorities from justifying their rulings, no royal decree has stopped historians from explaining the colonial verdicts.¹⁸ The economic realities facing Spanish colonial administrators-- labor shortages and empty royal coffers-- are one of the most common explanations for judges' preference for (forced) labor, rather than incarceration, as a form of punishment.¹⁹

But to view the enclosure and exploitation of delinquent men, women and youths in colonial textile, shoemaking and iron-smiting workshops, sugar mills, tobacco factories, mines, agricultural estates, public works, urban bakeries, pork smoking shops, confectionaries, monasteries, convents, and hospitals in the Kingdom of Quito or in other parts of Spanish America as economically motivated is to dismiss the complexity and nuance behind the colonial project. The regimes of coerced confinement, separation, exclusion and forced labor implemented within the walls of colonial Ecuador's textile factories or penal colonies were meant not only as a solution to economic deficiencies of the colonies, but they formed the lynchpin of the ideological motives of colonialism, offering a path of salvation and redemption to the inherently inferior colonial subjects.

Moreover, while the Spanish Crown found the intimate and inner workings of public institutions a source for concern and investigation, most scholars of colonial law and judicial administration tend to devote less attention to the crucial aspects of how institutions worked, and more to government objectives, structures and policies. Their

¹⁸ Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), 36.

¹⁹ For the Spanish preference for monetary compensation in place of capital punishment, see John L. Phelan *The Kingdom of Quito in the Seventeenth Century*, 201. For a detailed discussion of the practice of the government supplying penal labor to private and public enterprises see Samuel Kagan "Penal Servitude." in *New Spain: The Colonial Textile Industry.* PhD Diss., City University of New York, 1977. The literature on obrajes (see note 35) also presents them as economically motivated repositories for convict labor.

focus centers on the reasons behind repeated royal and ecclesiastical visits in the Spanish colonies, their alarmist and reformist rhetoric, and dramatic outcomes that ranged from drastic reforms that triggered protests and revolts to rabid extirpation campaigns which brought death and destruction to the indigenous communities.²⁰ But, such emphasis on governmental rhetoric coupled with a one-dimensional view of the Spanish colonial state as despotic, arbitrary and even autocratic (the Bourbons) or politically weak and economically bankrupt (the Hapsburgs) tends to obscure the multiple ways in which colonial state power was formed, experienced and understood.²¹ A more nuanced insight into the power and legitimacy of a colonial state awaits in the internal correspondence of textile and tobacco factory administrators, who stressed the need to set up provisional

²⁰ The monitoring and constant re-assessment of the Spanish colonial governance began with the letters and reports penned by the first conquistadors and the mendicant friars in the New World. See Mathew Restall, *Seven Myths of Spanish Conquest* (Oxford: Oxford University Press, 2003); Hernán Cortés, *Letters from Mexico* (New Haven, Yale University Press, 2001); Bartolomé de las Casas, *A Short Account of the Destruction of the Indies* (New York: Penguin Books, 1992). For the first wave of royal visits and reforms during see Steve Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest*; Karen Spalding, *Huarocharí: an Andean Society under Inca and Spanish Rule*. For ecclesiastical monitoring of religious practices and the dramatic extirpation campaigns among the indigenous populations see Sabine McCormack *Religion in the Andes: Vision and Imagination in Early Colonial Peru* (Princeton: Princeton University Press, 1991); Kenneth Mills *Idolatry and Its Enemies* (Princeton: Princeton University Press, 1997); Inga Clendinnen, *Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570* (Cambridge: Cambridge University Press, 1987); Ramón Gutiérrez *When Jesus Came the Corn Mothers Went Away: Marriage, Sexuality and Power in New Mexico, 1500-1846* (Stanford: Stanford University Press, 1991). For ecclesiastical and secular investigations spawned by the Bourbon's reformist objectives see: Brading *Church and State in Bourbon Mexico: the Diocese of Michoacán, 1749-1810* (Cambridge: Cambridge University Press, 1994); Nancy Farris *Crown and Clergy in Colonial Mexico, 1759-1821: the Crisis of Ecclesiastical Privilege* (London: Athlone Press, 1968); Pamela Voekel *Alone Before God: the Religious Origins of Modernity in Mexico* (Durham: Duke University Press, 2002); Mark Burkholder *Politics of a Colonial Career: José Baquíjano and the Audiencia of Lima* (Wilmington: Scholarly Resources, 1990); Jacques Barbier *Reform and Politics in Bourbon Chile, 1755-1796* (Ottawa, Canada : University of Ottawa Press, 1980); Kenneth Andrien, *The Kingdom of Quito*; Linda Curcio-Nagy *The Great Festivals of Colonial Mexico City* (Albuquerque : University of New Mexico Press, 2004); Juan Pedro Vigueira *Propriety and Permissiveness in Bourbon Mexico* (Wilmington: Scholarly Resources, 1999); Silvia Arrom *Containing the Poor*.

²¹ Michael Scardaville, "Justice by Paperwork: A Day in Life of a Courts Scribe in Bourbon Mexico City" 2003: 980-81.

religious altars and display religious figures inside of the workshops. A better understanding of the colonial state also waits in records of the daily operation of correctional institutions, in ordinances and petitions, and in official correspondence that praised redemptive power of labor.

Beginning in the early 1970s, historiography of American and European carceral institutions has undergone a major reorientation. No longer satisfied with the value-laden reformist narratives of their predecessors, who attributed the emergence of prisons as an alternative to capital punishment to the forward looking, enlightened reforms of the nineteenth-century penologists, historians began to consider social, political and cultural contexts behind the development of European penitentiaries in the late eighteenth and early nineteenth century. Revisionist historians stressed the repressive functions of modern penitentiaries and asylums as tools of the ruling classes and saw the increasing social control and policing as the motives behind penal reforms and the founding of European prisons.²² For others, modern prisons emerged as a result of "a paradoxical combination of severity and gentleness, rigid autocracy and dispassionate altruism" among the nineteenth-century reformers.²³ But nothing has grabbed the attention of

²² Sidney Webb, Beatrice Webb, and Bernard Shaw. *English Prisons Under Local Government*. London: Longmans, Green, 1922; Morgan, Rod "Divine Philanthropy: John Howard Reconsidered." *History* 62, 1977, 388-392; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978); Georg, Rusche and Otto Kirchheimer. *Punishment and Social Structure* (New York: Russell & Russell, 1968); Joanna Innes and John Styles The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England *The Journal of British Studies* Vol. 25, No. 4, Re-Viewing the Eighteenth Century (Oct., 1986), 380-435; Robin Evans, *Fabrication of Virtue*; Rusche, Georg, and Otto Kirchheimer. *Punishment and Social Structure* (New York: Russell & Russell, 1968); George Fisher "The Birth of the Prison Retold." *The Yale Law Journal*, Vol. 104, No. 6 (Apr., 1995), pp. 1235-1324.

²³ Evans, *Fabrication of Virtue*, 92.

scholars more than trying to trace back the exact moment of the birth of the modern prison.

In his suggestively titled *Discipline and Punish: The Birth of the Prison*, Michel Foucault suggested that a neat transition in European penal systems took place around 1800, when a new mode of state repression, imprisonment, displaced capital and physical punishment as penal options in the state's battle against deviant social behavior.²⁴ The first half of the nineteenth century also was witness to rise of penitentiaries, asylums and poorhouses in America. In his pioneering study of the origins and development of America's first penitentiaries and asylums, David Rothman argued that the practice of institutionalization of social outcasts and criminals as a solution to crime, poverty, delinquency, and insanity was recent historical development, dating to 1820s. The increasingly complex and chaotic social milieu of Jacksonian America stimulated the invention of incarcerating institutions for the sole purpose of control, care and treatment of undesirable and deviant groups and stabilization of antebellum society.²⁵

The lack of precursors to the model modern prison of the nineteenth century and an emphasis on the period 1815-1845 as "the age of the triumphant prison" continued to dominate the European and American historical narratives on penitentiary institutions.²⁶

More recently, scholars have begun to challenge the prevailing chronology and show an

²⁴ Foucault, *Discipline and Punish*

²⁵ David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*. (Boston: Little, Brown and Company, 1971).

²⁶ Michelle Perrot, Michel Foucault, and Maurice Agulhon. *L'Impossible prison: recherches sur le système pénitentiaire au XIXe siècle* (Paris: Seuil, 1980); Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978); DeLacy, Margaret. *Prison Reform in Lancashire, 1700-1850: A Study in Local Administration* (Manchester: Manchester University Press, 1986); Roth, Mitchel P. *Prisons and Prison Systems: A Global Encyclopedia* (Westport, Conn: Greenwood Press, 2006).

awareness that the transition from physical punishment to penal confinement was not new, rapid and neat, but rather a culmination of processes initiated centuries earlier. According to Peter Spierenburg, the transition to a modern style of confinement did not come about suddenly, but, rather, was one of many “phases in a series of long-term developments.”²⁷ In *The Prison Experience*, Spierenburg notes that “the spectacle of the scaffold underwent several crucial changes since the early seventeenth century, and confinement played an important role in the penal system and among methods of repression and discipline generally since the late sixteenth century.”²⁸ Thus, imprisonment was not a novel invention of the nineteenth century reformers, which came about suddenly. It was a definite feature of early modern European societies, and it often coexisted with other forms of penal systems.

This study demonstrates that a similar developmental trajectory was also true for the colonial world of Spanish America. The model, Foucaultian type prisons began emerging in Latin America with the enlightened Bourbon reforms at the end of the eighteenth century. But, early experiments with confinement and incarceration have been a feature of the Quiteño colonial society since the arrival of the Spanish in the region. Colonial penal bondage had co-existed with other (corporal) forms of penal sanctions on the American continent as much as it did on European soil. What made it distinct from its early modern European counterparts was that the Spanish colonial project in the Americas was intricately tied with ideological mission to civilize and improve populations deemed racially, and thus morally and culturally inferior. As an identity marker, race or caste signaled inherent moral and cultural inferiority of all non-Spanish

²⁷ Spierenburg, *The Prison Experience*, 4.

²⁸ *Ibid.*, 3.

populations, but those who committed crimes were deemed especially inferior and in need of reform. “Prisons by any other name” and the disciplining and labor regimes employed inside of them would engender the convicts’ cultural and moral uplift and transformation. If the civilizing project of the colonial state needed participants (albeit unwilling), it has found them in Quito’s enslaved petty thieves, Indian witches and sorcerers, and village murderers.

Delinquent and criminal plebeians found themselves imprisoned and subject to a disciplining regime in bakeries, textile and tobacco factories, hospitals, and poorhouses.²⁹ Bakeries in particular provide an opportunity to untangle colonial understandings of slavery and freedom. Historians have noted that the inhabitants of cities like Lima and Rio de Janeiro regarded the practice of punishing disobedient slaves by sending them to work in bakeries “as more severe than those inflicted on the galley,” but we still know little about the reasons behind such punishment, or the meanings associated with bakery labor.³⁰ The picture becomes even more complicated if we consider that delinquent slave minors labored in Lima’s bakeries alongside free, enslaved, and incarcerated adults.³¹ What kind of rehabilitation and discipline occurred when youths and adults, slaves and free people, criminals and innocents worked together in these conditions? How did the

²⁹ Milton, *The Meanings of Poverty*; Cahill, “Financing Health Care.”

³⁰ Frederick Bowser, *The African Slave in Colonial Peru 1524-1650* (Stanford: Stanford University Press, 1974); Mary Karasch, *Slave Life in Rio De Janeiro, 1808-1850*; and “Suppliers, Sellers, Servants, and Slaves.” In *Cities and Society in Colonial Latin America*, edited by Hoberman, Schell Louisa and Susan Migden Socolow (Albuquerque: University of New Mexico Press, 1986); Jane E. Mangan, *Trading Roles: Gender, Ethnicity, and the Urban Economy in Colonial Potosi* (Durham: Duke University Press, 2005) points out that slave owners chose bakeries as punishment for their slaves because “they were primarily interested in having bakery owners ‘rehabilitate’ their slaves.” If her next sentence is any indication of how that rehabilitation proceeded, it is not very satisfactory: “As if grueling work in the hot and smoky atmosphere was not punishment enough, most slaves, whether male or female, were shackled while inside.” 98.

³¹ Premo, “Minor Offenses,” 121.

penal and juridical status of the inmates shape their social identities and hierarchies in/outside of the walls of these penal spaces? Samuel Kagan suggests that, while slaves and prisoners shared a common life within the bakeries and workshops that employed them, “the two groups were sometimes recognized as simply slaves by the free workers who worked with them.”³² Indeed, prisoners in the *obrajes* of New Spain were considered less trustworthy than slaves; most wore chains and performed the most demanding, unskilled work.³³

Similarly, the scholarship on *obrajes* (textile factories or workshops), while recognizing these institutions as instruments of state discipline, often portrays them as sites of economic production with racially and ethnically diverse workforce employed under various terms and with different degrees of willingness.³⁴ Claims that labor itself was “not a punishment, especially not to those accustomed to manual work,” and “could not teach criminals a lesson or convince others to avoid crime” overlook the punitive and disciplining potential of *obrajes*.³⁵ The evidence of factory chapels and priests assigned

³² Kagan, “Penal Servitude,” 24.

³³ *Ibid.*, 24.

³⁴ Richard Salvucci, *Textiles and Capitalism in Mexico: an Economic History of the Obrajes, 1539-1840* (Princeton: Princeton University Press, 1987); Minchom, *The People of Quito*; Frank T. Proctor, “Afro-Mexican Slave Labor in the Obrajes de Paños of New Spain, Seventeenth and Eighteenth Centuries,” *The Americas* 2003 60(1): 33-58; Christiana Borchart de Moreno, “Beyond the Obraje: Handicraft Production in Quito Toward the End of the Colonial Period,” *The Americas* 1995 52(1): 1-24; Javier Ortiz de la Tabla Ducasse, “Obrajes y Obrajeros del Quito Colonial” *Anuario de Estudios Americanos* [Spain] 1982 39: 341-365; ‘Las Ordenanzas de Obrajes de Matías de Peralta para la Audiencia de Quito, 1621 (Régimen Laboral de los Centros textiles Coloniales Ecuatorianos)” *Anuario de Estudios Americanos* [Spain] 1976 33: 875-931; John C. Super, “Querétaro Obrajes: Industry and Society in Provincial Mexico, 1600-1810” *Hispanic American Historical Review* 1976 56(2): 197-216; Richard E. Greenleaf, “The Obraje in the Late Mexican Colony” *The Americas* 1967 23(3): 227-250.

³⁵ Herzog, *Upholding Justice*, 36. For the Spanish preference for monetary compensation in place of capital punishment, see John L. Phelan *The Kingdom of Quito in the Seventeenth Century*, 201. For a detailed discussion of the practice of the government supplying penal labor to private and public enterprises see Samuel Kagan “Penal Servitude in New Spain: The Colonial Textile Industry.” PHD Diss., City University of New York, 1977.

to hear confessions, workers chanting prayers to the Virgin Mary, routine sentencing of most dangerous Indian criminals to *obraje* work points to textile factories as spaces of intense cultural, social, and ethical negotiation. This evidence demands further analytical investigation into the nature of colonial punishment, the cultural meanings associated with manual labor and confinement, and the rehabilitative and disciplining project that was colonialism.

By revealing the existence of disciplinary institutions with the recognizable features of modern spaces of discipline and punishment before the advent of the Enlightenment, this study challenges the longstanding scholarly emphasis on the 1800s as “the age of the triumphant prison” and on confinement’s sudden entrance into the lexicon of modern systems of repression, punishment and state discipline.³⁶ Imprisonment has been an evolving feature of Latin American penal systems since at least the turn of the seventeenth century. It is just simply that colonial penal bondage implied enclosure, isolation, discipline and subjection to forced labor in workhouses, factories, jails, and in penal colonies rather than penitentiaries.

Finally, the dissertation attempts to unsettle the prevailing focus and periodization of studies dealing with penal practices and systems in Latin America. Among scholars of Latin America, the period 1870-1930 has become a focus of inquiry centering on the examination of the emerging discourses about crime and punishment, innovations in crime control policies, and the development of penitentiaries, new penal codes, systems

³⁶ For the United States see: David Rothman, *The Discovery of the Asylum*. For England, see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon, 1978). Spierenburg rejects this thesis demonstrating that prisons and related penal institutions were present throughout the early modern period in the Dutch Republics and the German Empire. He notes long-term, multi-directional and slow transformations beginning as early as 1600 and continuing after 1840s, Spierenburg, *The Prison Experience*, 2.

of classifications, and the discipline of criminology.³⁷ Latin American criminality and criminal justice, rural banditry and sexually related offenses have been attracting solid

³⁷ For Peru and the Andean region: Carlos Aguirre, Charles Walker, and Carmen Vivanco. *Bandoleros, abigeos y montoneros: criminalidad y violencia en el Perú, siglos XVIII-XX* (Lima, Perú: Instituto de Apoyo Agrario, 1990); Carlos Aguirre, *The Criminals of Lima and Their Worlds: the Prison Experience, 1850-1935* (Duke University Press, 2005); Poole, Deborah (1990) "Ciencia, peligrosidad y represión en la criminología indigenista peruana" in Aguirre and Walker, eds., *Bandoleros, abigeos y montoneros*. For Argentina and Brazil: Blackwelder, Julia (1990) "Urbanization, Crime, and Policing: Buenos Aires, 1870-1914" in Johnson, ed. *The Problem of Order*; Blackwelder, Julia, "Changing Criminal Patterns in Buenos Aires, 1890-1914," *Journal of Latin American Studies* (November, 1982); Holloway, Thomas, *Policing Rio de Janeiro: Resistance and Repression in a 19th-Century City* (Stanford: Stanford University Press, 1993). Huggins, Martha K. *From Slavery to Vagrancy in Brazil: Crime and Social Control in the Third World* (New Brunswick: Rutgers University Press, 1985); Ruibal, Beatriz, *Ideología del control social: Buenos Aires, 1880-1920* (Buenos Aires: Centro Editor de América Latina, 1993); Salvatore, Ricardo, "Criminology, Prison Reform, and the Buenos Aires Working Class," *Journal of Interdisciplinary History* 23, 2, 1992; "Penitentiaries, Visions of Class, and Export Economies: Brazil and Argentina Compared" in Salvatore and Aguirre, eds., *The Birth of the Penitentiary*. Salvatore, Ricardo and Carlos Aguirre, eds., *The Birth of the Penitentiary in Latin America. Essays on Criminology, Prison Reform, and Social Control, 1830-1940* (Austin: University of Texas Press, 1996); Richard W. Slatta and Karla Robinson, "Continuities in Crime and Punishment: Buenos Aires, 1820-1850" in Johnson, ed., *The Problem of Order*; Johnson, Lyman L., ed. *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750-1940* (Albuquerque: University of New Mexico Press, 1990); Mark Szuchman, "Disorder and Social Control in Buenos Aires, 1810-1860," *Journal of Interdisciplinary History* 14, 1, 1984. For Mexico: Gabriel Haslip, *Crime and Punishment in Late Colonial Mexico City, 1692-1810* (New Mexico Press, 1999) ; Robert Buffington, "Revolutionary Reform: Capitalist Development, Prison Reform, and Executive Power in Mexico" in Salvatore and Aguirre, eds., *The Birth of the Penitentiary*; Lila Caimari, "Whose Prisoners are These?: Church, State and Patronatos and Rehabilitation of Female Criminals (Buenos Aires, 1890-1970)," *The Americas* (October, 1997); Pablo Piccato, "La experiencia penal en la ciudad de México: cambios y permanencias tras la revolución" in Carlos Illades, ed., *La experiencia institucional en la ciudad de México, 1821-1929* (Universidad Autónoma Metropolitana - El Colegio de Michoacán); Pablo Piccato *Criminal and Citizen in Modern Mexico* (University of Nebraska Press, 2000); "El Paso de Venus por el disco del Sol: Criminality and Alcoholism in the Late Porfiriato," *Mexican Studies/Estudios Mexicanos* 11, 2 (Summer) 1995; Nydia Cruz, "Los encierros de los ángeles: las prisiones pobladas en el siglo XIX" in Carlos Contreras, ed., *Espacio y perfiles: historia regional mexicana del siglo XIX*. (Puebla: Centro de Investigaciones Históricas y Sociales de la Universidad Autónoma de Puebla, 1989); Nydia, Cruz, "Reclusión, control social y ciencia penitenciaria en Puebla en el siglo XIX," *Siglo XIX: Revista de Historia* 12, 1992.

For perspectives on nineteenth century Ecuador: Ana María Goetschel, "El discurso sobre la delincuencia y la constitución del estado ecuatoriano en el siglo XIX (períodos Garciano y Liberal)." Master's Thesis, FLACSO, Quito, 1992; Eduardo Garcés Kingman, *La ciudad y los otros, Quito 1860-1940: higienismo, ornato y policía* (Quito: FLACSO Ecuador, 2006).

interest from historians in recent years as well.³⁸ Studies about crime and justice in the colonial period are increasing in numbers and quality, but they tend to concentrate on major late colonial cities in Mexico, Peru, and Argentina. Moreover, they exhibit a strong reliance on Western European paradigms, advancing the notion that the late eighteenth and early nineteenth centuries formed the crucial period in the rapid transformation of Latin America's systems of repression, punishment, and discipline. In addition, their modernization approach places the development of new penal practices and social control mechanisms in the social context of rapidly shifting patterns of urbanization, industrialization, commercialization, poverty, immigration, and ideologies of state and nation building.³⁹

³⁸ Important studies on prostitution as social and cultural deviance or as an alternative in struggle against poverty and dominance see: Donna Guy *Sex and Danger in Buenos Aires. Prostitution, Family, and Nation in Argentina* (Lincoln: University of Nebraska Press, 1991); Sandra Graham "Slavery's Impasse: Slave Prostitutes, Small-Time Mistresses, and the Brazilian Law of 1871," *Comparative Studies in Society and History* 33 (October, 1991); Robert Buffington, "Los Jotos: Contested Visions of Homosexuality in Modern Mexico" in Daniel Balderston and Donna J. Guy, eds., *Sex and Sexuality in Latin America*. (New York: New York University Press, 1997); William E. French, "Prostitutes and Guardian Angels: Women, Work, and Family in Porfirian Mexico," *Hispanic American Historical Review* 72, 4 (November, 1992); Sueann Caulfield, "Getting into Trouble: Dishonest Women, Modern Girls, and Women-Men in the Conceptual Language of Vida Policial, 1925-1927." *Signs* 19, 1993; Sueann Caulfield, *In Defense of Honor :Sexual Morality, Modernity, and Nation inEarlyTwentiethCentury Brazil* (Duke University Press, 2000). For rural banditry: Paul Vanderwood, *Disorder and Progress: Bandits, Police, and Mexican Development* (Wilmington: Scholarly Resources, 1992); Carlos Aguirre, Charles Walker, and Carmen Vivanco. *Bandoleros, abigeos y montoneros: criminalidad y violencia en el Perú, siglos XVIII-XX*. (Lima, Perú: Instituto de Apoyo Agrario, 1990); Carlos Aguirre, "Montoneros, bandoleros, malhechores: criminalidad y política en las primeras décadas republicanas" in Aguirre and Walker, eds. *Bandoleros, abigeos y montoneros*; Lewis Taylor, *Bandits and Politics in Peru: Landlord and Peasant Violence in Hualgayoc, 1900-1930* (Cambridge: Centre for Latin American Studies, 1986); Richard W. Slatta, ed. *Bandidos: The Varieties of Latin American Banditry* (New York: Greenwood Press, 1987); Slatta, Richard "Rural Criminality and Social Control in Nineteenth-Century Buenos Aires Province," *Hispanic American Historical Review* 60, 3, 1980.

³⁹ In most of the Spanish colonies, the Enlightenment-era experiment in social re-education took the form of creation of poorhouses and orphanages, construction and repair of city jails, placing of wayward women in separate facilities or in private homes to serve as maids to "respectable" families, and assigning the clean up of rubbish filled city streets and canals to male criminals. Other criminals were sent to public works, factories, mines, or military service. A notable

As a result, we know little about colonial “prisons by other names” as their internal workings remain largely unexplored.⁴⁰ Similarly, we know little about the experience of the inmates, guards and prison wardens, and even less about how penal bondage was viewed by the contemporaries. Despite a vast historiography on individual types of colonial institutions and on criminality and crime, we still do not fully

exception is Silvia Arrom’s *Containing the Poor*, which not only questions the periodization of the development of social control mechanisms and institutions with the age of Enlightenment in Mexico, but also challenges the emphasis on the secularity behind the Bourbon’s enlightened reforms. Her work, however, stresses the exceptional nature of the Mexican case. For Mexico, see William Taylor *Drinking, Homicide and Rebellion in Colonial Mexican Villages*; Steve Stern *The Secret History of Gender*; Michael Scardavile, “(Hapsburg) Law and (Bourbon) Order”; Gabriel Haslip-Riviera, *Crime and Punishment in late Colonial Mexico City, 1692-1810*; Colin MacLahalan, *Criminal Justice in Eighteenth Century Mexico: a Study of the Tribunal of Acordada*; Piccato, Pablo, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham: Duke University Press, 2001); Richard Boyer *Lives of the Bigamists: Marriage, Family and Community in Colonial Mexico* (Albuquerque: University of New Mexico Press, 1995). For Argentina see Susan Socolow, “Women and Crime”; Lyman L. Johnson, ed., *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750-1940* (Albuquerque: University of New Mexico Press, 1990); Donna Guy, *Sex and Danger in Buenos Aires: Prostitution, Family and Nation in Argentina* (Lincoln: University of Nebraska Press, 1991). For Peru see Ward Stavig, *The World of Túpac Amaru: Conflict, Community, and Identity in Colonial Peru* (Lincoln: University of Nebraska Press, 1999); Carlos Aguirre and Charles Walker, *Bandoleros, abigeos y monteneros: criminalidad y violencia en el Perú, siglos XVIII-XX* (Lima: Instituto de Apoyo Agrario, 1990); Carlos Aguirre, *The Criminals of Lima and Their Worlds: the Prison Experience, 1850-1935* (Durham: Duke University Press, 2005); Christine Hunefeldt, *Paying the Price of Freedom: Family and Labor among Lima’s Slaves, 1800-1854* (Los Angeles: University of California Press, 1994). There are also several edited volumes on criminality and punishment in the region, but they too are exemplary of the trends: Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph, *Crime and Punishment in Latin America: Law and Society since Late Colonial Time*. (Durham: Duke University Press, 2001); Carlos A. Aguirre and Robert Buffington, eds., *Reconstructing Criminality in Latin America* (Wilmington: Scholarly Resources, 2000). Del Olmo, Rosa (1981) *América Latina y su criminología*. Mexico City: Siglo XXI Editores; For Ecuador, see Cynthia Milton, *The Many Meanings of Poverty*. Milton underscores the lacuna of scholarship for ostensibly less important Spanish colonial centers, like Quito and notes that a quantitative analysis of criminal records for Quito is yet to be done.

⁴⁰ Studies of colonial prisons or prisoners are still few in number: Valeria Sánchez Michel, *Usos y funcionamiento de la cárcel novohispana : el caso de la Real Cárcel de Corte a finales del siglo XVIII* (El Colegio de Mexico, 2008); Irene Silverblatt tackles some of the processes inherent to colonial prisons (torture) in *Modern Inquisitions* (Duke University Press, 2004).

⁴⁶ Minchom, *The People of Quito, 1690-1810: Change and Unrest in the Underclass* (Boulder: Westview Press, 1994): 37-42. The Corregimiento of Quito, an administrative unit, comprised of the city proper with about 30 rural villages within the five leagues radius of the city.

understand the meanings of colonial confinement, the uses of non-traditional spaces as correctional and rehabilitative sites, and the results of the co-mingling of private and state sanctioned incarcerators with their voluntary and involuntary inmates. In this study, I intend to partially remedy these particular lacunae.

The Setting

Colonial Quito and its surrounding five leagues (28km/17 miles), a jurisdiction known as *corregimiento* serve as ideal setting for the investigation into colonial penal practices.⁴¹ This region was not only a site of Spanish colonial high court (Audiencia de Quito, established in 1563), but also a thriving economic and cultural center with numerous textile and tobacco factories, convents and monasteries, as well as an ethnically and racially diverse urban population.

The urban area of Quito was set up in the typical Spanish style, around the central plaza, which housed the Cathedral, the bishop's residence, the city hall, the Audiencia Palace, and the courthouse jail. Surrounding the plaza were churches, convents, and *beaterios* (lay spiritual houses) for the voluntary seclusion of women, as well as colleges and a university for the education of young men. The hospital of San Juan de Dios cared for the sick. Within a few blocks of the center, the bustling market in front of the immense church of San Francisco became the locus of commercial and social activity, a place where the inhabitants of the adjacent neighborhoods could observe and mingle with a wide spectrum of quiteño society, from distinguished Spanish *vecinos* (citizens) to thieves, vagrants, and slaves.⁴² Thus, Quito was neither the nexus of colonial power (like Lima and Mexico City), where the proximity to the royal power (the Viceroy) could lead

⁴² Milton, *The Many Meanings of Poverty*, 48-52.

to many institutional exaggerations or innovations nor a colonial backwater, forgotten by the administrators and existing in its own peculiar time and space. Instead, Quito was an average colonial city, much like the rest of Latin American cities, removed from the spotlight of the capitals, but visible and dynamic enough to be noticed by contemporaries.

Because it is my contention that transformations in colonial penal practices occurred earlier than most historians suggest, I will examine changing patterns of punishment throughout the seventeenth and eighteenth centuries (from about 1563 and the establishment of Quito's high court to end of the Spanish monarchy in 1810 and the beginning of the independence movements). Traditional Ecuadorian historiography presents the seventeenth century as the *edad de oro*, the Golden Age, a time of population growth and a prosperous economy based on agricultural and textile production.⁴³

Relatively untouched by the human and material devastation of conquest, the Kingdom of Quito experienced an unprecedented population growth and a subsequent appearance of highly demandable resource: labor.⁴⁴ With plenty of fertile Andean land and an equally abundant labor supply, the Spanish wasted no time in developing agricultural and textile economies. Modestly sized hacienda-*obrajes* (textile workshops and factories) supplied local markets with agricultural and textile products by using migrant labor. The larger-

⁴³ Juan de Velasco, *Historia del Reino de Quito en la América meridional* (Quito: Casa de la Cultura Ecuatoriana/Benjamín Carrión, 1994).

⁴⁴ Several historians attribute the region's population growth to natural recovery—see Suzane Alchon *Native Society and Diseases in Colonial Ecuador* (Cambridge, 1991); Linda Newson *Life and Death in Early Colonial Ecuador* (Norman, University of Oklahoma Press, 1995). Research that is more recent suggests that the increase in Indian population was not so much a result of natural recovery, but rather inefficient colonial record keeping which failed to account for constant population shifts, as Indian workers migrated from rural areas to Spanish urban centers and haciendas. See Karen Powers, Karen Vieira, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito* (Albuquerque: University of New Mexico Press, 1995). For Andean migration strategies see Ann Zulawski, *They Eat from Their Labor: Work and Social Change in Colonial Bolivia* (Pittsburgh: University of Pittsburgh Press, 1995) and Ann Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720* (Durham: Duke University Press, 1990).

scale textile workshops relied on Indian draft labor (*mita*) to satisfy cloth and wool demands of domestic markets. While the Audiencia's textile production could not rival the splendor produced by silver mining in Mexico and Peru, it did make the region into "a commercial and economic hub of activity."⁴⁵

The region's relative economic prosperity thus allows for an investigation into colonial penal practices in a period of relative social stability, when crime was less likely to be a response to marginality and poverty, and sentences to forced labor less likely a result of labor shortages and empty royal treasuries.

From about 1680 to 1810, when the Spanish Bourbon monarchy effectively lost control of its American colonies, the Kingdom of Quito underwent a series of dramatic social, economic, and political transformations. The earlier economic prosperity under the Hapsburg dynasty declined in the last decade of the seventeenth century, resulting in years of economic and demographic turmoil in the Audiencia.⁴⁶ Among the urban and

⁴⁵ Milton, *The Many Meanings of Poverty*, 59.

⁴⁶ The jury is still out on the political, social, and economic crisis in Spain and its colonies during the seventeenth century. For the proponents of the economic and demographic decline and general malaise in the seventeenth century see Woodrow Borah, "New Spain's Century of Depression" *Ibero-Americana*, 35 (1951); Francois Chevalier, *Land and Society in Colonial Mexico: The Great Hacienda* (University of California Press, 1963). For revisions of the depression thesis and arguments that suggest that the Spanish decline led to greater self-sufficiency in the colonies, growth of local producers and moderate outputs in silver and shipbuilding see: John K. Lynch, *Spain Under the Hapsburgs* (Oxford University Press, 1969); P.J. Bakewell, *Silver Mining and Society in Colonial Mexico, Zacatecas, 1546-1700* (Cambridge: Cambridge University Press, 1971); Louisa Shell Hoberman, *Mexico's Merchant Elite, 1590-1660: Silver, State and Society* (Durham: Duke University Press, 1991). For a more recent revisionist scholarship that moves away from the extreme dichotomies of depression-prosperity and focuses instead on the seventeenth century as a period of economic and social transformations in the Spanish America see: Kenneth Andrien, *Crisis and Decline: the Viceroyalty of Peru in Seventeenth Century*. Albuquerque: University of New Mexico Press, 1985) and *Kingdom of Quito, 1690-1830*. Cambridge: Cambridge University Press, 1995). Andrien emphasizes the development of diverse and stable regional economies, and in the case of Kingdom of Quito, an economic transition from the declining textile production in the northern highlands to diverse agricultural, commercial, and manufacturing enterprises in the southern and coastal areas of Cuneca and Guayaquil, and increasing trend toward greater political and fiscal

rural populations, poverty, indebtedness, crime, and general social malaise increased as the colony welcomed a new monarch and its enlightened reformist impulses. However, the reforms the Bourbon monarchy, introduced to bring greater public order, only furthered the discontent among the urban masses, eventually propelling the Kingdom into independence from Spain.⁴⁷

The spread of poverty, social upheaval, the atmosphere of reform and the Bourbon's administrative zeal worked together to stimulate local and imperial authorities to re-examine the meaning of crime and punishment during the late eighteenth century. At the same time, the quickening of the rehabilitative and "corrective" project of the colonial state began generating a plethora of institutional and legal records. While these trends began a century earlier, royal and ecclesiastical officials stepped up their official visits to *obrajes*, tobacco factories, and spiritual and welfare houses to investigate abuses and misconduct. The pre-Bourbon 1661 and 1694 investigations of the communal textile mills uncovered a stunning array of abuses and inefficiencies, prompting the court attorneys to decry the "tyranny" of administration, the excessive administrative costs, and most importantly the suffering of the indigenous people working in the mills.⁴⁸ Nearly a century later, in 1775 and again in 1777, the investigators, again, faced "a shocking array

autonomy. For the cycles of prosperity and depression and constant economic and political adjustments among the elites and non-elites in the seventeenth century see William Taylor, *Lord and Peasant in Colonial Oaxaca* (Stanford: Stanford University Press, 1972); Steve J. Stern *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*; Karen Spalding *Huarochiri*; Louisa Shell, *Hoberman Mexico's Merchant Elite*; Nicholas Cushner, *Lords of the Land: Sugar, Wine and Jesuit Estates of Colonial Peru, 1600-1767* (Albany: SUNY Press, 1960).

⁴⁷ Minchom, *The People of Quito*; Andrien, *Crisis and Decline*; Phelan, *The Kingdom of Quito*.

⁴⁸ ANHQ, *Obrajes*, Caja 4, exp. 4 *Visita hecha por el Señor Doctor Don Luis Joseph Merlo del obraje de San Ildefonso de General Don Antoño Lopez de Galaza, 1661*. Andrien discusses the 1694 inspection in *Kingdom of Quito*, 24.

of abuses designed to lower costs.”⁴⁹ *Fiscal* (chief attorney of the High Court) Juan Josef de Villalengua learned of seven-day workdays with no time off for Sundays and holidays, women coerced to work four days a week for a small ration of barley, pay cuts as large as 50 percent, wages paid in cloth rather than cash, and overpriced and inadequately distributed foodstuffs. Frequent beatings, imprisonments of recalcitrant workers, child labor, dangerous working conditions, and long hours added to the already abysmal working conditions. In short, Quito’s *obrajes* appeared as “little more than large sweatshops, where men, women, and children worked for minimal wages in physically demanding jobs.”⁵⁰

But what of the prisoners and slaves who also endured these inhumane conditions? Was their predicament considered in the investigations? Fiscal Villalengua tried to ameliorate the grossest of abuses by raising wages and curbing excesses, but it remains unclear how he, or his predecessors, reconciled their “civilized and civilizing” standards and empathic (and quite modern) impulses with a workforce whose very existence was predicated on sanctioned exploitation (felons), bondage (slaves) and force (Indian *mitayos*). This dissertation illustrates that notions of the modern, civilized, rational and universal social and cultural order lay hidden in this colonial mélange of exclusionary practices as well as systematic bureaucratic rule, in the way cruel punishment and torture mixed with civilized and more humane modes of sanctioning deviant behavior, in the officials’ simultaneous arbitrariness and rationality in sentencing, and in labor practices in which the boundaries between coercion and freedom blurred together.

⁴⁹ Ibid, 63.

⁵⁰ Ibid, 63.

Methodology

Because of the Audiencia of Quito's political and economic importance, inhabitants of the region produced a rich body of documentation available to the historian. Spanish, mestizo, indigenous and African-descent prisoners left traces of their lives in the civil and criminal records, while royal and city officials meticulously documented their correspondence, ordinances and various inspections.

Criminal and civil cases housed in the Archivo Nacional del Ecuador are a natural starting point, as they contain information pertaining to types of offenses and their punishments. Statistical information presented in this study was based on data obtained from my analysis nearly 1500 judicial sentences (1-page pronouncements of the sentence which also contain the type of crime committed and the name/race/gender of the offender) from which I extracted the vital statistics of the criminals, types of offenses, and the types of sentences and the punishments inflicted on the guilty. Analyzing the types of sentences, their frequency over time, the types of crimes they involved, and the racial and social background of those sentenced enabled me to draw a quantitative portrait of crime and punishment, and to test my assertions about the coexistence of various modes of punishment and discipline and to show that colonial imprisonment existed in various forms and was definitely a feature of seventeenth- and eighteenth-century Audiencia de Quito. Following incarceration through time allowed me to trace its line of descent from custodial jails, convict transports, and obrajes to the modern prison-penitentiary.

Although colonial documentation in Ecuador has not suffered any more than other Latin American archives from years of institutional neglect and destruction, the surviving

court records are by no means complete or representative of the full range of legal action pursued by the colonial subjects.⁵¹ The documentary gaps pose problems for historical study and make too much reliance on quantitative analysis quite risky. To minimize the risks and fill the documentary gaps, I supplement my quantitative analysis with qualitative methods borrowed from literary criticism, art history, and anthropology. This becomes especially important because, in this dissertation, incarcerators and inmates, rather than statistical trends associated with disembodied institutions and ideas, are the main protagonists.

Indigenous-language or personal documents generated by inmates (letters, diaries, biographies) are extremely rare among the available colonial sources, but criminal and civil trials can be read in a way as to offer insight into the images and meanings of incarceration, punishment, and discipline in the colonial mind. The criminals, their practices, and voices are well represented in criminal proceedings. Paying careful attention to language and expressions used in trial testimonies or appeal petitions can reveal how criminals and those around them felt about their impending loss of freedom or life. Frequent references and comparisons to “enslavement,” and “slavery” in the petitions of those sentenced to *obraje* or tobacco factory, or petitions asking for a more appropriate locales of banishment, offer insights into the offenders’ notions of right and wrong, just and unjust punishment or the values they associated with incarceration. In addition, official visits to *obrajes*, tobacco factories, or prisons are not only a descriptive

⁵¹ Petty crimes often did not require legal proceedings and failed to produce written records. Likewise, feuding parties often settled their disputes through mediated verbal reconciliation and without the use of legal scribes, courts, and judges. There is no written record of their litigious activities. See Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), 9-10.

source for the reconstruction of these correctional spaces, but also contain inmate's testimonies of daily life behind bars, their treatment, and abuses of authority.

What is more, the voices and identities privileged in these legal documents are public, constructed, and uttered with specific purposes and audiences in mind. Often considered less authentic than the private voices of letters and diaries, they nevertheless “constitute the dialogue that subjects carry out with authorities and power in society and thus form an integral part of social and political life in a community.”⁵² As such, the sources used underscore the political engagement of inmates and prisoners with their incarcerators and reveal their attempts to define, mediate and refine the penal options available to judges, overseers, and other colonial superiors.⁵³

None of these sources, however, should be read uncritically.⁵⁴ Scholars have pointed to the mediated nature of the courtroom proceedings and the perils of relying on official, written documents to uncover illiterate or semi-literate participants' true sentiments, feelings, fears, and expectations. But, such questions about authenticity and access to *true* unmediated voices are no less valid for elite, literate sources than they are for the illiterate inmates of *obrajes* or jails. Even if we question the authors' motives, and constantly ask ourselves if our distant informants can “truly” speak, utterances that reveal

⁵² Maria Elena Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre: Negotiating Freedom in Colonial Cuba, 1670-1780*. (Stanford: Stanford University Press, 2000), 24.

⁵³ On the political role of peasants and other subordinated groups see, Antonio Gramsci, *Selections From the Prison Notebooks of Antonio Gramsci*. (London: Lawrence & Wishart, 1971); Ranajit Guha, ed., *The Subaltern Studies Reader, 1986-1995* (Minneapolis: University of Minnesota Press, 1997); Florencia Mallon, *Peasant and Nation: the Making of Postcolonial Mexico and Peru* (Berkeley: University of California Press, 1995); Mark Thurner, *From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru*. (Durham, NC: Duke University Press, 1997).

⁵⁴ For an assumption of the authoritativeness of written, judicial documents, see Haslip-Viera, *Crime and Punishment*.

non-dominant points of view, values and attitudes can be found between the lines of judicial jargon, legal protocol and the accused parties' own linguistic machinations.⁵⁵

Internal correspondence, accounting books, petitions for founding and funding, lists of inmates, and accounts of royal and ecclesiastical visits to *obrajes*, and city jails promise to illuminate the inner workings of such institutions and their penal, disciplining, and corrective nature. The royal visits and ordinances contain rich descriptions of the daily operations and structure of these institutions and give us a glimpse into routine bureaucratic processes associated with processing of inmates and convicts. They also illustrate what went on in these carceral institutions, and allow us an insight into who the inmates were and what they experienced every day. Reading institutional records in conjunction with legal records will allow me to uncover to a degree not yet carried out, the inner and intimate lives of the inmates, the corrective practices of incarcerators, and the variety and complexity of accommodations and cooperation pursued by the inmates and their wardens behind the walls of the colonial "prisons by any other name."

In addition, the architectural reconstruction from official descriptions and plans was crucial in determining the larger preoccupations and contradictions of colonial justice. Spatial placing of cells, common areas, altars, windows, grilles, staircases,

⁵⁵ For the challenges on working with sources after the postmodern turn see see: Michel Foucault "What is an Author" in *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithaca, N.Y: Cornell University Press, 1980) and Gayatri Chakravorty Spivak, "Can the Subaltern Speak?" in *Marxism and the Interpretation of Culture*. Ed. Cary Nelson and Lawrence Grossberg. Urbana: U of Illinois P, 1988); Florencia Mallon, "The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History" *American Historical Review* (December 1994): 1491-1515. For specifically colonial sources see: Steve Stern *Peru's Indian Peoples*; Díaz, *The Virgin, the King and the Royal Slaves of El Cobre*; Ann Twinam, *Public Lives, Private Secrets : Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Calif. : Stanford University Press, 1999). *Public Lives Public Secrets*; Kris Lane *Quito 1599: City and Colony in Transition* (Albuquerque: University of New Mexico Press, 2002). William Taylor *Drinking, Homicide and Rebellion in Colonial Mexican Villages* (Stanford: Stanford University Press, 1979), 73-77.

kitchens, storage facilities, and entrances illustrated the institutions' position on the private/secluded or public/visible spectrum.⁵⁶ Scrutinizing inventories unveils the disciplining and punitive nature of the spaces. The analysis of material objects such as padlocks, chains, religious altars, or musical instruments, and an examination the types and frequency of images and colors used for internal decorations brings into sharper relief their uses as instruments of power, discipline, and punishment. The evidence from material culture, coupled with written documentation, promises to challenge our notions of Spanish colonialism as overwhelmingly cruel, brutal, exploitative on one hand, or bumbling, inefficient, and corrupt on the other.

Chapter 1 traces the evolution, beginning in the seventeenth century, of colonial forms of confinement, such as jails, in Audiencia de Quito from simple sites of custody to more sophisticated and increasingly modern spaces of exclusion, isolation and discipline. A focus on architecture and physical structures of those spaces illuminates their role in the processes of state formation. Chapter 2 reconstructs the experiences of the inhabitants of Quiteño jails. While prisoners formed the majority of the prison populations, guards and wardens were equally integral to the colonial prison experience. Daily interactions and negotiations between inmates and jail officials illustrate the complexities of colonial/modern experiences of confinement. Chapter 3 considers a singular act within colonial judicial proceedings—torture—as an example of one of the more brutal and violent forms of praxis of modernity and its political consequences in the emergent processes of state formation. Chapter 4 looks inside one specific “prison by other

⁵⁶ See Helen Hills, *Invisible City: The Architecture of Devotion in Seventeenth-Century Neapolitan Convents*. (Oxford: Oxford University Press, 2004); Helen Hills, ed., *Architecture and the Politics of Gender in Early Modern Europe* (Burlington: Ashgate, 2003); Roberta Gilchrist, *Gender and Material Culture: the Archeology of Religious Women* (London: Routledge Press, 1994).

name”—colonial obras in an attempt to illuminate their penal and disciplinary character. Chapter 5 considers the process of convict transportation as yet another form of penal bondage not normally associated with prison. Its central focus lies on bureaucratic processes associated with transportation, which were a result of Bourbon attempts to curb colonial fiscal and administrative excesses. It shows their unmistakably modern character. The epilogue summarizes the findings of the study, and briefly discusses the arrival of modern prison in Ecuador at the end of the nineteenth century. The Ecuadorian Panóptico, as it was called, was not an entirely new, more humane and modern penal regime that replaced its colonial predecessor. Rather, the Panóptico was colonialism’s offspring, equipped with social and racial inequalities, coercion and violence, dehumanization, administrative inadequacies and structural defects and challenges indispensable to the state in its mission toward modernity. It became a hybrid penal space suspended between a failure to disavow its colonial past and a failure to embrace a modern future.

Chapter One Colonial architecture of confinement

Capitan Don Fernando de Merizalde had to get out. Imprisoned in the royal court jail for debt to the royal treasury (Real Hacienda), he began to suffer from frequent headaches, fevers, body aches, and painful urination. He needed medical attention and was willing to post a hefty bond to secure his temporary release. His discomfort was made worse by the conditions of his lodgings. Despite being placed in one of the more decent cells (reserved for men of his statute and class) on the upper floor of the building, his immediate surroundings were deteriorating as rapidly as his health. The roof and the walls leaked when it rained, turning the cell into damp, humid and cold repositories of water. In one of his petitions, written on January 30, 1756, he informed the royal officials that he found not only the court jail, but also the public jail “so ruined that they only served to scare those who dared to look at them, as they had neither walls nor a roof.”¹

Then, on January 31, 1756, the walls and ceilings of the royal prison began to crumble. Quito suffered series of small earthquakes, and Don Merizalde watched pieces of adobe brick of his cell walls fall to the ground. “It was a miracle,” Don Merizalde wrote in another plea for release that the earthquake did not shatter what was left of the jail, already “so ruined and broken.” As the tremors continued to plague the city, Don Merizalde began to fear for his life. Surely the wind and the rain would destroy the building completely, making it collapse and bury all those enclosed within, he wrote in another petition. He feared that not only he, but also justice and piety would perish under the bricks of the unstable building. He directed his rage at the structures of the colonial

¹ AHNQ Prisiones, Caja 2 exp. 30-I 1756, f. 2v., “tan arruinadas ambas carceles que solo siven de susto a los que los miran no aviendo pared ni techo.”

justice system, noting “a prison was established not to serve as a torture and punishment where one paid his civil obligations with death, but rather as a place established for the custody (security) of a person.”²

Don Fernando wanted to fulfill his obligations to justice and resolve his debts, but the circumstances of his surroundings were making this nearly impossible. According to his petition, written on the day of his escape, the repeated earthquakes and the dangerous conditions within the prison left him with only one option –to leave the prison and return only and when the earthquakes had subsided and the structural damages had been repaired, making the prison safe again. That Saturday, January 31, 1756, a number of witnesses reported seeing Don Fernando walk downstairs from his cell and inform the warden that the “jail was falling down,” asking him to open the main gates. According to witnesses, the warden opened the door, and Don Fernando de Merizalde casually walked out onto the Quiteño streets.

Don Merizalde’s dramatic words were not merely the sort of rhetoric used to prod the authorities to allocate more funds for the necessary repairs—although they were also that. They reflected Quito’s material poverty, meaning the city’s lack of financial resources for necessary repairs and upkeep of its prisons, but also, more importantly, the functional and ideological poverty of the entire colonial justice system. In Don Merizalde’s eyes, colonial prisons failed to secure the prisoners and provide them with the nominal decency required to repay their debts to justice. More importantly, the jails were becoming a punishment of the highest order, a de facto site of capital punishment,

² AHNQ, Prisiones, Caja 2, exp. 30-I 1756, f. 2v, “no es dable que la prision establecida para la seguridad de la persona aya de servir de supicio donde las obligaciones siviles se ayan de pagar con la capital pena de muerte.”

rather than a fulfillment of their centuries- old function of a temporary custody of prisoners awaiting trial and sentencing.³

But, it was precisely the material failures and the inability of the jails to deliver what was expected of them (security, prevention, containment), which prompted their slow transformation into increasingly penal institutions (focused on punishment, isolation, discipline). The location of the jails within the royal and city buildings announced the arrival of state sanctioned isolation, creation of zones of exclusion, and the imposition of new meanings on the urban landscape of colonial Quito.⁴ The architecture of the jails would be granted power and become a medium transmitting the character of the prison to the public. With each repair, the cells became more hermetic within the jails, and the jails more hermetic within the larger world. The displays of state violence and physical pain would slowly shift from the public view into the enclosed space of the buildings in which the jails resided.

There is also no doubt that the buildings of the Audiencia and the town halls were heavily endowed with the symbolic meanings and ideas about urban spaces and civilization that the Spaniards carried with them across the Atlantic.⁵ Despite their

³ For the custodial nature of Spanish prisons see *Las Siete partidas, Recopilación e leyes de los Reynos de Indias*, Marcos Pérez, Regina María, and Tomás Cerdán de Tallada, *Un tratado de derecho penitenciario del siglo XVI: "La visita de la cárcel y de los presos"*, de Tomás Cerdán de Tallada. Madrid: UNED, 2005; Bernardino de Sandoval, *Tractado del cuydado que se deve tener de los presos pobres. En que se trata ser obra pía proveer a las necessidades que padescen en las carceles, y que en muchas maneras pueden ser ayudados de sus próximos, y de las personas que tienen obligación a favorecerlos, y de otras cosas importantes en este propósito* (Toledo [Spain]: Casa de Miguel Ferrer, 1952); Cristóbal de Chavez, *Relación de la cárcel de Sevilla* (Madrid: J. Esteban, 1983).

⁴ For studies of this nature see: Edward W. Soja, *Postmodern Geographies: The Reassertion of Space in Critical Social Theory* (London: Verso, 1989); D. Sibley, "Geographies of Exclusion: Society and Difference in the West" *Geoforum* 1998, vol 29 no. 2; Carolyn Strange and Alison Bashford. *Isolation: Places and Practices of Exclusion*. (London: Routledge, 2003).

⁵ Frazer, Valerie. *The Architecture of Conquest: Building in the Viceroyalty of Peru, 1535-1635* (Cambridge [England]: Cambridge University Press, 1990), 79.

ruinous state, in their internal splendor the buildings incarnated the presence of both God and the King, projecting their presence and omnipotence.⁶ But these were not the only messages that could be read off the architectural forms of the buildings. Because the royal and city buildings contained within them the royal court jail and the public jail, their dilapidated state also communicated symbolic meaning about the other, less elegant interiors. Custodial confinement inside the squalor and ugliness of the unremarkable and dilapidated prison structures could be read as de facto punishment and inspire within the population trepidation about crime.

Even if, as scholars suggest, colonial judges did not prescribe confinement as punishment directly, an “element of judicial savagery” and well calculated inflictions of bodily pain did take place inside of the prisons. The “machinery of suffering” was well recognized and maintained within the prisons, and as Robin Evans suggest “it was suffering of an odd sort, indirectly applied, unregistered, not quite within the purview of justice, a condition rather than an event.”⁷ It is true that the colonial jails were not the modern panopticons we have come to associate with the results of the nineteenth-century Western European reformist and civilizing impulses. But, just as Western Europe began to move its punishment and suffering indoors in the seventeenth century, into the rationally organized spaces of modern prisons, modeled on discipline, work and solitary confinement, so did the colonial officials of the Audiencia of Quito. Those attempts were not uniform or frequent, but they were there. Colonial public violence of floggings, hangings and executions could co-exist with the more insidious, modern forms of

⁶ Herzog, *Upholding Justice*, 180

⁷ Evans, *The Fabrication of Virtue*, 21.

punishment (as incarceration) hidden behind the muddy courtyards, crumbling walls, and rickety doors of the Quiteño jails.

This chapter considers the solid foundations and the crumbling structures of the quiteño jails, and their dis/interested agents (both royal officials and the prisoners) as vital elements of a colonial state system, “a nexus of practice and institutional structure” immediately present, and coercive in nature. It pays particular attention to the process of state formation as it emerged through the flurry of never-ending repairs and reconstructions surrounding the actual building(s) of colonial justice. Finally, it blurs the developmental trajectory of modern forms of repression (imprisonment) by focusing on the tensions inherent in the colonial precursors to modern prisons. Over the course of late seventeenth and the eighteenth century, colonial jails, while originally intended for the simple custody of the criminals, were becoming increasingly focused on modern practices of exclusion, disciplining and regulating the colonial subjects into new, authorized “almost the same, but not quite “ version of themselves.⁸ Most importantly, examination of the colonial jails uncovers the seeds of future transformations in modes of state violence.

In order to demonstrate the correlations between the physical structures of the jails and life within them as well as the process of transformation (modernization) of colonial jails, it is first necessary to understand the place and function of the jail in the corpus of Spanish juridical and legal works that governed the Spanish colonies in the seventeenth and eighteenth century. When dealing with the questions of imprisonment, the colonial magistrates used as their guides the two most important bodies of Spanish legislative work: *Las Siete Partidas*, compiled in the thirteenth century under the rule of

⁸ Bhabha, “Of Mimicry” in *Tensions of Empire*, 152-159.

Alfonso X, and *Recopilación e leyes de los Reynos de Indias*, a body of legislation for the governance of the New World, began in 1560 and published in 1680. The *Siete Partidas* and the *Recopilación* remained influential sources of legislation concerning jails throughout the colonial period. Some scholars have concluded that the laws pertaining to imprisonment were transplanted in their entirety, with no modifications, and used equally, on both sides of the Atlantic.⁹ Their influence was exhaustive to the point where “neither the King nor the Council of the Indies had to legislate especially for the New World.”¹⁰ By examining the ideal as conceived by the legal authorities, and juxtaposing it against the actual sites of isolation and practices contained within them, let us trace the purpose and meaning of the colonial jails.

The medieval code of Alfonso X gave detailed description of the laws under which medieval prisons were to operate. While the *Siete Partidas* provided no punitive prisons, it is possible in these medieval codes to detect nascent elements of modern practices of exclusion and incarceration as punishment: categorization and segregation of persons according to their caste, class and gender, segregation practices of troubled populations, coerced confinement. Yet, the *Partidas* were clear about the definition of prisons: they were places of confinement, not punishment. They also recognized any form of physical suffering as punishment. The jails were to be used solely for the purpose of securing and custody of a person awaiting his or her trial. Imprisonment in irons or placement in jail, or in some other prison “should not be inflicted (...) as prison is not for the purpose of

⁹ Ibid.,

¹⁰ Alfonso García Gallo, "Génesis y desarrollo del derecho indiano" in Alfonso García-Gallo, *Recopilación de leyes de los Reynos de Indias, estudios historico-jurídicos* (México, Miguel Ángel Porrúa, 1987).

punishing offenses, but only to secure persons until they are tried.¹¹” In addition, the code limited the duration of criminal trials to two years. If, within the allotted time, the truth could not be ascertained, the accused would be discharged and removed from the prison.¹²

The code is not only explicit about the function of the jail, but also makes confinement contingent upon the quality and the class of the accused and distinguishes among several types of imprisonment allowed for each particular member of the Spanish, and later colonial, society. The laws reflected the construction of types of imprisonment *vis-à-vis* Spanish social hierarchies, and were predicated on the idea that prisons served in the protection of and protection from the criminal populations.

The *Partidas* makes several distinctions between various social groups of the Spanish medieval society, and accordingly assign them particular places within the prison. Men of “good position by reason of wealth or scientific knowledge” were placed away from other prisoners, in a secure place, under the guard of a person who could keep him there safely until justice is meted out.¹³ A man of “inferior class” faced confinement in “a jail or other prison, or subjected to such restraint that he will be well secured until he is tried.”¹⁴ The code also distinguished between the imprisonment of free and slave populations. The *Partidas* allowed only slaves to suffer imprisonment in jail or prison, as well as placement of irons on a slave’s limbs, and deemed such punishment unacceptable for a freeman. Interestingly enough, the particular law dealing with slave prisoners

¹¹ *Las Siete Partidas*, 7, 31, 4.

¹² *Las Siete Partidas*, 7, 29, 7.

¹³ *Las Siete Partidas*, 7, 29, 4.

¹⁴ *Las Siete Partidas*, 7, 29, 4.

conflated confinement in a jail with the penalty of wearing iron chains, making the actual prison a de facto space of punishment.¹⁵

Finally, concerning women, the *Partidas* were particularly clear on the hierarchy of exclusion. Women offenders were “not to be put in prison with men,” but taken to a convent and confined there, under the strict supervision of “good women” until their trial.¹⁶ Prevention of communication and mingling among the inmates, and as such, the preservation of the morale of the inmates, appear to have been the driving force behind the medieval code. Segregation (and isolation) of inmates as means to their moral reformation signaled a movement toward a new type of confinement.

The protective rationale behind incarceration is quite clear in the *Partidas*. The jail functioned not only as a general space of protective custody, protecting of the confined in order to administer justice, but also as a space providing protection of society from the confined and the delinquents from each other. Confined members of the upper strata of Spanish society enjoyed protection from their lower-class brethren, and from slave and women by being placed in separate and secure quarters, away from everyone else. Their safety, either moral or bodily, was to be watched over by guards. The slaves were not only separated from other prisoners spatially, but their custody also implied physical (bodily) confinement (irons), which the law perceived as a de facto punishment. Finally, women, like the slaves, were segregated spatially, in separate buildings in order to prevent future offenses, which could arise from women and men mingling in the same space. As such, the *Partidas* conceptualized and categorized the offenders as dangerous and vulnerable to larger community and to themselves. The tensions between protective

¹⁵ *Las Siete Partidas*, 7, 31, 4.

¹⁶ *Las Siete Partidas*, 7, 29, 5.

and punishing rationales and the multiple levels of exclusion based on class, caste and gender contained within the laws and codes would find articulation and elaboration in the New World, in the architecture and internal functioning of the colonial jails.¹⁷

The reconstruction of the quiteño jails must begin from more or less isolated fragments of documentation available in the modern archives. Little information exists on the early establishment or functioning of the jails, and most of it (for the purpose of this study) comes from the eighteenth century (1720s-1780). The early accounts of travelers and observers are generally silent in regards to detailed descriptions of the buildings. Their existence and presence is duly noted, as is, in rare occasions, their unfinished or ruinous state. Much more useful than travelers' silence is the official correspondence generated in response to frequent jail breaks, criminal cases against fugitives and complicit jail wardens, as well as prisoner's petitions for respite from the custody, such as Don Fernando's. While the prisoner's petitions provide impressionistic characterizations of carcereal spaces, the official record is a carefully gathered compilation of facts and itemization of objects and costs—piece by piece, room by room—that would serve as a blueprint for future improvements and maintenance of the buildings. Two sources in particular will serve as our blueprints in the reconstruction of Quito's royal court jail and tracing of its transformations: Autos pertenecientes a la reedificacion y fabrica de la Rl. Carcel de Corte, undertaken in 1733, and Autos Originales de la Visita General de la Real Audiencia, produced in 1778.¹⁸

¹⁷ For comparative perspective on Spanish jails see: Cristóbal de Chaves, *Relación de las Cosas de la Carzel de Sevilla y su trato*, 1585-97; Marie-Lucie Copete *Criminalidad y espacio carcelario en una carcel del antiguo regimen la Carcel Real de Sevilla a finales del siglo XVI*

¹⁸ AHNQ, Prisiones, Caja 1, exp. 29-VII-1732 and Fondo Especial, PQ, v. 115, 1778. Herzog notes that it is was not until the late 1720 that the authorities began systematically gathering information about escapes from jails which were seen as an result of inadequate and poor state of

Quito had two prisons, the public jail (cárcel pública), which fell under the jurisdiction of the town council (Cabildo) and the royal court jail (Cárcel Real de Corte), which belonged to the Audiencia. Both jails were situated around the main square of the city: the public jail in the houses of the city council, and the royal jail in the palace of the Audiencia. Thus, their beginnings are intimately connected with the history of Quito's early architecture and urban planning.

Only fourteen years after successful pacification of the fierce native general Rumiñahui and his indigenous troops, the Spanish were ready to take care of the business of justice in Quito, the region's administrative, economic and spiritual center. Juan Pablos, Quito's elected alderman, had a plan. On January 2, 1548 after nominating various city officials, distributing vacant plots to Quito's new residents, and verifying payments for public works, he informed his fellow councilmen at a meeting of the Cabildo that a building site, bordering on the houses of Don Diego Decampo and Francisco Galindo, would be more than suitable for the construction of a new home for the city council and a public jail. The alderman suggested the construction be undertaken "con toda brevedad" (as soon as possible) as the Cabildo meetings had been taking place in private residences of Quito's most illustrious residents. The city lacked the funds to undertake the necessary renovations and construction of the centrally located site, but as Pablos noted, the city did own a plot of land outside of the limits of the central square, originally designated for the construction of the town hall. Because the founding fathers deemed the location too distant and inconvenient,¹⁹ Pablos suggested that his councilmen begin necessary negotiations with the royal officials to sell the useless plot and use the

the jail structures, negligence of those in charge, and the audacity of the prisoners, in *Upholding Justice*, 193.

¹⁹ Archivo Municipal Quito (AMQ), Libro de Cabildo (LC), January 2, 1548.

money for the new buildings. The agreement among the councilmen was unanimous and on January 5, a public auction of royal parcel of land was approved, ordered, and publicly announced. The construction of the Cabildo house and the public jail on Quito's main square began shortly thereafter.²⁰ By December 1548, the jail sported iron bars in its windows and was secured with sixty keys and chains of various sizes.²¹

Lacking funds, however, the construction did not proceed very far. By 1570, the centrally located buildings were still missing a proper structure and were in bad shape. One anonymous traveler was brave enough to volunteer his opinion as to the reasons of the poor conditions and slow progress of the construction. "The buildings," he noted, "are located on the [central] plaza; are in poor shape as they were constructed at the beginning, when they just started populating the land, without the advantage (convenience) of having officials that there are today. There is sufficient land on which to build, but the funds are lacking."²² Despite the bleak outlook, we can detect certain optimism about the future of this particular building development. The anonymous observer equated progress with the presence of the agents of the colonial state.

Once the Audiencia (high court) of Quito had been established (1563), and the city became the region's administrative center, its administrators, judges, magistrates and other state agents would, undoubtedly, require more suitable and dignified quarters to perform their sacred tasks. Haphazard constructions would no longer suffice, since

²⁰ AMQ, LC, January 2 1548

²¹ AMQ, LC, December 31 1548

²² "Descripcion de la ciudad de San Francisco De Quito" (anonymous, 1570-1571) in Pilar Ponce, *Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1991, 209-210. Original reads: "Tienen poco edificio y malo,, porque se labraron al principio que se poblo la tierra donde no habia la comodidad de oficiales que hay hoy. Suelo hay en que se puede edificar, no se ha hecho, por los pocos propios que la ciudad tiene."

“dispensing of justice was a divine task, delegated by God to the King and by the King to his servants, the judges.”²³ Poor material structures would also disappear, as the arrival of the officials could not only indicate enhancements, but also effectiveness. The presence of the state’s sanctioned agents, the bureaucrats, implied the arrival of individuals possessing specialized knowledge and mandated power, which could be unleashed to effect change and get things done (or not, as will be shown later), such as the construction of necessary buildings, repairs, and public works.

The arrival of royal officials did bring significant changes and improvements to the Cabildo building and its jail. In 1610, with the permission decreed by the President and the judges of the Audiencia, the councilmen purchased a building adjacent to the jail for the sole purpose of widening and extending the jail itself. The councilmen were silent on the reasons behind their decision, but a cursory look at the number of sentences suggests a significant surge in individuals held in custody. The incompleteness of the existing documents makes a definitive statistical analysis virtually impossible, but in a fourteen-year period (1575-1589), the jails held approximately 160 individuals in custody, while between 1602-1609, over 100 inmates were noted. Even if the surge in felons was not the driving force, the councilmen unanimously agreed to renovate and improve the new and existing structures.²⁴

By 1664, the town hall was recognizable as such, with only minor repairs and upkeep of its external structures becoming necessary. With a sale of an adjacent and rarely used plot of land, the council created a fund to maintain and repair any future

²³ Herzog, *Upholding Justice*, 180.

²⁴ Herzog, *Upholding Justice*, 192.

damages.²⁵ By 1665, witnesses described the town hall as “a good building that had a large stone doorway with gilded ironwork and in the middle the Royal Arms sculpted out of stone, painted with blue and gold.”²⁶ On December 19, 1665 the members of the Cabildo agreed that “In the service of God, Our Lord and for the good of this Republic” it was “necessary to install a new velvet crimson canopy and a cushioned seat” for the use of the magistrates.²⁷ The building was deemed dignified, and its interior decency maintained with near constant improvements of decorations, which could demonstrate “the esteemed honor of such an illustrious congress.”²⁸

However, with the funds funneled to the preservations and beautification of the interiors, the external structures of the Cabildo, and its jail in particular, continued to deteriorate. The minutes of the Cabildo from 1731, 1733, 1736 suggest that the jail building continued to suffer from poor construction and materials and was in constant state of disrepair, necessitating Quito’s Cabildo to devote more funds for its repair from city taxes and incomes.²⁹

The seat of the Audiencia of Quito (High Court) and its jail, like the Cabildo, also had its beginnings in the private house inconveniently located off the central plaza. Its location was deemed undignified and in 1612, the court moved to a dilapidated house located on the main square. The exteriors of the new locale, again, failed to satisfy the

²⁵ AMQ, LC, March 15, 1664

²⁶ D. Rodriguez Docampo “Descripción y relación del estado eclesiastico del obispado de San Francisco de Quito.[1665] in Ponce, Pilar. *Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1992, v. 2 212-213.

²⁷ AMQ, LC, December 19, 1665

²⁸ AMQ, LC, 24 May 1748

²⁹ AMQ, LC, January 1 1731-1733, 1736

requirements of decency and due reverence. But what was missing in the facades was made up for with the location and the interiors.



Figure 1. 1734 Map of the City of Quito.³⁰

³⁰ AGI (Archivo General de Indias), ES.41091.AGI/1.16418.20/MP-PANAMA,134

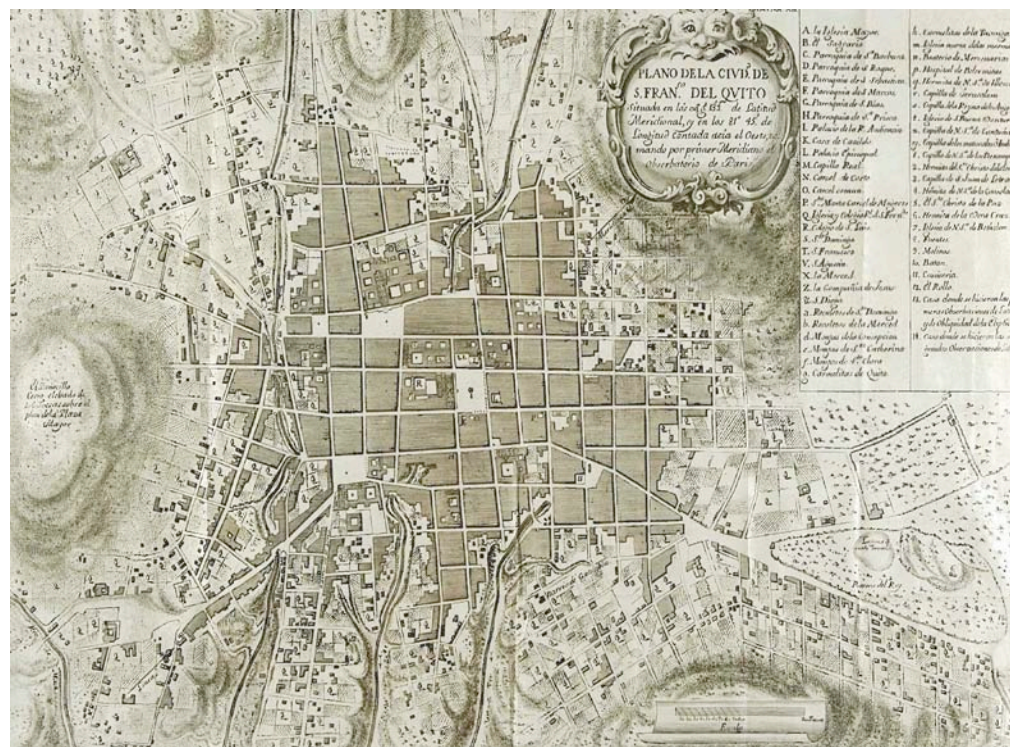


Figure 2. City of Quito, 1743. The map is oriented to the west.³¹

Both the 1734 and 1743 maps of Quito (Figure 1 and 2) illustrate the symbolic importance of the central plaza. The high court occupied the western edge of the main square, flanked on the south by the Cathedral and faced, on the eastern edge, by the Cabildo residences. The distribution of space on the main square reproduced and confirmed Spanish ideas about the natural order of things. God, the King and his servants were all present and contained within this singular, centrally located urban space, overseeing and presiding over the rest of the city. The checkerboard grid that skillfully cut through the natural features of the mountainous terrain also confirmed and reproduced the desired social order and hierarchy. Radiating from the center, the living spaces were

³¹ “Plano de la ciudad del San Francisco del Quito” in Antonio de Ulloa, Jorge Juan, and Garcilaso de la Vega. *Relacion historica del viaje a la America Meridional hecho de orden de S. Mag. para medir algunos grados de meridiano terrestre, y venir por ellos en conocimiento de la verdadera figura, y magnitud de la tierra, con otras varias observaciones astronomicas, y phisicas* (Madrid: Por A. Marin, 1748), Libro V, Capitulo IV, 362-363.

assigned to citizens according to their social standing.³² The most illustrious members of Quiteño society congregated closest to the central plaza, while the outlying neighborhoods attracted more middling, popular and ethnically diverse populations.³³

While the structure of the Audiencia palace was deemed modest and lacking the grandeur of viceregal capitals of Lima or Mexico, it made up for its apparent deficiencies in the internal decorations. According to observers, they were rich and sophisticated. The main chamber of the High Court (Sala de la Real Audiencia) located on the second floor of the Palace, and thus away from the publicly accessible and functional first floor (which housed offices of court notaries, treasury), was about thirty meters wide by ten meters long and divided unequally by a tall wooden grille with two doors. The larger section was reserved for the judges, notaries and court clerks—the residence of authority and justice.

Wooden furniture dominated the room, with large tables resting on elevated platforms according the importance of the office (judges' table elevated five steps, two steps for lawyers, one step for prosecutors, flowed by court recorders and notaries, and finally, farthest from the main table, court clerks). Seven portraits of Spanish kings and numerous paintings of the saints, the Virgin Mary, and a crucifixion scene, all in silver frames, covered the walls. Woolen carpets and rugs covered the tiled floors, while expensive silks, wall coverings, mirrors, crystal glasses, draperies, bells, curtains

³²Angel Rama and John Charles Chasteen. *The Lettered City* (Durham, NC: Duke University Press, 1996), 4-5. On the importance of corners, central plazas see Helen Hills, *Invisible City: The Architecture of Devotion in Seventeenth-Century Neapolitan Convent; Architecture and the Politics of Gender in Early Modern Europe*; Cities and Virgins: Female Aristocratic Convents in Early Modern Naples and Palermo *Oxford Art Journal*, (Vol. 22, No. 1)(1999), pp. 31-54.

³³ On the ethnic and class breakdown of the neighborhoods see Minchom, *The People of Quito*. For the ideological and symbolic meanings behind Spanish New world architecture see Valerie Fraser, *The Architecture of Conquest: Building in the Viceroyalty of Peru, 1535-1635* (Cambridge [England]: Cambridge University Press, 1990).

populated the rest of the chamber of the Audiencia Palace.³⁴ The rooms were rich with deep, imposing crimson, gold and blue colors reflecting the spiritual and material richness of the Spanish monarchy. The glory of justice was produced and maintained within the Sala, and witnesses marveled at its decency, splendor and majesty.³⁵

And yet the Audiencia building, like the town hall, seemed to fail to reach its apotheosis. Testimonies confirm that it remained in disrepair and underwent nearly constant renovations throughout the eighteenth century. A witness noted the court jail to be in bad shape and of poor construction.³⁶ But then again, it was not the functionality or the external walls of the buildings that mattered to the judges, magistrates and contemporary observers in maintaining and upholding colonial justice, at least according to one perspective of colonial history.³⁷

Tamar Herzog points out that the buildings of the justice administration were inherently endowed with highly charged symbolic meanings. They were spaces where the divine task of dispensing justice was delegated from God to the King, and from him, to his servants, the judges. God and the King inhabited the sacred space inside of the halls of justice and as such necessitated uttermost dignity and decorum within the walls of the buildings and not necessarily outside of them. Rich tapestries and paintings could adorn the walls of the Audiencia Palace, even when the walls themselves were rapidly deteriorating. A colonial, “sacred environment could be produced even within a ruined

³⁴ AHNQ, Gobierno, Caja 11 exp. 4 May 1722.

³⁵ “Como era la sala de la Real Audiencia de Quito” in *Revista del Museo Historico* (1945-1946), 72-74 and Enriquez, *Quito a traves de los siglos*, 105-25

³⁶ “Descripcion de la ciudad de SF Quito 1570” in Ponce, Pilar. *Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. 210

³⁷ Herzog, *Upholding Justice*, 180-81

structure.”³⁸ As long as an internal decency, achieved through splendid decorations, furnishings and cleanliness, could be maintained, the presence of the authorities and the glories of God, King and Justice could be felt by anyone who stepped through the portals of the Audiencia Palace.³⁹

But here is where we encounter a problem with the notion that the (internal) practices could trump (external) material manifestations of power. The internal decency of the Audiencia chambers served to maintain the sacred environment and thus the state’s claim to power. It was also acknowledged and recognized as such by the officials who worked and frequented the spaces. But what of the prisoners and criminals who also were its frequent residents? Confined to the lower, functional levels of the palace, their perceptions of the decency and sacredness of the halls of justice could easily be marred by the material, functional and ceremonial poverty of the Audiencia’s external structure and the jail quarters themselves. If, as Joseph Strayer posits in *On the Medieval Origins of the Modern State*, “a state exists chiefly in the hearts and minds of its people; if they do not believe it is there, no logical exercise will bring it to life,”⁴⁰ then what kind of idea of the state could the seventeenth- and eighteenth- century inhabitants of Quito believe in, when, daily, they gazed upon dilapidated walls of their most esteemed of buildings?

Perhaps many reached a similar conclusion drawn by Don Fernando: that the buildings, in their decrepitude, frightened more than they awed, and with trepidation and reticence recognized in the ruins of the Audiencia palace, the town hall and the jails the symbolic dimension of a powerful and a coercive state. Or, maybe, the material poverty and neglect bespoke of ineffectiveness and impotence, empowering the inmates to

³⁸ Ibid.

³⁹ Ibid, 196-197

⁴⁰ Strayer, Joseph *On the Medieval Origins of the Modern State*. Princeton, 1970, 5.

challenge and reject the colonial state's attempts to confine, isolate, exclude, and most importantly punish. Herein lays the paradox of the colonial prisons. They were hybrid spaces, simultaneously pre-modern (custody and neglect) and modern (punishment and coercion).

The colonial prison buildings were not considered magnificent triumphs of architectural imagination, being neither ostentatious, elaborate, nor expansive. They were fundamentally ordinary buildings, for the most part indistinguishable from structures used for dwelling or commonplace accommodations. As spaces of custodial confinement they had the potential of replicating daily life for most of their residents. Yet, the buildings repeatedly failed to accommodate the privileged existence of the residents as the dilapidated state of the structures made that virtually impossible. Instead, they produced quite the opposite effect-- the colonial prisons were devoid of any relation to decent life that custody demanded. On the contrary, the colonial prisons were the epitome of total state neglect, and their functional austerity sent a clear message to the Audiencia's residents.

The colonial state would not provide for the criminals and felons, and would do nothing for those who disobeyed the law. Such neglect implied abandonment both literal and figurative. Housed in decrepitude and living in squalor, the prisoners were symbolically marked apart from the rest of the population. Custody under such miserable conditions would become in itself a punishment creating further social distance, segregation, and exclusion among the inmates and the rest of the colonial society. Prisons were tainted with ugliness and disease and, as such, their residents would require further

quarantine and segregation. Increasing invisibility would in itself become part of the process of modern punishment.

By the early eighteenth century, the public jail and the royal prison were in ruins and deemed unsafe by the royal officials. Strong structures, solid walls, and doors with hinges were essential to the good and efficient administration of justice and the custody of delinquents, who have been steadily escaping from their captivity. The state of the buildings, as well as repeated escape attempts, generated enough interest from the President and the magistrates of the Audiencia to provoke repeated efforts to repair and maintain them in good shape.⁴¹ As a result of poor workmanship, the climate, negligence of jail officials, and prisoner's ingenuity in fomenting and executing escapes, an ideological and architectural transformations of the colonial prison would slowly take place.

At the end of July, 1732, the President of the Audiencia, Don Dionisio Alcedo y Herrera received yet another notice of a successful escape from the royal court jail perpetuated by Juan Visente Cagueñas, who had been sentenced to death, Indian thief Santiago Chuquimarca, Manuel Roman, a mestizo petty thief, and Francisca (India), Santiago's wife. Creating large holes in the weak and unstable walls of the cells, the prisoners were able to make their way to the adjacent chapel, and through its window, jumped onto the street and fled. The fifth accomplice, Francisco Quinchoguando Vosina (robber and assaulter, mestizo) had a change of heart and stayed behind, hiding in the chapel. A few days later, four more prisoners-- a team of a father and son, accompanied by another criminal, and an Indian bricklayer-- reopened the patched up hole near the grating of the chapel, used by the prisoners to hear the mass, and escaped through the

⁴¹ Herzog, *Upholding Justice*, 191.

chapel's small window. The president of the Audiencia and the royal judges were livid. The escapes were a problem and a source of "grave and intolerable" damages to the public, but the general lack of professionalism ("omisión y poca formalidad que se tiene en dicha carcel"), negligence of the basic procedures, and apparent staff shortages reflected utter lack of respect for the authorities and justice.⁴²

Immediately, the royal magistrates appointed a committee for the judicial inquiry of the incident. The committee's first order was the arrest and imprisonment in the city jail of Don Manuel Gonsales del Pino, the chief constable, now charged with neglect of his duties to run and maintain the jail. The magistrates also ordered that an interim chief constable of the city take charge in guarding the royal jail, making sure that the remaining prisoners remained under the necessary guard and custody ("la guarda y custodia nesaria").⁴³ Finally, the judges ordered a detailed inventory and inspection of the jail, which would help determine all the necessary maintenance and improvements.

Nearly a year later, in April of 1733, the chief constable of the royal court, Dr. Francisco Javier Piedrahita, and municipal judge in charge of the investigation, submitted to the president of the Audiencia the final report of the inspection, an inventory and a detailed summary of the costs associated with the necessary repairs.⁴⁴ The royal jail needed repairs and drastic reforms of internal rules. The main building housing the jail was a wreck. The roofs, walls, pillars, and doors had collapsed due to their old age, poor materials and near constant water leaks. The doors were never locked, mainly because they were either on the ground, without hinges, or the locks no longer functioned. "The walls of the cells (calabozos), the doors and the locks are no longer capable of confining

⁴² ANHQ, Prisiones, Caja 1, 29 Julio 1732, f.24r.v.

⁴³ Ibid., f.1r

⁴⁴ Ibid., f. 76r-77v.

the prisoners,” Dr. Piedrahita wrote to the President, since, he explained, they (the walls) have been undermined by the many holes carved out by the escaping prisoners. If the lower levels of the jail, destined for the common criminals could not (literally) contain them, the situation was not much better on the upper levels of the jail, reserved for persons who “deserved decency.” The pillars and walls of the upper level were collapsing and the quarters (apostentos) lacked necessary doors, locks and privacy. Mud walls divided the compartments. Decency, not security, motivated the rehabilitation of the upper levels.⁴⁵

In July and August 1733, the reconstruction plan was finally implemented. The cost of remodeling quickly reached nearly 1000 pesos. For 38 days, five masons, twelve peons, a carpenter and a blacksmith worked on installing new doors and locks on the rooms (8 in total) and three doors for the main entrance, leveling and paving the patios, fixing gutters, reinforcing the walls and whitewashing the entrance and the torture chamber.⁴⁶ In addition, a new security system was installed: newer and stronger chains, handcuffs and iron shackles joined the older, rusty ones.⁴⁷ The instruments of “custody” at the disposal of the jailer increased as the result of the official intervention. The jail now had two stocks, one pair of old iron shackles and nine new ones (in three different sizes according to their weight, 6, 7, and 8 pounds), eight new pairs of handcuffs and six old ones, each with its respective padlock. By 1778, the royal jail had 30 pairs of shackles, 4 pairs of stocks, five pairs of handcuffs, and a large and small chain, suggesting a surge in inmate population, but also a movement towards growing invisibility of bondage and removal of suffering and state infliction of bodily injury from the public view.

⁴⁵ Ibid., ff 80 r-v.

⁴⁶ Ibid., f.86r.

⁴⁷ Herzog, *Upholding Justice*, 192.

The improvements indicated that colonial officials desired to hold the prison population in place, by making future escapes harder, if not impossible, although the prevention of escapes was, ultimately, a failure and they continued unabated.⁴⁸ Despite the structural reforms, the jails of the Audiencia continued to “serve the ancient function of a temporary place of detention before the trial,”⁴⁹ and according to much past and current scholarship, they were not seen as places of penance and punitive incarceration until the nineteenth century.⁵⁰ Yet, the colonial magistrates understood all kinds of imprisonment as punishment (forced labor in obrajes, confinement in convents and monasteries, confinement in presidios) and recognized it as part of the machinery of suffering, even if such sentences were rare or unofficially prescribed. As such, the opinions of scholars maintaining that colonial imprisonment was not in itself punishment, but rather simple custody, do not necessarily reflect the shifting climate of opinion among the prisoners or the colonial judges.

We have already seen the effects of the confinement on Don Fernando: he clearly saw his confinement as cruel and unjust punishment as a result of the neglect of the material surroundings. Others followed suit in their petitions, citing humidity, darkness, cold, and discomfort associated with having limbs confined to heavy chains as causes of grave suffering.⁵¹ Even if such pleas were exaggerations, there is no doubt that the poor conditions within the jails affected the health of the inmates. Therefore, to conflate suffering with only visible applications of physical, corporeal punishment (execution,

⁴⁸ Herzog counts at least 16 escapes from the public jail between 1675-1739 and 23 from the court jail between 1672-1748, 192.

⁴⁹ Phelan, *Kingdom of Quito*, 200.

⁵⁰ See: Phelan, *Kingdom of Quito*; Herzog, *Upholding Justice*; Randall McGowen, “Prison Reform in England, 1780-1865,” 79-109.; Spierenburg, *Prison Experience*;

⁵¹ See ANHQ, Criminales, Caja, exp. 1701.

branding, flogging, garroting) is to limit our understanding of the multifaceted, diffuse, and insidious character of violence and pain, the application of which could easily extend outside of the physical body.⁵² It is precisely this hidden, diffuse and, nearly ubiquitous existence of violence that makes a clear divide between colonial (pre-modern)/modern impossible.

In addition, the visible suffering of the prisoners was not limited to inflicting bodily pain by binding and holding the inmates in the stocks, chains, handcuffs and shackles or publicly executing them on scaffolds.⁵³ The spatial distribution of the instruments within the jail also contributed to a more private, invisible suffering predicated on the enforcement of categories of class, gender, and race.⁵⁴ The floor plans of the court jail tell us a lot about the daily life of its inmates and underscore the active nature of buildings in shaping and maintaining colonial social and spatial order.

Although part of the Audiencia palace, and located on the central plaza of the city, the court jail and the life within it nevertheless remained hidden from the public view. While not exactly resembling medieval fortresses or even convents with their thick and high walls, the architecture of the royal court jail did limit the incursion of the public gaze, limiting it to the grilled begging gate.⁵⁵ The jail was not only located in the second, rear section of the Audiencia Palace, but three successive doors, one made of double boards of wood, the other two of thick wooden bars (grating) and each with its enormous

⁵² Silverblatt, *Modern Inquisitions*; Fanon, Frantz. *Black Skin, White Masks* (New York: Grove Weidenfeld, 1991).

⁵³ See Foucault, *Discipline and Punish*; Spierenburg *The Prison Experience*.

⁵⁴ Mignolo, Fanon, Silverblatt, Elias,

⁵⁵ See Hill "The Veiled Body: within the folds of early modern Neapolitan convent architecture', *Oxford Art Journal*, vol 27 n.3, (2004), 269-290; Evans, *The Fabrication of Virtue*; Randal McGowen, "Prison Reform in England, 1780-1865," Chapter III in *The Oxford History of the Prison* (New York, 1995), 79-109; "The Problem of Punishment in Eighteenth-Century England," in *Penal Practice and Culture, 1500-1900*, eds. S. Devereaux & P. Griffiths

iron locks, guarded the entrance to the jail area. Once inside, the entrance opened up onto a patio (20x10 m) around which, the cells for the most obnoxious of offenders as well as the torture chamber were located. To the right of the entrance, the old chapel, a vaulted cell with no windows that was called by the officials “the strong cells” (calabozos fuertes), and a room with a begging gate for the poor prisoners to receive alms were situated. The begging gate was the only point within the prison that opened up to the outside. It served as an assembly point for the prisoners and their acquaintances on the outside, and a purchase point for supplies and provisions. Two vaulted cells, additional two rooms with regularly beamed roofs and windows, a common room separated by a small corridor and a prison chapel occupied the left side of the jail’s patio. In the corner a small ball court for a game of marbles, a water fountain and a resting bench were located. The walls of the rooms were whitewashed and each cellar contained double cedar doors with five heavy, iron locks, each with its own key. In each of the vaulted cells, wooden leg stocks were placed for securing inmates. The vaulted cell closest to the main entrance and the guard’s post was known among the prisoners as “infiernillo” (“little hell”) and its inventory listed a stock, a pair of shackles and, in the middle of the room, a thick, heavy chain, two feet long, with a ring and a bolt that was attached to the stone floor and used to secure the more dangerous delinquents. The contraption had its own name, no doubt given to it by the prisoners, of “falsa brava.”⁵⁶ Unlike the stocks, it prevented movement altogether, since the prisoner was effectively tied to the floor of the cell rather than simply secured in the free standing wooden leg stocks. The infiernillo was adjacent to the royal chapel to which the prisoners had no access, but could listen to the mass via the grated iron window accessible from the outside. The other two cells,

⁵⁶ ANHQ, Prisiones, Caja 1, exp 29 VII 1732 ff.80v, 81r-v.; and Prisiones, Caja 2, 1778.

with beamed roofs and windows were known as “calabozos de luz” and access to them required only a single key. They were usually the destination for the less dangerous offenders. The room with the begging gate was the only section of the jail that extended onto the street and allowed a point of contact with the outside world. The poor prisoners used the gate to receive alms, beg, purchase and sale of goods, as well as a point of communication and resistance.⁵⁷

Finally, the last two rooms on the lower level belonged to the jail chapel and the torture chamber. The inmates used the chapel for daily prayer and a place of spiritual preparation and reflection for those on their way to death or torture. They were also allowed to hear, in silence, the weekly mass performed for the judges and magistrates of the Audiencia in the palace’s chapel. A small grated window had been installed in one of the walls of the royal chapel to allow them to listen. Unlike the royal chapel, the prison chapel was simple in its decorations, with only a mural of Nuestra Señora del Rosario painted adorning the altar wall. It was surrounded by a crimson curtain and small wall paintings of a few, unspecified saints.⁵⁸ Surprisingly, the torture chamber is absent from the 1732 inventory, but makes an appearance in the 1778 description of the court jail prepared as part of the official General Visit of the region. The chamber consisted of a rack with four rope cords tied around legs and arms, and a post used to perform a garroting.

The upper levels were reached by a 12-step staircase and contained the living quarters for the warden and jail constable as well as room for lesser criminals deemed “decent” –most of them inhabited by the likes of Don Fernando, debtors and recalcitrant

⁵⁷ ANHQ, Prisioneros, Caja 6, Fray Juan Santa de Gertrudis, *Maravillas de la naturaleza* (1757) t. 3 capitulo, 7-8.

⁵⁸ ANHQ, Fondo Esp PQ v. 115, ff 44r-45r.

members of the upper levels of Quiteño society, as well as a separate and enclosed room for the occasional female prisoners (most women prisoners ended up in Santa Marta, a *recogimiento* created for the purpose of guarding women prisoners).⁵⁹

The arrangements of the lower/upper level, as well as the suggested improvements to the walls (patching up, whitewashing) and doors (double doors, new locks and keys) suggest official attempts at regulation and isolation of the prison population as well as official construction and sanction of social hierarchies within the jail. The heavy doors with their respective, multiple locks and keys filtered the passage and movement of inmates. Those inmates deemed dangerous, and often of inferior caste background, were kept under many locks, in the “strong cells” while the less delinquent inmates enjoyed the mental reassurance of their now- state- sanctioned superiority, by inhabiting the cells with windows, beamed ceilings and no visible instruments of suffering.

The class division and segregation between the inmates was also underscored by the names given to the rooms: the quarters destined for the dangerous offenders were called *calabozos* (dungeons), while the other quarters simply existed in the parlance of the jail as *apostentos* –rooms resembling relatively comfortable lodgings or “apartments. The *apostentos* were located on the upper levels, and generally only the wealthy or “decent” members of the colonial society could afford the luxuries. An inventory of Don

⁵⁹ Nancy van Deusen, *Between the Sacred and the Worldly: The Institutional and Cultural Practice of Recogimiento in Colonial Lima* (Stanford: Stanford University Press, 2001); Maria Isabel Viforocos, “Los recogimientos de centros de integracion social a carceles privacidad: Santa Marta de Quito” in Núñez, Jorge. *Ciudad y vida urbana en la época colonial*. Quito, Ecuador: Facultad de Arquitectura y Urbanismo, (Universidad Central del Ecuador, 1999); Muriel, Josefina. *Los recogimientos de mujeres: respuesta a una problemática social novohispana* (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 1974).

Merizalde's room made after his escape revealed a relatively comfortable confinement: a new bed frame, a new, small cotton mattress, two used pillows with their respective cases, a cotton bed cover, sheets, two small floor rugs, four used, gilded stools and a small table with embroidered tablecloth, small candleholder, and a small padlock with no key.⁶⁰

As prescribed in law and jail ordinances, the inventories and jail inspections do mention separate quarters for women inmates. However, there is very little mention and description of the physical state of the rooms. This either suggests that the rooms were in a fairly good shape, or did not merit the attention of the officials, as the security of women inmates was not a pressing issue. Although there are occasional testimonies of women prisoners, most female offenders were sent to the *recogimiento* (a shelter) of Santa Marta, established in sixteenth century, for the purpose of both confinement and punishment of recalcitrant women, criminal offenders, and those who sought refuge.⁶¹ Others would end up isolated in the many convents of Quito, serving sentences of de facto penal imprisonment.⁶² Thus, despite the existence of the separate rooms for female prisoners, the royal court jail was increasingly becoming a male space. The few females allowed overnight stays inside the prisons were limited to the wives or concubines of the inmates. Although custody and security were the main objectives, the building and the colonial bureaucrats categorized and ordered human relations among the inmates and the world outside according to the status, rank, race and gender.

⁶⁰ ANHQ, Prisiones Caja 2 exp 30-I-1756, ff17v-18r; For similar spatial arrangements in the Mexico city poorhouse see Arrom, *Containing the Poor*.

⁶¹ Studies of recogimientos include: Nancy van Deusen, "Determining the Boundaries of Virtue: the Discourse of Recogimiento among Women in Seventeenth-Century Lima." *Journal of Family History* October 1997 vol. 22 no. 4 373-389, viforcocos marinas, Muriel,

⁶² ANHQ, Fondo Especial, P.Q., Caja 609-610, Sentencias.

Spatially, the distribution of the cells conveyed a message of spiritual reformation, redemption and moral transformation of the prisoners. The spiritual conquest of the New World is well known and need not be discussed here. Needless to say, the Spanish extended their spiritual aims and discipline into the buildings of secular justice. The planned correlation between felons and space suggested the application of penitential imprisonment forms already in practice in convents and monasteries. Because majority of the inmates came from lower social strata and racial backgrounds their moral redemption and reformation of their already damaged souls was crucial. Secular justice could save souls by creating spatial proximity between the felons and the Catholic/Christian god. The prisoners could pray, celebrate the holy mass, attend confession, and receive blessings and last rites without ever leaving the jail.

The most dangerous (and also the non-white) criminals found themselves in cells adjacent to the old and new chapels, while the “gente decente” and lesser felons (debtors) occupied less immediate proximity to salvation. The immediacy of the two chapels to the most violent of offenders and cells (calabozos fuertes, infiernillo and the torture chamber) suggests that their inhabitants were perceived by the authorities as not only in need of salvation, but also, more importantly as worthy of rehabilitation. Inside the jail, the inmates were exposed to religious rituals and religious iconography (the same mural of the Neustra Senora del Rosario was painted on the stairwell leading to the upper floors) on daily basis.⁶³

The two, solitary paintings of Our Lady of the Rosary adorning the prison walls are suggestive of the spiritual and redemptive aims of the prison. The image of Our Lady of the Rosary has been deeply connected with the victory of the Spanish fleet over the

⁶³ ANHQ, Prisiones Caja 1, exp 29-1732, f. 90r.

Muslim infidels at Lepanto in 1571. The victory has been attributed to a Confraternity of the Rosary, which utilized the rosary to ask for Virgin Mary's intercession with God and victory over the infidel. After the victory, the rosary as well as the devotional cult of Our Lady of Rosary became potent antidotes to heresy and sin. Recourse to and faith in the rosary in the times of danger could undoubtedly bring rewards for those who sought its powers.⁶⁴ The recitation of the rosary itself was repetitive, with quiet rhythm and lingering pace, allowing the individual a meditative space. Within the confines of the prison, it could not only measure and order time, but also discipline the inmates, enforce silence, finally remind them, on daily basis, that, like the sins and vices of the infidels, theirs too could be defeated and redeemed. With enough strict discipline, salvation was possible as long as the prisoners remained invisible and silent to the rest of world within and without the jail building.

Secular justice could reform souls, but it could also terrify. Again, the location of the torture chamber on the lower level of the jail and its proximity to the most dangerous offenders as well as the common areas (the patio with its small ball court and a water fountain) suggests a clear intent of the authorities to remind the inmates about the consequences of not telling the "truth." No doubt the screams of the tortured inmates could be heard through the thin and ruined walls of the building, and we can only imagine the psychological effects of the screams and moans on the jail population. Both torture and corporal punishment reflected a particular attitude towards the body (racialized body) and the modern colonial state's monopoly over coercive and violent

⁶⁴ "Rosary" in Catholic University of America. *New Catholic Encyclopedia*. New York: McGraw-Hill, 1967.

means.⁶⁵ Under the faulty roofs of the colonial jails fear and salvation, punishment and custody, isolation and permeability could co-exist. With each repair, the royal officials and state bureaucrats would engender an emerging modern institution.

Conclusion

The colonial jails, centrally located, yet well hidden within the interiors of the royal buildings, offered limited visual scrutiny to the public of the nascent concealment of punishment and state violence and terror. Well inside of the dark and damp cells, courtyards and chapels a production of a modern state institution was taking place. The architectural improvements, while not yet reaching the scale of the nineteenth-century model prisons, attempted to manufacture virtue and discipline among the inmates. The magistrates and jail officials divided and categorized inmates into distinct human categories and placed them in their respective spaces of the jail building. They attempted to impose segregation and discipline among the inmates, and morally regulate and normalize the criminal population. The officials failed frequently in their mission, but their attempts should be seen as opportunities that could reveal optimal solutions, which would eventually lead to the transformation of colonial, pre modern spaces of custody into increasingly modern penal institutions.

The minor architectural improvements necessitated by structurally defective buildings and the ingenuity of the prisoners helped the agents of the state embark on the journey towards modernity. Material destruction of the buildings, whether by the inmates or by poor craftsmanship, initiated a long bureaucratic process, which culminated in new renovations and repairs, which, one by one slowly transformed the function of the court

⁶⁵ Max Weber, Hans Heinrich Gerth, and C. Wright Mills. *From Max Weber: Essays in Sociology*. New York: Oxford University Press, 1958.

jails from simple custodial institutions, to an increasingly concealed and invisible spaces of the modern “machinery of suffering” and punishment. As the eighteenth century progressed, the colonial court jails were well on their way to become modern, total institutions.

Chapter Two

“Es un cementerio de vivos”: Internal Life in the Quiteño Prisons¹

Seldom did a stroll through the major cities of the Audiencia of Quito compel the public, officials or the visitors to take notice of the bustling life inside of the urban prisons much less recount and record the sordid details of the colonial underworld contained within them. Most preferred to swiftly cross the street in an effort to avoid any contact with the mass of low-life that lurked behind the large and heavy doors, which was often visible and audible through the iron bars of the prisons’ begging gates. In their correspondence, the bureaucrats and the travelers acknowledged the existence of the physical structures of the colonial justice system but, curiously, failed to disclose the presence of the inmates’ bodies or the punishments administered to them inside of the prisons.

How do we explain the reluctance of colonial officials, travelers and colonial urban dwellers to acknowledge, even in a cursory fashion, the undeniable presence of human beings hidden behind the walls of colonial jails? Was the presence of prisons with their porous structures, which exposed the suffering and squalor inside becoming a disturbing and increasingly distasteful feature of life, which the public and royal officials would prefer to have completely hidden from view and scrutiny? Were the prisoners evolving into an obvious outsider and undesirable social group and thus subjected to not only Spartan conditions of confinement and growing invisible and erased from colonial

¹ “It is a cemetery of the living” is one of the more common descriptions given by inmates held at the Ex-Penal García Moreno, Quito in reference to the conditions at the capitol’s prison. Accessed on 2008-12-07 at http://www.tvecuador.com/index.php?option=com_reportajes&id=936&view=showcanal&Itemid=27

consciousness and its records? Or was the refusal to acknowledge the visible neglect, squalor and disorder of prison life a step in the process of civilizing punishment by making the dangerous, contagious and perverse increasingly hidden and invisible from view?

The very few who dared to look towards the begging gate, or come near it and hear the noise and cackling of the prisoners became the unwitting guests to the prisons' interiors and witnesses to the invisible life inside. It is from their rare testimonies, as well as witness accounts in the criminal records that we are able to reconstruct the life inside of the colonial jails and find out that the colonial prisoners refused to passively consent to the public erasure and the colonial state's monopoly over the use of force, neglect, abandonment, and exclusion.

The actions of the prisoners continually challenged the often contradictory or ambivalent messages of colonial punishment (incarceration/custody), the authority and power of colonial institutions and officials, and the constraints imposed on their privacy and autonomy by the jail wardens and guards. By violently defying their confinement through frequent escapes, arson and other forms of insubordination, the prisoners were able to expose the vulnerabilities and failures of the colonial state embodied in poor material conditions of the physical structures, bureaucratic incompetence, squalor, and disease. They made their dissatisfaction audible and visible outside of the prison walls, which, in turn, prompted state interventions and reforms. In addition, the practices of confrontation and defiance forged a clandestine community and subculture among the prisoners, wardens, and occasional outsiders.

As such, colonial prisons were not only the static strongholds of pre-modern barbarity: tortured bodies wasting away in putrid cells; disorder and debauchery hidden under the leaking roofs; vermin and disease infesting the dank vaults. Nor were they purely the examples of reformed, ideal-type prisons replete with rationalization, order, security, discipline, and impersonal and bureaucratic rule. They were, in fact, heralds of modernity, dynamic and hybrid sites of contested intentions and interests, constructed identities, and shared experiences through which racially, culturally and socially diverse inmates associated and organized themselves, often challenging the colonial hierarchies of the outside world.

Historians of colonial Latin America have told us how women and children lived and worked, what artisans and merchants thought and did, where and how vagabonds and soldiers spent their days, but comparable studies focusing on prisoners of the period are lacking. Despite the fact that studies on criminal behavior and criminals abound, very few scholars follow their subjects past the judicial sentencing, into the dungeons and cells of the colonial gaols. As such, historical writing about the life inside prison continues to be absent from existing literature, and current studies are hardly satisfactory.²

One of the reasons for the historical neglect of the prisoners and the life behind bars is the relative scarcity of evidence, written or visual, of prisoners' own perceptions of their experience. Diaries, journals and private letters of individual inmates are absent,

² See Susan Socolow, "Women and Crime: Buenos Aires, 1757-97." *Journal of Latin American Studies* (May 1980): 39-57; Bianca Premo, *Children of the Father King*; William Taylor, *Drinking, Homicide, and Rebellion in Colonial Mexican Villages*; Lyman L. Johnson, ed., *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750-1940*; Salvatore Ricardo D., Carlos Aguirre and Gilbert M. Joseph. *Crime and Punishment in Latin America: Law and Society since Late Colonial Times*; Carlos Aguirre, Carlos. *The Criminals of Lima and Their Worlds: the Prison Experience, 1850-1935*; Sánchez Michel, Valeria. *Usos y funcionamiento de la cárcel novohispana: el caso de la Real Cárcel de Corte a finales del siglo XVIII*.

and, as mentioned earlier, very few travelers and colonial observers took the time to notice, much less record the commotion around the gates of Quito's jails. We do know that graffiti adorned the walls of the royal and public jails, but we have no way of knowing the messages it carried.³ As such, the majority of the information regarding colonial prisoners comes from official records and is scattered among criminal proceedings, confessions, and interrogations. The logbooks of the weekly prison visits are also a valuable source of information as is official correspondence between the magistrates and royal bureaucrats. Together, they allow a reconstruction of relatively complete picture of the colonial prison experience.

Another reason why colonial prisoners and prisons have received such inadequate attention from Latin American historians is the persistence among scholars of correlating incarceration as a measure of punishment with the advent of modernity. Historians have posited a number of key notions, such as correction through segregation, bureaucracy, organization, security, professionalization, discipline, and uniformity of experience, as distinguishing modern prisons from previous (pre-modern/colonial) spaces of confinement. Because these characteristics are not readily apparent or expected to exist in the pre-modern prisons, and because Spanish law did not consider jails and prisons as "main conduits" of punishment and social control, colonial historians continue to favor a

³ Municipal ordinances dealing with the jails issued after the establishment of the Audiencia de Quito, in 1563, and reissued and supplemented in 1732, forbade prisoners from drawing, chiseling or otherwise marking the walls of the cells. ANHQ, Gobierno, Caja 4, exp.6-XII-1661 and ANHQ, Prisiones, Caja 1, exp 6 29-VII-1732. The original order reads: "Yten que el carcelero tenga tambien muy particular cuidado de que en las paredes no hagan los presos abujeros, ni pongan pinturas, ni escriban ociosidades dando quenta so lo hizieren al alguacil mayor para que los castigue." f. 97r in ANHQ, Prisiones, Caja 1, exp 6 29-VII-1732.

static and one-dimensional view of colonial prisons as “simply places of detention for suspects being tried or for condemned criminals awaiting execution of their sentences.”⁴

The colonial prisons persist in our modern imaginations as bastions of neglect, cruelty, and laxity; spaces that reinforced colonial hierarchies and fragmented and atomized the myriad social relationships and cultures among the inmates. Yet, among the squalor and administrative inaptitude, colonial jails and prisons displayed surprising levels of uniformity of experience among the inmates, shared and alternative prison subculture, and modest attempts at bureaucratic efficiency, accountability, professionalism, and discipline. Colonial jails, thus, were hybrid spaces, replete with tensions and contradictions between modernity and colonialism; exclusion and inclusion; incarceration and custody. To look inside the Audiencia’s prisons is to discover the many processes and elements of the evolution of the modern institutions of confinement.

“Y en el que llaman Infernillo”: creating the colonial prisoner.⁵

It was the summer of 1765, and Fray Juan de Santa Gertrudis decided to make a brief sojourn to the city of Cuenca before heading south to Lima and from there back to Spain, his home. Not unlike many modern travelers visiting large urban centers of Latin America, the monk sought advice from his hosts (prominent members of the Church, royal administrators, heads of the city’s elite families) about the relative safety of walking around the main plaza of the city. His hosts advised him to stay clear of the jail building and especially the large begging gate that faced the central square from which the inmates would try to solicit his attention. Heeding the advice of his friends, Juan de Santa Gertrudis noted in his journal ““Even if they called me as I passed through the plaza, I

⁴ Acuirre, in *Cultures of Confinement*, 20-22; Dikötter “Introduction” in *Cultures of Confinement*, 3.

⁵ “And inside, one called *Little Hell*” in ANHQ, Fondo Especial, PQ 115, v. 7, 1978, f.44v.

never came near,” (“aunque me llamaron pasando por la plaza varias veces, jamas me acerque alla”).⁶

It was curious for an eighteenth-century Spanish priest, devoted to the welfare and evangelization of the native populations of New Granada and known to his contemporaries as a founder of an Indian mission near Putamayo, to turn a deaf ear to the voices of the inmates regularly repeating the mantra: “Have not eaten until now! Tonight without dinner and until now still not eaten!”⁷ Why, after months on the road spent encountering people from all walks of colonial life, did the friar choose to ignore those who, perhaps, needed him the most? What went on behind the bars of the begging gates of the colonial prisons that were so dangerous, so unpalatable that it forced the urban dwellers to avoid the area and advice caution to their guests?

Lice. The prisoners, according to Santa Gertrudis, would gather around the begging window to converse with family and friends, beg, and sell little bags, stockings, socks, and cotton birretes (caps worn by judges and lawyers), which they manufactured inside of the prisons, to strangers passing through the main square. As soon as someone approached the prison walls, the inmates would begin to sigh and hiss (“echan unos suspiros que bastan a enternecer al que no los conoce”) hoping to gain the attention of unsuspecting passers-by, and beckoning them to approach the window to make a purchase or a donation. Once the transaction was completed and the “customer” was on his way, the inmates placed lice inside of small ornamental glass tubes used for embroidery and with a quick puff propelled the insects onto the bystander. Within minutes, the lice infested his body and the quiet whispers and sighs of the prisoners

⁶ “aunque me llamaron pasando por la plaza varias veces, jamas me acerque alla.” Juan Santa de Gertrudis, *Mararavillas de Naturaleza*, tomo II, parte 4, capitulo XIV), 244-245.

⁷ “En ayunas hasta esta hora! Anoche sin cenar, y hasta ahora en ayunas!” Ibid, 245.

turned into a loud cacophony of cackling and laughter.⁸ For Santa Gertrudis, as well as his hosts, this was the epitome of depravity, a lack of respect, decency and a sign of inherent perversity of all criminals and prisoners, and a reason enough to never approach the prison walls and cross the street despite the cries, pleas and begging emanating from the inside.

Santa Gertrudis' vignette offers a rare opportunity to examine a number of salient features of colonial prisons. In his brief description of his non-encounter (after all he never approached the gate) with the Cuencan prisoners, Gertrudis noted their moral and physical deprivation, suffering, and the overwhelmingly unhealthy environment of the prisons. The fear of contagion emanated from the friar's writing, as the squalor of the inside of the prison manifested itself in the lice inhabiting the inmates' bodies. What is more, the monk focused on the begging gate as the central feature of the prison around which the inmates were able to exchange supplies, foods, and information. It was via the begging gate that the permeability of the colonial prisons manifested itself, extending the street and the outside world deep into the dungeons and cells.

The insalubrious conditions were a principal characteristic of the colonial prisons and were a direct, if not deliberate, result of the architectural planning of the colonial

⁸ Ibid, 245. The original reads: "A un lado del portal tiene una grande ventana con una fuerte reja de fierro, adonde salen los encarcelados a hablar, otros a pedir limosna, y otros a vender bolsitas, medias, birretes y otras cosas que fabrican de algodón. En viendo ellos pasar especialmente alguien que no conocen, echan unos suspiros que bastan a enternecer al que no los conoce. Regularmente dicen: ¡En ayunas hasta esta hora! ¡Anoche sin cenar, y hasta ahora en ayunas!, etc. Y como en la cárcel allí siempre hay muchos encarcelados, suele allí haber mucha plaga de piojos. Y son ellos tan perversos, que los ponen dentro de varios cañutillos ya la gente que se acerca a la reja a darle alguna limosna, o a comprarles alguna cosa, al volver la espalda, con un soplo le tiran una partida de piojos, que en un rato se le cunden por todo el cuerpo. Y entonces se quedan ellos dando grandes carcajadas de risa. A mí me avisaron de ello, y por esto, aunque me llamaron pasando por la plaza varias veces, jamás me acerqué allá." (Tomo II, part 4, chapter XIV).

jails. The architects and prison builders (carpenters, brick layers, blacksmiths) were the first persons to influence the experience of the inmates by promoting and constructing an idea of neglect, abandonment and entombment inside of the colonial prisons. Even though the colonial prisons of the Audiencia were housed in a building resembling a private residence, and although their external structure lacked the rigors of security associated with modern prisons, the internal arrangements of the jails did subject the inmates to a disciplining regime and a degree of physical, if, not psychological suffering.

The courtyard was the focal point of the prison. It was the source of a fountain with drinking water, and a place for the inmates to get some fresh air in the afternoons, socialize, play games, or simply laze away the hours, resting on benches arranged along the walls (“un poio firme ...para descanso de los presos”).⁹ Two hours in the morning and two hours in the afternoons were allocated for the “refrigerio y alivio” (refreshment and relief) of the inmates—they could enjoy the patio and fresh air, but were to be under constant supervision until locked away in the cells for the night.

Surrounding the courtyard were the cells (calabozos) -- some vaulted, built in stone and brick, whitewashed, and with dirt floors. They were cold, damp, and dark. Those accused of crimes (delito criminal) were placed in windowless cells, and required to remain in them for twenty hours each day, in complete darkness, as they were not allowed the possession and use of candles. Most of the lower-level cell contained stocks, handcuffs, fetters, and chains and generally housed four or five inmates to a room.¹⁰

Each night, the inmates were secured with fetters and handcuffs, some locked up in the stocks while others remained in chains twenty-four hours a day. A petition of José

⁹ ANHQ, Prisiones, Caja 1, exp 6 29-VII-1732 f. 90r

¹⁰ Compare with Valeria Sanchez *Uso y Funcionamiento de la carcel novohispana*, 48.

Jaime Ortiz, a quiteño architect imprisoned and accused of murdering one of his companions during an unfortunate expedition to locate Inka treasures on the slopes of the Pichincha volcano, illustrates the intolerable conditions of the cells and the resulting suffering of the inmates. Motioning for respite from the shackles, Ortiz informed the royal courts

For nine days and six nights we have been imprisoned with two pairs of shackles for each one of us and since we sleep in them and they are gravely heavy and extremely cold, we are unable to move from side to side to get some respite and rest in bed and break the dream that unites us in being penetrated with the cold of the shackles and other serious inconveniences, which we suffer in the damp and humid cell without any protection (overcoats), already with sore legs and pains in other parts of the body at the risk of a grave illness and losing our lives

...¹¹

Even though Ortiz was a Spaniard and a respectable member of the Quiteño society, because his crime was a capital offense, he was delegated to the same lower level cells as “Yndios, mestizos, negros, mulatos y zambos.”¹² Meanwhile, the prisoners from socially and racially privileged backgrounds as well as women lodged in sunlit and whitewashed rooms, on the upper levels of the building. Thus, the spatial distribution of the prisoners reflected not only the pre-modern, hierarchical nature of the prison, but also foreshadowed modern preoccupations of correlating race with crime.

Despite such comforts, on occasion, even the roofs in the elite prisoners’ quarters frequently leaked and the inmates’ health deteriorated as a result of humidity and

¹¹ ANHQ, Criminales Caja 17, exp 5, 1707 f. 34r. The original reads: A nueve dias con seis noches estamos cargados con dos pares de grillos cada Vno y como dormimos con ellos de mas de el graue peso, y sumo frio no podemos ni aun boluer de Vn lado a otro para coger algun aliuiio y descanso en la cama Y quebrantar el sueño a que se allega que penetrados de frio de dichos grillos y otras incomodidades graues que estamos pasando en el calaboso humedoy sin abrigo estamos ya con dolores en las piernas y otras partes del cuerpo con riesgo de Vna grabe enfermedad Y de perder las vidas.

¹² ANHQ, Prisiones, Caja 1, exp 20-VII-1732.

dampness inside of the cells.¹³ The neglect and lack of care for the physical structures of the building led to illness and destitution of majority of the inmates regardless of their race, gender, class, and ethnicity. In illness and behind bars, more so than in health and liberty, the inmates were able to descend colonial hierarchies and expose themselves to uniformity of experience, which, rather than to fragment them, temporarily bonded them into a distinct prison community.

Thus, the spaces of an ordinary building that housed the prisons were sufficiently altered by its builders to accommodate not only custody, but also neglect, suffering, and exclusion. The crowded, damp dark, vaulted cells replete with chains, padlocks, and stocks projected a well understood symbolism that spoke of power, fear, exclusion and living death that incarceration could result in. To the outside world, they underscored and strengthened belonging and inclusion in the body politics, which resided outside of the dilapidated prisons. To the inmates, the hellish prison interiors provided a backdrop of shared and uniform experience, and a sense of belonging in a distinct category of colonial “prisoners.”

Wardens and Authority

While the bricklayers and blacksmiths constructed the physical structures of the colonial prison buildings to direct and order the life inside, it was the jail wardens and the guards who dictated the rhythms of prison life for most of the inmates. The jailers came into daily and nightly contact with the prisoners, were personally responsible for the maintenance of the order and security among the inmate population and found themselves in charge of the prison infrastructure. While some of the jailers took advantage of their position and ruled the colonial prisons as tyrants, many maintained a symbiotic

¹³ See account of Don Merizalde in previous chapter.

relationship with their wards, recognizing the mutual dependence. As such they were part of the old (colonial) prison fabric, contributing to the shared experiences and culture of the prisons and controlling the permeability of the prisons' walls and windows.

The earliest ordinances regarding the duties of the warden, issued in 1563, demanded of them loyalty, obedience and a sense of duty to the King, Justice and God in the guarding and custody of the prisoners. Before taking office, each warden and guard swore in front of the High Court and on the Holy Cross that they would guard the prisoners and perform all their duties diligently and faithfully. They agreed to levy all the necessary jail fees and payments -- for example, a daily upkeep of a convict sentenced to galleys was six pesos/day,¹⁴ follow strict protocol when receiving new prisoners, keep the male and female inmates separated, secure all prisoners at night, maintain detailed records of the entrance and exists of all prisoners (their names, names of the sentencing judges, days of entry/exist, type of crime), maintain overnight residence to ensure security of the prison, secure necessary provisions for the prison chaplain and the chapel, ensure the performance of the daily mass, and keep the prison premises and cells clean and swept twice a week.

In order to optimize the performance and the daily operations of the jail, each of the obligations was individualized, in so far as non-compliance resulted in hefty fines imposed on the guards and wardens. For example, a fine for failure to reside, or sleep overnight inside of the prison was sixty pesos for each infraction, while negligence in

¹⁴ “*Relación de San Francisco de Quito*” in Pilar Ponce, *Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. 1626, 185.

properly securing the prisoners resulted in the execution of the said prisoner's penalty on the person of the jailer or guard.¹⁵

Undoubtedly, taking into the consideration the nature of the job, with its highly visible and condensed presence of vice, immorality, and criminality, the creators of the ordinances also safeguarded the office of the warden with a number of strict prohibitions on his behavior inside of the royal prisons. The guards and wardens were not allowed to socialize, mingle and otherwise participate in any activities involving the inmates, under the penalty of sixty pesos. They were forbidden from gambling with the prisoners, consuming food with them and selling them wine for prices higher than the market price on the outside. Gifts, bribes, and contractual agreements between inmates and the wardens were prohibited, and the wardens were not allowed to free or imprison anyone without a written order from the judge.¹⁶ The rules suggest the existence of not only black markets, but a thriving underground economy inside the colonial prisons that involved both the inmates and the prison employees.

It is also clear from the above prohibitions that the internal order of the colonial prisons left much to be desired and was judged lax by the authorities. Evidence suggests that the wardens oftentimes turned a blind eye on the activities of their charges and were often the main suppliers of chicha and playing cards.¹⁷ In one testimony against a prison guard, Don Bernardo de Silva, imprisoned for two years, three months and three days confirmed that the wardens were supplying the prisoners with homemade corn beer, chicha, and condoning subsequent nighttime cabals and drunkenness. De Silva also pointed out that because the jailer "had much familiarity with them [the prisoners]"

¹⁵ ANHQ, Prisiones, Caja 1, exp 20-VII-1732, f. 95-96

¹⁶ ANHQ, Prisiones Caja 1, exp 20-VII-1732, f. 95-96.

¹⁷ ANHQ, Criminales, Caja 6, exp 4-III-1678; ANHQ, Criminales Caja 79, exp 4 Sept 1778.

(“tenia mucha familiaridad con ellos [los presos],”¹⁸) abuses of such familiarity were frequent. Inmates found themselves manufacturing socks and stockings and forced to wash not only clothes of the warden, but also his wife’s garments.

Other forms of partnerships and complicity that formed among the inmates and the prison functionaries often subverted the internal order of the prisons envisioned in the written norms. Occasionally, guards and jailers offered small rewards for information leading to the discovery of conspiracies or escape plots. The prisoners benefited financially from serving as informants and betraying their fellow inmates. However, the real benefits of using snitches went to the wardens, who appeared as diligent, dedicated, cunning and effective administrators in front of the royal magistrates when they successfully identified or apprehended culprits of crimes.¹⁹ While the partnerships were beneficial to both parties, they were by no means performed in the spirit of mutual respect or camaraderie. The class and race fissures surfaced in the testimonies and exposed and underscored the warden’s ultimately outsider position within the prison community and the underlying antagonisms within larger colonial society.

In one example, the chief constable Matheo de la Mata was quite forthright in his declaration about the flow of information regarding an escape plot from the court jail. He had received information about an escape plot from the wife of one of the prisoners, Joseph Navarrete, who happened to be cellmates with the escapees. Learning of the conspiracy, Navarrete passed on the information to his wife so she could advise the chief constable about the escape plot, involving manufacture of false keys and knives, for which a general collection of funds necessary to pay the blacksmith was ordered among

¹⁸ ANHQ, Criminales, Caja 81 exp 28-I 1779, f.16r-v.

¹⁹ ANHQ, Criminales, Caja 32, 16 VIII 1743, f. 34r-35v.

the inmates. Mata, wanting to catch the prisoners in flagrante delicto, “put much efficiency in guarding [of the jail] craftily/cunningly.”²⁰ He paid Navarette’s wife a patacón, not only for her service as an informant, but also with an understanding that a portion of the sum would serve as Navarette’s contribution to the payment for the false keys. In Mata’s view, any shortage of funds on the part of the inmates to facilitate the production of the keys could gravely hinder the progress of the plot.

Navarette contributed four reales to the cause and pocketed the rest. The keys were made, escape attempt thwarted and in the final words of his testimony, Mata declared that “If the said Joseph Navarette dispatched his wife to deliver the message in secret and have kept his mouth closed, without doubt the prisoners would have executed the escape.”²¹ Indeed, there is a tinge of pragmatism and disdain in Mata’s statement. The inmates (informants) were fickle, untrustworthy and disloyal, willing to sell out their cellmates for a patacón. On the other hand, their willingness to form and participate in the informal networks of corruption and extortion could be exploited by the wardens to promote security.

The partnerships between inmates and prison officials could often stretch past monetary or in-kind exchanges and offer prisoners a de facto liberty (albeit temporary). On occasion, the jailers would accept offers from the prisoners to help capture fugitive inmates, and the prisoners readily volunteered their services, as was the case with Alonso Falcón who notified the authorities of a successful escape and promptly offered his

²⁰ ANHQ, Criminales, Caja 31, exp 16 July 1743. “puso mas eficacia en su cuydado con gran disimulo.”

²¹ Ibid., “si dho Joseph Navarette con secreto mando dar esta noticia con su muger se hubiera callado su boca sin duda hubieran executado los reos dha fuga.”

services as a bounty hunter.²² Pursuing even the most dangerous of criminals was no doubt preferable to the dark, damp and unpleasant stay inside the prison. Most importantly, it offered an avenue for one's own escape.

Frequently, wardens allowed their charges to leave the jail temporarily to take care of their private affairs as long as they promised to return promptly before the weekly Saturday jail visits performed by the royal magistrates. Some prisoners took advantage of the informal opportunities and never returned, as was the case with Gerónimo y Pedro Regalado, a father and son team who failed to report back to the jail after being allowed to spend the night at home.²³ According to witnesses, the Regalados were given permission to leave by the assistant to the judge, Teniente Don Nicolas Bravo, because they were perceived to be trustworthy (“personas seguras.”)²⁴ Unfortunately, for the teniente and auxiliary prison staff, the informal arrangement proved costly. The Regalados failed to materialize, and Don Nicolas Bravo lost his position, while others were reprimanded for failure in fulfilling their obligations and being unreliable (“faltando a sus obligaciones y a la confianza que se hace de sus oficios”).²⁵

The relationships between wardens and the inmates could range from scornful (in case of Mata) to ambivalent (in case of Regalados) to outright cruel. Personally or socially motivated antagonisms could often result in premeditated torment and arbitrary punishments of prisoners without sanction or court order. Don Jaime Ortiz, the Spanish born (b.1656) architect and recent transplant to Quito (1694), we encountered earlier became a victim of such unfortunate relationship.

²² ANHQ, Criminales, Caja 11, exp 19 November 1688.

²³ ANHQ, Oficios, Caja 22, exp 16-IX 1724

²⁴ ANHQ, Oficio, Caja22, exp 16-IX 1724, f.2v

²⁵ Ibid, f. 1v.

On the morning of April 14 1707, Jaime Ortiz and few of his well-known and prominent friends embarked on an expedition to the Pichincha volcano in search of hidden treasures. Pursuing the treasures, various members of the group got separated, and as the thick fog enveloped the mountain, they began losing sight of each other. The sudden appearance of heavy hail made things even more complicated and dangerous, but eventually all the men found their way to the base camp. As the night fell, it became apparent that one of the men, Francisco Fons y Belloch was missing. As the weather calmed down, search parties were sent out into the night, but to no avail. The next morning, more searches were undertaken, but again, Fons y Belloch failed to appear. The remaining party returned to Quito in search of more help. Once they informed the authorities of what had happened, they were imprisoned in the Royal jail, and faced a murder charge brought forth by Belloch's wife, Dona Francisca de Torres Pizarro.²⁶

In late June 1707, after having spent a couple of months in jail, awaiting his trial, Ortiz found himself facing a masked (“con disfrase”) officer of the jail, Don Binsente de la Vega who ordered the prisoner to report to the torture chamber. Ortiz was locked in the chamber and left alone until five in the afternoon. No explanations were given, and Ortiz remained in the chamber thinking that perhaps he was being urged to submit his confession (“por ynpulsar que yo estava para jurarme sin pasar tal aviso”). As a result of such scare tactics, and a day surrounded by various torture devices such as the rack and chains, Ortiz was seized with various pains, which rendered him bedridden. He immediately penned a petition for a transfer from the court jail to the public city jail, citing enmity between him and the jailer. Not mincing words, he described his relationship with the warden as hateful and unpleasant (“el alguacil mayor de corte a

²⁶ANHQ, Criminales, Caja 17, exp 5, ff1-178.

tomado odio y antipatia con mi parte y lo trata de vejar y molestar.”²⁷ Fearing an escape during the transfer, the court denied Ortiz’s petition, but sanctioned the warden and ordered him to treat the prisoner well and free him from the stocks since he was suffering from illness (“que lo trate bien I saque del zepo estando enfermo”).²⁸

Others responded to the abuses and bad treatment at the hands of the guards, constables and wardens with escapes. In 1766, a group of four prisoners escaped, and after a year on the run, one of the apprehended fugitives explained his reasons for the flight: “that the needs and ill-treatment he suffered at the hands of the chief constable and his officers forced him to escape.”²⁹ While it is unclear from his testimony what kind of abuses he had to suffer, the language of the declaration is quite clear as to the desperation facing the prisoner. He was forced to flee if he wanted to preserve his well-being and health.

The various mistreatments at the hands of the gaolers could lead to starvation, illness, and destitution of the prisoners. Occasionally, it could manifest itself in physical violence and coercive brutality. Awakened in the middle of the night by biting fleas and loudly barking dog, which he kept inside of the jail (“perro grande que tiene dentro de la dha carcel”), Thomas Velázquez, alcaide of the Cunecan public jail, got up and still in his underwear, ran to the main chapel in order to discover the source of all the commotion. In the hallways, he encountered two of his Indian guards, Pasqual Galban and his father, who informed him that they had noticed several of the prisoners on top of the outside walls, attempting to escape. He quickly grabbed a pitchfork and a dagger, and a set of

²⁷ ANHQ, Criminales, Ortiz, f 156.

²⁸ Ibid, 157r, 156v.

²⁹ ANHQ, Criminales, Caja 56 8-x 1767 f. 61 f-62 r., “pero que las nesidades que padesia y los malos tratamientos del theniente de alguacil maior y sus alcaydes lo obligaron a aser dha fuga.”

keys and proceeded to the main patio of the prison to apprehend the fugitives. In the corner of the patio, he saw an Indian inmate in the process of climbing the prison wall. Without much thinking and with full force he hit the prisoner on the body and the head (“le dio este declarante un golpe en el cuerpo y cabeza”) with the handle of the pitchfork. The Indian prisoner fell down to the ground. After a few moments, he was able to get up and began running across the patio. Tripping on one of the drain ditches that ran along the wall, he fell down again. Catching up with the fugitive, the warden hit him twice more and picked him up off the ground and deposited him back in the cellar. It was at this moment, according to his testimony, that he recognized him as one of the prisoners named Domingo Morales, who has been imprisoned for theft.³⁰

The incident attests not only to the extreme violence that could be unleashed against some of the prisoners, but also to the familiarity that could develop among the inmates and their wardens and often lead to arbitrary decisions regarding the treatment of the inmates. Discussing the lax atmosphere of the prisons, Tamar Herzog posits that “the wardens of the city and court jail could not normally tell who was a prisoner, when they came in and when they left,” and that there were no books for signing in and out of those prisoners who were allowed leave of absence to take care of their private affairs.³¹ Yet, the above example illustrates that even if the mandated logs did not exist, the wardens could and did become familiar with the prisoners, enough to recognize their faces and possess knowledge of their location within the web of cells. Time and time again, a post-escape inspection of the cells and testimonies of the jailers as well as the inmates would

³⁰ ANHQ, Criminales, Caja 13, exp 10, 1690 ff.3r-5v.

³¹ Herzog, *Upholding Justice*, 193.

reveal who was missing and who was left behind.³² The free and imprisoned inhabitants of the colonial prisons had knowledge of each other and used it as a strategy to cope with the incarceration (inmates) and demands of the state (wardens).

Another world, yet the same: shared prison experience

Returning to Santa Gertrudis's account of the commotion around the begging gate, we are once again reminded of the myriad relationships between the prisoners, state authorities and the wider community. His account of the lice and laughter at the begging gate illustrates not only the visible camaraderie among the inmates, but also posits "them" against the outside world as confrontational and defiant, challenging the internal as well as the external order, values and norms of colonial society. Infecting strangers with lice and openly ridiculing them was only one way of resisting the adverse living conditions and deprivation of liberty. Escapes were another way for the prisoners to avoid punishment, alleviate their suffering, and make the conditions of their imprisonment not only visible to the colonial authorities, but their plight public. Through the escapes and escape plots, the inmates challenged the prison order by manipulating the weaknesses in the administration of jails, brought inside of the prisons the outside world of their respective societies and, as a consequence, contributed to the continuous unmaking and remaking of the colonial prisons and prison communities.

Escapes from both the court jail and the public jails across the Audiencia de Quito were frequent and their numbers appear to increase over the eighteenth century. Herzog has uncovered sixteen escapes from public jail in Quito between 1675-1739 and twenty-

³² ANHQ, Prisiones, Caja 1, Caja 1, exp 20-VII-1732; and Criminales, exp 4 X 1563. The municipal orders mandated "que el carcelero reciva los presos por escrito poniendo sus nombres y quien y por cuyo mandatorio por que le trujeron y en que dia y de quenta de ellos a aquellos que se lo mandan guardar, y para estotengan libro en que lo asiente."

three from the court jail in the years 1672-1748.³³ The numbers, however, do not reflect the total number of fugitives, as most escapes involved three or more people. Most of the escapes were carefully planned and assisted from the outside by friends and family, but some happened spontaneously when opportune circumstances presented themselves to the prisoners locked together in the dungeons. Prisoners frequently staged new escapes days after a previous attempt in order to take advantage of the damage created by fleeing predecessors (holes, broken grates, locks, etc).³⁴

The role of the outsiders in the planning and orchestration of the escapes cannot be underestimated. Despite the 1593 ordinances mandating segregation between the sexes among the inmate populations and restrictions on communication and exchange of any type among free or imprisoned inmates, women appear to have been instrumental in facilitating escapes. Contact (and overnight stays) between inmates and their wives was only permitted in case of lesser offenders and those involved in civil proceedings. The wives were allowed to spend the nights with their husbands in the cells, but were exempt from body searches before lock downs. As such, women from the outside often became the main carriers of contraband and de facto facilitators of escapes.³⁵ Not only did they bring inside the prisons knives, chisels, rope and carbon for starting fires, they were also the main points of contact and conduits of information between prisoners and blacksmiths or silversmiths who manufactured false keys. On occasion, they served as lookouts during escapes.

In one, rare episode of colonial cross-dressing, a Spanish inmate not only relied on his female (and Indian and a Mestiza) friends to deliver provisions necessary for the

³³ Herzog, *Upholding Justice*, 192.

³⁴ ANHQ, Prisiones Caja 1, exp 20-VII-1732.

³⁵ See ANHQ, Criminales, Caja 15 exp 7 3-VI-1698.

escape he was planning, but the vital contraband consisted of a skirt, a blouse and a cape. According to the witnesses, Matheo Correa, convicted of a rape of a young woman and sentenced to 200 lashes and 10 years banishment in the presidio of Valdivia, was seen shaving his beard the day before his escape. The next day, witnesses reported him leaving the jail among a group of women visitors, donning the said women's clothes.³⁶ His escape was successful not only because of Correas' ingenuity, but also his willingness to form cross-gender and -racial alliances.

Escape methods varied according to the opportunities and circumstances presented to the inmates. Some fled, under the cover of the night, by drilling holes in the walls of their cells in order to reach the outside walls, which they would climb and using ropes scale down onto the streets. Others used false keys to the multiple doors guarding the prisons, while some secured weapons like knives and daggers and used them to force their way out.³⁷ Arson was another method pursued by the inmates to gain freedom. It served more as a provocation and a distraction rather than a deliberate attempt to burn down the prison. Setting a fire inside of the cells resulted not only in commotion and confusion around the prison, but the immediate opening of the doors of the cells by the guards and release of the prisoners from the handcuffs, stocks and fetters. In one case, however, the response of the guards to the fire was too slow, and the prisoners themselves had to force the door open or risk suffocation in the windowless dungeon.³⁸ Once on the outside, nearly all of the escapees had some sort of help awaiting them, as was the case with three women fugitives from the Recogimiento de Santa Marta, who

³⁶ ANHQ, Crminales Caja 13 exp 4, 1692.

³⁷ ANHQ, Criminales, Caja 31 exp 23 8-II-1743, Criminales, Caja 11 exp 19 -XI- 1688; ANHQ, Criminales 32, exp 16 -VII- 1743; AHNQ, Prisiones, Caja 1,exp 20-VII-1732.

³⁸ ANHQ, Criminales, Caja 17, exp 25 -VIII-1707; and ANHQ, Criminales, Caja 5, 8-X-1767.

relied on the presence of four armed male look outs in front of the Recogimiento in order to facilitate their flight. At an opportune moment, proceeded by a series of previously agreed on signs (the women were seen sitting around the main door of the building singing songs and making a lot of noise), one of the men managed to open the small wicket on the main door and the three women ran out onto the street and were joined by the four men.³⁹ Some prisoners either sought refuge in the convents and churches of the city, among friends, or in the case of Antonio Poso, roaming the countryside and going as far as Cajamarca (in today's Peru), working as an itinerant cacao picker, and later, becoming a personal servant in return for care ("cuidado") and protection.⁴⁰

In sum, the escapes facilitated cross gender, race and class alliances among the various prisoners and their outsider contacts. The archives are devoid of cases where a single individual orchestrated and carried out a jailbreak. All of the escapes were performed as collaborative effort, bringing together men and women of diverse backgrounds. In the planning and executions stages, the prisoners were forced to collaborate, compromise, and develop a level of trust necessary to carry out the plots. As such they created temporary prison communities of shared experiences and culture.

Colonial prisoners were able to partake in relative uniformity of experience and share in the prison subculture despite their widely differing backgrounds and circumstances not only during escape attempts but also in daily activities around the prison. While the majority of inmate population was allowed to mingle with both outsiders and insiders, taking in visitors or talking to friends and family through the only portal to the outside world, the begging gate, the most violent criminals were, in contrast,

³⁹ ANHQ, Criminales, Caja 50 exp 12, 1763-IX-10, f.21r-25r.

⁴⁰ ANHQ, Criminales Caja 56 8-x 1767, f. 62r.

subjected to isolation via solitary confinement. They remained enclosed in cells, alone (“deben quedar solos y encerrados en los calabosos”) for the majority of the day and night. Time in the solitary was to be spent in complete darkness, and under no circumstances were the prisoners allowed to have in their possession instruments for generating light (candles, matches, flints, wicks, beeswax). The measure was certainly security oriented, as there was a clear correlation, in the minds of the ordinance writers, between sources of light, arson and escapes.

It is also safe to say that these early attempts at solitary confinement were also perceived by the magistrates as a source of discipline, suffering and, as such, a de facto punishment. The magistrates recognized the inherent suffering embedded in and generated by the dank and dark cells and were willing to make minor concessions to the prisoners. A normal day in the colonial prison, generally, began around 6 am, with the rising sun, and ended with a lock down at around six or seven at night, with the sunset. In between those hours, the wardens were personally responsible for enforcing a disciplining regime that would further structure the lives of all the inmates. A four -hour recess (two hours in the mornings and two hours in the afternoon) disrupted the monotony of the days. All prisoners were able to gather in the main courtyard of the royal jail and socialize amongst each other. Judging from the inventories of the royal jail, the patio and the upper balconies had a number of benches specifically designated for rest of the prisoners. There was also an area where a variety of games could be played among the prisoners, most often for money or goods available inside of the prisons.

The records are unclear as to how the prisoners passed the rest of their time, but it is safe to assume that a lot of it was spent idling in the cells, communicating with friends

and family at the begging gate, and, as the vignette of Santa Gertrudis points out, engaging in some sort of manual labor, be it weaving, sewing, laundering, and so on. Women in the Recogimiento de Santa Marta were obliged to work without rest (“en labores y otros ministerios”) and spent their free time gathering, talking and singing together in the halls of the building.⁴¹

Theoretically, during their “free time,” the worst felons were to remain under constant supervision. The ordinances instructed the jailers in regards to the inmates in the solitary “to only permit the prisoners to leave their cells to enjoy the sun, but without ever loosing the prisoners from sight for an instant before returning them to the cells” (“y solo les permitira para su refrigerio y alivio que puedan salir a tomar el sol (...), pero sin perderlos de vista, ni un instante hasta bolverlos a asegurar en los mismos calabosos.”).⁴² Yet, despite their segregation from the rest of the population, the most dangerous felons were still able to partake in the social life of the prison and mingle with the rest of the inmate population during the recess and around the begging gate. Common social time spent playing card games, gambling, or just sitting around in a cell and drinking allowed for conversation, exchange of information or news, and even laughter. Such moments enabled the prisoners to fraternize with other prisoners, build bonds, and resist the prison’s isolationist/exclusionist practices of the solitary or the placement of prisoners in cells according to their racial and class classifications.⁴³ As the worst criminals and, as such, predominantly non-white prisoners occupied the lower levels of the prison building,

⁴¹ In María Isabela Marinas Viforcós, “Los recogimientos”, 221; and ANHQ, Criminales, Caja 1690.

⁴² ANHQ, Prisiones, Caja 1, exp 20-VII-1732, f. 96v.

⁴³ ANHQ, Prisiones, Caja 1, exp 20-VII-1732, f. 96 v. The original reads: “en los calabosos y quartos del Patio esten los Indios mestisos, negros, mulatos y Zambos, y en los quartos altos los espanoles sino es que por Capital delitos se mande que estos esten asegurados en los calabosos y quartos bajos.

race was becoming more solidly inscribed into institutional practice, enabling wardens and guards to determine one's membership in the human community of the colonial prison. The state's agents conjured outcast prison populations into abstract categories of race and enclosed them in the figurative boxes of "black" or "Indian" and the literal cells hidden in darkness and behind the walls of jails. Yet, despite the attempts of the colonial state, the prisoners continued to resist the fragmentation of their small prison community through fraternizing and escape.

With the setting sun, the bustling life of the patio and the cells subsided and silence filled the buildings. Further partitioning of prisoners' time took place, as they gathered in the prison chapel for a mandatory recitation of Ave Maria, litanies, and the rosary. Enclosed in a designated space (the chapel), the inmates were subjected to the final elimination of anything that may have encouraged recalcitrance or insubordination. The quiet prayer time before the curfew could calm the minds and spirits of the inmates as they meditated on the mysteries of the Divine and united in common Christianity. The cult of the Nuestra Señora del Rosario and its devotional practice of the Rosary were particularly strong and well established within the Audiencia de Quito.⁴⁴ As mentioned earlier, the prison chapels as well as the staircases of the Audiencia building were adorned with the images of the Virgin Mary of the Rosary, and daily the prisoners sought refuge and counsel at the feet of the holiest of Mothers.

After the prayer, around 8 or 9 pm, the inmates were relegated to their cells, their doors locked, and guards placed in strategic positions throughout the building (front gates, doors of the dungeons with the most violent of offenders). The wardens retreated to

⁴⁴ For more on the Marian cults in Ecuador see Julio Maria Matovelle, *Imágenes Santuarios Celebres de la Virgen Santísima en la América Española*. (Quito, 1910), 299.

their quarters on the upper floors of the prison buildings and, barring an occasional fleabite, hoped for a quiet and uneventful night.⁴⁵ Within the cells, however, conversations, conspiracies and drunken cabals continued to take place. The nighttime, largely unsupervised, belonged to the prisoners.

Hybrid prisons

If lax discipline, neglect, extortion, cruelty and bureaucratic ineptitude were the order of the day inside of the colonial prisons, giving them particularly un-modern character, beneath it all, practices and processes that today we associate with modern prisons and punishment were slowly intensifying as the eighteenth century progressed. By the 1730, the poverty of the physical structures of the Audiencia buildings was making proper custody of the prisoners impossible. A number of inspections revealed fissures not only in the physical structures of the prisons, but also in their administration. The royal magistrates took measures to strengthen the pre-existing order, adding new, detailed and stricter policies to the old ordinances dating back to 1563.

Colonial officials understood numerous attempts to fix and improve the physical structures, but such improvements did little to stop or deter the prisoners from seeking liberty. The walls themselves were not enough to keep the prisoners inside. Something else had to be done. Tightening security and improving discipline by focusing on the wardens and their role became the new priority. The new expectations and intensifications of professionalism, discipline, and bureaucratic accountability mixed with the prevailing customary order changed the old colonial prisons into new, hybrid and surprisingly modern sites of detention and punishment.

⁴⁵ ANHQ, Prisiones Caja 1, exp 20-VII-1732.

Selected aspects of the permeability of the colonial prisons underwent significant modification during the period. While visitors and overnight stays were still permitted, the visits were now more closely supervised and annotated. In 1665, the president of the Audiencia signed an ordinance stipulating that each Friday and Saturday, the royal and city prisons open their doors to local religious fraternities and friars who would come inside in order to feed the inmates and offer them spiritual and moral guidance and support. Saturdays were also devoted to the official jail visits performed by royal magistrates and judges. The visits occurred at 3:00 in the afternoon and each one was carefully registered in a book dedicated for that purpose.⁴⁶

Because it was the sole responsibility of the prisoners to pay for themselves during their stay, many of the poorest inmates were unable to provide adequate sustenance for themselves and could not turn to friends and families for help. Many of the inmates were only able to secure an earthen bowl of grains each day. It was up to the religious confraternities to supplement the poor and inadequate diets of the poorest members of the prison community. Many of the confraternities made it a point in their bylaws to make the welfare of the prisoners their priority.⁴⁷ And they did, arriving in the jails with “with grand and beautiful pots filled with meats, bread, and honey for desserts, others armed with buckets for sharing.”⁴⁸ Appearance of such delicacies undoubtedly was a source of significant commotion and ruckus among the prisoners, and it is no wonder that by the 1730 the prison authorities began suspecting a correlation between the religious visits and escape attempts.

⁴⁶ ANHQ, Autos Acordados, Caja 2, 26 Sept 1665, f.51r.

⁴⁷ AMQ, exp. Hospital de Quito-Fundación 1602-1687. “Carta de fundación” signed on January 1, 1602 specified the times the brotherhoods could visit the inmates of the city’s hospital, 2v.

⁴⁸ “las grandes y buenas ollas de carne, el pan, y la miel para postres, armados otros con las cucharones y cazos para repartir,” Matovelle, *Imágenes Santuarios*, 299.

Until the 1730s, religious visitors were allowed inside of the buildings and redistributed the meals among the prisoners. However, the increasingly frequent escapes during such visits prompted the magistrates to reform the rules. From the 1730s onward, the wardens were personally put in charge of maintaining order within the prison by keeping the front gates of the jails locked at all times and commanding the priests and the religious personnel to use the latticed grill of the main door to administer the food. Those jailers who opened the door would be fined (10 pesos) and banished outside of the province.⁴⁹ Again, lax security necessitated the strengthening of the prison order and subjugating outsiders to more restrictive rules.

Tighter security and supervision of the flow of information, goods, and people in and out of the prisons became one of the main domains of the warden. The new ordinances emphasized a less personal and more professional role of the warden. The warden's close partnership with the prisoners were no longer the main concern for the magistrates, despite the fact that abuses of those particular rules continued well into the eighteenth century and various relationships between guards and inmates continued to develop. Instead, the focus of the new ordinances now fell on the warden as the enforcer of stricter discipline within the prison, safety and more thorough upkeep of the premises. Taken together and applied diligently, the new rules would culminate in increased security of the prison and structural and functional improvements.

While the early rules obligated the jailers to sweep the cells and premises twice a week and always maintain fresh water for the prisoners, the new additions required the jailers to become more diligent about cell inspections and maintenance of the physical structures of the buildings. The warden was also instructed to pay particular attention to

⁴⁹ ANHQ, Prisiones, Caja 1, exp 29-VII- 1732,, f. 97r.

the walls of the cells for any structural damage like holes or cracks, which could become an early sign of a planned escape. Reporting leaks and other structural damages to the royal official of the court (“alguacil mayor de corte”) was urged in order to prevent escapes, but also so that the prison would not turn into a ruin (“no pase a hazer la ruina.”)⁵⁰

Furthermore, prevention of paintings or drawings on the walls of the cells by the inmates became the one of the obligations of the jailers. Once discovered, the inmates responsible for the alterations of the walls were reported to the chief constable who would determine the mode and severity of punishment.⁵¹ It was common knowledge among the employees of the courts and jails that the walls of the prisons were the medium for communication among the inmates. Not only did they serve as message boards with paintings and drawings, but because they were thin and in “inferior” shape, the prisoners were able to speak with each other through them without being heard on the patio.⁵² As such, the new additions to jail ordinances imposed new accountabilities and responsibilities on the wardens, turning the colonial jailers into semi-professional, state bureaucrats in charge of their individual domains. They displayed significant bureaucratic division of labor, but also showed early attempts at the production of “the state” with its categorizations, abstract race categories, moral orthodoxy in all of its institutional practices.

The professionalization of the office of the jailer also indicated changes in the life of the inmate community and an assault on the shared culture hidden behind the walls of

⁵⁰ ANHQ, Prisiones, Caja 1, exp 29-VII- 1732, f. 97r.

⁵¹ The rule reads “yten que el carcelero tenga tambien particular cuidadode que en las paredes no hagan los presos abujeros, ni pongan pinturas, ni escrivan ociosidades dando quenta si lo hizieren al Alguacil mayor para que los castique.” ANHQ, Prisiones, Caja 1, exp 29-VII-1732 f 97r.

⁵² ANHQ, Prisiones, Caja 1, exp 6 29-VII-1732 f. 15r.

the prisons. The nascent modern notions of efficiency, accountability, organization, and order were encroaching on the time, space and relationships of the colonial inmates. Prisoners' time was increasingly partitioned and regulated, and repetitive events, such as the religious visits, supervised and performed in designated spaces, easily eliminated anything that was distracting or disturbing to the prisoners.

The mandatory nightly recitations of the rosary were a religious practice aimed as an antidote to sin and heresy, and focused on the restoration and uplift of the spirit and redemption of the sinner's souls. It was not a new practice per se, but rather a traditional procedure, which acquired elements of modernity, rendering it its hybridity. Prayer, thus, could also turn into a secular practice of quiet rhythm, lingering pace and repetition of words aimed at disciplining the criminal bodies of the prisoners. Enclosed and supervised within the chapel (again the wardens were personally responsible for prisoner compliance to the rule), forced to kneel or remain seated in the pews for the duration of the prayer, the prisoners, with long strings of beads in their hands, engaged in collective and obligatory rhythm of prayer, regulated cycles of repetition, and silence as their fingers continuously manipulated a sacred object (the rosary). As such, the evening prayer became an all-encompassing mode of ordering and controlling the time, space and movements of the prisoners. It eliminated all distractions and disturbances, as the prisoners remained focused on the gestures, movements and rhythm of the prayer. In the last minutes before curfew, the magistrates and the wardens made final attempts to discipline the inmates into docility.

The totalizing effects of this hybrid disciplinary regime can also be traced in the nightly searches performed on the inmates by the wardens. Each night, before the lock

down, the warden along with his auxiliary staff (guards) inspected and registered the content of the cells as well as the clothing and bodies of the inmates. Rarely were they able to find chisels, knives, keys, matches or candles that could be and were used for breaking out or arson. The reasons for that were myriad ranging from the ingenuity of the prisoners in hiding the contraband (“nunca les allado que lo debieron tener mui occulto”),⁵³ the negligence and oversight on the part of the jailers, to cultural and moral obstacles and sometimes even magic. Despite the lack of success in locating contraband, the searches were pregnant with symbolism that communicated the total power of the colonial state over the bodies of its imprisoned members.

The prisons of colonial Quito were hybrid spaces where their custodial nature coexisted with practices associated with modern notions of incarceration and punishment. Disciplining of bodies, attempts at professionalization of the prison officials, and more pronounced intrusions of the nascent bureaucratic state inside the prisons helped create less permeable and more anonymous, isolated and, eventually, completely invisible carceral spaces. Despite the modernity’s assaults on their visibility and subculture, the prisoners refused to passively succumb to official and symbolic erasure and sanction. The diverse prison community united in shared experiences of “imprisonment” and suffering challenged the often-contradictory messages of colonial custody, the state’s authority and institutions. With each escape, and each lice propelled towards a passer-by, the prisoners exposed the colonial state’s vulnerabilities, faults and failures while, simultaneously, making their own existence visible.

⁵³ ANHQ, Prisiones, Caja 1 exp 13-XII 1737.

Chapter Three

“O for a voice to speak! -- oh, horror! -- oh, any horror but this!” The Practice of Torture in Colonial Quito¹

Speechless and terrified (“muy asustado y sin poder articular palabra”), Manuel de Cárdenas entered a grocery store belonging to Dona Maria Trujillo, begging her to lend him a few candles. He informed her that his tailor shop has been robbed during his short absence that evening, and he needed a light in order to ascertain the extent of the unlawful act that was committed against his property. Returning to his shop, amid the “groans, moans and laments” of his wife and children, Manuel counted his losses. Missing were numerous blankets, skirts, trousers, jackets, belts, and a blue petticoat. The undergarment would materialize on the streets of Quito a few days later, and, according to witness deposition, it was sold to a Spanish woman. Eventually, it would lead the court magistrates to the thieves.

About a month after the incident, in October 1727, Luis de Montesdoca, a thirty-five year-old farrier, and Balthasar de Cárdenas, a sixteen-year old painter, faced accusations of robbery of the tailor shop belonging to Manuel de Cardenas. In the course of the criminal proceedings, both culprits consistently denied having robbed the shop and claimed their innocence. Each refuted having a “bad reputation” (“no tener mala fama”), or being known as a thief, and each repeatedly blamed the other for perpetrating the

¹ The title comes from a short story by Edgar Allen Poe “The Pit and the Pendulum” about a prisoner enduring the tortures of the Spanish Inquisition, in Poe, Edgar Allan, Jeffery Deaver, and Michael Connelly. *Mystery Writers of America Presents In the Shadow of the Master: Classic Tales*. (New York, NY: William Morrow, 2009).

robbery.² The magistrates questioned the facts contained in the testimonies of both defendants, as the attorneys for the accused declared the respective confession false and fanciful (“que dicha confession es falsa y quimerica”).³

Someone was clearly lying, and the magistrates needed a new way to sift through the layers of misinformation and confusion amassed by the disparate testimonies of Luis and Balthasar, and ascertain the “truth of the unlawful acts.”⁴ “Following law, reason and good conscience,” on May 21, 1728, the judges of the Audiencia sentenced Luis de Montesdoca and Balthasar de Cardenas to questioning under torture (“a que sean puestos a question de tormento”), leaving the parameters of the act, its duration and intensity at the discretion of the presiding judge.⁵ A day later, Luis Montesdoca and Balthasar de Cardenas entered the torture chamber and were stretched on the rack.

European forays into the use of torture can be traced from the Greeks and the Romans, through the penal codes of Middle Ages, into the early modern criminal courts of England, France and Holland, and the eighteenth- and nineteenth- century legal reforms that would eventually lead to torture’s brief abolition from ordinary criminal law. With the advent of nineteenth century European colonialism, torture was re-instituted in many parts of Europe and it remains, formally or informally, in use to this day.

Despite such a long history, torture has gained its greatest infamy from its association with the Spanish Inquisition.⁶ The origins of tales of diabolical cruelties of the Inquisition can be traced to the late sixteenth-century Black Legend perpetrated by

² AHNQ, Criminales Caja 23, exp 14, 20 Octubre 1727 ff. 17r.

³ ANHQ, Criminales Caja 23 ex 14 ff. 25r

⁴ *Las Siete Partidas* 7, 30, 1

⁵ Kamen, *The Spanish Inquisition*, 188; ANHQ, Criminales Caja 23, exp 14, 20 Octubre 1727 ff.27r

⁶ See Peters, *Torture*

English and Northern European Protestants fearing and fleeing Catholic and Spanish military hegemony over their homelands. The “black legend” exaggerations and negative depictions of Spain’s power and institutions continued well into the eighteenth century and have been used by contemporary Anglo-American popular and scholarly literature as a springboard for discussions of the Spanish Inquisition’s history, ideology, and practices. As a result, the Inquisition often emerges as an unregulated, barbaric, uncivilized, evil and pre-modern, anti-intellectual and its judicial proceedings reduced to sensational, if not pornographic descriptions of the torture chamber’s visible horrors (the iron maidens, the racks, whipping devices, cauldrons of molten iron, etc....).⁷ But clearly there is more to the Spanish Inquisition than the gory accounts of torture sessions, endlessly burning stakes and the Holy Office’s ostensibly brutal pre-modern sensibilities.

Recent scholarship has offered a more perceptive overview of the institution and its history, focusing on its role as a political as well as religious instrument used by the successive Spanish monarchs in an attempt to ensure religious and intellectual orthodoxy, and imperial security.⁸ Historians have suggested that the Inquisition’s simultaneous pastoralism and repression was part of the Crown’s desire to establish a homogenous and

⁷ See: On Inquisition see: José Toribio Medina, *Historia del Tribunal del Santo Oficio de la inquisición en Chile* (Santiago de Chile: Fondo Histórico y Bibliográfico J.T. Medina, 1952); Richard E. Greenleaf, *The Mexican Inquisition of the Sixteenth Century* (Albuquerque: University of New Mexico Press, 1969); Maria Paz Alonso Romero, *El Proceso Penal en Castilla siglos XIII-XVII*. (Ediciones Universidad de Salamanca, 1982); Henry Charles Lea *Torture* (Philadelphia: University of Pennsylvania Press, 1973); Lea, Henry Charles. *The Inquisition of the Middle Ages* (New York: Macmillan, 1961). On the invention of the myth of the Inquisition and the polemical nature of its historiography see Kamen’s last chapter in *Spanish Inquisition* p305-320; Joseph Perez, *The Spanish Inquisition* (New Haven: Yale University Press, 2005); Millar Carvacho, René. *Inquisición y sociedad en el virreinato peruano: estudios sobre el tribunal de la Inquisición de Lima* ([Lima]: Instituto Riva-Aguero, Pontificia Universidad Católica de Perú, 1998); Mannarelli, María Emma. *Hechiceras, beatas y expósitas: mujeres y poder inquisitorial en Lima* (Lima, Perú: Ediciones del Congreso del Perú, 1998); Greenleaf, *The Mexican Inquisition*;

⁸ Martin Austin Nesvig *Ideology and Inquisition: The World of the Censors in Early Mexico*

racially uniform modern state, and these scholars have argued that such practices often paralleled modern strategies for persecution and repression. They have approached the questions of the Tribunal's persecution of *conversos* in terms of Crown's nascent anti-Semitism, an approach that has been strongly debated in recent historiography. Still, others have offered a nuanced analysis and assessment of the various aspects of the Inquisition's role, from its varied effects on Spain's intellectual life, to the institutional inconsistencies and flexibility, bureaucratic infighting and ineffectiveness, its largely urban reach, and the effects of the Holy Office on the persecution of blasphemy, witchcraft and bigamy in the New World.⁹

The alleged brutality, severity and repression of the Holy Office has also come under more nuanced scrutiny and a new assessments contend that the actual number of cases of torture employed by Spanish inquisitors was minimal, yet very selective and fierce. For example, the statistical infrequency of torture for the Kingdoms of Spain is telling. In Granada, seven percent (18/256) of the accused suffered the horrors of the rack between 1573-1579, while in Seville, the years 1606-1612 yielded twenty one cases of torture out of 184 detainees (11 percent).¹⁰ The numbers for Spain's overseas empire are similar. Between 1701 and 1736, out of 300 cases that came in front of Lima's Tribunal, only in 14 were the accused sentenced to torture. Out of the fourteen, only 8 were

⁹ For recent work on the Spanish Inquisition in Spain and in the New World see: Joan Cameron Bristol "From Curing to Witchcraft: Afro-Mexicans and the Mediation of Authority", *Journal of Colonialism and Colonial History* (7:1, 2006); Kamen, *The Spanish Inquisition: A Historical Revision*, 1997; Bristol, *Christians, Blasphemers and Witches*, 2007; Greenleaf, Schwartz, Stuart B. *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven: Yale University Press, 2008).

¹⁰ Kamen, *The Spanish Inquisition*, 189

actually tortured, while the others were either threatened with the possibility, escaped their fate due to illness, or were set free on the grounds of procedural error.¹¹

If torture, as an event was infrequent, it certainly made up for its fierceness and selectivity in the social and racial make up of its victims. Both in Spain and in Peru, the majority of the victims were accused Jewish converts who continued to observe the Torah (Judaizers), Protestants and converted Muslims of Moorish descent (*moriscos*). By the late seventeenth century, throughout the empire, nearly three-quarters of those accused of being Judaizers were tortured by the tribunal. They were joined on the rack by lesser offenders convicted of being heretics, blasphemers, and bigamists.¹² The torture cases from the Limeño Holy Office illustrate the careful selectivity of the Inquisition. Out of the eight victims of torture in eighteenth century Lima, three were accused of Judaizing, three of blasphemy, one of sorcery, and one of apostasy. Moreover, all the victims sentenced to torture by the Limeño tribunal came from marginalized social groups: foreigners, mestizos, New Christians (Jewish converts). Most belonged to the middling and lower classes as attested by their occupations: spinner, sailors, manual laborer, shopkeeper, silversmith, hawker, glass shop owner, although, on occasion a member of the colonial aristocracy found herself strapped to the rack.¹³ While Indians were exempted from Inquisitorial jurisdiction, slaves, free blacks, and mulattos accused of witchcraft, sorcery and heresy were not.¹⁴ Despite the infrequency, the Holy Office

¹¹ Millar, Rene *Inquisición y Sociedad en el Virreinato Peruano*, 56-57, Silverblatt, *Modern Inquisitions*, 71.

¹² Kamen, *Spanish Inquisition*, 189, Silverblatt, *Modern Inquisitions*, 71-72

¹³ Silverblatt, *Modern Inquisitions*, 35

¹⁴ For witchcraft, sorcery and Inquisition in Cartagena de Indias see : Diana Luz Gómez Ceballos, *Hechicería, brujería e inquisición en el Nuevo Reino de Granada, un duelo de imaginarios* (Medellín: Universidad Nacional de Colombia, 1995) 125-207; Navarrete, *Historia social del negro en la Colonia: Cartagena Siglo XVII* (Santiago de Cali: Facultad de

appears to have systematically resorted to torture only in cases of “socially inferior persons” (“las personas socialmente inferiores”)¹⁵ perceived as threatening to religious, racial and socio-cultural purity of Spain’s overseas empire.

The Holy Tribunal’s infamous practices, albeit shrouded in secrecy, were surrounded by highly regulated and carefully recorded protocols. Detailed *Instructions* issued in 1561 urged the judges to use torture as the means to obtaining the truth and as a last resort, rather than as an end in itself, or a punishment. It encouraged them to issue torture sentences that were justified and followed precedent.¹⁶ The act could not be too brutal, cause death, or permanent injury. The regulations also stipulated precisely when torture could be employed, the duration of the sessions, and which instruments should be utilized. The *Instructions* also checked and ensured the general humanity of the proceedings, in so far as a doctor was always on call, assisting in the prevention of the loss of life and major injuries to limbs.¹⁷

The bureaucratic nature of the Tribunal also ensured that all details of the event were witnessed and recorded, with representatives from the bishop, physician’s office, and court secretary present. The notary recorded the gestures, words and, on occasion, screams of the victims, leaving us the macabre evidence for which the Inquisition has gained its notoriety and infamy.

Humanidades de la Universidad del Valle, 1995); Borja Gómez, *Inquisición, muerte y sexualidad en el Nuevo Reino de Granada* (Santa Fe de Bogotá: Editorial Ariel), 171-198; Roland Anrup y Angélica Pérez Pérez “De la hostia a la horca: el delito de un Mulato en Cartagena de Indias del siglo XVIII.” *Anales*, (Nº. 1, 1998), 55-90.

¹⁵ Millar, *Inquisición y sociedad en el virreinato peruano*, 56-57

¹⁶ Nicolau Eimeric, Lluís Sala-Molins, Francisco Peña. *El Manual de los Inquisidores* (Barcelona: Muchnik, 1996); Kamen, *The Spanish Inquisition*, 188.

¹⁷ *Ibid*, 190-191, also see Peters, *Torture*.

Irene Silverbaltt rightly argues that the Inquisition's structure and procedures created a precedent to a modern, civilized Western bureaucracy. She also links its terrors and tortures (however mild) with the violence inherent in and to our Western, modern, civilized world/condition. She attempts to close the false dichotomy that has been used to classify societies as pre-modern and modern, progressive and backward, civilized and uncivilized, and demonstrate the modern roots of the West in the ostensibly pre-modern, barbaric and colonial institution.

The task of this chapter is to extend the link beyond the secret courts of the Spanish Inquisition into the secular courts of the late seventeenth- and eighteenth-century Audiencia de Quito, by focusing on the actual acts of torture performed inside the colonial prisons and alongside the practices already instituted within them (solitary confinement, disciplining acts, and inadequate living conditions). Presumed guilty, the imprisoned victims' refusal to confess to alleged crimes signaled an opposition and a threat to the colonial social order and status quo. According to Enrique Dussel "where the barbarian or the primitive opposes the civilizing process, the praxis of modernity must, in the last instance, have recourse to the violence necessary to remove the obstacles to modernization."¹⁸ Torture, thus, would take on "an almost ritualistic character," with prisoner victims becoming participants "in the process of redemptive sacrifice."¹⁹ The resulting horror and mental anguish of the terrorizing spectacle could, in the minds of colonial officials, redeem the accused, prove them innocent, or at least offer a stabilization, albeit often false, of the social order.²⁰

¹⁸ Enrique Dussel "Eurocentrism and Modernity (Introduction to the Frankfurt Lectures)." *boundary 2*, Vol. 20, No. 3, The Postmodernism Debate in Latin America (Autumn, 1993), pp. 75

¹⁹ *Ibid*, 75

²⁰ Judith Butler, *Gender Trouble* 135

The chapter highlights the slowly shifting methods of punishment from public and cruel whippings, hanging and shaming to a more private, isolated processes of mental and ideological control hidden behind the walls of the prison. What emerged in the secular courts of Quito by the seventeenth century was a hybrid mechanism of nascent modern penal system, where the physical pain, corporal punishment, terror, and suffering were not entirely eliminated, but were being increasingly enveloped by the non-corporal processes of isolation, discipline, silencing, threat of pain and annihilation.

These relatively modern methods and processes of redemptive violence operated within a complex system of traditional rules, procedures and concrete actions performed by the officials presiding over the proceedings. Routine and carefully scripted admissions warned the accused of the consequence of withholding the truths, while oaths made in the name of the Holy Trinity or the Bible ensured that confessants would aspire to tell a modicum of truth. The court officials used these deliberate, scripted and formulaic utterings, which threatened to punish non-compliance with bodily pain and eternal damnation in an attempt to transform the accused into interiorized, sensible, docile subject of the increasingly modern colonial state. The resulting excesses of threat (terror of pain and bodily annihilation) ever present inside of the Quito's colonial prisons became imperative to the civilizing and reforming projects of the nascent modern penitentiary experiment. Along with bureaucratic classification and codification, which, in a reductive way concealed and transformed individual subjectivities and social relationships, torture became part of the lexicon of essential and inextricable elements

and processes of Western modernity's liberating and civilizing project and, as such, exposed its latent savagery and violence.²¹

The detailed proceedings of torture sessions from the Audiencia de Quito's criminal dossiers serve as a starting point in demonstrating torture's incontestably real political consequences in the emergent processes of modern statecraft. They show how the procedures, objects, and environments associated with the horrific act could contribute to the display and spectacle of the state, producing not only a fantastic illusion of its power ("state magic"), but also serving as key elements in the development of the colonial states' modern bureaucratic practices and institutions.

The act of torture as practiced in colonial Quito was intrinsic to the civilizing and disciplining processes already underway in the myriad sites of incarceration in colonial Spanish America. Like the pre-modern gaols' machinery of suffering, torture was cruel, brutal, terrifying, ritualistic, and irrational. But it could also be rational, determined, disembodied, with its horrors and mental terrors objectified, classified and encoded in formulaic language. It was thus a hybrid and dynamic event, an encounter of the increasingly modern state bureaucracy embodied in the prison and the colonial population. Because it took place inside of the colonial prisons, the encounter of the institution and the individual in that particular moment would lead to fracture or a breakdown of both of the entities. The state institution experienced a shift from being a site of custody to being a site of an internalized and hidden punishment, pain, and

²¹ Quijano, "Modernity, Identity and Utopia in Latin America" in John Beverly, Michel Aronna, and José Oviedo, eds., *The Postmodernism Debate In Latin America*. Durham, N.C.: Duke University Press. 201-16; "Coloniality of Power, eurocentrism and Latin America." *Nepantla I*, no. 3: 533-80; Scarry, Elaine *Body in Pain*; Bauman, *Modernity and the Holocaust*; Silverblatt, *Modern Inquisitions*.

sometimes death; the criminal was reconstituted as interiorized, docile, silenced subject, reformed, redeemed and ready to return to the colonial social landscape.

Torture as practiced in the court of the Audiencia de Quito formed part of the penal process, and was used by the judges to obtain necessary confessions from the wrongdoers accused of crimes by victims or witnesses. Regulated in the *Partidas* (the legal code of King Alfonso X of Castile), torture was not a punishment, but rather a legitimate means to obtain “the truth” and establish guilt. Torture eased the process of eliciting the confession of moral (sinners) and legal (criminals) wrongdoers, and as a result it enabled them to repent and eventually obtain salvation. Torture, in the eyes of pre-modern jurisprudence, restored an order disrupted by the wrongdoing of the criminals as it allowed them to experience penance and re-enter the community or society.

However, torture was also the means to gather valuable information and evidence, which was not necessarily available during regular interrogatory sessions.²² It offered not only verbal confession (the spoken language), but it also had the ability to reduce the victim, through pain, to a pre-language state of spontaneous and involuntary speech (moans, cries, shrieks) and unintentional bodily gestures and behaviors (tears, weeping, trembling, bleeding). This bodily evidence became a crucial component of testimony and was understood to reveal essential truths about the accused, precisely because of its unintentional nature and its ability to circumvent the conscious will of the victim. For example, in sixteenth-century Spain tears were perceived to be a gift from God and were

²² For the use of nearly scientific rules of evidence (medical and ecclesiastic) in the persecution of diabolic possession, heretical presumptions and mysticism see Nora Jaffary, *False Mystics: Deviant Orthodoxy in Colonial Mexico*, (Lincoln: University of Nebraska Press, 2004).

the mark of sincere individuals possessing open and tender heart toward God.²³ Spontaneous weeping then could constitute evidence of not only sincerity in claims of innocence, but also demonstrate one's affinity with God and thus be used in favor of the accused. Conversely, the judges perceived the failure to shed tears as proof of demonic influences and used the gesture as evidence of guilt. Like weeping, trembling could also have detrimental moral implications for the accused. Its appearance condemned, its absence redeemed.²⁴ Those who withstood the pain inflicted by torture, or exhibited the proper bodily gestures and behaviors were considered innocent and set free. Not surprisingly, in the search for truth, torture often produced results, since "through gesture, the body betrayed itself."²⁵ But, more often than not, it also created more misinformation, lies and confusion. On occasion, witnesses who were thought to have withheld information were sentenced to torture, as their behavior was deemed prejudicial to the rule of justice.²⁶

Because religious orthodoxy and morality (in Spain and the colonies) and ethnic and spiritual uniformity (in Spain) were at stake, the Iberian and New World Holy Office's special judicial mandate promoting "a kind of equality under the law attained by few other courts of the day," ensured that the victims of the Spanish Inquisition came from all levels of imperial society, regardless of their class, gender, race, age, social condition. Beginning in 1571, in the colonies, Indians were exempted from the Inquisitorial jurisdiction and referred to royal or ecclesiastical courts for prosecutions.

²³ William A Christian "Provoked Religious Weeping in Early Modern Spain" in John Davis, *Religious Organization and Religious Experience*, 97-114.

²⁴ For discussion of bodily evidence see Silverman, *Tortured Subjects*; William Christian in *Religious Experience* ed. John Davis (97-114), Luria "Rituals of Conversion" in *Culture and Identity in Early Modern Europe* (1500-1800).

²⁵ Silverman, *Tortured Subjects*, 104.

²⁶ Herzog, *Upholding Justice*, 25-29.

However, in the increasingly multiethnic setting of colonial urban centers, there was often much confusion over ethnic and racial definition. For example, in Santiago de Guatemala, Indians could be denounced to the Inquisition, but once classified as “indios puros” (pure Indians) by the authorities, their cases were forwarded to secular or religious courts. Those deemed hispanicized Indians (*indios ladinos*) could potentially face the Tribunal and often did as the accused and as witnesses. Moreover, while the Inquisition did not have direct jurisdiction over cases of spells, witchcraft, curses and sorcery, often attributed to indigenous and African populations, it did prosecute them.²⁷

In some of the cases of indigenous sorcery that came before the secular judges of the Audiencia court, the accused produced confessions filled with ambiguities about the nature of the magic spells and weapons, prompting the authorities to refer the cases to the Holy Office. Such fate awaited Lorenzo Buesaquillo, accused of six acts of magical aggression and sorcery in the indigenous village of Buesaquillo near Pasto (present day Colombia). The royal officials charged Lorenzo with six counts of magical aggression and murder: killing a minor Spanish official with a green toad capable of entering a body to cause death or madness, inflicting sickness with a “*meleficio*” (evil spell) on his cousin’s husband after a minor brawl, poisoning a neighbor’s chicha after they have whipped Lorenzo’s children for stealing food, which in turn caused a serious illness and eventual death, deaths of two men after a bar brawl, and a finally injecting vermin (“egg whites and then lizards, bumblebees and centipedes”) into a debt collector’s body, which caused severe body pains and illness. In order to elicit confessions to the killings and

²⁷ See Few, Martha. *Women Who Live Evil Lives: Gender, Religion, and the Politics of Power in Colonial Guatemala* (Austin: University of Texas Press, 2002); Joan Cameron Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century*. (Albuquerque: University of New Mexico Press, 2007); ANHQ Indígenas, Caja 43 exp 7, 1730; ANHQ, Criminales, Caja 28, 14-V-1736.

magical poisonings, the judges ordered torture. Lorenzo withstood the ordeal without confessing to anything, but the magistrates suspecting a heresy in his magic (“por malebo lo hechisero superticioso contra la fee Christiana”) justified further investigation by the Holy Office.²⁸ No other records regarding the case have been found.

In the secular High Court of the Audiencia de Quito, in contrast, the use of torture varied according to the offense and, as such, was influenced by the socioeconomic conditions of the region. Between 1679 and 1736, the majority of those subjected to or threatened with torture in Quito’s royal courts (eleven cases) came from lower social strata (day laborers, master blacksmith, painter, itinerant dancer, hacienda workers) and were non-Spanish (two mulattos, four Indians, one foreigner of Spanish or Portuguese origins). The crimes they were accused of ranged from murder and assault (three cases), personal property theft (eight cases) and witchcraft (two cases).²⁹ Moreover, royal magistrates tended to prescribe torture to suspects and witnesses in rural crimes, banditry and cattle rustling, as those were harder to detect and prove.

Despite a clear focus on the liminal members of the Quiteño society and a total exclusion of noblemen, women and the ethnically Spanish from the torture chamber, overall torture was not a common practice in the Audiencia.³⁰ Although it was frequently requested by the prosecutors, the presiding judges denied its application, and more often than not used the possibility of torture as a mere threat. In six out of the eleven cases examined, the prosecution requested “la pena de tortura,” but was denied on procedural

²⁸ ANHQ, Indígenas Caja 43, 18-v-1730, ff. 15v; 20r-21v.

²⁹ Some of the accused were charged with additional crimes as the criminal process unfolded. See ANHQ, Criminales 22, exp 14, 26 Feb 1726; Criminales, Caja 16, exp. 3 30 VII 1701, Criminales 28, exp. 14 V 1736.

³⁰ Herzog, *Upholding Justice*, 26-29.

grounds, or the sentence revoked upon examination of additional witnesses.³¹ Generally, the accused was informed of the sentence of torture, or shown the instruments in order to obtain a quick confession through fright. Such was the case with Blas Saguache (*Indio*), accused of robbery and, later, witchcraft. In his appeal petition, Blas' attorney noted that the prosecution was out of order for using torture to exhort confession of his client ("se le de a mi parte efectivamente tormento"), when it had already threatened Blas with torture in order to frighten him into confession ("que baste aberse le dado conminacion").³² A day before, Blas was stripped, led to the torture chamber and placed on the rack. Only once did the judge ask Blas to confess his crimes. The prisoner insisted on his innocence and the session was terminated before the wheels of the rack had a chance to turn. Blas returned to his prison cell, as his attorney begged for mercy. The Indian was nearly 70 years old and would not withstand the ordeal of further interrogation ("no ser capas de dho tormento"). Eight days later, on 20 September 1736, Blas Saguache was freed from prison.³³

Only eleven people were subjected to torture between 1650-1750, but those numbers are based on the extant written records of the criminal proceeding found in the archives.³⁴ The uncounted victims of torture for which written evidence is missing, lay broken and nursing their wounds in the damp cellars of the colonial jails. The official written record of their ordeal is missing, but, sporadically, these victims of torture appear in the background of testimonies as silent witnesses to the escape attempts of their

³¹ See ANHQ Criminales, Caja 6, exp 11 23 Jan 1679; Criminales, Caja 15, exp 4 8 Jan 1698; Criminales, Caja 16, exp 3 30 Julio 1701; Criminales Caja 24 exp 1; Criminales, Caja 28, exp 14 Mayo 1736; Criminales, Caja 23 exp 18 1726;

³² ANHQ, Criminales Caja 28, exp 14-V-1736.

³³ ANHQ, Criminales 28, exp 17 14 V 1736, ff. 15r-19r

³⁴ Tamar Herzog's findings confirm the low number of torture cases, in *Upholding Justice*, 26-29.

cellmates. Their stories remain a mystery. What has become of the written record of their interrogation?

Taking into account the social and cultural context of the production of notarial records and the officers who held the positions as court scribes, we arrive at a plausible explanation of the records' disappearance. As Kathryn Burns has observed, the activities of colonial scribes and notaries were far from neutral, and were often mediated by family and business connections, the allure of economic gain or the attainment of greater social prestige. The notaries often went out of their way to produce not the objective truth asked of them in their oaths of office or by the Sovereign, but rather "to produce best truth money could buy," or represent events the way their clients wanted.³⁵ As a result, notarial records emerge as highly mediated, negotiated and collaborative documents replete with innovation, mix up, disappearances, and falsities. While this is true of the extant archival documentation, what of the testimonies that are missing?

It is possible, given the highly "strategic flexibility" on the part of the notaries and their clients, that some of the documents (the more incriminating ones) may have gone missing upon a delivery of a few pesos by interested parties, or a request from a close family member or business associate. Or, perhaps, if the stakes were high enough, the documents, even after they have been indexed and archived, still could have been "mutilated, hidden, stolen, miscopied, misauthorized and mislaid."³⁶

While the above explanation is plausible, a caveat is in order. Burns' notaries, in the majority of cases, worked for both Spanish and Indigenous local elites. Their cases

³⁵ Burns, "Notaries," 353; for a longer discussion of the nature of colonial archives see Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham [NC]: Duke University Press, 2010).

³⁶ *Ibid.*, 367

were civil in nature, dealing with dowries, loans, property matters, or inheritances. The stakes *were* often high making the sacrifice of objective truth, or a disappearance of a document a small price to pay. In the case of torture victims, the majority came from lower social strata and could rarely afford the privilege of mediating their cases with the court secretaries, or paying for the documents' disappearance. Thus, in the cases of extant documentation, we must trust the notaries that the words they inscribed were, indeed, very close to the witness' actual spoken words and that the scribes had little outside incentive to have them vanish from the record. Richard Boyer even suggests that the meticulous and exact recording of court and torture proceedings was the point of pride of some of the court notaries, and "to edit testimony would have been audacious, irresponsible and irreverent." Thus in the case of the missing evidence, perhaps, more current culprits are to blame: ephemeral nature of paper, and a long history of the politics of archiving and preserving of historical documentation in South America.³⁷

Despite these caveats, it still may be tempting to dismiss such low numbers of torture cases as statistically and historically insignificant, but again it would be a disservice to those who suffered the physical and psychological anguish engendered by interrogation under torture. The fact that the judges of the Audiencia had such a process at their disposal and utilized it, albeit rarely, in a systematic, rational, and standardized way targeting those inhabiting the fringes of and perceived threat to the larger, mostly urban, Spanish colonial community speaks volumes to the place of the Spanish colonial state on the modern/ traditional trajectory. This is because colonial torture held significance, seldom acknowledged by historians, beyond its immediate function in law

³⁷ Richard Boyer, *Lives of Bigamists*, 21.

to “investigate and learn by its means, the truth of the unlawful acts.”³⁸ Colonial torture was a political and cultural symbol “bestowed with legitimacy by state institutions” and “(...) intrinsic to our civilization.”³⁹

“...y para dho se le hizo el primer requerimiento de que declare la verdad”:

The Objects, Events and Environments of Colonial Torture.⁴⁰

On May 22, 1728, Don Manuel Ruvio de Arevalo awaited the arrival of a prisoner in a room adjacent the main entrance door of the royal prison. Shortly before 8 pm, Luis Montesdoca was brought in, hands and feet unshackled (“libre de prisiones”). Making the sign of the cross, as prescribed by the procedural rules, the prisoner promised to answer all questions asked of him truthfully. The judge, then, read the sentence pronounced a day earlier by the officials of the High Court, condemning Montesdoca to interrogation under torture (“question de tormento”).⁴¹ Next, according to the carefully scripted procedure, the judge announced to the prisoner his first warning (“y se le hizo el primer requerimiento”). Still outside of the torture room, the judge explained to the subject that he was being tortured for his own benefit and finding out the truth was the motivation behind the interrogation. Leaving very little to the imagination, the judge, in graphic detail, described to the prisoner what could happen to him should he refuse to tell the truth. Death, eyes popping out, or broken limbs or body parts (“o se le saltaron los ojos y se le quebrantasen los brazos o piernas o qualquiera parte del cuerpo”) were some of the

³⁸ *Las Siete Partidas* 7, 30, 1

³⁹ Silverblatt, *Modern Inquisitions*, 75.

⁴⁰ ANHQ, Criminales Caja 23, exp. 14 20 IX 1727. “And for that, he issued the first admonition so that the accused would tell the truth” ff. 30r

⁴¹ *Ibid.*, 28r-29r.

physical consequences of the ordeal, and their occurrence was at the sole responsibility of the accused (and not the judges).⁴²

Having sufficiently scared the victim, Don Manuel again asked Luis Montesdoca to tell the truth (“solo solicita la verdad”) about the robbery of the tailor’s shop, to reveal the identity of the robbers, and how did they manage to open the locks on the shop’s door. Montesdoca responded that, in the light of the warning, he could only confirm what he had already declared in his confession, because it was the truth (“porque eso es la verdad”). Repeating the description of the horrors of the rack (broken limbs and popping eyes), judge Don Manuel issued the second warning to the prisoner and again asked for the truth. As the judge uttered the words, the solemn procession was slowly making its way towards the torture chamber. Again, the subject insisted that he has already declared all the he had to declare in his confession.⁴³

Arriving at the threshold of the torture chamber, the prisoner was ordered to enter the room (“pasare a dho reo al quarto y sitio donde esta el potro andar tormento”) where the rack was located. Court secretaries and the executioners were gathered inside. Having taken a good look at them and the instruments of torture located in the middle of the room, the judge decided it was time to issue a third warning to Montesdoca. Again, the accused insisted on already having declared all the truth. At that point, he was stripped of all the clothing but for his underwear. It was 8 o’clock at night according to the clock in the room and the diligent annotation of the fact by the court notary.⁴⁴

The above events could easily be dismissed as part of the extended, lawful and traditional rules safeguarding the process of interrogation under torture. They reflected

⁴² Ibid., 28r-29r.

⁴³ Ibid., 28r-29v.

⁴⁴ ANHQ, Criminales Caja 23, exp. 14 20 Octubre 1727 ff. 28r-29r

procedures practiced not only in the Spanish inquisitorial processes, but also in the early modern courts throughout Europe.⁴⁵ In the case of Luis Montesdoca and his accomplice, Balthasar de Cárdenas, who was a minor of age, all the elements (the rules) were present and enforced by the presiding judge. The victims were made to swear under oath (sign of the cross) to tell the truth, warned three times (in some cases the warning was given four times, the fourth as the subject lay stretched on the rack), and the proceedings were witnessed by a number of officers of the court: the investigating judge a secretary, an executioner, and a curador ad litem, who was a lawyer appointed by the court on behalf of an incompetent (slaves), or minor party (women and minors under 25 years of age).⁴⁶ Everything, including the time of the beginning and the end of the interrogation was carefully recorded. As such, the event was weighted with formulaic language and ritualized bureaucratic procedure.

In these early forays into modernity, judicial interrogation was enveloped in rational, institutional language that kept the presence of the divine to a minimum. In the extant interrogation transcripts (from 1679-1745) there is a striking lack of religious language urging the accused to confess their sins.⁴⁷ The prisoners were asked to swear under an oath (the sign of cross and in the name of God) at the beginning of the procedure and again at its end when signing the confession, following the same routine and formula each time. The prisoners were exhorted to tell the truth not because lying

⁴⁵ See Silverblatt, *Modern Inquisitions*; Kamen, *The Spanish Inquisition*; Peters, *Torture*; Silverman, *Tortured Subjects*.

⁴⁶ ANHQ, Criminales, Caja 23, exp 14 Octubre 1727, ff 30r 32r, and see also case of mulatto Juan Perez, Criminales 22, exp 14 26 feb 1726 ff38r-40v; case of Thomas Rodriques Yanaburro , Criminales 21 exp 15, 13VII 1724 ff. 65r-67r.

⁴⁷ The pattern is confirmed in case of early eighteenth century France discussed by Silverman in *Tortured Subjects*. Silverman had access to earlier transcripts from the seventeenth century and was able to trace changes over time in the disappearance of the religious language. She notes a steady secularization of language by 1720. No such transcripts exist for Quito.

would have divine consequences (the wrath of god) but rather, because the failure to tell the truth would lead the accused to greater, physical suffering (popping eyes, severed limbs) and the responsibility for that would fall directly onto the prisoner (“a su culpa y cargo”).⁴⁸ The presiding judges placed the burden of suffering and pain entirely on the accused because truth was “a debt to justice, not to God, or to the soul.”⁴⁹ As such, the redemption of the criminal would come not through a divine intervention, but through the will of the accused, making his spiritual destiny not contingent on the truthfulness of his confession. Instead, the prisoner became accountable only to himself and justice and not to a divine order for his pain or his salvation. The process of admonition enabled the body of the accused to act against him, maiming him, and possibly ending his life. The ability of colonial magistrates to inflict such (psychological) pain onto the tortured subject before any actual physical pain took place became the hidden locus of the colonial state’s power and authority to control and punish its subjects.⁵⁰

Another set of hybrid elements announcing the arrival of modernity in the colonial setting of Quiteño prisons was the torture room and its contents and its location. The environment in which the torture was to take place could become a space filled with political meaning and symbols of the colonial state’s power. The torture room was not just another space used to house the *machinery of suffering*, with which the colonial prisons were replete. In the process of the interrogation, it could literally be converted into a weapon and an agent of psychological pain used by the colonial state to terrorize its victims, and to control their bodies by rendering them docile, obedient, vocal or silent.

⁴⁸ ANHQ, Indígenas, Caja 43, exp 7 18-v-1730, ff. 21r

⁴⁹ Silverman, *Tortured Subjects*, 85.

⁵⁰ The analysis is largely inspired by Elaine Scarry’s treatment of torture proceedings in *The Body in Pain*.

Moreover, the torture chamber was located inside of the royal prison, itself enclosed in the interior of a converted house remodeled to serve as the Audiencia Palace. Within the maze of this domestic architecture, the torture room occupied the lower level of the royal prison, surrounded by the cells (*calabozos*) destined for most violent of offenders. Little information exists as to its furnishings, and the only articles mentioned in the 1778 inventory of the prison were the rack with four straps made out of rope, and a strangling post used for executions (“En la sala destinada para dar tormento un Potro y un poste de dar garrote”).⁵¹ We also know from the detailed transcripts of the interrogations that a clock adorned one of the walls.

Again, such furnishings, beyond their immediate use to cause pain can be dismissed as somewhat innocuous and their true power to cause pain can be attributed to their actual application. But how do we explain the deliberate announcement of the final warning to the prisoner at the threshold of the torture chamber, at a point where not only the rack, or much worse, the strangulation post along with the executioners (undoubtedly hooded) were visible? What was the point of leading a prisoner to the threshold of the torture room and letting him look inside only to stop and exhort him to tell the truth, if not to keep the prisoner in immediate anticipation of savagery to come? Such a tactic was, without a doubt, terrifying and could frighten the weak into confession and submission.

Moreover, was the clock (a relatively recent, late seventeenth- century invention bearing a minute hand and possibly a pendulum) on the wall ticking, in precisely measured staccato, announcing the arrival of horror, signaling the inevitability of pain? Even if it measured time in silence, the clock was a highly charged ritualized object, far

⁵¹AHNQ, Fondo Especial, PQ v.115, v. 7, 1778, ff. 44r.

exceeding its functionality. Along with Quito's ubiquitous church and chapel bells, the clocks dictated the rhythm of the empire, and announced the value of time in civilized communities. Its arrival in the torture chamber heralded efficiency and promptness, regulated cycles of repetition, measured the duration of the interrogations, and dictated and ordered movement of officials and prisoners through the caraceral space. Such subjection to a new object (the clock) ensured discipline not only of the victims, but of the officials as well. The disciplinary technology of time "penetrated the body and with it all the meticulous controls of power," creating a "knowable man," an easily manipulated citizen of the increasingly modern world.⁵²

Already enclosed within a space (the Audiencia Palace) closely associated with Justice/God/Father the King, the prisoner now faced a room filled with familiar objects pregnant with meanings of domesticity and quotidian daily life (chairs, benches, ropes, candles, clocks measuring the hours of the day). Yet, at the moment of entering the torture room, with the threat of pain and possible death still ringing in his ears, the environment of the torture room and its contents were immediately de-objectified and associated not with domesticity (the House of the Father King) and/or the principles of justice and the Divine, but rather with instruments of hurt and pain and symbols of state terror and violence. With the transformation of the torture room and its contents into objects of pain and discipline, the prisoner's physical/traditional and familiar world, now simply limited to the torture chamber, was singlehandedly annihilated. The same objects, previously used for innocuous purposes (chairs, clock, rope) would, in the matter of minutes alter not only the victim's cognitive and affective structures, reducing his body to nothing but a pre-language voice and bodily gestures of pain and suffering. As such,

⁵² Foucault, *Discipline and Punish*, 152.

torture in the colonial setting could alter the victim's way of relating to nature, the social world and his own subjectivity, aiming to eliminate "the many forms of knowledge of the native populations and to replace them with new ones more appropriate for the civilizing purposes of the colonial regime."⁵³

Another element of the altering and transformative power of torture was its ability to sever (or annihilate) all social relationships and bonds in order to safeguard the interrogator and the executioner from feeling personal responsibility for the suffering inflicted on the accused and, possibly, rendering him incapable of performing the appointed task. Anonymity was maintained among the officials and the accused, enabling them to discharge their consciences ("sea a su culpa y no a mia").⁵⁴ Instead, the scribe consistently noted that it was "el dho senior" who ordered the prisoner to disrobe; "el dho Senor Juez" who made the sign of the cross; "le mando al Berdugo" to prepare the ropes on the rack; "Su Merced" who called the end of the proceedings. Although everybody knew the identity of the presiding judges and officials (but not necessarily the executioners), such an impersonal way of addressing and inscribing the officials in the documents ensured their present and future anonymity, signified their official role rather than personal identity, and safeguarded them from any potential repercussions that may come of their actions.

The formulaic and impersonal language used during the process signified the desire to maintain anonymity among the presiding officials. The interrogation transcripts displayed a total lack of exchange of formulaic recognition, a greeting or other polite formulae not only between the judges and accused, but also between judges and other

⁵³ Castro-Gómez, Santiago "(Post) Coloniality for Dummies," 281 in his discussion of the coloniality of power, a concept introduced by Aníbal Quijano.

⁵⁴ ANHQ, Indígenas, Caja 43, exp. 7, 18-v-1730, ff. 20r.

official present at the interrogation proceedings. The prisoner was brought in front of the judge, into the torture room, and later deposited in his prison cell without the perfunctory exchange of greeting or parting phrases between the parties involved. No longer a person worthy of address, the prisoner entered the institution through impersonal orders to tell the truth, and exited it with a signature, ratifying or acknowledging the truthfulness of his confession. The act of signing, in itself a speechless/silent event, became central to the institution, legitimizing and reinforcing its authority and power and forever stripping the accused his identity/individuality, forcibly alienating him from his surroundings and relationships and binding him to a new social community of the prison (institution), forever altering his place in the colonial social hierarchy.

If any personalized verbal exchanges did take place, the transcripts of the torture were purposefully silent about them. Personalizing or humanizing nuances, and indicators of social relationships among the participants were removed or avoided in the written record, while, other, impersonal details and pertinent information (time of the beginning and end of the interrogation, names, events, what clothing items were to be left on the prisoner) were recorded.⁵⁵ The exacting fashion in which details were recorded and the

⁵⁵ ANHQ, Indígenas, Caja 43, exp 7 18-v-1730, ff20r. For the depth of familial connections and social networks among colonial officials see: Susan Migden Socolow, *The Bureaucrats of Buenos Aires, 1769-1810: Amor Al Real Servicio*. (Durham: Duke University Press, 1987); Susan Migden Socolow, *The Merchants of Buenos Aires, 1778-1810: Family and Commerce*. (Cambridge [Eng.]: Cambridge University Press, 1978); Burkholder, Mark A. *Politics of a Colonial Career: José Baquíjano and the Audiencia of Lima* (Reprint, Wilmington: Scholarly Resources, 1980); Twinam, Ann. *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Calif.: Stanford University Press, 1999); Phelan, *The Kingdom of Quito*; Lohmann Villena, Guillermo. *Los ministros de la Audiencia de Lima en el reinado de los Borbones (1700-1821): esquema de un estudio sobre un núcleo dirigente* (Sevilla: Escuela de Estudios Hispano-Americanos de Sevilla, 1974); Herzog, *Upholding Justice*.

intense regularity with which much was not disclosed suggest that the impersonal, modern, rational practices of the developing modern colonial bureaucratic milieu could reach into private and affective relations and render them void.

Likewise, the executioner's name was never mentioned, and his actions remained disembodied and recorded in the impersonal and bureaucratic passive voice: the prisoner *was ordered* to be stripped by the torturer, *ordered to be* placed on the rack, *ordered to be* tied to the rack, the wheels of the rack *ordered to be* turned, ropes *ordered to be* tightened. He, like the objects in the room, was converted into a weapon of the regime contributing to the prisoner's slow and painful trajectory through the ordeal of eroding the prisoner's social bonds, communities, worldviews and his own physical body.

Embodied inside of the torture chamber, in the instruments of torture and the executioner, and awaiting the accused was the last terrific horror—the expectation and the fear of death. Having already experienced the breakdown or a transformation into a pliable, terrified, passive and dehumanized subject at the threshold of the torture room, inside of the chamber, through carefully measured application of pain, the accused would face total annihilation of his body. Strapped to the rack, the accused would await his fate at the threshold of death as a docile, motionless, paralyzed, horrified object of the regime's total power.

As the prisoners were brought into the torture room, they were immediately ordered stripped naked (“desnudar encarnes”) but for the undergarments (“paños menores”) to cover their shameful parts (“con que quedasen tapadas sus berguensas”).⁵⁶ The stripping served two functions. One was pragmatic, since it ensured that the prisoner

⁵⁶ ANHQ, Indígenas, Caja 43, exp. 7, 18-v-1730, ff. 20r.

could be quickly examined for any contraband of magical charms that might protect the victim from the pain of torture. The other served to shame and degrade the prisoner as he observed his own body disintegrate at the mercy of the agents of the state, who could stop or resume the process at will.

The process of torture, of inflicting pain on the naked body of the prisoner converted the subject's body into another weapon of the regime, forcing the prisoner to observe and become aware of his own body turn against him, as it failed to withstand the pain inflicted upon it and its fallibility brought him closer to possible death. This awareness manifested itself in the screams of Luis Montesdoca announcing his fear and expectation of impending death: "ai Jesus Cristo, Maria que me muero que me muero ai Jesus Cristo Maria" (ay, I am dying). The begging of Balthasar de Cardenas to have his arm released from the grips of the instrument "Ay Jesus, que se corta la el brazo" as the pain became too much to bear, on the other hand, suggest an awareness of the body's own weakness.⁵⁷ Asked to sign his confession, Balthasar refused "por no tener los brazos para ello" (for not having arms to do so).⁵⁸ His body has been brutalized and degraded to a point of rendering the victim incapable of even making a mark on a page.

In addition to degradation of the physical body of the accused, during the interrogation under torture, the prisoner was forced to attend to the most intimate and interior of his body's functions: pain, possible nausea, muscle spasms, and bones giving out, all without the benefit of privacy. He remained under constant surveillance, in the public setting of the torture room, his screams audible through the porous walls of the building. The accused remained at the complete mercy of the executioner fully in charge

⁵⁷ ANHQ, Criminales, Caja 23, exp. 7, 18-v-1730, ff 30r.

of inflicting the pain, and the court notary, meticulously denying it to him by reducing his voice, with which the pain and physical agonies tried to find expression, into writing and bureaucratic language.

Through the pain's effects on language, the state was able to appropriate and control the voice of the people in the service of the regime. Since language can only find expression as pain diminishes, torture, as the infliction of pain played on that relationship between pain's expression and its elimination. The victim only found respite and ended his suffering with expression, which was circularly related to the elimination of pain, something that the tortures remained in control of. The threat of torture (the admonitions, the sentences to torture that get overruled) thus was one of the strategies of controlling the pain (the possibility of pain) in order to elicit information, or confessions. Another set of strategies was the carefully calculated and premeditated orders of half turns or full turns of the rack, with which the agents of the state could easily either silence victim or make him cry out.

In the meantime, the notary would inscribe the involuntary cries and moans onto a folio page, approved and stamped with the insignia of the state, carefully inserting them into a scripted template of successive oaths, admonitions, orders, questions. As such, the expressions of pain exist only in the middle sections of the interrogation transcript and were never recorded at the closing of the proceedings, when the victim was released from the instrument. Such spatial and visual arrangement of the information gave not only the event but also the expressions of pain and agony an appearance of an orderly, rational and de-sensitized bureaucratic procedure.

“...And their statements have been reduced to writing”⁵⁹

It was 8 o'clock at night and Luis Montesdoca lay stretched on the rack, naked, cords tied around his wrist and ankles. When the magistrate saw that Luis did not want to say or confess anything he ordered the torturer to give half a turn of the rack's ropes around both of Luis' arms (“dar una media vuelta a los dos cordeles de los brazos”) and asked Luis to tell the truth. “Ai Jesus, no sir, I do not know anything, sir I do not know anything, Jesus Maria.” The magistrate ordered the executioner to turn the rack again, this time, the cords pulling on Luis' left arm. He screamed: “I do not know anything, ai Jesus, I do not want to die at the hand of another (“omisidamente”). Another half turn of the rack, on the right arm was ordered by the judge, and again, Luis Montesdoca cried out: “No, sir, ai Jesus, I do not know anything, Holiest of Mothers, I do not know anything, Jesus Maria, Saint Joseph, I do not know anything, I cannot say the truth, I do not know a thing, ai Jesus Maria, ai Jesus, dear God.” Finding Montesdoca's response unsatisfactory, the judge ordered yet another half a turn of the rack on both of the accused legs, to which Luis responded with more denials and cries of pain: “I do not know a thing, let the Justice of God help me.” Another half turn on the rack:

“About selling of the clothes, I know nothing, ai dear Jesus, I have nothing to say, ai Jesus Maria I do not know a thing, I have nothing to say, I have nothing to say, ai Jesus Maria, I am dying, I am dying, ai Jesus Maria I do not know a thing, ai Jesus Maria I do not know who robbed the store, the one below me gave me the clothes to sell, a few petticoats and a dress skirt, on the corner from the church of La Compañia next to the store (pulpería) belonging to Juanico, a mulato.”

As the interrogation went on, Luis revealed more information amid frequent cries and pleas. At precisely 8:38 at night, the investigating judge called an end to the proceedings. He ordered the ropes untied and the accused confirmed the truthfulness of his confession.

⁵⁹ ANHQ, Criminales Caja 23, exp 14, 20 Octubre, 1727, ff 34r.

However, the dislodged joints in his arms prevented Luis Montesdoca from signing his confession.

About an hour later, at 9:25 pm, following protocol, Balthasar de Cárdenas was brought in to the torture room. Having been secured with cords to the rack by eight executioners (“ocho berdugos”), he was asked to tell the truth before the wheels of the rack began to turn. Like his predecessor, he denied any knowledge of the robbery. The magistrate ordered the torturers to pull on the cords tightened around Balthasar’s legs and arms. The room filled with screams:

“ai Jesus Maria and Jesus, dear God, Holy Mother of God (“ai Jesus Maria ay Jesus Dios Mio Madre Santisima”), I do not know anything and have told the truth in total innocence. I was walking towards my house when Luis Montesdoca called my name and handed me a *quipe* in front of the church of San Francisco. I do not know, sir who committed the robbery, I am telling the truth. Ai my God, ai Jesus, no sir, that dog thief, the Holiest of Virgins.”

Another turn of the rack, and tightening of the cords was followed by more denials, “I have never been a thief, ai Jesus Maria, I have told the truth” and, then, a (not) surprising revelation:

“he was standing in the doorway, and the doors were open, he is the thief, it is the truth, I know not a thing, I am not an accomplice (“coperante”), Luis had done the robbery. I was on my way home at 8 o’clock at night when Luis gave me the “quipe.”

Hearing this, the magistrate ordered to the cords to be tightened once more, forcing Balthasar to continue to declare: “I swear on the Virgin, it is the truth, he committed the robbery, I do not know who did it, I am dying, I am dying, ai Jesus Maria, and Jesus My god, I do not know a thing, it is the truth, he will know of the robbery (el sabra el robo”), he passed on the goods, I am going to die, ai Jesus.” At 10:05, the judge ended the proceedings, ordered the torturers to untie Balthasar and asked him to confirm

again the truthfulness of his confession. Like Montedoca, Balthasar could not sign the transcript for “not having the arms to do so” (“por no tener los brazos para ello”).⁶⁰

The interrogation transcripts of Luis and Balthasar echo others obtained and recorded in Quito between 1679 and 1745. In the Audiencia of Quito in the seventeenth and eighteenth centuries, the method of *tortura de cordeles* (the rack) was most the instrument of torture most commonly applied during interrogation. The victim was stripped naked and a collar placed around his neck. He was then stretched on the rack and the officiating executioner tied two ropes to each of the victims’ limbs and gradually tightened them. After each tightening of the cords, the prisoner was asked to tell the truth about the specific crime of which he was accused or confirm information previously given in his confession.

The interrogations normally lasted from 30-40 minutes and the court secretary, present in the room, noted every utterance of the accused. All the interrogations for the period contain explicit references to the pain inflicted and endured by the prisoners, their verbatim cries, sighs, and screams (“ai ai ai, Dios mio”, etc...). The language of pain was not omitted from the transcripts and this is precisely what makes the colonial torture proceedings so interesting.

According to Elaine Scarry, the primary object of torture is to rob the victims of an authentic voice, as language is suppressed by the infliction of pain. Because pain has the ability to destroy language and radically alter the victims’ traditional knowledge of and a way of relating to the world around them, the loss of language (a quintessential marker of humanity) and the reduction of the victim to pre-language shrieks and cries signals a totalizing and individualizing process, during which the victim is deprived and

⁶⁰ ANHQ, Criminales, Caja 23, exp 14, 20 Octubre, 1727, ff 33v.

stripped of all traditional social bonds. Instead, he becomes part of the state/regime that exists outside of all social relationships.⁶¹ It is at this juncture that torture and state violence acquire a perverse political potential. The torturers (agents of the state), through the infliction of pain, obtain total power over the victim as he is transformed from subject to object of the world around him. Language, objects in the room, and his own body turn against the victim to further violation and terror. As such, the protocol of colonial torture bears markings of not only modern state discipline, but is replete with modern practices of state making: the objectification of experience, transformation of social relations into recordable form, abstraction and fragmentation of human life into classifiable categories.

⁶¹ Scarry, *The Body in Pain*.

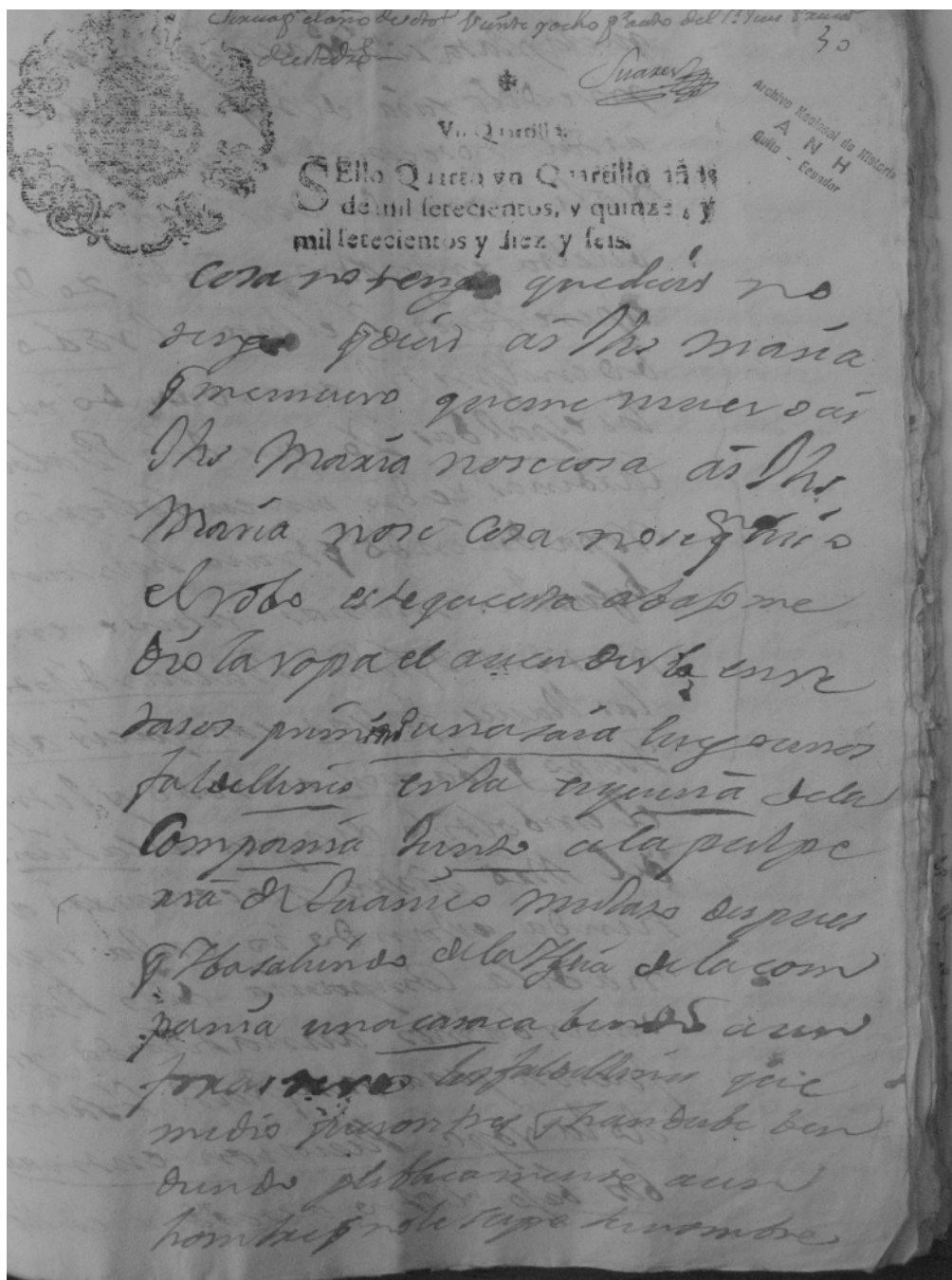


Figure 4. Internal page containing the utterings of the torture victim written down during the proceedings. Note the change in the notary's handwriting and spacing between words and sentences.⁶³

The final, striking feature of the torture transcript is the changing character of the handwriting as the procedure went on. In the cases I examined, the uniformity of

⁶³ ANHQ, Criminales Caja 23, exp. 14, 20 Octubre 1727, f. 30r.

handwriting is maintained up to the point of interrogation and confession. It changes rapidly and, in some cases, deteriorates into illegibility as soon as the orders of turning the rack are issued and the victim begins to “confess.” We can, naturally, dismiss such changes in handwriting as normal results of trying to rapidly record the events as they happen. But, such explanations give too much credit to the myth of impenetrability and uniformity of colonial state officials. Perhaps this is where the paradox of torture lies, in its ability not only to break down social relations but also to force the victims and the officials to engage one another and to lay bare the rituals and procedures of the state. While the inner lives of the victims and their torturers remain inaccessible, the shifts in handwriting alert us to the potential effects witnessing pain could have had on the court notary.

Torture in colonial Quito was not an empty ritual utilized by the magistrates in search of the truth, but a meaningful ritual with political and cultural consequences, no matter how infrequently it was employed. It simultaneously appropriated the voice of the prisoners in the service of the state (betrayal, collaboration) and, by subjecting only the liminal and non-white members of the colonial community to torture, it annihilated their traditional perspectives and knowledge, breaking them into fragments, objects, and pre-language responses. Irene Silverblatt succinctly summarizes the political power of torture’s formulaic procedures and rituals and its role in the development of modern state institutions and bureaucracies.

State abstractions seem to remove horrific acts from the realm of accountability, and they do so by dismembering humanness: abuse is splintered into columns of an account ledger, torture is fragmented into events and responses, horror is objectified into smaller and smaller components. Perhaps intentionally—but most probably not—the breakdown of human existence into fragments makes a whole life easier to

discard. This is the pornography of bureaucratic rendering, which deafens the perpetrators and us readers to torture's cries –and which distracts us from the web of social relations, from the power, that lies behind what the bureaucrat registers as truth.⁶⁴

But neither the colonial bureaucrats and state officials, nor the institution (prison) escaped the horrors of torture unscathed. Even if the court clerks met the impersonal, objective obligation to register the proceedings, even if they wore the “totalizing masks”⁶⁵ of the state molded to express the power and authority of Justice, God and the King throughout the proceedings, the handwritten transcripts of the torture sessions reveal human beings, on both sides of the rack, affected and fractured by the terror.

⁶⁴ Silverblatt, *Modern Inquisitions*, 84.

⁶⁵ *Ibid.*, 85.

Chapter Four

“Sin Tener Otra Vida que de la Carzel a el Obraje y del Obraje a la Carzel [sic]”:

Colonial Textile Mills as punishment.¹

On November 24, 1661, a small group of royal officials led by the inspector general of the Audiencia de Quito, Don Luis Joseph Merlo de la Fuente, entered a prison building located on the side of the central patio. Once inside, the men found the environs uncomfortable and unfavorable to the conduct of any official business. The cell had only one window that was murky and closed shut, making seeing difficult and breathing even more so. Candles would be necessary if any work was to be done that morning. Once a lit candle was brought in, the shape and contents of the space appeared to the officials.

The dark room, located almost 3 feet below the ground, gave the impression of a hole. To the royal inspectors, the illusion was, undoubtedly, deliberate increasing the security of the cell (“que al parecer sea gueco del propósito para mas seguro de los presos”)². The cell measured approximately 13.5 varas (39 ft) by 7 varas (21 feet). Its walls were made of large stones, and straw covered its roof. Small stones and mounds of dirt soil aligned along the walls, delineating individual sleeping spaces. The officials did not notice any bed frames or cowhides, which suggested that the prisoners slept on bare ground, covered in filth and debris. A heavy wooden plank door guarded the entrance to the cell. Its top portion was cut out and covered with an iron grill, allowing for nothing

¹ ANHQ Obrajes, Caja 15, exp 1-III-1685 f. 2r. Governor of the province of Otavalo in an official letter to the President of the Audiencia de Quito, referring to the vicious cycle of indebtedness of Indian obraje workers who, unable to pay their debts are imprisoned, only to be released back to the obrajes where they incur more debts. They “have no other life but that of the obraje to prison and from prison back to the obraje.” 1v-2r.

² ANHQ Obrajes, Caja 7 exp 1 año 1666, f. 358r-359r.

more than a passage of a small hand through the opening (“de poder entrar poco más de una mano”).³ According to the notary, the door window was the only source of light and ventilation and the means through which the room’s inhabitants received their daily provisions (*socorro*). The royal scribe noted the cell’s putrid stench and found it absolutely revolting (“malísimo y asqueroso”)⁴. He also did not fail to notice a distasteful multitude of vermin caught up in the visitors’ stockings.⁵ With the discovery of flea bites the prison inspection concluded.

The above witness account can easily leave a reader already familiar with the conditions inside of Quito’s city and royal jails unsurprised. All the familiar elements seem in place: the dark, damp, humid cells filled with vermin, filth, and human suffering. What is surprising, however, is that the above description comes not from an urban jail but from a textile mill located in the Andean countryside, near Ambato, about 115 km south of Quito. Privately owned by Juan de Galarza at the time of the inspection (1661) the obraje (a textile workshop) of San Ildefonso was one of the largest textile mills in the Audiencia, producing woolen textiles, ponchos, hats, sandals, and blankets. Its labor force consisted of nearly 690 Indian workers, about 20 slaves, 11 men in charge of the administration and a multitude of Indians arriving from different parts of the Audiencia, “sent to the obraje for debts or any other punishment” (“que se enviaban al obraje por deudas o cualquier otro castigo”).⁶

The obraje of San Ildefonso was not the only space that private individuals and the colonial state used to punish debtors, petty thieves, murderers, and adulterers. Other,

³ Ibid., ff 358v.

⁴ Ibid., f 358v.

⁵ Ibid., ff 359r “despues que salimos [...] con el desabrimento de las pulgas todo se nos fue en cogerlas de las medias donde se pegaran”

⁶ Peñaherrera, Costales Jaime, *San Ildefonso*, 79.

smaller mills scattered throughout the Southern and Northern parts of the Audiencia also fulfilled the mission of coerced confinement and punitive isolation. In this chapter, I examine obrajes in the Audiencia of Quito as “prisons by any other name,” attentive to what they can tell us about the seemingly pre-political practice of private imprisonment and the increasingly modern promise of state order, which was to be achieved by bringing rural peripheries and people under the control and supervision of the central state and justice, and incorporating them into the colonial state’s carceral system. In a sense, seventeenth- and eighteenth- century obrajes became a prototype of the labor programs instituted in the reformed-- and thus modern- prisons that gained momentum in Europe at the end of the eighteenth century and in Latin America a century later.

The period in which obrajes in the Audiencia of Quito functioned as prisons represents a crucial phase in shifting trends in the history of penal systems, signaling a change from public spectacles on the scaffold to more private (hidden) punishments inside of prison workhouses, where obligation to work was *norme de jour*. Inside of the colonial obrajes, the undesirable populations of Indian criminals, debtors, and idlers were punished and their behaviors corrected through a strict disciplinary regime of prohibitions and obligations, near constant supervision and enclosure, and religious indoctrination. However, this particular penal form still retained some of the public character of the corporeal punishments executed on Quito’s scaffolds. Hidden inside of the obrajes, colonial prisoners did not disappear completely from public view. They remained visible to the general public during the process of their transportation to the obrajes. Once incarcerated, they continued to maintain contact with their families, who visited the inmates, sometimes daily, to deliver necessary provisions.

What is more, the impetus behind the emergence of obrajes as penal spaces came not so much from the economic and financial considerations of a centralizing, modern, and rational Spanish Crown, but rather from the ideological motives of colonialism, and its civilizing mission ensconced in race thinking. As will be shown, the prisoners sentenced to forced labor formed a small percentage of manpower that supplied the textile mills, and their economic contributions to royal coffers were minimal. Rather, it was the ideological considerations rooted in racial differentiations inherent in the colonial society that filled obrajes with predominately Indian and, in a few instances, black (slave) workers. Punishment through forced labor in an obraje was reserved for the indigenous populations as it offered them a path to salvation and redemption of their inherited and inherently inferior human capabilities. Studying these discreet colonial spaces and the tactics of coercion and exclusion employed in the obrajes' own dungeons and cells (private prisons) in concert with more obvious institutions and practices of colonial punishment (royal and city jails, torture) in the colonial setting of the Kingdom of Quito allows us to better trace and understand the hybrid modes of modern incarceration that seamlessly move between custody, punishment, and prevention.

Convict labor in the obrajes

Obrajes de paños in the Spanish colonies were labor intensive “factories” where a racially diverse workforce found itself enclosed and subject to harsh discipline and inhumane working conditions cleaning, spinning, and weaving raw wool into textiles destined for local and external markets. Supplying woolen textiles like clothing, blankets, and bags to urban residents as well as industries of mining and ranching, obrajes were essential to the colonial economies of Mexico, Peru and the Audiencia of Quito.

Traditional historiography contends that Indian and convict labor supplied the bulk of the workforce employed in the obrajes and that the groups worked under varying terms and “degrees of willingness.”⁷ More recent research on Mexican obrajes has challenged the long-standing claim that the use of African labor was minimal. Prior historians contended that because African slaves were found to be too expensive to serve as the primary labor force inside of the obrajes and only provided auxiliary services around the mills, yet these newer historians document a vibrant social history of obraje slave labor.⁸

While this is true in the Mexican case, where slavery was crucial to the textile industry in the seventeenth and eighteenth centuries, the textile mills of the Audiencia of Quito remained staffed predominately by Indian labor. A strong indigenous presence in the central and southern highlands, where the majority of obrajes were located, resulted in the relegation of slave labor to the three principal slaveholding regions – Popayán, the north-central highlands (Quito), and the coastal district of Guayaquil, where sugar production and urban trades necessitated additional labor force.⁹ As a result, only small

⁷ Greenleaf, Richard E. 1968. "Viceregal Power and the Obrajes of the Corté 1595-1708". *Hispanic American Historical Review*. 48, no. 3: 365-379; Manuel Miño Grijalva *Obrajes y tejedores de Nueva España: 1700-1810* (Madrid: Sociedad Estatal Quinto Centenario, 1990); Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico 1519-1810* (Stanford: Stanford University Press, 1976); Richard Salvucci, *Textiles and Capitalism in Mexico: An Economic History of the Obrajes, 1539-1840* (Princeton, N.J.: Princeton University Press, 1987, 105-117).

⁸ John C. Super, “Querétaro Obrajes: Industry and Society in Provincial Mexico, 1600-1810” *Hispanic American Historical Review* 1976 56(2): 197-216; Frank T. Proctor "Afro-Mexican Slave Labor in the Obrajes De Paños of New Spain, Seventeenth and Eighteenth Centuries". *The Americas*, no. 60, 2003: 33-58; Chávez Carbajal, María Guadalupe *Propietarios y esclavos negros en Valladolid de Michoacán, 1600-1650* (Morelia, Cichoacán, México: Universidad Michoacana de San Nicolás de Hidalgo, Instituto de Investigaciones Históricas, 1994); Manuel Miño Grijalva, *Obrajes y tejedores de Nueva España: 1700-1810* (Madrid: Sociedad Estatal Quinto Centenario, 1990).

⁹ Sherwin, Bryant, "Enslaved Rebels, Fugitives, and Litigants: the Resistance Continuum in Colonial Quito". *Colonial Latin American Review*. 13, no. 1, 2004: 7-46; Kris E. Lane, "Captivity and Redemption: Aspects of Slave Life in Early Colonial Quito and Popayan". *Americas*. 57, 2000, no. 2: 225-246; Rosario Coronel Feijoo, *El valle sangriento de los indigenas de la coca y*

numbers of slaves supplemented the indigenous obraje workforce, and only one mill, San Ildefonso, was licensed to rely more heavily on slave labor. With nearly 90 slaves at the time of the inspection in 1661, the San Ildefonso was the only known obraje to employ enslaved workers.¹⁰

In the Audiencia of Quito, coercion served as primary means of recruiting obraje labor. A few obrajes were granted a highly valued privilege of using *mitayo* Indian workers, who were chosen by their kurakas (chiefs) to fulfill the quotas of the mandatory labor draft, *the mita*. The *mitayo* Indians were assigned to work in obrajes for no more than a year, and obliged to work twenty-six days a month for nine hours a day, resulting in approximately 312 days of work. In October, February and towards the end of their labor draft, they were released for a couple of weeks in order to plant and tend to their own fields. In order to prevent any abuses on the part of kuraka, who administered the draft, the workers' salaries were paid directly to them by the obraje administrator.¹¹

Only a few of the Audiencia's obrajes received *mitayo* labor. Voluntary (wage) Indian workers fueled the labor needs of the majority of the textile industry.¹² However,

el algodón a la hacienda cañera jesuita: 1580-1700 (Quito: FLACSO, 1991); María Eugenia Chaves, *La estrategia de libertad de una esclava del siglo XVII: Las identidades de amo y esclavo en un puerto colonial* (Quito: Abya-Yala, 1999).

¹⁰ Peñaherrera, Costales Jaime, *San Ildefonso*.

¹¹ Phelan, *Kingdom of Quito*, 69-71

¹² Mita or repartimiento de la mita was an annula labor draft imposed by the Spanish onto Indian communities throughout the colonies. Indian males were often assigned to serve from a couple of months to up to a year in the mine or textile workshops for low or no pay. For more on mita labor and its effects see: P. J. Bakewell, *Miners of the Red Mountain: Indian Labor in Potosí, 1545-1650* (Albuquerque: University of New Mexico Press, 1984); Karen Vieira Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito* (Albuquerque: University of New Mexico Press, 1995); Jeffrey A. Cole, *The Potosí Mita, 1573-1700: Compulsory Indian Labor in the Andes* (Stanford, Calif: Stanford University Press, 1985); Enrique, Tandeter, *Coercion and Market: Silver Mining in Colonial Potosí, 1692-1826* (Albuquerque: University of New Mexico Press, 1993); Ann Wightman, *Indigenous Migration and Social Change: the Forasteros of Cuzco, 1570-1720* (Durham: Duke University Press, 1990); Adrien, *The Kingdom of Quito*.

the term “voluntary labor” was “a euphemism for debt peonage” as the low wages paid to the workers ensured that they frequently had to borrow money from their employers. Another strategy used by administrators to ensure steady labor supply was the sale of food and goods to the workers at highly inflated prices, which fueled further indebtedness. In many cases, the provincial governors as well as the Audiencia magistrates “enforced the validity of the debts incurred” by the obraje worker, thus allowing their imprisonment inside of the obraje.¹³ Some administrators followed the practice of imprisoning the debtors extrajudicially.

The labor practices inside of the obrajes led to many brutal abuses and the overworking of the Indian workforce. To alleviate the suffering of the obraje Indians, the working conditions and general administration of the obrajes were carefully regulated in the numerous codes announced by the Crown. In 1577 Viceroy Toledo introduced the first code, which set the salaries and work hours as well as the stipulation that no obraje could operate without a license from a viceroy, thus hoping to eliminate hundreds of small illegal workshops that operated in and around Quito, Riobamba and Latacunga.¹⁴ To ensure the enforcement of policies and royal orders, viceroys, and later, the Audiencia presidents appointed special judges of inspection, who were dispatched to obrajes in order to assess the conditions and investigate the abuses.¹⁵ The visiting inspectors would often recommend modifications to the existing policies, which would, in turn, result in their alteration.

In 1621, following an extensive inspection of the obrajes of the Audiencia, Matías de Peralta, *oidor* of the Audiencia (a member judge) penned a new regulatory

¹³ Phelan, *Kingdom of Quito*, 70.

¹⁴ Phelan, *Kingdom of Quito*, 69.

¹⁵ *Ibid.*, 72-73.

code for the Quiteño textile industry. His code remained in effect until 1681 when the Crown undertook bold measures to discontinue the most flagrant forms of exploitation of the Indian workers, the mita and debt peonage. Debt peonage in the obrajes was abolished in the cédula of 1680 and the prohibition against incarcerated indebted workers was retained in the 1684 revisions. According to the legislation, Indians could not be held in the obrajes against their will and were free to change employers. The borrowing limit was set at six pesos, and any sum beyond the six pesos lent by the obraje administrator to one of his workers would not constitute legally binding debt. Most importantly, under no circumstances could the Indians be sentenced to work in the obrajes for reasons of debt. The December 18, 1694 cédula abolished mita labor in the community obrajes, but it was not until the royal decree of 1704 (repeated in 1720) when the obraje mita was fully eliminated.¹⁶ However, despite the regulation, debt peonage disappeared only in theory, as it filled the vacuum left by the disappearance of mita.

While in the early colonial period, wage and mita workers supplied the necessary labor force, the post 1700 era witnessed an increase in recruitment of voluntary wagers through debt, whereby workers were forced into borrowing from the owners to purchase food and supplies, pay their tributes or pre-existing debts. The workers' low wages and inflated prices of basic provisions ensured an indebted yet steady workforce. Demographic changes, weak labor market and increasing demand forced many obraje owners to rely on debt peonage to secure the necessary labor force. Workers could come and go as they pleased, but those unable to pay back cash advances

¹⁶ The maximum loan allowance was later raised from six to ten pesos after the Audiencia president voiced his concerns over the possibility of increased numbers of voluntary workers and the subsequent increase in wages and, as a consequence, increased labor costs. See Phelan, *Kingdom of Quito*, 81; Alberto Landazuri Soto, *El regimen Laboral Indígena en la Real Audiencia de Quito*, 200-206.

were locked up in an obraje in an attempt to secure repayment. They would lose their freedom and physical mobility. Eighteenth century obrajes filled with non-criminal and criminal “prisoners,” turning the textile factories into carceral institutions.¹⁷ It is the work and nature of that group of workers, the prisoners, that remains elusive in the scholarly literature.

The most complete and descriptive data on convict labor inside the textile mills comes from Mexico, where detention of criminals inside of obrajes as well as their employment was a standard practice. According to the contemporaries such as Mexico’s Viceroy, Luis de Velasco, the colonial textile industry was the convicts’ “largest employer,” although penal laborers could also be found in sugar mills, the mines, bakeries, tobacco factories, and in a verity of urban public works like building construction.¹⁸ There were several reasons behind colonials’ decision to shape penal servitude into this particular form. According to some scholars, colonial magistrates considered sentencing Indians to forced labor to be a more *humane* punishment than the customary corporeal and capital punishments, and, in 1555, the Crown granted the Audiencia judges the power to sentence Indians to private industry, since the colony of New Spain had “no galleys, no frontiers, nor other places where they [the Indians] could be made to serve.”¹⁹

Another, more plausible, reason behind the decision to sentence criminals to forced labor lurked behind the walls of Mexico’s public jails. They, like the Quiteño jails,

¹⁷ Kagan, “The Labor of Prisoners in the Obrajes of Coyocán;” Proctor, “Afro-Mexican Slave Labor;” Salvucci, *Textiles and Capitalism in Mexico*.

¹⁸ Velasco in *Ordenanzas del trabajo*, 160; Kagan, “The Labor of Prisoners in the Obrajes of Coyocán”

¹⁹ *Recopilacion de leyes de los reynos de las Indias* libro 7 titulo 8 ley 11-13, Madrid 1774; Kagan, “Penal Servitude in New Spain: The Colonial Textile Industry.” Ph.D. diss., City University of New York, 1977; Kagan, ““The Labor of Prisoners in the Obrajes of Coyocán 1660-1693.”

lacked the material and human resources to contain the criminals. Escapes were common and the upkeep and maintenance of the premises costly. To support the judiciary, the buildings and their employees, the royal courts routinely collected legal fees, often determined by officially approved schedules known as *aranceles*. Fees for notary services like declarations and ratifications of witnesses, plaintiffs, and defendants, fees for reams of paper used during the proceedings, costs of the arrests and imprisonment along with the salaries of constables, cost of the executions and salaries of the executioners, attorney's fees as well as any pecuniary fines determined during the proceedings were added up and meticulously recorded by the court magistrates for each convicted criminal in special log books, called Libros de Penas de Cámara.²⁰ In many cases, the pecuniary fines were divided equally between the administrative costs (paper) and salaries (of notaries, attorneys, judges). In the case of forced labor sentences, the salaries of the prisoners assigned to an obraje were used to cover the court fees and costs (gastos de justicia). Homicide sentences stipulated that a portion of the salaries from obraje work be used to pay for masses in honor of the deceased.²¹

The practice of charging the accused for court fees and costs resulted in many convicts accruing financial debts, which in many cases they were unable to pay. One way to collect those debts was for the magistrates to release or auction off the prisoners as laborers to private individuals after the prisoners "voluntarily" consented to work to pay off the fines and fees.²² Such was the case with Lucas de Quito, Indian, accused of wounding an Indian woman in the head during a brawl in a house of Juan Seviano de Balle on January 25, 1625. The court found Lucas guilty and sentenced him to 4 months

²⁰ See ANHQ, Gobierno, Penas de Camara, 1616.

²¹ ANHQ Gobierno, Penas de Camara, 1616, ff 12v

²² See Kagan, "The Labor of Prisoners," 202.

of work in an obraje. His services and salary were sold off in a public auction and proceeds of the said auction applied to the victim as part of the damages.²³ Debt in the colonies became the base of a “system of private, penal exploitation,” whereby the employers paid the court debts and later reimbursed themselves by deducting those sums from the prisoner’s wages. Once inside, the administrators retained their penal workers with salary advances and monetary or merchandise loans (clothing, food), propelling the convicts into more debt, which translated into further servitude, imprisonment, and restrictions on their freedom.²⁴

In the seventeenth and early eighteenth century, Mexican and Quiteño obrajeros and private entrepreneurs appear to have been the largest recipients of convict labor. It was the colonial courts and magistrates, however, who benefited the most from the imprisonment of the criminals.²⁵ Detailed log books, in which the fines were meticulously kept by the magistrates, reveal that the judicial debts and fees levied on the criminals were the cogs of the judiciary machine, sustaining it not only economically but, as it will become more clear later in this chapter, ideologically.²⁶

Despite the correlation between judicial debts and penal labor, the prisoners formed only a small percentage of obraje labor force, and played a marginal economic role in the colonial textile industry. In the case of Mexico, only 32 convicted prisoners were noted among the workforce of three Coyoacan obrajes in 1660, as opposed to 193

²³ ANHQ, Fondo Especial, Sentencias, exp 608, 1602-1630, sentence of Lucas de Quito, 25-I-1625.

²⁴ See Kagan, "The Labor of Prisoners in the Obrajes of Coyocán 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979, 206-208.

²⁵ Salvucci, *Textiles and Capitalism*, 108-109

²⁶ See ANHQ, Gobierno, Libros de Pena de Camara, 1616,

slaves and 44 free laborers.²⁷ While the practice of using convicts in obrajes was strongest in Mexico's private industry, the statistics from the Audiencia of Quito nonetheless confirm the existence of the practice in that region throughout the seventeenth and eighteenth centuries. Long-term incarceration of non-white, violent offenders inside of privately owned textile factories allowed the state to maintain control and normalize (through labor, discipline, and religious indoctrination) the undesirable populations in the name of hegemonic social order with little expenditure of its own resources.²⁸

Data gathered from the extant judicial sentences for the period between 1602-1698, shows 429 persons accused of a variety of crimes ranging from petty theft, to personal injuries to murder, and sentenced to punishments as mild as fines and as severe as whippings and the gallows. While banishment, whipping and the death penalty form the majority of punishments, imprisonment in the obrajes figures prominently in the judicial sentences.

In the first half of the century, the Audiencia court sentenced thirteen individuals out of 197 to obraje labor. The length of the punishment varied between four months to six years of continuous service depending on the crime committed by the prisoner. The longest sentences, four and six years were reserved for cases of homicide and larceny. For example, Andres Yancaluisa faced four years of obraje labor for the murder of

²⁷ Kagan "The Labor of Prisoners in the Obrajes of Coyocán 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979, 206.

²⁸ Colonial legislation forbade the imprisonment of Spanish (white) subjects in the obrajes, reserving this particular punishment for Indios, mulatos and slaves only. A single instance of condemning españoles to obraje labor occurred in 1721 in Mexico City and is discussed in Martín Baeza, A. "La condena de españoles a obrajes en Nueva España en 1721."

Andres Pilacaica²⁹ while Ventura Ninaturi got six years for the murder of Blas Yndio.³⁰

The magistrates sentenced the men who robbed the Audiencia's coffers, Francisco Cuzpilla and Xristobal Picaica, to four years of obraje labor and subjected the petty thieves to sentences ranging from four months to three years.³¹ The majority of the prisoners convicted to obraje labor were thieves (8), followed by murderers (3), an assailant (1), and a forger of money (1). Crucially, all thirteen convicts were male and Indian.

During the years 1640-1698, the profile of convicted criminals sentenced to obraje labor remained broadly the same, though the percentage of individuals sentenced to the workshops/factories was reduced by more than half and the types of crimes for which they were convicted also varied. Out of the 262 criminal cases for that particular period, the judges condemned sixteen (see footnote) men to forced labor in the Audiencia's textile mills. Out of the sixteen, theft and murder formed the majority of convictions (7 each), while kidnapping with concubinage, and assault resulting in death of a child, were the remaining two. The length of the punishment ranged from ten years for the assault and the death of a young child to one year for murder. The majority of these sentences, however, fell in the two to four years for theft and four to eight years for murder, suggesting a slight increase (from six to eight years) in the severity of the punishment from the earlier period.³² Of all the men sentenced to obraje labor, the records identified fourteen men as Indians, one as a slave and one as a free black (Negro

²⁹ ANHQ Fondo Especial, Sentencias, exp 608 1602-1630, sentence of Andres Yancaluisa, 16-I-1616 and Gobierno, Penas de Camara, ff12 v, 1616.

³⁰ ANHQ Goberino, Penas de Camara ff 15, 1622.

³¹ ANHQ Gobierno, Penas de Camara, ff 12v, 1622.

³² Notary records for the year 1660, list additional 12 Indian men being transported to a private obraje of Turubamba from prison, raising the number of condemned to 28. ANHQ, Notariales 205, vol 1, 1660-1661 ff. 149r-v.

libre).³³ The data confirms findings for Mexico, where no Spaniards served in an obraje, and Indians, mulattoes (or blacks, enslaved or free) and mestizos formed the basic penal population.³⁴ There are no women present in the sentences for the period. The nature of the records makes it impossible to determine the precise age of the individual convicts, although the fact that in nearly all of the cases, the earnings from the obrajes were destined to pay for the convicts' outstanding tributes suggests that they were of the tributary age, between eighteen and fifty years old.

Besides tribute, the earnings from obraje service also covered the costs of the restitution of the stolen goods and property damages, court and attorney fees and, finally, the prisoner's upkeep during his time in the obraje, namely his food and clothing. For example, on May 29, 1661, Pedro Taupanta, accused of killing a four year-old child with a wound to his head, was sentenced by the Audiencia judges to 200 lashes carried out in the main town square. First, however, he would endure the public humiliation of being paraded, hands and feet bound, on a beast of burden through the streets of Quito. Upon execution of the whipping, he was transported to and deposited in the obraje of Otavalo for ten years. The magistrates ordered that the Indian's salary, specified at 65 pesos a year, a standard wage for Indians, ("que es a lo que están arrendados los yndios"), be used to pay his tribute, his meals and clothing and the court fees ("su comida y vestido y resto a la cámara de su magt").³⁵ In another murder case, the judges ordered the earnings

³³ ANHQ, Fondo Especial Sentencias Caja 609-610.

³⁴ See Kagan, "The Labor of Prisoners in the Obrajes of Coyocán 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979; Proctor, Frank T. 2003. "Afro-Mexican Slave Labor in the Obrajes De Paños of New Spain, Seventeenth and Eighteenth Centuries". *The Americas*. 60, no. 1: 33-58; Aguirre Beltran, Gonzalo "La esclavitud el los obrajes novoespañoles" in Glantz, Susana. *La Heterodoxia recuperada: en torno a Ángel Palerm* (México: Fondo de Cultura Económica, 1987), 249-259.

³⁵ ANHQ Fond Especial, Sentencias, Caja 609, ff 29 V 1661.

of Andres Yancaluisa to cover not only the costs and fees of the judicial proceedings, but also to pay for ten masses for the soul of the deceased.

The last detail is interesting in so far as it suggests that the fruits of the convicts' continuous labor were not only destined to pay for their secular debts to the state and/or the victims, but also to extirpate his soul from vices and evil through religious obligations and hard work. Because the money earned was immediately channeled for religious purposes, the work itself could be interpreted as a part of a spiritual and moral transformation of the criminal. Inside of the obrajes, a complex system of spiritual and moral methods and obligations combined with the requirement to work for wages in order to pay tributes, fines, debts and victim compensation developed. It aimed to transform and civilize the colonies' non-Spanish subjects, allowing the state to maintain control over morally and racially inferior populations in the name of hegemonic social order without putting much strain on the royal coffers.

The colonial state was able to exert control over delinquent, indigenous subjects through the proxy of obraje owners and, in some instances, mine owners. These individuals, in exchange for workers, guaranteed policing, security, isolation, religious instruction, and the maintenance of the prisoner population. The owners, through a legally binding contract with the state, agreed to guard and secure the prisoners for the duration of their penalty ("tenerlos con guarda necesaria como a tales presos durante el tiempo por que cada uno va condenado").³⁶

The courts also obligated the obraje administrators to keep track of the convicts' earnings and use those to pay their outstanding tributes, and maintenance costs. The obrajeros documented each worker's and each prisoner's workday in specially designed

³⁶ ANHQ Notariales No. 1 tomo 1, vol 205, Thomas Suarez de Figueroga, ff 149r.v.

Libros de Rayas, recorded their work output, and kept track of salaries, loans, and expenses (food items, cloth, tools) incurred during the work period. In the process, the administrators created a body of knowledge about each worker, tracking their daily work habits, behaviors and movements, constituting each offender “as the object of possible knowledge”, “an individual to know.”³⁷

For Michel Foucault, this intimate knowledge about inmates collected inside of the prisons-- a system of “moral accounting”- was one of the defining and compulsory characteristics of the modern penitentiary. In the modern penal institutions, the permanent documentation of inmates’ behaviors and any gradual improvements they made was crucial in leading to a more individualized and uniform exercise of penitentiary practice. Based on their characteristics and behaviors, offenders could be more easily categorized and classified into “a systematic typology of delinquents.” Such knowledge aimed to transform singular “legal punishment,” which “bears upon an act” of an offender into “punitive technique” or “penitentiary operation,” which corrected delinquent lives and not just solitary acts.³⁸

Thus, the administrators of the colonial obrajes became their “veritable accountant[s],” fluent in the penitentiary technologies of surveillance and documentation. Each inmate and worker, in turn, became “a capital invested with penitentiary interest.”³⁹ As a result, sentencing criminals to work in obrajes created a complex system of obligations between private entrepreneurs, who acted as proxy state officials, and the prisoners. The inmates had the right to be fed, if they accepted the moral and physical constraints of the obraje. In return, the penitentiary practices instituted inside of the

³⁷ Foucault, *Discipline and Punish*, 251.

³⁸ *Ibid.*

³⁹ *Ibid.*, 251.

obrajes produced a return on the ideological and financial capital invested by the state and the obraje owners.

Once sentenced to the obraje, the convicts remained imprisoned in the city or royal jail awaiting the next available transport, which would deliver them to their destination. The bailiff served as the person in charge of the convict transport, procuring sufficient numbers of Indian porters who carried the necessary supplies and the convicts' possessions ("Indios que llevaban los trastos").⁴⁰ The royal official was also in charge of providing adequate food and bread for the convicts, and should they get sick during their journey, renting mules locally to carry them. In terms of security, the court marshal traveled with a number of soldiers, who supervised and guarded the prisoners. Depending on the distance between Quito and the obrajes and weather conditions, a trip could last anywhere from four days to a week. Stopping in small towns en route to the obrajes, the prisoners were placed under guard in the dungeons of local jails or in private stores, overnight. The constable supplied and paid for the candles for the guards and on occasion hired additional guards from the local inhabitants. The marshals meticulously recorded all of their expenses and as the eighteenth century progressed, a detailed roster of the prisoners, their crimes and sentences became part of the convict transport docket.⁴¹

Despite the fact that the prisoners were sentenced to a penalty with a decidedly private and hidden nature, located in the rural areas away from the scrutinizing gaze of or interaction with the public, their transportation to the obrajes still maintained a considerable public character. The convicts travelled in groups, often tied together, on foot through the Andean countryside. At every stop along the way, the convicts were

⁴⁰ ANHQ Fondo Especial, Presidencia de Quito, vol 8, 1778, no. 3930, ff. 4-12.

⁴¹ ANHQ, Fondo Especial, Presidencia de Quito, vol 8, 1778, no. 3930, ff.4-12.

placed in local jails, or privately secured rooms in local shops, located in the city center. The arrival of the transport undoubtedly generated interest among local inhabitants who came out to witness the spectacle. Along the way, the transport came into contact with local porters and various vendors who supplied mules and provisions.

Alguacil Mayor de Corte, Don Leandro Viescas de los Rios's journey from Quito to Pelileo to deposit convicts sentenced to obraje labor illustrates the public nature of the convict transport ritual. Don Leandro's journey began on February 25, 1778, with sixteen Indian prisoners convicted of participating in an Indian uprising in the province of Otavalo, a year before.⁴² That Wednesday, the procession left the royal jail, in the center of Quito with a handful of hired Indian porters who carried the prisoners' meager belongings ("trastos"). By nightfall, the party reached a small town of Tambillo and the convicts were securely placed inside of a local dungeon ("calaboso") for the duration of the night. A candle purchased from a local vendor supplied the light and security for the prisoners' guards. On Thursday, the travelers reached Machache. Illness brought on by the cold and humidity of the rainy season reduced the team of porters by half. Fed on their daily two-peso diet, the convicts retired to another dungeon and the guards used the half of the candle from the previous night to illuminate their surroundings and ensure security. The following morning, the illness spreading among the Indians forced Don Leandro to reconfigure his plans. The next stop on the itinerary was a town of Mulalo. Four of the sick Indians required a rental of mules to carry them through the mountains to Tacunga. Don Leandro rented the mules from the locals and that weekend deposited twelve convicts in the obrajes of Tiobamba and Juigua.

⁴² On the uprising in Otavalo see ANHQ Indígenas, Caja 101, exp 17; Indígenas Caja 102, Exp 1; Indígenas, Caja 105, Exp 9 and Segundo Moreno, p 34-35 in *Alzamientos Indígenas en la Audiencia de Quito*.

On Monday, with only four convicts left, the transport arrived in the city of Ambato, and remained there until Wednesday. The stopover was longer than Don Leandro had anticipated. An indigenous uprising in the obraje of San Ildefonso would detain his transport in Ambato until Friday. The court constable placed the prisoners in Ambato's jail under guard, and he continued to supply them with daily nourishment as they waited for the situation to improve.⁴³

The prolonged and very public journey through the Andean countryside of the prisoner transport speaks not only to the scrutiny of the convicts and access of them by the public to the convicts, but also to the ongoing bureaucratic surveillance of every step in the penitentiary process, and the continual production of knowledge about the inmates. The officials as well as the administrators were in charge of their wards, their movements and location, ensuring that inmates could be accounted for, registered, and observed throughout the entire carceral process. These receipts and reports became part of the state's roster of knowledge necessary for its administration of power.

After his return to Quito, on 26 March, Don Leandro submitted supporting evidence of having promptly fulfilled his obligation of delivering the convicts to their respective destinations, as prescribed in the copy of the juridical sentence (“pase promptamente a hazer la entrega de los indios que se nominam en el testimonio de la sentencia a los obrajes destinados”). Four receipts signed and dated by the administrators of the obrajes of Tiobamba, Juigua, San Ildefonso and Yarugui confirmed the delivery of the Indian prisoners. Of the eighteen rebellious Indians banished to obraje labor, six of them were women sentenced for one year of work in the mill. The rest were men, sentenced to hard labor in the textile industry from 1 to 4 years. The names of the

⁴³ ANHQ, Fondo Especial, Presidencia de Quito, vol 8, 1778, no. 3930, ff.4-12.

prisoners deposited in each obraje were listed, and the duration of their punishment specified. One name from the original roster of prisoners was missing from Don Leandro's final accounting. Pedro Cuebas was not part of the late February convict transport. Don Leandro explained in his letter that the Indian was sick and remained hospitalized ("se halla todavia enfermo en el Hospital").⁴⁴

The official report submitted by Don Leandro also illustrates the proxy responsibilities for the security of the incarcerated delegated by the state to the private entrepreneurs, and tensions such responsibility engendered among the private sector. The following day, the assistant to the chief constable, reviewing Don Leandro's invoices, noticed a small inconsistency between the original orders for the transport of the convicts and the information contained in receipts. He was curious as to why Don Leandro did not deliver certain prisoners to the obrasjes of Ysinchi and Pochusalas as specified in the original mandate and requested Don Leandro be advised of the inquiry.

On March 31, Don Leandro responded with a letter explaining his reasoning behind the apparent change of plans. Shortly after receiving order to transport the convicts to the specific obrasjes, Don Leandro became aware that the obraje of Pochusalas did not exist any more ("ser aruinado"). Upon learning the news, he communicated the information to the President of the Audiencia and received oral instructions to inquire whether the administrator of the obraje of Juigua, Doctor Don Antonio de la Salas, would admit the additional convicts. Having received no access, he delivered them to the obraje of San Ildefonso.

Arriving with the convict transport destined to Ysinchi, Don Leandro met with the administrator of the obraje, who promptly informed him of not having any means of

⁴⁴ Ibid., ff4-12.

securing and guarding the prisoners (“no tener seguridad por no tener prisiones, que los tendria enserrados en un quarto lo que executo delante de mi”).⁴⁵ Despite the lack of proper security measures and a cell equipped to house the convicts, Don Leandro left the prisoners at Ysinchi. However, he felt apprehensive about his decision and communicated his worries to the chief constable of the Juigua obraje on his journey back. He feared that he would bear the blame for negligence of having left the prisoners without much security at Ysinchi, should they escape and the news of that escape should reach Quito. These reasons were enough to send Don Leandro back to Ysinchi to retrieve the prisoners and leave them, secured and well guarded, at the constable’s hacienda in Juigua, to be delivered later to the obraje of San Ildefonso.

The incident speaks to the tensions that could develop between the state and private entrepreneurs over the management of convict populations. While the magistrates continued to consider imprisonment and forced labor in obrajes as viable penalties for the most dangerous of offenders well into the eighteenth century, some of the obraje administrators found the practice and the responsibility, which came with it, undesirable. The lack of proper security to guard the convicts was undoubtedly a source of apprehension and fear on the part of the owners and a good reason to avoid state’s offerings of free, albeit dangerous, labor.

What is more, for the colonial authorities, obraje owners and their workers, the textile mills were a visible symbol of repression designed to establish moral and ethnic distinctions among colonial subjects. Obrajes were clearly a space that provided secure and well-guarded custody of the criminals. But, the textile mills also offered an opportunity to transform and correct the outlaws and wickedly criminal (“hombres

⁴⁵ Ibid., ff. 4-14.

fasinerosos”) from being idle and lazy to productive, by engaging them in appropriate activities, like work (“en los efectos que mas a propósito fueran según su inclinacion o disposicion para el beneficio de panos sin tener los ociosos”).⁴⁶ The rhetoric of the state, in calling the Indian criminals idle, lazy, wicked, or evil persons, indicated a strong moral judgment on the individuals’ life style, morals, and habits. The miscreants were deserving of punishment in the obrajes not because of particular events, or a concrete criminal acts, but because of their inherently evil way of life. Embedded in the colonial official’s language was a notion that Indians (since they formed majority of obraje convicts) were appropriate for this type of punishment.

Forced labor, properly administered, could change the inferior behavior of the offenders. This long term effort was a de facto a moral campaign, a civilizing mission to improve and change the subject (Indian) populations, who were already deemed morally and racially suspect by the colonial authorities. Despite the pushback from the obraje administrators, who naturally feared the dangerous and recalcitrant convicts, the textile factories offered the colonial state an opportunity to make the civilizing mission operational.

The obrajes’ captive workforce

It is important to note that there existed two types of prisoners within the obraje-prison complex.⁴⁷ The first type of convicts sentenced to obrajes by the Audiencia courts were those guilty of crimes like homicide, theft, robbery, or assault. In some cases, individuals with money owed to the local Corregidor settled their debts with obraje work,

⁴⁶ ANHQ Notariales No. 1 tomo 1, vol 205, Thomas Suarez de Figueroga, ff 149r-v.; and ANHQ, Minas, Caja 2, exp 4 23-IV-1735.

⁴⁷ Similar situation is corroborated for the Obrajes of Cuzco, in Escandell-Tur, Neus, *Produccion y comercio de tejidos colonials, los obrajes y Chorrillos del Cusco, 1570-1820*, 388-391.

by voluntarily choosing to do so.⁴⁸ The other type of prisoner found in the Audiencia obrajes was there extralegally, without the intervention of royal justice, and most frequently against his own will. The administrator or the owner of the obraje made the decision to imprison and to physically restrain workers who had accumulated small debts (tributes, loans) to the obraje administrators during the duration of their labor contract as day laborers (gañánes).⁴⁹ Some found themselves in chains because of poor performance, or have been caught stealing food items or wool to supplement their meager (if any) earnings. Others were held imprisoned and against their will if they fomented disturbances, disobeyed orders, or escaped from the obrajes.

Held against their will, both the indebted workers and convicted prisoners perceived the obrajes as prisons. In the testimonies gathered during official visits, the inability to leave the textile mill was a frequent complaint of the imprisoned workers. Juan Tumipamba testified to the royal inspectors during their visit to the San Ildefonso obraje that he had not been allowed to leave the obraje (“Ni le dejan salir fuera”)⁵⁰ He was not a proper convict, sentenced by the colonial court to work in the obraje. Rather, he was an encomienda Indian, who had been taken “by force, against his will” by the obraje’s bounty hunter (recogedor) (“forzado y contra su voluntad”), and made to work as a contract worker to pay his tributes with his earnings. However, at the time of the visit, Juan Tumipamba still had not received his salary.⁵¹

⁴⁸ See Escandell-Tur, *Producción y comercio de tejidos coloniales: los obrajes y chorrillos del Cusco, 1570-1820* (Cusco, Perú: Centro de Estudios Regionales Andinos, Bartolomé de Las Casas, 1997), 389.

⁴⁹ ANHQ, Obrajes Caja 7, exp. 1 ano 1666, ff 42v,-45r case of Melchor Guachabala.

⁵⁰ ANHQ, Obrajes Caja 7 exp 1, 1666, ff 27r.

⁵¹ *Ibid.*, 27r.

The inability to leave the confines of the obrajes and the loss of freedom inside of the mills became a defining feature of the obrajes in the captive workers' testimonies. Administrators of obrajes often physically restrained the imprisoned workers during the working hours, securing them to the weaving and spinning machines with chains, cuffs, padlocks or placing them in stocks.⁵² Some workers remained in fetters (grillos) or stocks for days. Sometimes, it was more than a year before the stocks were removed and the worker could move about the obraje freely. Such was the case with Esteban Ayuquirina, whose swollen feet had forced the mayordomo of the obraje to remove the foot shackles and put the Indian in stocks ("una corma") with which he was able to walk around, until those were removed a year later.⁵³

Another worker, Domingo Guaman, employed at San Ildefonso as a weaver, had been kept captive in the obraje, "sleeping in the dungeon and without the ability to leave outside" ("durmiendo en el calabozo, sin salir fuera").⁵⁴ Others compared their work to that of the galleys (also a form of forced labor bondage) and of being treated like slaves ("pasando una galera como su fuese esclavo").⁵⁵ Still, others, like Miquel Salagata, compared their situation to that of prisoners, unable to spend the nights at their proper house ("para poder dormir en su casa"), until they were able to provide a guarantor, who could vouch for the Indians' return and fulfillment of contractual obligations ("le prende en el calbozo hasta dar fiador como al preso").⁵⁶

That the above testimonies came from non-criminal imprisoned workers only, and not convicted inmates, suggests that the royal inspectors were particularly sensitive to the

⁵² ANHQ Obrajes Caja 4, exp 8-X-1661, ff 98-202.

⁵³ ANHQ Obrajes, Caja 7, 1666 ff. 77r-77v, 78r.

⁵⁴ *Ibid*, 27v.

⁵⁵ *Ibid*, ff 34, testimonio de Domingo Paulajin. Also see Owensby, *Empire of Law*.

⁵⁶ *Ibid*, ff 30r.

oppression suffered by non-criminal offenders in the hands of obraje administrators, and the tension created between the colonial state and the private obraje owners over the means and ways of administering justice. Because many obrasjes functioned as extralegal prisons, unregulated and operating outside of any legal sanctions from the colonial state, the Crown expressly prohibited incarceration of Indians by private individuals in obrasjes without prior consent of authorities and the review of the case by court magistrates. A 1632 decree stipulated the following, “that the owner of the mill, does not admit any convict to it, without the necessary orders from the Supreme Government, under the penalty of twenty five pesos for each criminal admitted without this formality.”⁵⁷

Yet, in the eyes of the obraje administrators, the distinction between criminal offenders and non-criminal debtors went unnoticed. All Indians were equally deserving of punishment according to the owners, and indebted or recalcitrant workers continued to find themselves enclosed behind the doors of the Audiencias’ obrasjes.

⁵⁷ Documentos para la Historia Economica de Mexico, Volumen XI: El Obraje Embrion de la Fabrica, 1936, p. 56 Original reads: “Que el dueño del obraje, no admita ningún reo en él, no llevando testimonio de que este superior gobierno, por el que conste su aplicación, pena de veinte y cinco pesos por cada reo que admitiere sin dicha formalidad, y siempre que por cualquiera otro tribunal se le precisarea ello dará inmediatamente cuenta a este superior gobierno.”

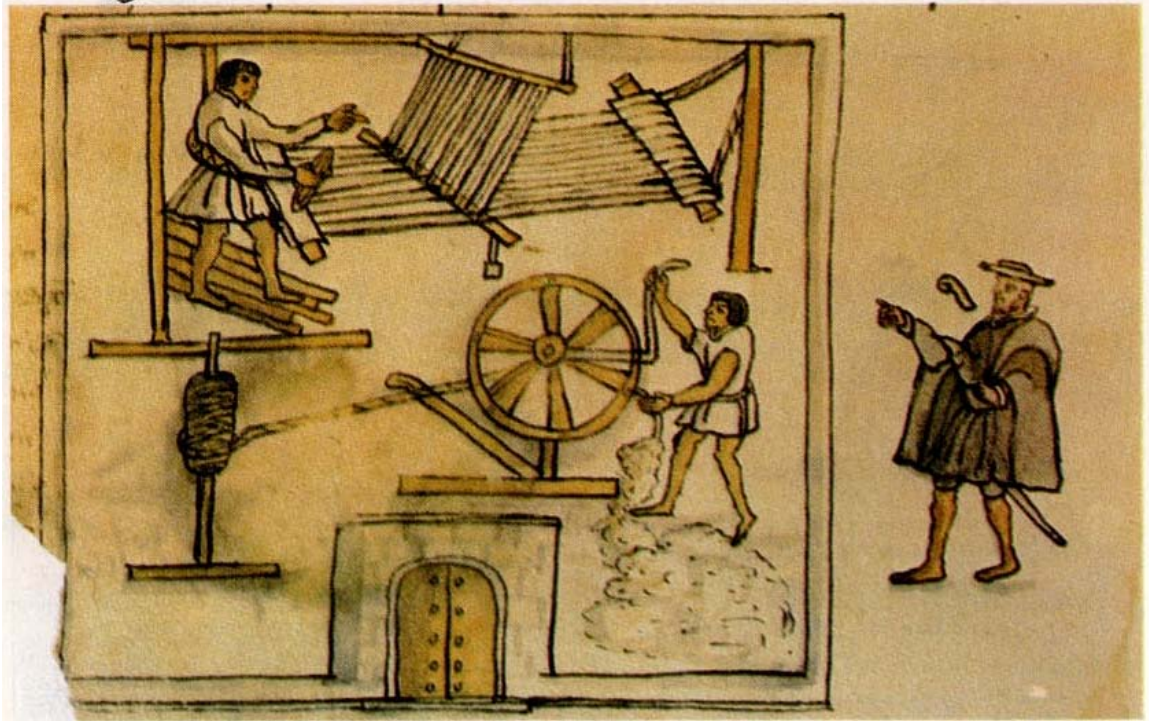


Figure 5. Scene from a Mexican obraje as represented in 1565 *Códice Osuna*.⁵⁸

Even though for the obraje administrators, the Indian workers and convicts were a homogenous mass of punishable idlers, the Indians drew considerable distinction between criminal and non-criminal imprisonment based on their own concepts of freedom. Complaints of being “made to sleep in the cells with the prisoners,” and “not being allowed to leave” suggest that among the obraje workers, freedom and liberty implied the ability to leave their work place, to return home for the night. This is what distinguished imprisoned Indian workers from convict laborers, or slaves whose legal status precluded them from having the choice to leave.⁵⁹ Yet, within the confines of the obraje, workers could and were treated like prisoners and, conversely, perceived their

⁵⁸ Image reproduced from Chávez Orozco, Luis, and Mariano Telléz Girón y Beaufort, 12 Osura. *Códice Osuna*, reproducción facsimilar de la obra del mismo título, editada en Madrid, 1878, acompañada de 158 páginas inéditas encontradas en el Archivo general de la Nación Mexico, (Mexico: Ediciones del Instituto Indigenista Interamericano, 1947).

⁵⁹ On indigenous ideas of freedom and liberty, see Owensby, *Empire of Law*, 148-152.

work conditions and treatment as equal to, if not worse than, those of criminals and delinquents who shared the obraje space with them. By invoking the word “liberty” in the understanding of their particular predicament (“sin tener libertad de su propia persona”), and by comparing their lot with that of prisoners, the obraje Indians found a new way of avoiding forced labor.⁶⁰ Their testimonies exposed the practices of obraje administrators for what they really were--private carceral institutions which punished debtors or recalcitrant workers through incarceration and forced labor.

The imprisonments of Indian workers, the restrictions on their will to move freely and live where they wanted, was a testimony to the arbitrary and illegal encroachments on their persons by the obrajeros, and the Indians saw it as unjust. As the King’s vassals and tributaries, Indians lived and worked for the common good of their communities. Because they had not committed any criminal trespasses against that common good, they could not be punished for them in the same way as the convicts. As Brian Owensby points out in a study of indigenous “rights” in the Spanish courts, “where Spaniards and perhaps many castas and even well-placed Indians faced apparatus of governance and saw limitations on their opportunities, *libertad* as submission to the king’s protection represented a bulwark for ordinary people against the opportunism of the powerful and greedy.”⁶¹ To have them privately incarcerated, restricting their movements without the sanction from the King or his representatives, was a direct contradiction of the King’s laws which stipulated that Indians “be treated as free men, not slaves” and “enjoy entire liberty and serve me as do the rest of my vassals.”⁶² The tenuousness of state’s authority

⁶⁰ ANHQ Obrajes, Caja 4 testimony of Domingo Paulajin, ff 34.

⁶¹ Owensby, *Empire of Law*, 165.

⁶² 1526 decree and a later 1633 cédula, Quoted in Owensby, *Empire of Law*, 134, 140.

inside of the obrajes and ideological weakness of state by proxy was made apparent by the prisoner's testimonies.

In the eyes of the colonial magistrates, incarceration and forced labor in an obraje remained a punishment reserved for the most dangerous criminals, and their distribution a lucrative business, which shifted the costs of incarceration to private textile producers, and ensured that convicts would pay for court costs and continue to pay tributes even while incarcerated. For the obraje administrators, exemplified by the owner of the Ysinchi obraje who refused a convict transport, the prisoners were a dangerous, threatening and an unwilling labor force, and the risks of employing them were great.

There is no doubt that convicts were reluctant laborers and that they would always look for means to escape. Maintaining adequate security inside of the obrajes implied additional costs, if not outright economic loss, should the convicts escape. The security issue also placed the administrators in a direct contradiction with the law. To be fully secure, the obrajes would have to be completely closed, with guards (porteros) monitoring the doors of the manufactories 24 hours a day. Yet, obraje ordinances like that Viceroy Velasco issued in 1595, as well as laws in the *Recopilación*, outlawed closed obrajes in which the workers were prevented from freely entering and leaving the premises.⁶³ The statutes of the *Recopilación* were firm on the subject,

and it is ordered and dispatched to the judges that they cannot convict nor will convict no person to the penalty of service in the textile or sugar mills as a punishment for any crime and those who have been sentenced, it is ordered they shall be released and their sentences commuted to another.⁶⁴

⁶³ Silva Santisteban, *Los Obrajes en el virreinato del Peru*, 69-80; On similar situation in Mexico, see Salvucci, *Textile and Capitalism in Mexico*.

⁶⁴ *Recopilación*, ley 7, título 13, libro 6. Original reads: "y ordenamos y mandamos a las justicias que no los puedan condenar ni condenen a servicios de obrajes ni ingenios por pena de ningún delito, y a los que estuvieren en ellos en ésta u otra culaquier forma saquen y pongan en libertad, conmutándoles la pena en otra arbitraria."

In 1660, additional regulatory statutes issued by Peruvian Viceroy Conde de Santisteban, explicitly forbade the existence of private prisons inside of the obrajes and the incarceration of Indian workers inside of them (“que no tengan los obrajes carceles ni calabozos, ni por pena se repartan indios a ellos”).⁶⁵

Despite the regulatory legislation forbidding the practice of sentencing Indians to serve in obrajes or imprisoning individuals and holding them captive in abysmal conditions of the textile mill dungeons and cells, the practice continued unabated.⁶⁶ The courts carried on sentencing criminals to forced labor in local obrajes, while the administrators kept the doors of their mills perpetually closed and heavily guarded, keeping their workers captive, unable to leave, and in some cases, deprived of any contact with the outside world.⁶⁷

In 1737, the Audiencia prosecutor, fiscal Juan de Lujan informed the president of the Audiencia de Quito, Jose de Araujo y Río about the general situation in the obrajes and small textile workshops in and around Quito.⁶⁸ In his report, he likened the horrific conditions of the jails (“horrorosas cárceles y estrechas prisiones”), and the abuses and cruelties endured by Indians inside of the obrajes to those of the city’s public jails (“que en dichas cárceles públicas”).⁶⁹ According to his witnesses, most Indians locked up in the obrajes expressed the desire to die rather than to see themselves incarcerated (“más quisieran verse muertos que encerrados”).⁷⁰ The physical exclusion of the workers, the

⁶⁵ Silva Santisteban, *Los obrajes en el virreinato del Peru*, 85.

⁶⁶ Silva Santisteban, *Los obrajes en el virreinato del Peru*, 88-90.

⁶⁷ ANHQ, Obrajes Caja 7, exp 1 año 1666 Cuaderno Contra Juan Ortiz (portero) ff. 914-918r

⁶⁸ AGI, Quito 133, no 26 “Informe.”

⁶⁹ In Luis Gómez Ramos, “Algunos datos sobre los abusos e injusticias padecidas en 1737 por los indios de los obraje de la ciudad de Quito,” 157.

⁷⁰ *Ibid*, 161.

deprivation of their liberty and freedom of movement, and impenetrable walls and doors of the obrajes attest to the fact that obrajes were not simply economic enterprises.

Obrajes thus often operated against the mandates of royal authorities, as well as King's own command, as private prisons yet were simultaneously sanctioned by the judges who continued to sentence criminals to them. They were, in short, contradictory, hybrid penal spaces, combining practices and processes of both pre-modern/colonial (forced labor, physical punishment) and modern (isolation, segregation, confinement) forms of punishment. The obrajes were synonymous with physical punishment and infliction of pain. But they were also compatible with modern modes of repression and imprisonment, where delinquent and noncriminal offenders could serve a term for the sole purpose of chastisement or correction. As such, obrajes were the colonial pre-cursors of modern penitentiaries, combining custody and physical punishment with disciplinary work regimes and isolation.

A confirmation of the penal nature of the obrajes also comes from the inventories produced by the mills' administrators at the request of colonial authorities each time an obraje was sold, rented out, or demolished. The inventories offer a catalogue of the machinery of suffering in existence inside the buildings of the textile factories. They, like the dungeons and cells, were necessary, "for the punishment, coercion, and restraint of the Indians of the obraje, who collectively are quarrelsome, disobedient, and rebellious for having feeble will."⁷¹ Thus, a 1652 inventory of an obraje in the province of Chimbo lists 30 pairs of fetters. Nearly fifteen years later, in 1666, the obraje's inventories

⁷¹ Stocks (*cepos*) appear to have been used to secure the prisoners standing up, securing the neck of the convict with two pieces of wood. *Cormas* were made up of two pieces of wood which were placed on the feet of the prisoners to prevent them from movement. ANHQ Obraje Caja 32 exp 30-I-1798, ff13v.

mention 52 pairs of fetters, one wooden stock with its iron pin, but with no padlock “con su telera de fierro sin candado,” and four iron padlocks with keys for the door of the obraje.⁷² Similarly, among the possessions of the San Ildefonso obraje we find one stock (cepo) with a hinge, a post and a padlock, two wooden stocks (cormas) with their respective hinges and posts (“gonces y mastiles”), and one, apparently broken.⁷³ In addition, three pairs of fetters and three pairs of handcuffs, totaling almost 28 pounds of iron were listed.⁷⁴ In another obraje called Atocha in the province of Ambato, the inventory of the buildings revealed a cell, covered with straw, serving as a dormitory for the imprisoned workers of the obraje (“donde duermen los presos que sirven en dho obraje”). Inside of it, the inspectors found wooden stocks with its iron pin and a padlock.⁷⁵ Right next to the cell, a pantry held sixty five pairs of iron shackles both old and new and of various sizes, and fourteen wooden stocks (corma).⁷⁶

It is no surprise then, that being surrounded by and subjected to such gruesome instruments on daily basis, the Indian convicts, and the imprisoned obraje workers not only suffered depression (“melancholia de verse presos”), but ended up paralyzed and disabled (“tal cual indio se ha visto paralítico por last calles”).⁷⁷ To avoid such misfortune, many resorted to escape. Because flight was a common form of resistance, the obraje administrators established necessary measures to retain those already inside and make escaping more difficult. The first barrier to a successful escape was the door of the obraje. Almost all the inventories consulted focus on the presence of doors in the

⁷² ANHQ Obrajes Caja 6, exp 22-I-1666, ff 18v-21v.

⁷³ ANHQ Obrajes Caja 32 exp 25-Vi-1799, ff37v-38r “Inventaris, mensuras, y tasaciones del obraje de San Ildefonso.

⁷⁴ ANHQ Obraje Caja 32, exp 30-I-1798 f. 1v.

⁷⁵ ANHQ Obraje Caja 8 exp 26-X-1668, f. 175 v.

⁷⁶ Ibid, f 176r.

⁷⁷ ANHQ Obrajes Caja 7 exp 1 1666, ff187.

buildings and rooms of the obrajes. The cells and the dungeons of the obraje had their proper wooden doors, which were heavy and often armed with iron bars, locks and large padlocks, suggesting that security and prevention of mobility of the worker-prisoners were important matters to the administrators.⁷⁸ Because the doors were the point of contact between the outside and the inside world, and a portal through which prisoners could (and did) escape, they were kept closed and under a vigilant eye of the doorkeepers (porteros).

Not unlike the wardens employed in the urban jails, the obraje doorkeepers came into daily and nightly contact with the obraje workers, securing the impermeability of the obrajes' walls and gates. The doorkeepers' function was to guard the doors of the obraje to prevent Indians imprisoned for non-payment of tributes and fugitives from justice from leaving ("cuidar de la puerta de dho obraje para que no saliese ningun Yndio preso, de los que estaban en el por simarrones, que se avian huido del mesmo obraje y por tributos").⁷⁹ In addition, the doormen were in charge of ensuring that no wool left the premises of the obrajes, hidden under the clothes, or arms of the departing individuals ("de bajo de braso"). In some instances, the doormen served as bounty hunters (recogedor) of escaped workers.⁸⁰

The testimonies of obraje workers and prisoners illuminate the precarious position of the doorkeeper. Despite the fact that the doorkeepers were individuals hired to protect the property of private enterprises, often they found themselves serving a role of wardens, protecting criminals sentenced to obraje labor by the courts. Bound by explicit royal

⁷⁸ See ANHQ Obrajes Caja 2, exp 3-viii-1648, Caja 32, Caja 8.

⁷⁹ ANHQ Obrajes, Caja 7 exp 1 1666, ff. 914r-916 "Cuaderno contra Juan Ortiz portero que dize fue obraje de San Ildefonso complicado por recogedor."

⁸⁰ ANHQ Obrajes Caja 7 exp 1 1666, ff 914r.

ordinances outlining their job responsibilities, the obraje doorkeepers were accountable not only to the state but also to the obrajes' administrators. As a result, when workers' complaints against them to the obrajeros went unheeded, the state intervened.

In the testimonies gathered during official mill inspections, the doorkeepers are often described as sadistic and abusive men, guilty of "having bad nature and worse conscience."⁸¹ The complaints against them run the gamut from refusing to open the doors of the cells to allow the prisoners to urinate to physically and verbally abusing them.⁸² A 1707 investigation of the existence of a private jail inside of an obraje belonging to Don Joseph de Fonseca in the town of Cotocollao revealed the abuses at the hands of the doorkeeper. According to the testimonies, he consistently refused to open the doors at night to allow the prisoners to attend to their private needs ("necesidad de mear"), forcing the prisoners to spend the nights in a cell surrounded by their own urine and feces.⁸³ What made the situation even more unbearable was the fact that the cell holding the prisoners was located next to the stable. The stench and the unsanitary conditions produced fatigue among the prisoners and a few of them expressed concerns that it could endanger their health ("dar les enfermedad").⁸⁴ Honoring prisoners' requests resulted in vitriolic outbursts of anger and verbal abuse from the doorkeeper ("Y si lo haze con enfados y malas palabras que dize a dhos presos").⁸⁵

The prisoners often went hungry as well since the portero also controlled the ingress of provisions and their distribution. Almost all of the prisoners interviewed during the 1707 investigation into the abuses in the obraje of Don Fonseca mention going to

⁸¹ AGI, Quito 134 n.p in Ramos, 161.

⁸² ANHQ Indígenas Caja 33, exp 28 25-V-1707; Obrajes Caja 7.

⁸³ ANHQ Indígenas, Caja 33 exp 28, 1707 ff 3v.

⁸⁴ Ibid, f. 6r-v.

⁸⁵ Ibid, f. 12r.

sleep hungry, without dinner because the door man, again, refused to let the prisoners outside to get the food. On days like that, the captives' only meal consisted of lunch ("almuerzo") served before noon. In the san Ildefonso obraje, the imprisoned workers relied on their families (wives, mothers, sisters) to provide them with the necessary comestibles. In some cases, like that of Miguel Salagata, it was the wife who provided for him, from the outside ("de afuera"), bringing him foodstuffs and meals ("trayendole de comer"). "If it were not for her" ("sino fuera por ella"), he confessed, "I would have perished." Francisco Yaquacunsi's wife brought him food every day, traveling about five miles from his native village of Pelileo. On days that she was unable to make the trip or had nothing to bring, he starved ("perece de hambre").⁸⁶ Continuous and frequent contact from the outside was crucial to the prisoners' survival inside.

Yet, even when the prisoners were able to receive food from the outside, the doorkeeper was the last person who controlled the food's actual delivery and determined who could enter the mill. The exchanges at the main gates of the obraje did not always occur without violence. Witnesses in the San Ildefonso obraje reported that the portero not only physically abused and verbally insulted the prisoner-workers, but he extended such behavior towards their relatives, by not allowing the entry of visitors bringing provisions for the workers ("el ingreso de alimentos para los trabajadores cuando sus familiares se los llevaban").⁸⁷ Because theft of wool was a constant problem in the obrajes, the porteros justified their actions as preventative. Unfortunately, such preemptive behaviors often resulted in the starvation of the workers ("muertos de hambre").⁸⁸

According to Juan Ortiz, a portero in the San Ildefonso mill, nobody carrying food and

⁸⁶ ANHQ Obrajes Caja 7, exp 1 1666, 42v-43r.

⁸⁷ Ibid, ff 914.

⁸⁸ Ibid ff. 914.

provisions for the obraje workers would be denied entry. He granted access to all the visitors, but only after cautioning them that they were free to enter the obraje with the understanding that upon leaving they would be subject to a bodily search for contraband wool. It was his obligation to perform the search and disobedience had its consequences (“ni embaraso a los que iban con ella [la comida] antes les dava cierta fiansa para que entrasen con livertad a darles de comer conociendo que quando aviendole bolver a salir, les avia de buscar el seno y debajo del brazo como era su obligacion por si llevasen lana hurtada”).⁸⁹

However, the continuous abuses and mistreatments of the workers by the staff of the obraje also had consequences for their administrators. Disobedience, theft, murder of abusive overseers, arson, and most frequently, escape of the prisoner-workers could be a source of considerable financial strain. The doorkeepers kept a watchful eye on the entrances and exits of obraje workers, visitors, and raw materials. Nevertheless, they sometimes failed in preventing the loss of the obraje’s most valuable asset—workers. In the pursuit of their freedom, the prisoners found ways to escape, some desperate enough to attempt flight wearing fetters or even stocks.⁹⁰ In the pursuit of the runaways, special bounty hunters (recogedores), employed and paid by the obrajes, found ways to bring back the recalcitrant subjects, or their replacements. Once caught, the fugitives, in a solemn procession, handcuffed or tied by the hair (“maniatados o amarrados de los cabellos”) were brought back to the obraje with “tyranny and rigor.”⁹¹ Such was the fate of a fourteen year-old Juana Yalasamin who, having escaped from the obraje of

⁸⁹ Ibid, ff 915r.

⁹⁰ ANHQ Obrajes Caja 7 exp. 1 1666 “Autos criminales fechos por el Senor Doctor Don Luis Jose Merlo de la Fuente ...sobre la averiguacion y pesquisa de los agravios que se an hecho en el obraje de San Ildefonso.”

⁹¹ AGI, Quito 134 in Ramos Gómez.

Cotocollo, after having been placed there by her father, was caught (“la cojio”) by a man named Santa Ana, the administrator of the manufactory, and brought to and imprisoned in a small cell with 10 other prisoners.⁹² It was a common practice for the bounty hunters to show up in the fields or homes of the families of the fugitives and take prisoner their parents, wives, siblings or other relatives. They would be kept inside of the obraje, until the fugitive returned (“llevaba este confesante en su lugar presos a sus padres, hermanos, hermanas, mugeres, o parientes conforme los que hallaba en sus casas al dho obraje hasta que los otros pareciesen.”)⁹³

The bounty hunters were also responsible for bringing to the textile mills those Indians who did not show up to work, or who fell into debts with the obraje or local hacienda owners. Again, if the culprits were not present at the time of the recogedor’s arrival, the members of their families were taken as substitutes. This is how a twelve-year-old Phelipa Pupin ended up imprisoned for four months in an obraje. Her recently deceased father had owed 10 pesos to the owner, and the burden to repay them fell on her and her mother. Both were employed at the obraje for thirteen months and only received 2 pesos and 2 fanegas of corn. Knowing that her father’s debts were paid for in full, she and her mother decided to escape. They were caught and put back to work, cancelled debts notwithstanding.⁹⁴

The civilizing regime of the obrajes

Next to loss of freedom and mobility, the obligation to work was the most important element in the daily experiences of prisoners sentenced to obraje labor, and along with the religious indoctrination, formed part of the convicts’ as well as other

⁹² ANHQ Indigenas Caja 33, f. 2 f.

⁹³ Ibid, f 915r.

⁹⁴ Ibid, 11r.

inmates' and obraje workers' disciplinary and civilizing regime. The emphasis on forced labor and incarceration in private enterprises signaled a subtle shift in the modes of colonial punishment. Enclosure in protected spaces of the textile factories, or factories and the subjection of the prisoner bodies and activities to greater control and scrutiny began slowly replacing the public execution and corporal punishment, which formed the standard corpus of punishment for the colony's criminal Indian subjects.

As the seventeenth century progressed, the Crown and its colonial officials and magistrates began to recognize the utilitarian and disciplining nature of manual labor as a preferable practice to corporeal or capital punishment of criminal populations. In response to the 1666 cédula that forbade condemning Indians to forced labor in obrajes, and the myriad of "grave disadvantages" for the entrepreneurs that such order created, the Crown requested a foundation of a special obraje in Quito or in the nearby city of Cumbaya for the sole purpose of occupying in it delinquent Indians).⁹⁵ Aware of the violent and aggressive nature of the Indians and that they "continually commit atrocious crimes" filling up the Audiencia jails, the Crown saw a solution in depositing the delinquents inside of a special, state-funded and state-run obraje. Imprisonment in the obraje would put criminal behavior in check, and the criminals would benefit more from the supervision than from corporal or capital punishments.⁹⁶ Forced labor in an obraje would not only satisfy the public need for justice ("vindicta pública"), but the injured parties, most "conbeniente al ynteres de de la Real Hacienda." The royal order also implied the move away from private punishment in obrajes and closer to a centralized

⁹⁵ AGI, Quito 210 libro 4 f. 115v in Landazuri Soto p. 108-109 "A la Audiencia de Quito en respuesta, Madrid 26 IX 1669, Original reads: "trabaxar en el los indios delinquentes"

⁹⁶ Landazuri Soto, *El regimen Laboral Indígena en la Real Audiencia de Quito*, 108-109 "que hecharlos aun obraje con cuyo freno vivian con algun cuidado por sentir más es en cierto que si les quitasen la vida."

and state controlled justice. Finally, the state-run obraje would alleviate the humiliation, harassment, and abuses endured by convicts imprisoned in private obrajes. A state-run and -authorized prison labor program, unlike the private enterprises, could punish and reform the Indian criminals while paying particular attention to their good treatment (“buen tratamiento”).⁹⁷ The state could exert full control over the lives, bodies, and time of its delinquent subjects through a more desirable and humane (albeit questionable) instrument of punishment and discipline—a royal prison workhouse. The state run obraje workhouse, however, was never build, and delinquents continued to be deposited in privately run textile mills until the establishment, in the second half of the eighteenth century, of two royal tobacco factories in Quito and the port city of Guayaquil.

A few years later, an Audiencia magistrate echoed the sentiments of the Crown regarding forced labor of the convicts. Rejecting a petition for an allocation of free, salaried Indian workers to a mine, an Audiencia *fiscal* justified his decision stating that,

for this kind of hard work, it must turn to wicked and criminal men, who for their serious crimes deserve to have their capital (death) sentence commuted to the punishment through hard work in the extractions of metals, and make them serve out this punishment as it will serve them better than to deprive them of life. (“para este género de trabajo tan duro, se debe echar mano de hombres fasinerosos y que por sus graves delitos merecan el que se les comute la pena de muerte en esta del trabajo a los metales y de hazerse siervos de la pena en que les sea mas a servir que la privacion de la vida”).⁹⁸

The criminals would benefit more from sentences that condemned them to years of hard labor than from a hangman’s noose. A scheme of activities and religious indoctrination methodically spread over the day in a textile workshop or a mine could redeem the

⁹⁷ AGI, Quito 210 libro 4 f. 115v, “A la Audiencia de Quito en respuesta, Madrid 26 IX 1669.

⁹⁸ ANHQ, Minas, Caja 2, exp 5, 17-XI-1735 ff. 3r.

criminals from vice and idleness, and discipline their bodies into docile and obedient subjects.

According to the ordinances, the work hours in the Audiencia's obrajes began at 6 am with the entire workforce, free and imprisoned, gathered around a massive wooden cross installed in the central patio of each obraje.⁹⁹ The alcaldes of the obraje removed the prisoners from cells and dungeons and brought them into the central plaza, or directly into the workshop rooms to begin their work.¹⁰⁰ From then until 6:30 am, a blind Indian, chosen by the town's mayor (Corregidor) instructed (indoctrinated) the gathered masses how to pray and recite "the four prayers, the commandments, articles of the confession and catechism in the native language or in Spanish" ("rezar las cuatro oraciones, los mandamientos, artículos de confesión general y catecismo en la lengua general de ynga o española").¹⁰¹ This form of indoctrination was preferable by the obraje administrators as it minimized valuable work time lost while traveling to a local church, and maximized the security of the laborers, by keeping them enclosed within the space of the obraje.

However, the inability to leave to hear mass or participate in Sunday or holiday services was a source of major complaints from the imprisoned workers and a source of major concerns on the part of royal officials. A 1687 inspection of a Quiteño obraje belonging to Bernardo de Leon revealed that not only he had imprisoned thirty Indian workers for private debts without the court's authorization, but also he had not provided them with religious services or allowed them to leave the premises of the mill to attend a

⁹⁹ ANHQ Obrajes Caja 1, exp 6 VII 1645, *Ordenanzas de M de Peralta*, ord. 49.

¹⁰⁰ ANHQ Indigenas Caja 33, exp 25-V-1707.

¹⁰¹ Tabla de Ortiz, *Ordenanzas*, 1621.

mass. What made matters worse, was the fact that de Leon's obraje was located not too far from a church, "en la cuesta del tejlar de la iglesia maior."¹⁰²

In 1687, Don Mathias Leguenes, the general inspector and oidor in the Audiencia took it upon himself to remedy the situation by inspecting the said obraje. After asking the prisoners if they would like to attend the mass, and realizing that it was almost noon and the last mass of the day was about to begin in the nearby church, he demanded that the doors of the obraje be open to allow everyone to leave freely ("para que se saliesen libremente"). The excited and eager crowd of Indians tumbled through the doors of the obraje, anxious to leave the prison ("con el hancia de salir de la prission"). Many began leaving the obraje half naked, and wrapped only in rags, leaving behind their sombreros and cloaks. Leguenes had to stop the mob and ordered the Indians to retrieve their hats and coats. Once dressed properly, the crowd spilled onto the street with "grande alegría", while the official warned them that they were obliged to return to their work and prison after hearing the mass. The Indians dispersed, running down the street. To the great chagrin of the daughter of the administrator, they never returned, ("la hija y demas personas de la casa del dicho Bernardo de Leon se quedaron lamentando que su Padre perderia mucha platta porque no bolyerian los yndios a la prission").¹⁰³

The incident underscores not only how the imprisoned Indian workers understood their captivity in the obraje as an arbitrary encroachment on their persons, which deprived them of the ability to freely leave the premises of the textile mill to, paradoxically, participate in the religious ceremonies of the colonizers, meant to "civilize" and subjugate the Indians. It also shows the energy with which they fought subjugation.

¹⁰² AGI, Quito 69 Testimonios sobre Agravios de yndios en los obrages de la ciudad de Quito, 6-IV-1687 in Landazuri Soto, 166-167.

¹⁰³ Ibid, f 3v p170-171.

But the incident is not just a simple testimony to native resistance against colonial abuses and subjugation. It is also suggestive of the tensions created between the private sector and the colonial state over the administration of justice. There is no doubt that Don Mathias Leguenes was aware of the results that opening the obraje doors would bring. The workers have been held captive against their will and against royal orders by the obrajero. Bernardo de Leon was in direct opposition of the laws and King's orders. Imprisoning the workers for private debts and preventing them from attending to their religious needs was not only an obstruction of justice, but a challenge to the Spanish mission to indoctrinate native populations in the precepts of Christianity. Opening the obraje's door asserted the state's authority, power and legitimacy over the obraje owner. What is even more remarkable, Don Leguenes' act created an environment in which the Indians could and would seek help, redress, and vassalage from the colonial state as the means of protecting themselves against those "who resisted royal laws for private ends."¹⁰⁴ Don Leguenes' action was a brilliant public relations spectacle for a colonial state seeking to strengthen authority and legitimacy.

Few were the lucky Indians who were given a chance to escape their captivity in the obraje. Those remaining behind were taken to the different rooms of the workshop after the mass had ended, around 6:30am. Inside the workshops, the maestros of the obraje distributed the daily tasks and assignments to the workers. The maestros distributed the tasks according to the specific skills of individual workers, to ensure "que las puedan acabar con tiempo sin darles más de las que en los oficios de cada uno yrán señalados."¹⁰⁵ Distribution of tasks according to the skill level of the workers maximized

¹⁰⁴ Owensby, *Empire of Law*, 308.

¹⁰⁵ ANHQ Obrajes Caja 1 exp 6 VII 1645, Ordenanzas de M de Peralta, 1621.

the production output of the manufactories, and established total control and supervision over the activities of the workers. Each obraje was made up of workshops specified according to operations performed inside of them such as cleaning, separating, washing, dying, spinning, and weaving of wool. Spatial distribution of the workers across the buildings of the factory allowed for the observation of their presence, application and the quality of work performed. Once at the posts, each worker performed the same repetitive tasks and gestures. The uninterrupted efficiency of his habits made possible the total control and coercion of his body, turning him into a pliable, docile subject, a “political puppet,” which could be “subjected, used, transformed, and improved.”¹⁰⁶

The obrasjes’ specially appointed alcaldes (mayors) and their assistants were responsible for making sure that the workshops were well supplied and serviced, and operated efficiently. Part of that responsibility included making sure that all the workers were gathered on time, for both work and the daily religious indoctrination, and their tasks were properly assigned to them. Once the work had begun, the alcaldes were in charge of directly supervising the workers (“que tengan cuidado de juntar los indios y miren como trabajan”).¹⁰⁷ The auxiliary staff, thus, exercised a significant amount of disciplinary power over the workers, controlling their activities, imposing repetitious actions on their bodies and subjecting them to near constant supervision.

Workers, prisoners and, occasionally slaves worked together inside of an obraje. They were required to perform the same daily tasks and were subject to the same harsh discipline. It is unclear from the sources, if, as Kagan claims, the “criminals were the

¹⁰⁶ Foucault, *Discipline and Punish*, 136.

¹⁰⁷ ANHQ Obrajes Caja 1 exp 6 VII 1645, Ordenanzas de M de Peralta, 1621, Ordenanza 48.

pariahs of the workshops.”¹⁰⁸ From the declarations of the prisoners, it is, however certain, that many of them, like Esteban López, Augustin Cunamasi, and Pedro Gualpa spent years working in an obraje enclosed, imprisoned and in fetters (“encerrado”, “preso y con grillos”).¹⁰⁹ The convicts were most often assigned to the most unskilled and harshest tasks of cleaning and carding of wool. The ordinances specified nine-hour workdays for the washers, while the beaters and combers (carders) were required to process specific amounts of wool each day. Four arrobas (25 pounds) of wool was an expected output from an Indian in charge of bating the separated wool. Cleaning of six to eleven pounds of wool was the standard daily workload specified by the ordinances, with the expected results of ten pounds of clean wool.¹¹⁰ Carders were given six pounds (libras) of wool to comb into a final product that was “obra limpia y buena.” Its quality was subject to the maestro’s approval. Having their meager pay withheld punished those failing to produce quality work.

The work of cleaning and combing the wool was unpleasant, to say the least. Locked in hot, humid and unventilated rooms, the workers preferred to sort, wash and comb large quantities of wool and cotton, half naked, often wearing only pants. Any additional clothing not only trapped heat and sweat, but also dirt and the ubiquitous fleas and bugs. Once sorted and selected, the white wool was washed in tepid water to prevent turning yellow, while black wool underwent the wash in hot boiling water. After the wash, the wool was placed on wooden stretchers for drying in the sun. Once dried, the wool was divided among the cardadores (combers) and prepared for spinning. With

¹⁰⁸ Kagan, “The labor of prisoners in the obrajes de Coyoacán”, 207.

¹⁰⁹ ANHQ Obrajes Caja 7 ff 75, 92, 98, 104, 130.

¹¹⁰ Kagan, “The labor of prisoners in the obrajes de Coyoacán, 209. Kagan points out that one pound was considered lost in waste.

wooden or metal combs resembling a paddle, ranging from very fine to coarse in thickness, the workers broke up clumps and locks of wool, brushing it, repeatedly, until all the fibers aligned in the same direction and the wool was free of debris. Loosely gathered into a skein, the wool was passed on to the spinners.¹¹¹ The work was tedious, repetitious, and lacked variation, as each worker could only be assigned to and performed a single task leading to extreme specialization of work among the laborers.

At midday, the doorkeepers opened the doors of the workshops and the obraje to allow the entrance of relatives bearing food and supplies for the workers. A short lunch break provided a much-needed respite, but as soon as it was over, the Indians were required to return to their tasks. They remained occupied in them until “the darkness of the night” (“la oscuridad de noche”) did not allow further work and the maestro of the obraje came in to collect the finished pieces.¹¹² Those who did not accomplish their tasks were locked up with the prisoners and forced to continue with the assignments. For the prisoners, the monotonous process continued for the duration of their sentences, while the Indian laborers were only required to work 312 days a year, which allowed them 53 days of rest.

Thus, within the obraje’s walls, the prisoners and the workers were subject to regular and precise schedule (or a time table), which organized their daily life around work. Prescient of modern industrial work, the obraje workers endured degrading discipline of performing the same, dull and repetitive task for the duration of their contract, sentence or indenture. In addition to time spent in the workshop, small units of time were partitioned for rest and meals, and periods devoted to religious prayer and

¹¹¹ Santisteban in *Technologia Andina*, 351-354.

¹¹² Ulloa, 215.

indoctrination. Although the ordinances allowed no more than nine work hours per day, the workers often found themselves working through the night, in their cells, in order to finish the daily or weekly tasks. The timetable imposed a disciplinary time on the obraje's inmates subjecting them to a linear succession of activities "orientated towards a terminal, stable point," a finished product.¹¹³ Those who did not finish on time were beaten and imprisoned.¹¹⁴

Because minimum output was required of all the workers, failure to meet quotas resulted in forfeited wages and imprisonment. It is unknown if overproduction resulted in rewards inside of the obrajes, but a document from a Quiteño tobacco factory suggests that good behavior of the prisoners and possibly over production did yield rewards.¹¹⁵

The prisoners and the imprisoned workers not only worked, but also lived, died and suffered from diseases together inside of the obrajes. Crammed into tiny, narrow, and dark cells, the prisoners slept on the dirt ground, wrapped in nothing but cow skins ("pellejas de vaca"). Finding it impossible to stretch out in the small cell, in which they were locked at night, all nine prisoners in the obraje of Don Joseph de Fonseca complained of fatigue. The stench from the nearby stable, mixed with the odors of the prisoners' own feces and urine, exacerbated by lack of ventilation contributed to their constant fatigue.¹¹⁶ Already overworked, fearing repercussions for not having completed their tasks, some prisoners suffered from insomnia, spending nights completing their tasks by candlelight ("y de miedo no ha dormido").¹¹⁷

¹¹³ Foucault, *Discipline and Punish*, 160.

¹¹⁴ Ordenanza. 31.

¹¹⁵ See ANHQ Gobierno,

¹¹⁶ ANHQ Indigenas, 1707.

¹¹⁷ ANHQ Obrajes Caja 7 ff. 124 v.

Muscular pain caused by long stretches of inactivity also contributed to the fatigue and general malaise of the obraje's inmates. Carding or cleaning wool required the workers to remain seated for long stretches of time on the floor or on wooden logs. Sometimes, as a security measure to prevent the escapes of the most dangerous of convicts, the maestros of the obraje placed shackles or stocks on the feet of the workers, rendering them virtually immobile. Semi naked and immobile, the inmates suffered from pain and cold. A short lunch break at noon offered respite from the monotony, and a chance to stretch one's stiff limbs and nourish the starving bodies.

Meals crafted from rations of corn, wheat, cheese, brown sugar, potatoes, mutton, pork leg, quarter of a cow, could easily contribute to malnutrition or hunger, if they were not delivered in time by the relatives of the prisoners.¹¹⁸ The owners of the obrajes (amo), following their patriarchal and charitable impulses, often fed the prisoners twice or three times a week, bestowing them with small bags of corn, or a peso coin. Others, less charitable owners were cited and fined by the royal inspectors for feeding their wards roasted hides of beef, animal fodder and uncooked tails of bulls, and forced them drink their own urine ("sustentan en algunos con cueros de vaca que asavan, y saluado y coles crudas que comian veuiendo su propio orin").¹¹⁹

As noted earlier, melancholy, or depression ran rampant among the prisoners, as they felt isolated from their families, removed from familiar surroundings, and unable to return home to provide for their wives and children. Physical and verbal abuse of both male and female workers ("la dieron un punete llamadola puta") could also be a source of depression. Constant whippings, blows to the head, shoulders and buttocks, and weeks or

¹¹⁸ ANHQ Obraje Caja 7, exp 1 1666, ff 264r-385r "Testimonio... de genros que se an dado a los Yndios del obraje de San Ildefonso en parte de pago y satisfacion de su trabajo."

¹¹⁹ Landazuri Soto, 171.

months spend with chains around ones ankles produced hosts of ailments. The workers often complained of swollen ankles, bleeding wounds, and scars. Those who did not survive the ordeal, had witnesses who told their story. Speaking anonymously, a witness described death of a Augustín Ullaloo, a day laborer who died not only as a result of the whippings he received from mayordomo, named Noboa, but also from great grief and sorrow for having been incarcerated, with shackles on his feet. According to the same witness, many Indians have been seen distressed, anguished and heartbroken in the prisons (“que se ve afligido en la prision”). The machinery of suffering inside of the obrajes not only affected the inmates physically, but, psychologically as well.¹²⁰

If death did not come from extensive wounds, bleeding or broken limbs, the vermin hastened the spread of deadly infections. Fleas and lice were common, their bites festering into open wounds that would not heal in the putrid conditions of the dungeons. The cells were also full of “sarna,” or scabies causing mites, which spread easily in the crowded cells. Highly contagious, the diseases caused uncontrollable itching, which when untreated, in malnourished and weakened prisoners could result in bacterial infections and, possibly death. Again, an anonymous witness reported on the deaths among the prisoners noting how “many prisoners who sleep in the dungeon get infected wth scabies in such a way that some die of this affliction.” (“Muchos presos que duermen en el calabozo se llenan de sarna en tanta manera que algunos mueren de ese achaque”)¹²¹

Conclusion

In 1803, German naturalist and explorer baron Alexander von Humboldt stopped in a textile mill in Querétaro, Mexico while traveling in Latin America. Like his official

¹²⁰ ANHQ Obraje Caja 7 ff. 45v-46r.

¹²¹ Ibid, 122v.

Quiteño predecessors who visited the San Ildefonso mill nearly 140 years before, von Humboldt, too, was struck by the Mexican obraje's undeniably penal nature. Bleakly, he noted in his journal:

On visiting these workshops, a traveler is disagreeably struck, not only with the great imperfection of the technical process in tile preparation for dyeing, but in a particular manner also with the unhealthiness of the situation, and the bad treatment to which the workmen are exposed. Free men, Indians and people of color are confounded with the criminals, distributed by justice among the manufactories, in order to be compelled to work. All appear half naked, covered with rags, meager, and deformed. Every workshop resembles a dark prison.¹²²

Von Humboldt's observations resonate with the penal labor programs common throughout the colonial period in the Kingdom of New Spain, but also in the Audiencia of Quito. The economic inefficiency and lack of industrial development within the workshops noted by the naturalist reveal the darker and lesser-known nature of the colonial manufactories—as desirable instruments of discipline and punishment. During the seventeenth and eighteenth centuries, sentencing to obraje labor in the Audiencia de Quito became an effective state technique of managing of undesirable, both economically (the poor/debtors) and racially marginal (Indian) populations. The modernity of obraje's penal program lay not in its utilitarian or dubiously humanitarian impulses, but rather in the ability of the colonial state to separate and spatially demarcate and isolate offenders based on legal designations (thief, murderer) and cultural identifications (Indians). The flexibility of rendering incarceration and hard manual labor possible and tolerable for several colonial populations (Indians, Blacks, and, to a lesser degree, mestizos), and not for others (Spaniards) allowed the colonial state to utilize highly symbolic, albeit obscure and hidden ruling strategy.

¹²² Humboldt, *Ensayo politico*, Vol 3. Ch xii p. 464-465.

The obrajes were hybrid spaces where simultaneous modern process of discipline and punishment coexisted with the colonial priorities of custody, financial gain and control over the means of production (Indian labor). The contradictory processes inside the obrajes were marked—for a time-- by simultaneous collaboration between the colonial state and obrajeros in the arena of justice, and the existence of extralegal (or illegal) private prisons inside of the obrajes, outside of the control and the authority of the state. Such top level, state and private administration contradictions manifested themselves along continuous resistance from below including escapes, sabotage and frequent complaints. These contradictions easily magnify the failures of the colonial state in its efforts to control and pacify its undesirable populations via modern methods of penal servitude and bondage.

But claims of the colonial state's failure and criticisms that forced labor "was not a punishment, especially not to those accustomed to manual work," and "could not teach criminals a lesson or convince others to avoid crime" miss the point.¹²³ The obrajes were a part of a larger network of colonial state power and crucial to its existence and legitimacy. Their aim was not as much to teach criminals a lesson or convince others to avoid crime but to produce and rationalize racialized delinquency and crime, which could then be utilized ideologically in the production of modern state, and economically in the institution of work regimes. Within the space of obrajes, daily processes of bureaucratic rule, violence, and ideas about race interplayed to create modern penitentiary (state) institutions. Failure to teach a lesson, the failure to convert criminals into saints or Indians into Spaniards, was inherent to those processes.

¹²³ Herzog, *Upholding Justice*, 36.

Chapter Five

The Missing Link: Convict Transportation and the Specter of Modernity

Fourteen hours was not enough time for Don José Truxillo to adequately prepare for a three thousand mile journey down the coast of Ecuador and Peru, to the port of Valdivia, in southern Chile. Before he could finalize all his personal matters, gather his belongings and money, and dispatch final communications, he was taken into custody by a group of soldiers and sent to the coastal city of Guayaquil, where he would embark on a ship that would take him to Chile. There, deprived of his possessions and “the little money I was able to gather up in such a short amount of time,” Don José was placed in a small military outpost called El Castillo on the mangrove covered western bank of the Guyas River, known as Punta de Piedra. Although, according to Truxillo, “a day on the Punta de Piedra is sufficient for the purgation of any crime,” he remained there for nearly a month, suffering from the hot and humid climate and equally insalubrious tropical fauna.

From there, Don José was transferred to the military fortresses of Panama and, later, Portobelo, where he would await transport to his final destination.¹ Such swift handling of a dangerous criminal was necessary since the Audiencia justices had found Don José guilty of affixing a notice (“un boletín”) of inflammatory content on the door of Quito’s military barracks and as such considered him “Reo del Estado” (person accused of crimes against the state). His banishment for ten years to Valdivia would ensure that the bad effects of his actions would not continue to reverberate in the community. With his hasty dispatch from Quito, Don José ceased being a threat.

¹ AHNQ, Prisiones Caja 8 exp. 19-XII-1806, ff. 1r-4v.

The experiences of Don José Truxillo alert us to another form of colonial penal bondage not normally associated with the bricks and chains of the prison block. The penalty of *destierro*, or territorial banishment, was one of the most common forms of control and regulation of everyone from serious criminals, petty delinquents and all manner of “undesirables” in Iberia and the American colonies. Spanish legal codes recognized the multiplicity of meanings and uses of *destierro*, “which frequently implied banishment to another locality in the same province, *relegación*, by which the culprit was banished to a colony beyond the seas, and *extrañamiento*, which involved banishment from the national soil with prohibition to return.”²

As a judicial penalty or executive action, banishment allowed the state to preside over territorial or political belonging or exclusion of its undesired subjects.³ Its main function was to separate large numbers of miscreants, deviants and flawed human beings from the rest of society and banish them to “where they belonged.”⁴ Distant penal colonies, frontier regions, foreign lands, or military fortresses became “disposal sites” for the outcasts from which they could rarely return. If the early colonial panopticons (prisons, jails, textile mills) were preoccupied with *inclusion*—containing the undesirable populations, of getting them “in line and keeping them there,” the central focus of banishment and convict transportation lay in total *exclusion*, of containment and subsequent absolute marginalization (territorial, social, political, economic) and rejection.⁵

² Caldwell, Robert “Exile as Institution” *Political Science Quarterly*, 58, 2 (1943): 242.

³ Caldwell, Robert, 242 and Bauman, *Wasted Lives: Modernity and its Outcasts*, 132.

⁴ Bauman, *Wasted Lives*, 132-133.

⁵ *Ibid.*, 134.

Colonial incarceration and banishment, exclusion and inclusion were thus not mutually exclusive processes of penal bondage that competed with each other. Rather, they were complementary and supplementary forces of state formation that worked well together to create a whole new, modern social universe, where “the only choice offered [...] is the choice of staying in line and rejection, [...], of obligatory inclusion and compulsory exclusion.”⁶ The colonial penal practices of banishment or convict transportation comprised of processes of organized exclusion, selective inclusion predicated on racial and socio-cultural purity, and the limits on personal freedom as an act of coercion. Charged with a task of enforcing cultural and social orthodoxy among the colony’s diverse social, racial and economic groups was a powerful and massive bureaucratic network of local officeholders, prominent members of colonial society, and state (crown) bureaucrats. Exercising a degree of political power in the task of preserving “state’s practicalities,” like social order and security, this colonial bureaucratic network, along with its extensive set of (modern) practices, procedures and processes was a force behind the formation of an increasingly active and intrusive state.⁷

Inherent to these processes and the state’s quest for order was a tension between “private benefit” and “public service,” and the central and local needs and interests. Local cooperation was central to the state’s convict transportation needs and affected by local actions and reactions to it. The ability to control local and provincial mediation of policy measured the success or failure of the state building processes. In many cases, the Crown intrusions could only go so far against provincial elites, private entrepreneurs and local officeholders who could implement or mediate the realities of state formation.

⁶ Bauman, *Wasted Lives*, 133.

⁷ Braddick, *State Formation*, 42-45.

Existing official documents generated during the banishment process, from departure to the fulfillment of the penal sentence shed light on the colonial bureaucratic network, its principles and processes, which, in many instances, closely resemble and are representative of institutions and bureaucracies of modern society. Official correspondence, reports, dossiers, orders and prisoners' petitions dealing with banishment and transportation tell of the organizational discipline of the colonial judiciary, its relative technical efficiency, and the subordination of thought and action to the pragmatics of colonial economy and effectiveness. With its limited resources, Spanish colonialism, in its handling of the penal processes, was indeed an organizational achievement of an increasingly bureaucratic society. Bureaucratic thoroughness, correct procedures, convict dehumanization, discipline in accounting and accountability, and fiscal conservatism and all worked together within an idealistic sense of mission—to purge and cleanse the colonial society of outcasts, deviants, and undesirable populations who posed a threat or a challenge to the existing order.

In its bureaucratic execution, colonial convict transportation, like incarceration in colonial prisons, obrajes or tobacco factories presented the possibility of modernity. It uncovered bureaucratic features, conditions, and practices that could make the implementation of modern penal practices a reality. The inherent nature of the civilizing and discipline campaign inside of the carceral institutions introduced and fostered organizational management via timetables, schedules, systems of rewards and punishments, enclosure and isolation, unrestricted use of coercion and violence (torture, physical punishment), and the subsequent dehumanization of the imprisoned colonial subjects. Transportation of banished criminals too allowed for the testing of bureaucratic

routine action, codified in rules, authorized orders, and violence with a singular purpose of the exclusion of the dehumanized subjects by deporting them, often permanently, to distant regions. What mattered most was the efficiency of the execution and lowering of the costs of the penal process.

And yet, from the many convict escape reports generated by the colonial officials and missives bemoaning the lack of sufficient chains and shackles for transportation, we know that the efforts of the colonial state were more often than not failures, generated by structural woes, the idiosyncratic laws and legal practices, ad-hoc application of laws and penalties, weak infrastructure and the convicts' own "weapons of the weak."⁸ But even if frequent prisoner escapes exposed the impotence of the colonial state, the potential of modernity and a promise of a modern society and state lay hidden within the failed efforts. There were no blueprints nor a deliberate, singular driving force or will behind the state's efforts to impose and enforce a "programme of civility" on colonial public and life.⁹ Rather, in an interplay of local and centralized interests, colonialism provided a testing ground for relative bureaucratic efficiency, rational spirit, organizational discipline, and the application of authorized and unrestricted coercion and violence-- modernity's most salient attributes and civilizing processes. Each failure provided the bureaucratic process with an opportunity to seek new and optimal solutions to further estrange the undesirable and offending elements of society.

Historical Precedents

Forced displacement and the massive expulsion from the peninsula of Spanish Jews in 1490 and the Iberian Moslems in the 16th century are two of the better -known

⁸ For the discussion of the variety of resistance strategies see James C. Scott. *Domination and the Arts of Resistance: Hidden Transcripts.* (New Haven: Yale University Press, 1990).

⁹ Braddick, *State Formation*, 340-341.

examples of institutionalized exclusion of entire ethnic groups for the reasons of religious orthodoxy and cultural purity of the Spanish empire.¹⁰ However, the Jewish and Muslim political exiles were not the only ones who were forced to leave behind their homelands and traverse the European landscape in search of less hostile places where they could build new boundaries around their identities. Since the Middle Ages, the local courts banished countless others accused of serious crimes and petty misdemeanors to the border and marginal areas of Spain and Portugal. Banishment and forced displacement of criminals in the service of defense and the settlement of those regions soon became a matter of state policy. The Crown often used banishment and exile as an alternative to the death penalty and was most often reserved for the most heinous of crimes: homicide and treason. The convicted criminals served their terms as forced laborers on the galleys and in the mercury mines of Almadén. With the abolition of galley service in 1748, banishment to *presidios* (fort or garrison surrounded by protective walls) of North Africa became another form of penal sanction that combined “three different kinds of punishment, that is banishment, confinement in a fortress or a castle, and utilitarian service for the state.”¹¹

As Spain and Portugal expanded their territorial holdings from the 16th century onward, the need for colonists and laborers in the newly created colonies became a pressing issue among the imperial policymakers. For example, since few people found the prospects of voluntary relocation to tropical locales appealing, Portugal’s new colony of Brazil became the main recipient of criminal and undesirable populations. From the

¹⁰ For expulsion of Jews and Moslems from the Iberian Peninsula, see: Ruth Pike, *Penal Servitude in Early Modern Spain*. Madison, Wis: University of Wisconsin Press, 1983. Irene Silverblatt *Modern Inquisitions*; Mario Sznajder and Luis Roniger *Politics of Exile in Latin America*. New York: Cambridge University Press, 2009.

¹¹ Pike, *Penal Servitude*, 41-42.

sixteenth to the eighteenth centuries, Brazil received nearly half of all the *desterrados* sentenced by the Inquisition, while Angola received 26 percent. Between 1550 and 1750, Portugal's overseas territories in India, Brazil, and Africa received as state-sponsored colonizers nearly 50,000 people, convicted of serious crimes, or found guilty of belonging to morally suspect social groups such as gypsies, orphans, and prostitutes.¹²

In Spain's American colonies, the penalty of *destierro* was instituted against those whom the local courts considered disruptive to the social or political order of the colony. Colonial judges applied the banishment verdict to a variety of crimes and misdemeanors, committed alone or in combination with physical punishment or pecuniary fines. The social position of the accused, the circumstances of the crime as well as the feasibility of the executing the sentence affected the terms, duration, and distance of the exile.¹³ Often, the penal sanction of banishment and exile contained the utilitarian element of forced labor, as oarsmen in the early years of the colony, and later as soldiers, and workers in the stone quarries in Callao (Peru), and tobacco and textile factories of the Audiencia de Quito. In the case of the Audiencia de Quito, all banishment verdicts referred to the general penal sanction of *destierro*. The judges stipulated the particulars of each exile in the written verdict, noting its duration, distance, location, terms of service and penalties levied in case of failure to comply.

Destierro in the Audiencia de Quito

The penalty of banishment was one of many instruments within a broader system of colonial criminal justice used to punish a wide array of criminal offenses. The

¹² Timothy Coates, *Convicts and Orphans: Forced and State-Sponsored Colonizers in the Portuguese Empire, 1550-1755*. Stanford, Calif: Stanford University Press, 2001.

¹³ José Héctor Tanzi, "El derecho penal indiano y el delito de lesa majestad." *Revista de Historia de América*, 84 (1977): 51-62.

following sample of verdicts, taken from extant sentence dockets housed in Ecuador's national Archives illustrates the application of *destierro* sanctions in the Audiencia de Quito between 1575 and 1745 for a wide range of criminal offenses. A *destierro* sentence pronounced on June 7, 1595 by the judges of the high court of the Audiencia against Antón Abango, Indian, convicted of incest, condemned him not only to public shaming in the city's central plaza, hundred lashes and cutting off of his hair, but also to four years of banishment from his natal city of Riobamba. The sentence warned Anton that should he not comply with the verdict his penalty would be doubled and served in the galleys, and should he engage again in an incestuous act, he would face the death penalty. Less severe was the punishment given to Esteban Fernandez Melparejo, accused of verbally insulting Diego Luis Alendano. On June 6, 1598, the royal justice condemned him to two years of banishment in the presidio of Panama. Should he fail to comply, the penalty would double. For breaking out of jail in 1599, Pedro de Guzmán, a mulato, faced hundred lashes, and two years of banishment outside of the Real Audiencia. Failure to comply would result in the punishment of galley service as an oarsman, without financial compensation.¹⁴ Another mulato, Bernardo Coronado, faced not only two hundred lashes, but also branding and ten years of service as an oarsman on Spanish galleons, without pay. After completion of his sentence he was to never return to the territory of the Real Audiencia.¹⁵ Any deviation from the verdict would result in life long galley service. Accused of murder in 1675, Matías Suárez received six years of exile to the Kingdom of Chile as a soldier without a pay and with only ordinary rations provided for his sustenance. Non-compliance would extend the penalty to life. Recognizing

¹⁴ ANHQ Fondo Especial, Sentencias, 608, exp. 26 I 1599.

¹⁵ ANHQ Fondo Especial, Sentencias 608 exp. 13 V 1581.

Suarez's poverty ("no conocerle bienes algunos"), the judges spared him payment of any pecuniary fines.¹⁶ Murdering an Indian landed Nicolas de Cueba in the fortress of Chagre, serving as a soldier for four years. The first two years were mandatory. Serving the remainder of the sentence was voluntary. For his violent outburst, which mortally wounded an associate of his, Don Joaquin Sotes, paid with a yearlong exile fifty leguas outside of Quito and a fine of two hundred pesos.¹⁷

In the context of colonial regime, the penalty of banishment served not only as a symbolic expression of state's power, but also as a useful and exemplary instrument used for the bolstering the legitimacy of the state. By swiftly removing the dangerous and undesirable elements from the colonial society and placing them in distant jurisdictions, the colonial bureaucrats created the perception of the ability to provide and maintain general security in the territories. To further the illusion of a benevolent, yet authoritarian and firm state, the sanction of banishment armed the colonial justices with a less severe, if not more humane, penal option, despite being perceived by the public as a de facto draconian measure.

While the punishment of *destierro* was brutal in many ways, it was not equal in severity to the spectacle of the scaffold and it was never designed around bold displays of state sanctioned violence and horror. It was relatively mild compared to the corporal punishment and death penalty, and it was the most common. No one in the colonial world of the Kingdom of Quito was spared banishment to marginal or far away territories regardless of race, class, or gender. And banishment, unlike the death sentence, was applied with great frequency. Because banishment was a punishment for the majority of

¹⁶ ANHQ, Fondo Especial Sentencias, Caja 608.

¹⁷ ANHQ, Fondo Especial Sentencias, Caja 608-609, exp 26 II 1745, 18 V 1684.

offenders and it was the most common and least severe of penalties, its application in the Spanish colonial world challenges the uniform trajectory of their disappearance in the late eighteenth and nineteenth century and attests to the long period of coexistence of physical punishment with imprisonment. If physical punishment dominated the sentencing rosters, its dominance was not unchallenged by less brutal forms of penal bondage.

In the course of seventeenth and eighteenth century (from 1602-1735), out of 559 sentences given out by the Audiencia judges, 190 (34%) were “banishment” sanctions, which normally lasted from two to four years, with longer periods of six to ten years and “perpetual” exile reserved for the most violent crimes. For the same period, capital punishment (*horca*) sentences amounted to 60 (11%), while public whippings (*azotes*) occurred in 14 % of cases (76).¹⁸ The order of banishment was in many cases voluntary, meaning that the convict could choose where to go, with the judges only imposing the distance of the destination from Quito. The banishment distances from Quito ranged from five to fifty leagues, majority of the sentences falling in the five to twenty leagues range.¹⁹ In nearly half the cases, the judges stipulated an “involuntary” exile, in which they determined and assigned the final destination of the convict. As Tamar Herzog points out, “involuntary destination often combined punishment with public service” and, invariably, incarceration. The destinations for the involuntary exiles included military fortresses, galleys, frontier areas and new settlements, private enterprises like textile mills and tobacco factories, and stone quarries. In the seventeenth century, the military fortress of Valdivia, in Chile was the preferred destination for majority of the convicts (twenty

¹⁸ The figures reflect the numbers of sentences handed down, but currently we do not know the exact numbers of how many were actually executed. Tamar Herzog confirms the low numbers of executions between 1650 -1750 with twelve cases, 36-37.

¹⁹ 1league =4.19 km.

three cases), as soldiers were constantly needed for the pacification campaigns led by the Spanish on the Chilean frontier.²⁰

In the eighteenth century, with most of the pacification campaigns over, the judges sent Quiteño exiled convicts to Macas and Quijos in the Amazon region, new settlements in the Esmeraldas and Barbacoas regions of northwestern Ecuador, the stone quarries of Callao (seventeen cases) near Lima, the military fortresses of Panama (eight), the port city of Guayaquil (five).²¹ Military, economic or political needs undoubtedly motivated these particular destinations. The eighteenth century witnessed increased pirate attacks on the Audiencia's port city of Guayaquil, necessitating constant supplies of soldiers. New attempts to open up the vast regions of the Amazon to Spanish cultural and economic influence called for colonists, who could pacify and defend frontier regions. Public works like roads demanded labor and raw materials. Callao's stone quarry, located on the Isla de la Piedra became a choice destination for Quito's undesirables.²²

What is more, the arrival in Quito of a new president-regent, José García de León y Pizarro (1778–84), engendered a series of political and fiscal reforms including the establishment of an expansive network of tax offices, royal monopolies and tribute agencies, strengthening the powers of colonial bureaucracy. One of the products of Garcia Pizarro's reformist zeal was the institution in 1778 of the Administración General de las Fábricas de Tabaco, Pólvora, y Naipes in Guayaquil with a corresponding royal tobacco factory. From the beginning of its existence, the factory would serve as a new

²⁰ ANHQ, Fondo Especial, Sentencias, Caja 608-609.

²¹ *Ibid.*, and Herzog, *Upholding Justice*, 35.

²² *Ibid.*, 36.

depository for vagrants and criminals sentenced to the penalty of *destierro*, employing, in its first year of existence forty-six workers and sixty-one prisoners.²³

Exiled convicts thus became state-sponsored colonists, laborers and defenders. Scholars reflecting on the nature of colonial banishment have pointed out that banishment, while serving state's utilitarian needs, also "transferred the criminal to another jurisdiction," where, treated as strangers, the criminals could be controlled better, or punished with measures not acceptable in the original communities.²⁴ Thus, banishment and punitive displacement created distance between the criminal and his home community and transferred the burden of punishment to the area that received him. Banishment solved local crime problems quickly, efficiently and with little expenditure, while reinforcing "an image of swift and efficient administration."²⁵

As a more humane and practical alternative to executions, corporal punishment, or public derision, banishment to the distant regions of the Empire also constituted an alternative favored by the colonial courts and a punishment most feared by the convicts.²⁶ The majority of the Audiencia's convicts were taken to the port city of Guayaquil, where they embarked for transport to Valdivia, Peru, or Panama, or, after 1778, were placed in the royal tobacco factory. The remoteness of some of the locales and the insalubrious working conditions in stone quarries or tobacco factories guaranteed that that convicts

²³ "Estado de Empleados en esta Administracion Gral, Factoria Gral, y Fabrica de RI Rta del Tabaco, Polvora, y Naipes de Guayaquil y su Governacion, Abril de 1778," AGI, Quito 240. Quoted in K Andrien, *The Kingdom of Quito, 1690-1830: The State and Regional Development*. (Cambridge: Cambridge University Press, 1995), 64.

²⁴ Herzog, *Upholding Justice*, 36.

²⁵ Herzog, *Upholding Justice*, 37, and Sznajder, *Politics of Exile*, 45.

²⁶ Kagan, "Penal Servitude in New Spain: The Colonial Textile Industry." Ph.D. diss., City University of New York, 1977, 41; Pike, *Penal Servitude*, 24.

sent there would not return, at least not before fulfilling the terms of their sentence.²⁷ But how exactly did the convicts arrive at their final destinations? And, do the details of their journey through the Andean countryside matter?

It is my contention that they do. In the institutional minutiae contained in the Crown issued directives “on the manner and form of transporting the prisoners,” “Instrucción sobre el modo y forma con que debe manejarse en la conduccion de los Reos” eighteenth century bureaucrats produced elements and practices crucial to the symbolic expression of state power and bolstering the state’s legitimacy. Throughout the colonial period, the trip undertaken by chain gangs of convicts from Quito to Guayaquil was in fact a routine and coordinated effort of many agents of the colonial state. By the mid-eighteenth century, fueled by the Bourbon’s reformist fervor, it became a well-organized, efficiently managed, and well-documented bureaucratic procedure. The rules governing the transports and the responsibilities of the leaders (“*conductores*”) of the chain gangs bore an uncanny resemblance to modern job descriptions in a system of management of convict populations.

To maintain tight control over the prisoners during the cross- country journey and to assure full accountability and fulfillment of royal orders, a court notary prepared a detailed transport dossier containing lists of convicts to be transported, general instructions and copies of relevant royal decrees governing the process. The dossiers were given to the men in charge of guiding and supervising the transports. As the journey unfolded, additional paperwork, such as receipts, signatures, affidavits, and testimonies were added to the dossier. All prisoners and expenses accumulated during the passage

²⁷ Phelan, *Kingdom of Quito*, 200-201, and ANHQ, Fondo Especial, Gobierno Caja 29, exp 4, 10- V-1780.

had to be accounted for. Upon return, royal accountants reviewed submitted documents and reimbursed the costs incurred by the *conductores*.²⁸

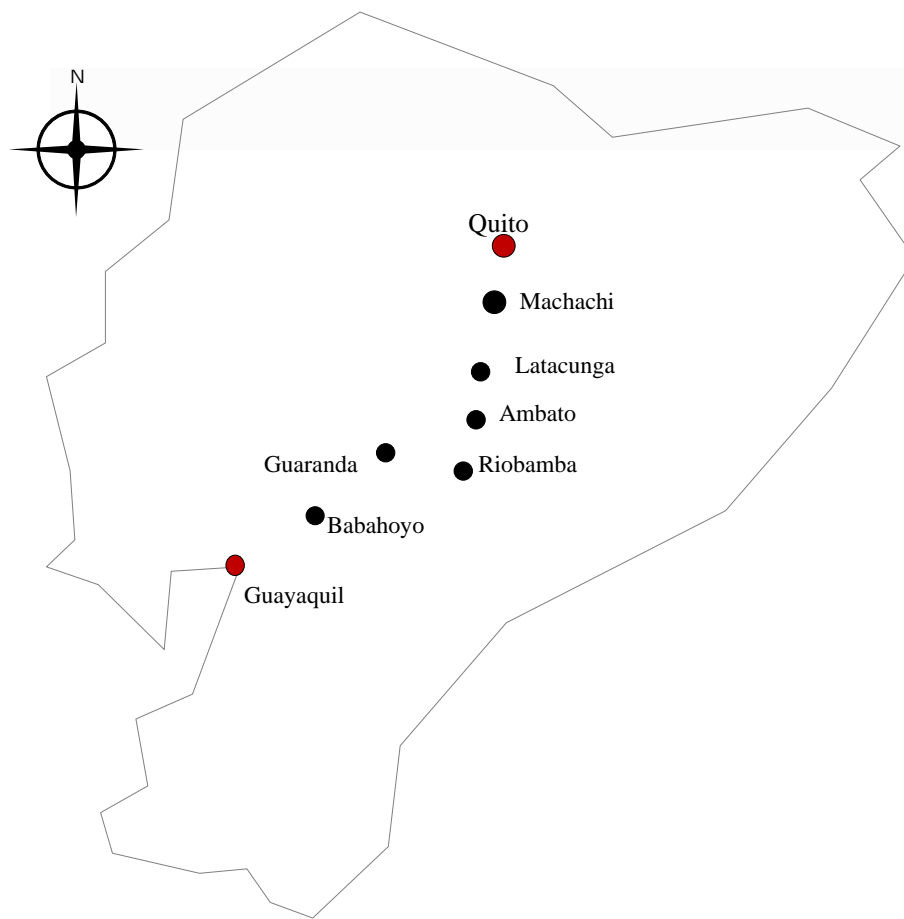


Figure 6. Map of modern Ecuador showing the principal convict transportation route and cities.

The responsibility for the conduct and safety of the transports fell on the

²⁸ ANHQ, Prisiones Caja 5, exp 17-IX-1789; Prisiones Caja 4, exp 1-Vi-1779; Gobierno Caja 22, exp 4; Prisiones Caja 5 exp. 18-V-1790; Fondo Especial, PQ Vol 8, 1778, no. 3930; Gobierno, Caja 29, exp 4, 10 V-1780 "Disposiciones del Gobierno de la Audiencia para la conducción de reos sentenciados a destierro, en las prisiones de Valdivia o Chagres, a los que se han unido los sentenciados por el Juez Visitador de los corregimientos de Latacunga, Ambato y Riobamba, por las rebeliones de Quizapincha, Píllaro, Pelileo, Patate y Baños"; Gobierno Caja 33, exp 10-IX 1782 "Expediente sobre la conducción de reos a su destino: la fábrica de tabacos de Guayaquil, y la obligación de los corregidores y tenientes de los lugares por donde pasan, para que se ocupen de su seguridad y alimentación."

governors of the jurisdictions and municipal officials, through which the chain gangs of convicts passed on their way to the port city of Guayaquil ("por cuenta y riesgo de los dichos corregidores").²⁹ The route to the coast followed established roads from Quito, through the towns of Machachi, Latacunga, Ambato, Riobamba, Guaranda or Chimbo, and Babahoyo, a distance of some 269 km (167miles). Judicial sentences stipulated that each shipment of convicts be delivered "desde corregimiento en corregimiento" ("from township to township") until Guayaquil, where the prisoners were delivered by the local governor to either captains of Spanish ships departing towards Chile or Peru, or the administrators of the tobacco factory located in the city.

Each exchange of the prisoners was done from person to person, maximizing personal responsibility of the men in charge of the transports. Each delivery required a signed and dated receipt, producing a document that inscribed individual responsibility in the official record. Even the ship's captains were held personally responsible for the delivery of prisoners to the proper authorities in Peru or Chile and required to follow the same procedure of delivery and receipt of prisoners required of the governors ("para que [el Maestre de Navio] le entregue en la misma forma en la carzel Real de corte de Lima y tome Recivo del dicho entrego").³⁰

To prepare the prisoners for the journey, the court notaries furnished detailed dossiers with the names, race, age, and occupation of the prisoners ("sertificacion del escrivano de vissita de sus nombres, Patria, Vesinidad, edad, estado, Delitos, y tiempo").³¹ Each prisoner entry specified his crime as well as the sentence, and any final orders from the judges regarding the destination of the convicts or the duration of their

²⁹ ANHQ, Criminales Caja 4, exp 16, 5-X-1669, f.1r-1v.

³⁰ Ibid.

³¹ ANHQ, Prisiones Caja 5, exp 17-IX-1789, ff. 66r.

sentences. A typical entry for the transport of convicts ("cuerda de presidiarios") departing for the city of Guayaquil on October 11, 1779 looked as follows:

"Mariano Alcoser, Mestiso, native of the city of Quito, 30 years old, occupation: farm hand (labrador), accused of robbery, condemned to 200 lashes and four years of banishment to forced labor in public works. Accused is a fugitive. Convicted of escape, sentenced again to six years of banishment; destination to be determined by the presiding President of the Audiencia of Quito.

Ygnacio Padilla, Mestiso, native of the city of Quito, 25 or 26 years old, craftsman, accused of robbery, sentenced to two years of banishment and forced labor in public works.

Pedro Zulca, Yndio, native of Tocache, servant in the Hacienda de el Colegio de San Fernando, married, age over 40 years old, accused of agitation and mob raising, sentenced to 200 lashes and three years of banishment and forced labor.

Augustin Cayredo, Mestiso, native of the city of Quito, 30 years old, tailor, accused of robbery, sentenced to 200 lashes and six years of banishment and forced labor.

Manuel LLumi, Yndio, native of Guano, 30 years old, baker, accused of robbery, sentenced to 200 lashes, and perpetual banishment to obraje in the city of Chillo, from which he has escaped, but having presented himself in the royal jail, his sentence has been commuted to four years of banishment in one of the presidios and forced labor.

Andres Ruiz, Mestiso, native of San Miguel in the jurisdiction of Latacunga, 25 years old, tile-maker and chicha-maker, accused of robbery, sentenced to four years of

banishment.

Nicolas Curipallo, Yndio, native of Ambato, 30 years old, dyer, accused of robbery, sentenced to death penalty by the court of first instances, and upon appeal, sentenced to 200 lashes and perpetual banishment to a presidio and forced labor.

Antonia Avila, does not state if he is Spanish, Mestiso, or Mulato, native of Duale, 20 years old, day laborer, accused of homicide, sentenced to eight years of banishment to the presidio of Valdivia in the year 1773, and having escaped from the chain gang during the transport to Guayaquil, he has been apprehended and sentenced to six years of banishment, but not to Valdivia, but to the forced labor in the tobacco factory in the city of Guayaquil.³²

The permanent classification and categorization of the criminal behaviors of the convicts included with their vital statistics contributed to the intimate knowledge of the prisoners and allowed for more uniform and individualized exercise of penitentiary practice. It also armed the guides and guards involved in the transportation of the convicts with the knowledge of each prisoner's vices and dangerous behaviors. Knowing that the transports consisted of recidivists, thieves, rebels, and murderers helped the chief constable and his men anticipate any difficulties and disorders during the trip. On the eve of the departure, the detailed roster of prisoners was handed over to the chief constable in charge of managing the entire transport and delivering them to the final destination

Before the convict transports departed Quito, the magistrates mandated that the assistant to the chief constable prepare all the prisoners listed on the roster, and secure them with all the necessary shackles, chains, and handcuffs. It was also the responsibility

³² ANHQ, Prisiones Caja 4, exp 1-VI-1779, ff40r-44r.

of the chief constable to secure guards, one for each prisoner, who would accompany the transport from Quito to Machachi. In the absence of soldiers, the prisoners travelled under the guard of private individuals, prominent merchants (*pulperos*) or local elites entrusted with the task by the constable. Outside of Quito, well known and trusted merchants, members of the local elites, or their trusted friends and associates chosen by the municipal government travelled and guarded the prisoners. In each city, a new crop of guards was selected and deployed. A day before the departure, the constable advised the merchants of their impending journey, allowing them sufficient time to arm and prepare for their assignment.

Such a seemingly ad hoc solution to the problem of guarding prisoners in transit can easily be dismissed as pre-modern, ineffective and easily engendering corruption or nepotism among the guards and colonial bureaucrats. However, as a means for attaining maximum security with limited means, the practice seems quite effective. Changing guards in every city, at least four or five times during single journey assured that the convicts and guards retained impersonal ties to each other. Socialization between the two groups was limited and generally did not last for more than a couple of days, as the distances between the cities were relatively short. Frequent changes of the guards assured the impersonal and dehumanizing processes crucial in modern penal practices. To the guards, the prisoners were nothing more than a cargo, devoid of any signs of human dignity, handcuffed, chained, guarded, accounted for, and to be securely delivered to its next recipient. Limited time with the dehumanized prisoners prevented development of affinities or friendships between the two groups making cooperation or negotiation between the guards and prisoners all the more difficult. Manufacturing such ethical

indifference among the guards facilitated their obedience to authority and a smooth flow of bureaucratic routine.

What is more, the transport instructions emphasized increased vigilance among the guards, and prevention of any contact with the prisoners during the initial and most volatile phase of the journey from Quito to Machachi, where the proximity to the capital and to the criminals' associates increased the chances of escape. The instructions urged the guards and the constable to "take great care" to ensure that "the prisoners did not carry any arms, and that no person or persons, under any circumstances, be allowed to join with the prisoners in order to discuss, facilitate, or aid in an escape or mutiny, and should anyone display any signs of charity or kindness to a prisoner, they should do it quickly and apart from the rest of the group."³³ The orders thus protected the agents of the state from perceiving their charges in human terms and allowed them to perform their tasks and duties in purely technical and ethically neutral terms. Expressions of charity and kindness, and subsequently the humanity of the guards were also neutralized by secrecy and swiftness. These acts were allowed to manifest themselves only within the parameters of impersonal, bureaucratic action, and they safeguarded the officials from any ethical evaluation.³⁴ Thus reduced to a set of quantitative measures (rosters) and denuded of any symbols of human dignity by being chained, handcuffed, and roped together, the "shipment of the condemned" ("remesa de condenados") set out on a journey toward the final destination.

Arriving in Machachi, the constable arranged with the chief magistrate of the town the arrival, at dawn, of mounted riders (one per each convict), and as many mules or

³³ ANHQ, Prisiones Caja 5 exp 17-IX-1781, ff. 1r-1v, Prisiones Caja 4, exp 1-VI-1779, ff. 34r-35v; 51r-51v.

³⁴ Bauman, *Modernity and the Holocaust*, 102.

other beasts of burden, which would carry the convicts and their luggage through the mountainous terrain to the coast. Securing safe sleeping quarters for the entire transport was also the constable's responsibility. The prisoners were to be chained for the night and locked securely in a room with the men serving as the night guards described as/ ideally "well known and robust, who can elicit respect and withstand any insults".³⁵

In the morning, after breakfast, the convict transport continued on to the city of Latacunga, riding in formation, each prisoner with his mounted guard on his side. Upon arrival in Latacunga, the constable contacted the city's mayor, presenting him with royal orders assigning responsibility for the transports to the governor. In the presence of a public notary, the governor officially received the convicts by signing a receipt stating the time and place of the delivery of the human cargo and a detailed count of all the chains, handcuffs and fetters accompanying the prisoners. After feeding the convicts, he delivered them to the city jail, securing them in the cells and placing adequate guards at the door.

The morning routine thus included feeding the prisoners, accounting for them and providing enough local men as guards to accompany the constable and the public notary, who joined the transport. Arrival in each successive city, Ambato, Guaranda, and Babahoyo, resulted in a performance of similar bureaucratic routines by the men in charge of the convict transports. In each city, the royal orders were handed over to the mayor, who then, obediently, performed his duties of feeding, housing, guarding the prisoners and providing adequate men power for the remainder of the journey. Each delivery of the prisoner transport generated a written, signed and dated documents

³⁵ ANHQ, Prisiones Caja 5 exp 17-IX-1781, ff.1r-1v, Prisiones Caja 4, exp 1-VI-1779, ff. 34r-35v; 51r-51v

specifying the arrival and delivery of the cargo. A typical documentation for the arrival and delivery of transport to the judicial authorities of each city along the transportation route read

On this day, I have in my care ten inmates departing the Royal Courthouse Jail. Their names are Nicolas Herida, Fransisco Jurado, Francisco Farinango, Mariano Chavarria, Mariano Andino, Juan Toledo, Vicente Alvarez, Pedro Palomino, Juan Esteves y Miguel Quinde, all of them shackled, all of whom I have been ordered to deliver to the Governor of Latacunga with the Royal Orders and Instructions for the Judges, and for the record I have signed.³⁶

A day later, the constable confirmed arrival and delivery of convicts in the next city, informing the magistrates that

Don Leandro Viescas, fulfilling his duty as a constable of the court arrived in Latacunga at six in the afternoon, and delivered ten convicts, all chained and shackled together with the sovereign order of Your Majesty and with the same level of security and vigilance and power (efficacy) on my part, I passed them on to Ambato³⁷.

In turn, the mayor of Ambato, in a dated statement acknowledged the arrival in his city of the priosners' chain gang ("cuerda de reos") under the guard of Sargento Domingo Simoneti and the fulfillment of his obligation to feed them ("dandoles de comer y senar") until they departed "in pursuit of their destiny."³⁸

After reaching the port of Guayaquil, the man responsible for the transport made the final delivery of the transport the governor of the coastal jurisdiction. The convicts

³⁶ ANHQ, Prisiones Caja 5 , f. 94 r Original reads: "En esta fecha llevo a mi cuidado a los dies Reos que salen de esta carcel Real de Corthe llamados Nicolas Herida, Fransisco Jurado, Francisco Farinango, Mariano Chavarria, Mariano Andino, Juan Toledo, Vicente Alvarez, Pedro Palomino, Juan Esteves y Miguel Quinde, todos engrillados: los quales Reos me obligo a entregarlos al Corregidor de Latacunga con la Real Provision Despacho y Instrucion para el Goverierno de los Jueses y para que conste lo firmo."

³⁷ ANHQ, Prisiones, Caja 5, f.96r Original reads: "Participo a V.A como el Alguasil Mayor de Corthe Don Leandro Viescas llego a este Asiento oy como a las seis de la tarde y entrego los dies rreos, todos aprisionados en junto de soberano orden de V.A y con la mesma seguridad los pasare a Hambato, poniendo de mi parte toda la eficacia que se requiera,"

³⁸ Ibid., 96r-96v.

were called out by their names to confirm their presence, then were counted and a public notary prepared a final receipt containing the exact time, date and place of the exchange, and the number of the prisoners.³⁹ All the shackles, chains, and fetters were accounted for, and after placing the prisoners in the city jail, they were returned to the constable who delivered them back to the royal prison in Quito. Depending on their final destinations, the convicts were distributed either to the ship captains or the administrators of the tobacco factory. Each exchange was acknowledged with a signed, dated and notarized document. Any discrepancies in the amounts of prisoners delivered or expenditures beyond the allowances granted by the Audiencia judges were noted and notarized. The complete docket traveled back to Quito with the constable, who then filled his final report and expenses.⁴⁰

Routine practices and exact specification of the *Instrucción* governed the process of transportation of banished convicts. The organizational discipline of the transports manifested itself in the state agents' obedience to authority, compliance with the law, dedication to following the correct procedure and the absolute suppression of personal views and preferences. In order to sustain their credibility and legitimacy as office holders, the state officials had to "justify their activities both in terms of the formal limits of their office and in terms of beliefs current in society large."⁴¹ Their actions had to conform, in one way or another to those claims. Any deviation from the expected and the ordinary had to be accounted for and explained with action that still conformed and were understood to demonstrate consent and acceptance of obligation.⁴²

³⁹ AHNQ, Prisiones Caja 4, exp 1-VI-1779 ff. 20v-21v.

⁴⁰ *Ibid.*, 20v-21v.

⁴¹ Braddick, *State Formation*, 10.

⁴² Braddick, *State Formation*, 69.

To explain bureaucratic action that fell outside of the prescribed orders, the transport leaders used purely technical and ethically neutral terms. For example, the inspection of a house used as convicts' sleeping quarters during a stopover in Latacunga revealed that out of the thirteen convicts secured inside, two of the prisoners did not have their handcuffs on. One of the convicts, the notary explained in a short note, was not able to wear the handcuffs because he was unable to "join his arms together because of injury."⁴³ The other remained uncuffed because he has been granted an exception by a court magistrate, who assured that the prisoner was considered "seguro" (safe) and could travel without handcuffs. The notary did not question neither the origins of the injuries or the decisions of his superiors in Quito. His concern lay with the proper accounting and tracking of the assets (handcuffs, chains) that have been brought on the journey. He concluded his inspection, noting that "notwithstanding the present circumstances [of the two prisoners], all the handcuffs will be delivered, in order to ensure that all travel equally imprisoned in handcuffs and fetters" ("todos vayan iguales de prisiones y sus grillos correspondientes").⁴⁴

Handcuffs and fetters were not the only assets that had to be carefully counted, guarded and delivered to their respective destinations. The transportation rosters are filled with discrepancies regarding the numbers of departing prisoners and those arriving at their final destinations. Most of the deviations resulted from prisoners not setting out on the journey, or not continuing the journey due to injuries, illness or old age. This was the case with Polinario Flores, mestizo, sentenced to five years of banishment and forced labor for participation in a small town riot. Almost eighty years old, blind and with an

⁴³ ANHQ, Prisiones Caja 5, exp 17-IX-1781 ff8r

⁴⁴ Ibid.

severe injury in his right arm, he was left behind in an obraje in the district of Latacunga, while the rest of his comrades travelled to the coast.

Often, illnesses were grave enough to necessitate placement of convicts in local hospitals or in the care of friends or relatives.⁴⁵ Antonio Santos was detained in the Quito hospital for having fallen gravely ill ("queda gravemente enfermo en el Hospital"), while Doña Luciana de Castro, banished to the city of Riobamba (some hundred miles south of Quito, her native city), failed to appear at her final destination, falling ill during her transport.⁴⁶ From her brief plea to the magistrates of Quito, we learn that shortly after her departure from Quito she has fallen gravely ill. A sudden hemorrhage had her bedridden for days. A local doctor called to attend to her health testified that any movement would be detrimental to her life and she would not be able to continue her journey towards Riobamba, until her health had improved. Fearing for her life, in her petition, Doña Luciana asked for nothing of the royal bureaucrats but compassion for her unfortunate condition and a permission to fulfill her sentence in the town where she has fallen ill. A public notary was called in to gather the requisite paperwork and on the margins of the petition, he, too, testified to de Castro's unfortunate condition. He confirmed the receipt of the petition from Doña Luciana, who gave it to him from her bed ("estando acostada en una cama"), in the presence of key witnesses.⁴⁷

Doña Luciana's decision to remain in Latacunga may have been pragmatic in nature. Her health condition made travel difficult, if not impossible. But, the decision could also have been an act of negotiation with the bureaucratic apparatus, which aimed to strip Doña Luciana's of all familial bonds, separate her from familiar surroundings and

⁴⁵ Ibid., f. 43r.

⁴⁶ Ibid., f 43r.

⁴⁷ ANHQ, Criminales, Caja 5, exp 3 21-VII-1670 ff.1-3v.

subject her to anguish of life in exile. While we know nothing about the woman's crime or background, it is possible that Latacunga offered a more familiar and safe refuge for the banished woman. Perhaps it was a city replete with a network of relatives and friends, who could provide the necessary support and care during her illness and the duration of her sentence.

The illnesses, injuries or death provided a legitimate explanation as to why the convicts failed to materialize at their final destination to complete their sentences.⁴⁸ Convicts' illness (real or imagined) and the state's obligation to respond to it and preserve life, (efforts reminiscent of the presence of doctors in the torture chambers) asserted the outcasts' inherent humanity in the eyes of the colonial state. The suffering and trauma (be it physical or psychological) of the banished convicts challenged the efforts of the bureaucratic apparatus to dehumanize the criminals, to reduce them to silent, docile set of quantitative measures. But, in the final analysis, even if the convicts had a cause, it was usually deemed not a just one and their interests not worth an ethical consideration by the bureaucratic apparatus.

Let us return to Don José Truxillo and his experience of the *destierro*. Shortly after the cast off from the Panamanian port, the ship's captain and one of the crewmembers found Don José's health rapidly deteriorating. Not wanting to "deliver Don José's soul to the Maker," the captain turned the ship around. Back in Portobelo, the half paralyzed Don José was removed from the ship's decks, given medical attention and placed in the barracks to recuperate. Three months later, reduced to begging, in the state of absolute poverty ("más infeliz pordiosero"), he was transferred again, this time to the

⁴⁸ ANHQ, Prisiones, Caja 5 exp 17-IX-1781, ff 111 v "que Antonio Santos queda gravamente enfermo en el Hospital por cuio motive no pasa al destino que le señaló el Sr. Presidente Regente."

presidio of Cartagena de Indias, where he would languish for the duration of his sentence. Behind the fortress' massive and intimidating walls, the presidio's administrators treated the dangerous political prisoner accordingly. For nearly two years, Don José was not merely put under custody, but, rather, subjected to the most harrowing of prison conditions—solitary confinement. In his petition, he struggled to express what he has witnessed, simply noting that his experiences were so horrible and incomprehensible that no words could describe them (“mi pricion [...] fue la mas funesta que no cabe expresion para significarla”).

Locked night and day in a “dark, humid and fetid” cell, with a soldier stationed outside the cell's entrance, Don José was deprived of all communication with the outside world and other inmates “so much so that even his meals were given to him by the guard on duty,” and only after a prolonged and tedious search of his cell and person. In his final appeal, he asked for a transfer to another penal colony and a reduction of his sentence to eight years as he felt rendered useless by his illness and ensured of death by the duration and conditions of his exile (“me veo inutilizado de todo con mi lecion, y que en tan largo tiempo voy a morir en el”).⁴⁹ The justices denied his appeal, but agreed that the length of Don José's penalty should begin from the moment he departed Quito, rather than from the day of his arrival in Cartagena. Their decision was not ethically driven, but rather a matter of procedure and existing laws.

In some instances, negligence and carelessness of the transport leaders allowed the more resourceful convicts to escape, or assume false identities, which could instill

⁴⁹ ANHQ, Prisiones Caja 8 exp 19-XII-1806, f. 2v.

confusion and doubt into an otherwise infallible bureaucratic process.⁵⁰ The investigations of convict disappearances or escapes shed light onto the bureaucratic activities of a nascent modern penal administration focused on compliance with the law and bureaucratic regulations, and devoted to correct and dehumanizing procedures. For example, in March of 1780, a transport of total of thirteen prisoners, consisting of eleven criminals and two soldiers-deserters left Quito destined for Guayaquil. According to the final certifications, the administrator in the city of Guayaquil received only five of the thirteen convicts listed on the original roster. What is more, the final roster included a prisoner named Mariano Fayre, a man who appeared, mysteriously, and had not been accounted for in all the previous certifications.⁵¹

The Clerk of the Audiencia, Don Antonio Ponce de León, was livid at the oversight and the mistakes committed by his subordinates. He would not exonerate the governor of Guayaquil from guilt as long as the truth about the missing eight prisoners was hidden from the High Court. He ordered the mayor of all the cities through which the transport had passed to report and resubmit all the paperwork generated during the delivery of that particular convict transport. He demanded to know who was assigned to lead the transports to the next city, if the prisoners had fallen ill in one of the cities, or if they all had died. Most importantly, however, Ponce de Leon was looking for clarification of the identity of Mariano Freye. “Was he one of the original prisoners listed in the roster, and perhaps he is one of them and it was his depraved intention to change

⁵⁰ ANHQ, Prisiones, Caja 5 exp 17-IX-1781, ff. 128 “Informe sobre la fuga delos reos del Puerto de Paita.”

⁵¹ Ibid., ff 66-66v.

his name (identity), as the men of his stature [criminals] are prone to do," the clerk wondered in his missive.⁵²

In the weeks following the orders from Quito, the supporting documentation sent by the officials from the cities through which the transport had passed revealed nothing. The mayors insisted on having fulfilled his obligations, or claimed not remembering exact numbers and names of the prisoners in question.⁵³ The fate of the missing prisoners remains a mystery. Most likely, they had escaped, taking advantage of a moment of carelessness and disorganization among the guards and leaders of the transport. This kind of resistance by the prisoners effectively slowed down "the smooth flow of bureaucratic routine," revealing the unanticipated consequences of the encounter between the institutional rule of reason and the prisoners' human spirit that it tried so hard to suppress.⁵⁴

For the colonial bureaucratic apparatus to operate effectively and efficiently meant that the human cargo transported across the Andean landscape had to become a quantifiable object, a number, a measurement, a financial effect of the actions of judges, constables, and guards. As financial objects, the prisoners were harder to perceive as distinctive human beings and as such easier to forget, and inevitably, dispose.⁵⁵

For the state agents responsible for the convict transports, their main concern lay in the money, the cost of operations and the reduction of expenditures for which they were responsible. In the disciplined economy of convict transport, each day on the road was carefully accounted for. To lower the costs of processing of the convict transports,

⁵² Ibid., 67r.

⁵³ Ibid., 69v.

⁵⁴ Bauman, *Modernity and the Holocaust*, 103.

⁵⁵ Ibid., 104.

each town and jurisdiction was responsible for providing the resources and man power and covering the costs of transportation from their own municipal coffers. The Crown's monetary resources, the money collected as part of fines and court costs were used to pay for the salaries of the constables, guards, and soldiers. Not unlike the costs associated with incarceration in the obrajes, the transportation costs of banished persons were, once again, assigned by the Crown to private individuals and the communities who provided the mules, horses, lodging and food for the undesirable travelers passing via their towns.

Such practices could often lead to tensions developing between local officials, who found their resources stretched thin by the demands of the Crown, and the imperial bureaucrats, who were governed by need to obey and follow order and maintain authority. In 1780, the office of the President of the Audiencia received a letter from the disgruntled governor of Riobamba, Don Antonio Tejada voicing his displeasure at the behavior of the governor of Guaranda Josef del Corral, for refusing to “admit and receive the convicts [in the city of Guaranda], or participate in the transport of convicts to the Bodegas of Babahoyo, but instead wanting the guards and constables from Riobamba to travel with the convicts all the way to Guayaquil.”⁵⁶ Tejada urged the President and his ministers to order the recalcitrant governor to obey the custom and the law, and “always and whenever there is a necessity to transport convicts to Guayaquil, to receive them and with the ministers of justice furnished by him to transport them to the Bodegas of Babahoyo.”⁵⁷

Presented with such grave accusation, Don Josef del Corral responded with a nine- page rebuttal. He began his letter with a brief clarification of what has actually

⁵⁶ ANHQ, Prisiones Caja 5, exp 18-V-1780 f. 1r-2r.

⁵⁷ Ibid., 2r.

happened, a detail purposefully obfuscated by Tejada. It was not the entire transports of prisoners that Corral was refusing to deal with, as asserted by Tejada, but rather one particular prisoner, who arrived from Riobamba completely unsecured, and was handed over to Corral for further processing and delivery to Guayaquil. Because the prisoner was not part of the royal chian gang (*cuierda*) of prisoners, but a local crook sentenced by the local courts in Riobamba, Corral informed the Riobambense constables to take care of the prisoner until they were ready to set out on the road the next morning. He could not provide for him as his town jail was overcrowded. Furthermore, he did not have to provide for the convict nor transport him out of his own pocket. Noting the “bad faith” and the lax attitude of the Riobambense guards, and fearing accusations of blame and the burden of full responsibility should the prisoner flee, the governor of Guaranda decided to remove himself from the situation and not provide anything more to the men besides overnight lodging. He informed the local judge of his actions, hoping such things would not happen again.⁵⁸

To justify his actions of non-participation in assisting with local needs (the governor had nothing against the order to transport large groups of convicts arriving from the capital), the governor noted that his city of Guaranda was located in a strategic location (it was the last city before the descent to the coast), at the junction of main roads from the north and the east, and thus serving as a “unique” transit point to the port of Guayaquil. In addition to large convict transports from Quito, all local transports from as far as Pasto (today in southwest Colombia) had to pass through Guaranda. As such, the town bore an unusually heavy burden of catering to, guarding, and guiding people “not

⁵⁸ Ibid., 3v.

only to the Bodegas de Babahoyo, but often, all the way to Guayaquil.”⁵⁹ Noting that since all the convicts passing through his town were “destitute,” without possessing even the minimum for daily nourishment, he felt it was his personal responsibility to provide for them using his own money. Sometimes, the prisoners would go out on the streets and beg for alms, but it would take them four or five days before they gathered enough to last them for the remainder of the journey. As a consequence of such delays, and so many convict expeditions, the governor had spent “hundreds of his own pesos.”⁶⁰

If that was not enough of a reason to refuse assistance, each transport necessitated mules and horses for the difficult route through Guaranda’s high elevation. Being a transportation hub, the “beasts of burden” were always few or not always available. Moreover, majority of the ones available for rental belonged to widows or orphaned children who sustained themselves by renting out the animals. For Corral, it was “unjust” to deprive them of their only source of income, as most of their animals were likely to die during the passage to the coast.

What made the situation even worse, wrote the Governor, was the fact that his province did not have sufficient and taxable lands, estates or collected adequate fines and fees from judiciary proceedings from which to fund all the dispatches of convicts from all over the Kingdom. His municipal coffers were empty. The grave situation was causing unrest and bitterness among the overworked and underpaid local *conductores*, who endured over ten days of a “prolonged and painful” journey often with inadequate compensation.⁶¹

⁵⁹ Ibid., 4r.

⁶⁰ Ibid., 4r.

⁶¹ Ibid., 4v.

Corral's final words to the Audiencia offered practical solution to the problems of the province. More money and resources from the royal coffers should find their way to the distant, yet crucial province and city. The Governor implored the Audiencia to consider subsidizing the individual, local convict transports to alleviate the costs levied on the province's inhabitants, or ordering local judges to use their own coffer's resources to pay for the small, local transports. He also suggested adding military guards to the convict transports and making the soldiers responsible for the security of such "savage and criminal" men. After all, the soldiers were armed, unlike the governor's own men, who often found themselves amid treacherous and difficult mountain terrain unable to combat any prisoner resistance. "Failure to provide necessary security for the public should not be blamed on men who are lacking the tools to perform their duties," noted the governor.⁶² According to him, it was the state's responsibility to provide the necessary military presence during the transports, especially since the soldiers were often dispatched with the convicts from Quito all the way to Riobamba, where they concluded their journey. Such half measures ensured that the remainder of the transport journey remained inadequately supervised and unsecured.

Asking for more state control in the process of convict transportation, and de facto centralization of all the processes, Corral risked and feared being accused by his superiors of having "the strangest of aspirations in the world."⁶³ His desires were clearly infringing on the established customs, and he was clearly disobeying orders, driven by his own regional salvage and saving mentality. The petty bureaucrats did not see it as just to spend money on a task that was necessary and beneficial to the public, but detrimental to

⁶² Ibid., 4v.

⁶³ Ibid., 6v.

their own fiscal well-being. In the modern bureaucracy, the efficient and effective performance of actions is a means to a far greater and important, ideological or symbolic end. For the provincial bureaucrats, the ends were still local and personalized. Unlike their royal counterparts, they did not share the myriad ideological missions hidden behind the differing modes of punishment. Their interest was not necessarily the fiscal well being of the whole colony and empire.

Reduction of costs and economic efficiency, however, was at the heart of colonial administrator's interests. In his response to Corral's letter, the Audiencia's *fiscal* (Crown attorney and a representative of Royal interests in an Audiencia) confirmed the chain of responsibility for the costs of the convict transports. First, the confiscated possessions of the convicts would cover all the necessary expenses of the journey. In case the convicts had no possessions, the fees and fines from judicial proceedings were to be used. In the last resort, taxes from lands and estates of each jurisdiction could be applied to cover any expenses incurred. To the assertion of both governors that their coffers were devoid of any money collected as a result of fines, or fees, the *fiscal* simply retorted "it cannot be" ("no puede ser"). "Yes," he admitted, "the amount of money may not be as abundant as that found in much populous jurisdictions, but it should be adequate and proportionate to the population of each town, because men get sentenced to a pecuniary fine or charged a court fee in each town, on a regular basis."⁶⁴ The money was there, reasoned the *fiscal*, and it was the responsibility of the local judges to provide the necessary funds for the transport of their criminals. He called for greater fiscal responsibility and accountability from his provincial subordinates, urging them to sort out their accounts and coffers and provide the money for the costs of transportations.

⁶⁴ Ibid., 7r.

Economic pragmatism became the driving force behind the Kingdom of Quito's nascent modernity. In the hierarchical chain of command, the *fiscal's* response to the situation in Guaranda and other jurisdictions was morally distant and driven by the salvage and save mentality of the Kingdom. With practical and mental distance from the convicts, the governors and the local populations, the *fiscal* could issue commands without much knowledge of their effects. The distance between the center and the colonial periphery created tensions and a sense of disconnect that would create a barrier in the state's pursuit of modernity's full potential. The knowledge they did acquire was at best expressed in numbers (of pesos). As such, it measured the decisions and orders without passing any moral judgments on the colonial bureaucrats.

The files and minds of the royal officials filled with columns of numbers, units, lists of purchased or consumed items, and per diem calculations. The officials charged with the task of transporting the convicts carefully prepared lists of expenses incurred in every city. Beginning in Quito, the costs for all the necessary rope for tying the prisoners, iron for the manufacture of bolts for fetters and handcuffs (with related labor expenses), and provisions for the initial days worth of journey to Machachi were neatly and individually listed and summarized. In Machachi, and subsequent towns, the constable routinely added new expenses to the invoice: hay for the mules and horses and rental fees for the owners of the beasts of burden, half a candle for the guards, bread and provisions for the "Indios y Mestizos."⁶⁵

Occasionally, the constable had to satisfy the demands and pleas of the prisoners, guards, and porters complaining of exhaustion, hot sun and thirst ("los clamores y súplicas de los reos"). Such expenses for chicha, or corn beer, and extra rations of bread

⁶⁵ ANHQ, Prisiones, Caja 4, exp 1-VI-1779, ff. 23r-24r.

as well as additional candles for the guards were necessary (“cuyos gastos los he hecho por necesarios," "útiles”) and “humane.”⁶⁶ Considered part of the system of rewards, they could potentially guarantee a passage free of discontent among the convicts and auxiliary staff, and prevent the loss of cargo, time, and resources.

In the port of Guayaquil, at the end of the journey, new expenses were added to the invoices. A blacksmith was hired to remove all the handcuffs from the convicts. The now empty iron shackles and handcuffs had to travel back to Quito, for which a rental of mules was necessary as they would carry the heavy iron cargo. Finally, the constable purchased several pounds of plantains, which would travel with the prisoners embarking on the oceanic voyages to the penal colonies in Peru, Chile or Panama.⁶⁷

Once meticulously summarized, the chief constable filled the expense reports with the royal treasurer, where the numbers were subject to scrutiny and final approval from the royal attorney general (abogado fiscal). Found to his satisfaction, the transport orders were deemed “fulfilled faithfully and accurately” and within reason.⁶⁸

Before the final disbursement of salaries to the petty officials assigned with the transportation tasks, the crown attorney overseeing the royal treasury expressed his satisfaction with the state of invoices, in so far as they did not necessitate additional proof or supporting evidence (“sin necesidad de mas prueba”).⁶⁹ With a technical and morally neutral language that alerts us to the dehumanization processes present at the heart of a modern bureaucratic state, the fiscal commended the chief constable for performing his job with a “laborious zeal” (“laborioso afán”) and “the incessant vigilance and care

⁶⁶ Ibid., 23r.

⁶⁷ Ibid., 24r.

⁶⁸ Ibid., 26r. The original reads: “Considerando su laborioso afán, con el insesante desvelo y cuidado necesario para el importante cumplimiento de la comisión que ha desempeñado.”

⁶⁹ Ibid., 27r.

necessary for the important task for which he has been commissioned.” Nowhere in his statement did the fiscal specify the nature of the task for which the constable was commissioned. By making it anonymous and generic, the crown attorney singlehandedly and permanently eliminated the humanness of the banished convicts and criminals from the official, written records. As Zygmunt Bauman points out in his reflections on the hazards of modern bureaucracies, “It is difficult to perceive and remember humans behind all such technical terms” of “bureaucratic task performance.”⁷⁰ Each case of banishment was closed with the certifications of the disbursement of the salaries for the constable and his assistants, and with the erasure of the humanness of the convicts from the official records.

Conclusion

Transportation to a remote location was one of the many forms of penal bondage applied most frequently by the colonial magistrates to crimes ranging from petty theft to incest and murder. Supplementing sentences to Quito’s proto-prisons (obrajes) and the royal tobacco factory, banishment, together with incarceration, and the related forced labor became one of the most common punishments issued by the Audiencia judges.

No less brutal than physical punishment, yet certainly more humane than capital punishment, the realities of this particular penal bondage in the Audiencia de Quito challenge the traditional narrative of the emergence of great, Western civilization predicated on the disappearance of the gallows and their sudden replacement with more *humane* modes of punishment, the prison. The frequency of banishment coupled with the relatively low incidence of capital punishments tests Eurocentric assumptions about measuring the progress of civilizing processes by the levels of elimination of violence

⁷⁰ Bauman, *Modernity and the Holocaust*, 103.

and social barbarity from traditional pre-modern societies. The nineteenth century's "birth of the penitentiary" no longer suffices as litmus test of civilizing or modernizing forces, as those has been in practice, in different forms and incarnations, in the American colonies from the inception of Spanish dominance.

What is more, the colonial administration of the penalty of banishment, embodied in the convict transports was governed by bureaucratic and economic pragmatism reminiscent of modern bureaucratic institutions. The demand to obey commands of the superiors, efficiency, and routine and organizational discipline were required and expected of all agents of the colonial government. In a fiscally conservative colony, what mattered most was efficiency and lowering of costs of processing of the undesirable and criminal elements of the colonial society. In order to achieve the goals of proper performance of the job of convict transportation, moral standards became irrelevant. Dehumanization of the criminals became a necessity, and it was cargo, represented by numbers and units, rather than human beings who were transported across the Andean countryside. The precedents of modernity lay in the display of bureaucratic action and zeal, which became more pronounced with the advent of the Bourbon monarchy.

But the technical responsibility and the dedication to the organizational discipline a deficiency at the highest levels of the bureaucratic chain of command led to a severe disconnect between the superiors and their subordinates in charge of the day-to-day operations of the convict transports. Lacking the ideological sense of mission, the lower ranking bureaucrats failed in propelling the Audiencia to the vanguard of colonial modernities.

Epilogue

On August 27, 1869, shortly after taking office for the second time as the president of Ecuador, Gabriel García y Moreno issued a decree ordering the construction of a penitentiary or a "panóptico" in the capital of the young republic. For Moreno, the construction of a prison where "it will be possible for the criminals to fulfill their punishment of forced labor, reclusion, and detention ("en la cual puedan cumplir los criminales las penas de trabajos forzados, de reclusion y detención"), was imperative, if the country was to have "a good penal system."¹ Three days later, the National Convention ratified the order, marking the birth of the modern prison system in Ecuador. The responsibility of designing and constructing Ecuador's first panopticon fell on the shoulders of a little known Danish architect, Thomas Reed, whose previously commissioned work included a penitentiary in Bogotá and a number civic buildings throughout Colombia and Ecuador. Anticipating approval of the decree, Moreno contacted Reed at the beginning of August 1869 with plans and specifications for Quito's new prison. In a missive to Reed, he included a number of instructions regarding the capacity of the prison, the need for special cells to accommodate sentences of solitary confinement, and the strict spatial segregation of the men and women inmates.

Thomas Reed responded with an extensive report in which he detailed his vision for Quito's modern penitentiary. Drawing on his extensive knowledge of European and North American penal systems and their corresponding buildings, Reed explained to Moreno and his Cabinet his reasoning behind some of the architectural choices for Quito's Panopticon. Inspired by the famous eighteenth century British prison reformer,

¹ *El Nacional* 9 de Octubre 1869.

John Howard, whose 1790 *The State of the Prisons in England* carefully detailed the state and necessary improvements of English prisons, Reed's report included his own assessment of Ecuadorian penitentiary system, and what had to be done, architecturally, to achieve the best and most efficient disciplinary system.

Recognizing and acknowledging the existence of many different types of disciplinary penal systems, such as separation, isolation, silence, and mixed systems, which combined all or some of the disciplinary techniques, Reed placed Ecuador in the "no system system" ("sistema de ningún sistema"), which for him was characterized by its negative virtues of "no work, no access, no security."² But Reed's criticism of Ecuador's penal non-system did not end with enumeration of negatives. For his government sponsors, Reed issued accolades as well. With less than a subtle sarcasm, he noted the positives of Ecuador's prisons, "loitering, laziness, illegal gambling, filth, moral and material disorder, unnatural crowding, unlimited license, sometimes suspended due to its severity but from which the suspended at times severities, which weakens the sense of justice, and an universal corruption among prisoners."³ He warned Moreno's government that destructive forces and attitudes, perpetuated by those who, in their indifference continued to support the existing system, were overtaking his country.

Other Western penitentiary and disciplinary systems in vogue at the time were equally troublesome for Reed. Solitary confinement and isolation were popular, but the practice was nearly extinct in most "civilized countries."⁴ From his experience, this

² ANHQ/Copiadores, Caja 1865-1873, Caja 68, Libro no. 255, Libro Copiador de las Comunicaciones, Año Libro: 1865-1869.

³ Ibid. Original reads: "holgazanería, juego ilícito, desaseo, desorden moral y material, apiñamiento no natural, licencia ilimitada, interrumpida a veces por severidades a las que el sentimiento de justicia se resiente y corrupción universal entre los presos."

⁴ Ibid.

system, which through denial of all temptations produced quiet and obedient men, ultimately failed to improve them. It was, according to Reed, “sheer insanity” to continue to isolate prisoners and curb all their desires, temptations and, most importantly, actions. Without such stimuli, they could never learn to practice the necessary restraint, to hold back from vice, and most importantly acquire the “dignified discipline” essential to the reform and strengthening of their character and will.⁵ Only through hard work and good instruction could the society’s pariahs redeem and reinstate themselves among their fellow men. Implementing both, according to Reed, was the crux of the penitentiary, which he was called upon to design.

Another model of European penitentiary system offered an improvement over the solitary confinement by allowing the prisoners the ability to work, live, learn, and exercise communally, while under a strict enforcement of silence. Yet according to Reed, while communal work, learning and exercise were beneficial to the inmates, the communal living arrangements of the cells were problematic. Large cells filled with up to eighty men would quickly become centers of corruption and vice and provide little respite for the weary inmates. All men, Reed reasoned, need solitude, not only for the restoration of the body, but also of the soul. In his final recommendations to the Moreno government, Reed championed the application of the mixed, or “el sistema ecléctico” for the penitentiary in Quito, in which communal areas served for work, exercise and learning activities, while separate and smaller cells, served as living and sleeping quarters for the inmates.⁶

⁵ Ibid.

⁶ Ibid.

Having outlined his vision for the penal regime inside of the future Penitentiary of Quito, Reed concluded his report with the architectural conditions necessary for the optimization of the disciplinary technologies and the success of his design. To ensure the buildings durability and stability, the materials used in construction had to be of the best quality and consistency. Reed opposed the use of the adobe bricks and instead recommended stone, bricks and mortar for the interior and exteriors walls. All ceilings and entryways were arched, vaulted and interlocked to provide sufficient structural stability against frequent earthquakes. The iron doors guarded the entryways to hallways and individual cells. Finally, ornamentation, made of strong and durable materials was kept to a minimum (“lo ménos possible de adornos se permitirá”). “The structure”, Reed declared, “ought to be simple, yet distinct.”⁷ Most importantly, however, the whole building, while accessible from the inside, was to be completely sealed and isolated from the outside world. To this effect, a seven meters high wall surrounded the entire prison compound. In each corner garnished a look out post or sentry boxes enabling surveillance of the inside and outside environs.

⁷ Ibid.

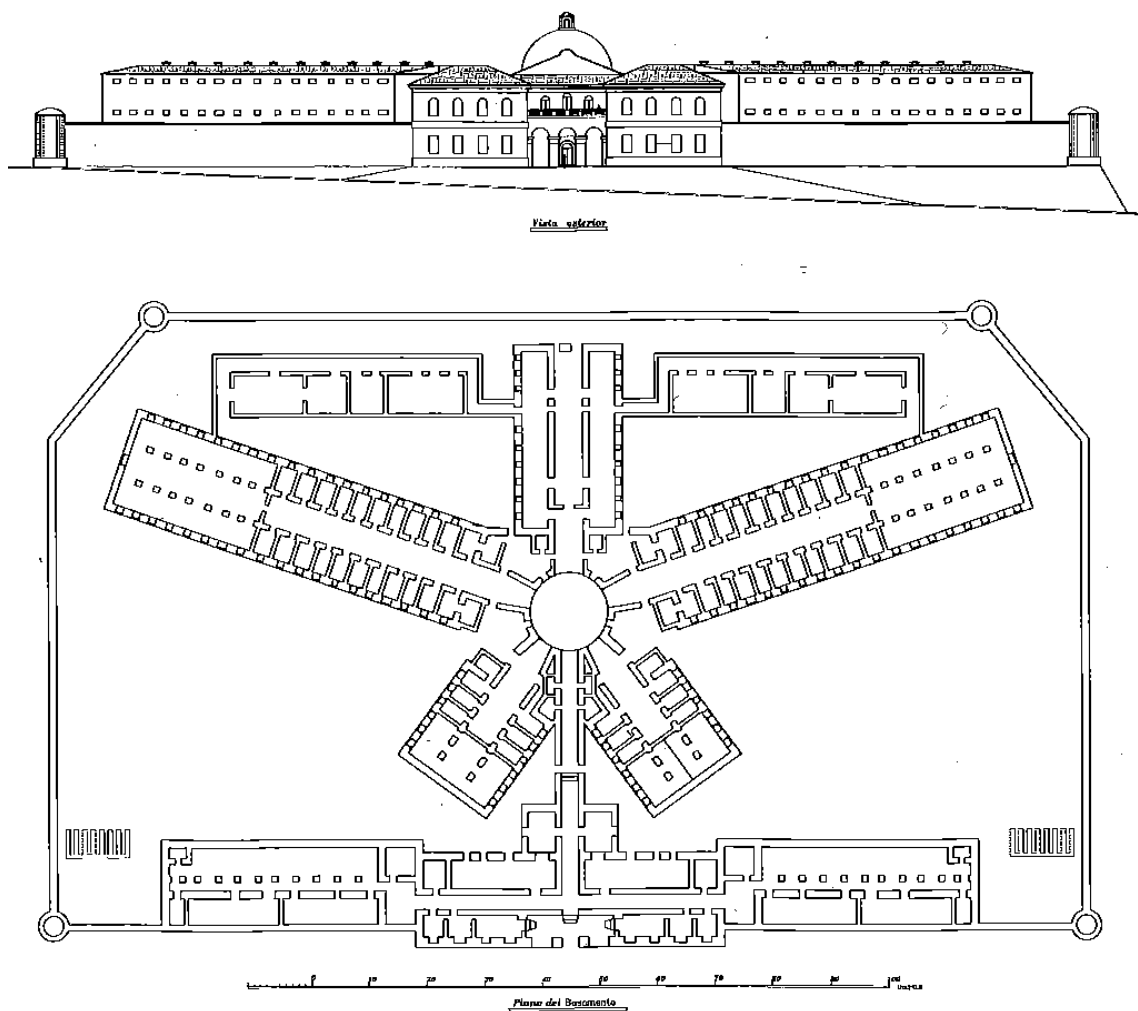


Figure 7. Architectural reconstruction of the plans for the Quito Penitentiary.⁸

The interior design of the prison depended largely on the number of incarcerated inmates. Moreno's specifications put the capacity of the building at about three hundred men, women and youths, who had to be housed in separate sections and cells. To ensure full supervision of all the inmates, Reed proposed a panopticon plan of a central tower in

⁸ Saldarriaga Roa, Alberto, Alfonso Ortiz Crespo, and José Alexander Pinzón Rivera. *En busca de Thomas Reed: arquitectura y política en el siglo XIX*. (Bogotá: [s.n.], 2005), 126.

a circular building, from which all the cell doors could be visible guaranteeing total and constant control and monitoring of the inmates.

Using European precedents, Reed designed the cells to measure about 3.70m x 2.10m and 2.70 meters in height. In addition to regular cells, Reed made provisions for a few windowless cells (“celdas oscuras”), which could be used for internal punishment of recalcitrant inmates. Reed’s plans also included several much larger rooms serving as workrooms, classrooms and service rooms as well as ample space for an exercise patio and, most importantly, a separate chapel where the prisoners could hear weekly mass.⁹

The living quarters for the administration, guards and auxiliary personnel required a separate building, as did the location of the kitchen, laundry facilities, and an infirmary. The kitchen, laundry, and the sick bay had to be located in close proximity to the section of the prison housing the female inmates, as they would become the primary labor force in the tasks of feeding, cleaning and nursing of the entire prisoner population. All the spaces would maintain the separation of not only the sexes, but also “de las clases de los presos.”¹⁰

Reed presented President Moreno with his report, and on December 15, 1869 entered into an official contract with Moreno’s government, agreeing to construct the building within five years from the date of the contract, following the specifications and plans provided and approved by the president. The government, in turn, agreed to provide Reed with the money, labor force and land for all the construction. According to the provisions of the contract, Reed was responsible for the supervision of all the necessary

⁹ ANHQ, Copiadores, Caja 1865-1873, Caja 68, Libro no. 255, Libro Copiador de las Comunicaciones, Año Libro: 1865-1869.

¹⁰ ANHQ, Copiadores, Caja 1865-1873, Caja 68, Libro no. 255, Libro Copiador de las Comunicaciones, Año Libro: 1865-1869.

masons, carpenters, bricklayers, ironsmiths, glazers, and painters, while the design and furnishing of the interiors of the new prison, its kitchens, bathrooms, cells was left in the hands of the government bureaucracy.¹¹

Three hectares of land, belonging to Doña Ángela Calisto de Gonzales, located on the outskirts of the city, at the far western end of the Rocafuerte street at the foot of the Pichnicha volcano provided the ideal terrain and space for the creation of the Quito's new prison. The topography of the land created natural boundaries between the building and the rest of the city, providing additional security. The southern side of the building faced a deep gorge, while the northern walls of the prison leaned against a steep and rocky hill making escapes a difficult and dangerous undertaking.¹²

With land purchased and blueprints approved, Reed began work on the construction of the prison in January 1870. A fleet of indigenous construction workers, along with prison laborers shipped from neighboring jurisdictions, helped Reed in his undertaking.¹³ On August 21, 1874 Reed submitted his resignation from the post of an “architect of the nation,” an act which marked the completion of the construction of the

¹¹ ANHQ, Notariales, Noraria 5^a v. 138 (1867-1869), 15 de Diciembre, 1869.

¹² Roa, Crespo, Riviera, *En busca de Thomas Reed*, 130-131.

¹³ ANHQ, Copiadores, Caja 1868-1870, Caja 73, Libro no. 271, Libro Copiador de las Comunicaciones que dirige esta gobernacion a las autoridades i particulares e la provincial desde el 13 Abril de 1868, Año Libro: 1868-1870. For a history of the long tradition of indigenous involvement in the construction trades, especially in the myriad of the colonial construction projects in Quito see Susan Webster's *Los olvidados: Maestros artesanos y sus obras en el Quito colonial* (Quito, Ecuador: Abya Yala, forthcoming in 2011; “La presencia indígena en el arte colonial quiteño.” In Ximena Carcelén (ed.), *Esplendor del Barroco Quiteño (Himmel aus Gold: Indianischer Barock aus Ekuador)*:36-50. Exhibition catalog. Quito: FONSAL, 2010; “Masters of the Trade: Native Artisans, Guilds, and the Construction of Colonial Quito.” *Journal of the Society of Architectural Historians* 68, no. 1 (March 2009): 10-29

building.¹⁴ The penitentiary was inaugurated with 275 cells and its first prisoner in July 1875. Coincidentally, less than a month later, the penitentiary became home to the men who had committed the bloody assassination of President Moreno on August 6, 1875.¹⁵

With the official inauguration of Reed's finished design, the age of "prison by any other name" was over in Ecuador. Quito's El Panóptico represented the triumph of modern architecture and nineteenth century penology. Yet, within several months after the opening, the walls of the new building began to crumble, and the entire structure began to suffer from severe construction defects, which would necessitate additional repairs, improvements, additions, and expenditures. Echoing their colonial predecessors, government officials expressed concerns at the dismal situation of the building and urged a thorough inspection. In urgent missives, they lamented the fact that "grave defects" have rendered the building "unserviceable" and "threaten its ruin."¹⁶

Over a hundred years later, Ecuador's first modern prison appears to be no more than a prison in name only. The Ex-Penal García Moreno (its current moniker) continues to suffer from structural woes, overcrowding, insalubrious sanitary and living conditions, lax discipline, frequent violence, and human degradation.¹⁷ The walls of the prison are as porous as those of the colonial proto-prisons, and the goods and people travelling between the outside and the inside worlds have only increased in numbers and type.

¹⁴ ANHQ, Copiadores, Caja 1873-1876, Caja 85, Libro no. 321, Año Libro: 1874-1876, documentos no. 86, 122, 380.

¹⁵ Roa, Crespo, Riviera, *En busca de Thomas Reed*, 130-131

¹⁶ ANHQ, Copiadores, Caja 1873-1876, Caja 85, Libro no. 321, Año Libro: 1874-1876, document no. 22.

¹⁷ The Gracia Moreno prison's new name (Ex-Penal) reflects the Ecuador's Ministry of Justice's semantic attempt to remove the social stigma associated with prisons as part of statewide effort at prison reforms. All new prisons are referred to as Centros de Rehabilitación Social (Centers of Social Rehabilitation).

Food, clothing, provisions, money, family and friends continue to find their way to the fetid halls of the prison. But so do weapons, drugs, and illicit sex.

Inside, hundreds languish for years awaiting trial or sentencing, many of the inmates too poor to afford legal representation, much less a cot to sleep on in an overcrowded cell. The class injustices continue to plague the penitentiary, where prisoners too poor or with limited resources sleep on the floors of the hallways, while those with connections or money enjoy private cells and functional plumbing in a relatively well maintained and separate wing of the prison.¹⁸

So where does this leave us? Until recently, scholars have characterized pre-modern or colonial modes of penal justice as exemplary, violent, cruel, public and uncivilized, while portraying its modern counterparts as humane, benevolent, and civilized. This dissertation has attempted to unsettle the commonly accepted dichotomy between pre-modern and modern practices of criminal justice, and challenge the assumptions about the beginnings of prisons and related institutions of confinement and their development in Latin America. We can no longer accept the propositions put forth by European and North American scholars that the nineteenth century model prisons had no precursors and that around 1800 the penal systems across Europe and the US quickly and in unilinear fashion shifted from brutal public executions to near exclusive reliance

¹⁸ For current situation and conditions of Ecuadorian penal system see especially: Núñez Vega, Jorge. "La crisis del sistema penitenciario en Ecuador. Ciudad segura." Programa de Estudios de la Ciudad, Quito: FLACSO sede Ecuador, (n. 01, enero 2006): pp. 4-9; Núñez Vega, Jorge (2005). *Cacería de brujos: drogas ilegales y sistema de cárceles en Ecuador*. Maestría en Ciencias Sociales especialización en Estudios Políticos, FLACSO sede Ecuador. Quito; Garcés, C 2010, 'The Cross Politics of Ecuador's Penal State', *Cultural Anthropology*, 25, 3, 2010, 459-496; "Prison fare." *Economist* 348, 1998, no. 8085: 36-37; Pontón, Jenny, and Andreina Torres. 2007. "Cárceles del Ecuador: los efectos de la criminalización por drogas," *URVIO - Revista Latinoamericana de Seguridad Ciudadana* no. 1: 55-73; "La Cárcel de Quito" TV Ecuador 2008-12-07 accessed on 1/16/2011
http://www.tvecuador.com/index.php?option=com_reportajes&view=showcanal&id=930

on incarceration.¹⁹ Despite growing awareness among revisionist historians about the existence of early modern carceral institutions and their development, most remain silent about the role confinement has played in the colonial penal systems in Spanish America since the late sixteenth century.

This study has attempted to reevaluate the history of the penal institutions in Spanish America by showing innovations, retreats, as well as continuities in colonial punishment, discipline and repression. By examining the myriad of confinement systems in practice in the Audiencia of Quito from the late seventeenth century to the late eighteenth century, I have sought to demonstrate that early modern incarceration was not only prominent feature in colonial penal systems, but it coexisted alongside physical punishment and the scaffold for a long period of time. As such, the creation of the quiteño Panóptico in 1875 should not be seen as the emergence of entirely new and modern penal form, the “triumphant prison,” after centuries of barbarity. Rather the Panóptico was as a continuation of processes initiated, more or less successfully, centuries earlier, by the Spanish colonial system. Forced labor and separation (isolation) from the outside world were such processes (or regimes) instituted in colonial and modern penal institutions that demonstrate the remarkable continuities between modern prisons, and colonial labor regimes in workhouses or penal colonies. Although separation was often difficult to enforce, forced labor and work programs inside of textile mills were

¹⁹ See Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978); Foucault, *Discipline and Punish*; Rothman, David J. *The Discovery of the Asylum; Social Order and Disorder in the New Republic*. (Boston: Little, Brown, 1971); Perrot, Michelle, Michel Foucault, and Maurice Agulhon. *L'Impossible prison: recherches sur le système pénitentiaire au XIXe siècle* (Paris: Seuil, 1980).

routinely employed by colonial authorities with the intention to discipline and punish the inmates.

While an economic rationale may have played a role in the establishment of prisons with labor regimes, the ideological considerations behind “prisons by any other name” are also of significance. The myriad of bureaucratic procedures set in motion by the construction, renovation and inspection of royal and public jails in the colony, convict transportation, or torture proceedings produced helped produce knowledge that contributed to the legitimation of the European colonial domination. Ethnic superiority was inscribed into penal sentences to obrajes, while convict rosters, or inmate lists generated during jail inspections betrayed hierarchical classification of the outcast populations. Finally, all the bureaucratic and judicial processes involved in processing the prisoners were predicated on actions that disempowered, dehumanized and disciplined the delinquent population. Their aim was to integrate the errant individuals to the dominant cultural and social models and to provide them with “the modes of thought and action characteristic of civilized life.”²⁰

The discussion of penal institutions would not be complete without the most important detail that helped create and shape them—their inmates. In my exploration of colonial incarceration, I have attempted to remain sensitive to the lives, suffering, and in many cases, deaths of the bodies contained within these institutions. Reconstructing what really went on in colonial prisons and jails has been difficult given the mediated nature of bureaucratic documentation, which is often predicated on the dehumanization and erasure of its human subjects. It is for this reason, perhaps, that life inside of prison remains the most neglected theme in prison history in general and colonial history in particular. Much

²⁰ Castro-Gómez, Santiago, *(Post) Coloniality for Dummies*, 281.

has been written about prisons from above, with particular attention to penal reforms and programs developed on the outside. But the stories of what happened within the walls of colonial prisons remain largely untold. Inmate subcultures, work and discipline, interactions between inmates, guards and prison authorities remain buried in the thick volumes of criminal cases and bureaucratic correspondence. Even this study has only begun to penetrate the experiences of individual convicts and much more work remains to be done, before we can fully understand the experience of the colonial prisoner.

The questions of modernity, civilization and their less triumphant sibling, colonialism, have been intertwined throughout the project. Joining a number of Latin American scholars like Irene Silverblatt and Enrique Dussel in tracing the colonial origins of modernity, this study's particular focus on the modes of colonial punishment confirms the proposition that the promise or the potential of modernity emerged out the bureaucratic processes and institutions of Spanish colonialism, predicated on unrestricted use of coercion and violence, organizational discipline, and ideologically driven sense of mission. What the colonial prisons, *obrajes*, and the convicts enclosed within their walls reveal is that the idea that modernity and Western Civilization sprang out of the darkness of colonial barbarity and violence as nothing more than a morally elevating myth which serves us, the inhabitants of Western world to continue to exert intellectual, economic, and political domination over the rest of the world.²¹ Critically engaging with the myth, we discover a multiplicity of civilizing processes at work, each characterized not by the elimination of violence and coercion from everyday life, but its increasingly insidious and diffuse growth. Colonial penal practices were not the distant past of modernity, but rather its testing ground, where a confluence of conditions such as racial, class and

²¹ Bauman, *Modernity and the Holocaust*, 104.

gender inequalities, organizational discipline, authorized violence and coercion, and ideological principles interplayed to shape contemporary penal realities in Latin America.

Finally, the Audiencia's colonial prisons were a mirror in which colonial society could observe the full spectrum of its social relations. The colonial "prisons by any other name" brought together individuals from virtually all class and racial backgrounds. Enclosed within *obrajes* or chained together in a convict transport, prisoners from nearly every corner of the Kingdom of Quito were forced to maintain the hierarchies, and endure the tensions, and injustices present in the society at large. Brief moments of solidarity among the inmates were, at best, utilitarian and self-serving. More importantly, the forced labor programs, incarceration, torture, and banishment failed to rehabilitate or reform the criminally minded, or deter others from following in their steps. What penal procedures did accomplish, however, was the further marginalization and exclusion of those bearing the stigma of prison. Legitimated and authorized by the state, these particular exclusionary practices brought the colonial society of the Kingdom of Quito that much closer to modern age.

While much more comparative work needs to be done in regards to the histories of colonial and post-colonial penal institutions and of punishment in Latin America, it is clear that as a region, it can no longer be neglected in the grand narratives of the birth of modernity. As the oldest colonial system in the world, colonialism in Latin America aimed at inscribing Western modes of behavior or thought on populations it perceived as racially and morally inferior. Because of that, Western penal practices in general, and the practice of incarceration, in particular, have a genealogy that is much longer and more complex than Eurocentric scholars have led us to believe. It is with the Spanish forays in

the New World that the issue of race became crucial in the justification and perpetuation of colonial domination. Race also became an inextricable part of the multiple and complex labor systems of the New World. The colonial “prisons by any other name” provided one of the many spaces, processes and discourses of “intelligibility,” where race and labor could be articulated, where colonial domination could be implemented and where the myth of modernity could be instituted and perfected.

Bibliography

Primary Sources

Manuscript and Archival Collections

Archivo Nacional del Ecuador (ANHQ). Quito, Ecuador.

Sección General: Autos Acordados, Carnicerías y Pulperías, Criminales, Estancos, Fondo Especial, Gobierno, Hospitales, Indígenas, Milicias, Minas, Obrajes, Prisiones.
Mapoteca.

Sección Judicial: Notaria: Protocolos, Juicios.

Archivo Municipal de Historia (AMH). Quito, Ecuador.

Libros de Cabildo de Quito.

Hospital de Quito: Hospital Fundación y documentos 1602 a 1608.

Archivo Histórico del Banco Central. Quito, Ecuador.

Colección Jijón y Caamaño: Protocolos Notariales (1560-1668); Documentos Misceláneos.

Archivo General de Indias (AGI). Seville, Spain.

Sections: Justicia;

Mapas y Planos, 1541-1858;

Gobierno: Audiencia de Quito

Published Primary Sources

Alsedo y Herrera, Dionisio de. *Descripción geográfica de la real Audiencia de Quito*. Madrid: the Hispanic Society of America, 1915.

Chaves, Cristóbal de. *Relación de la cárcel de Sevilla*. Madrid: J. Esteban, 1983

Cicala, Mario. *Descripción histórico-topográfica de la provincia de Quito de la Compañía de Jesús*. Quito: Biblioteca Ecuatoriana "Aurelio Espinosa Polit," 1994.

Covarrubias Horozco, Sebastián de. *Tesoro de la lengua castellana o española según la impresión de 1611, con las adiciones de Benito Remigio Noydens publicadas en la de 1674*. Madrid: por Melchoir Sanchez. A costa de Gabriel de Leon, mercader de libros, 1674.

Enríquez Eliécer, B. *Quito a través de los siglos*. Quito, 1941.

Juan, Jorge y Antonio de Ulloa. *Discourse and political reflections on the Kingdoms of Peru : their government, special regimen of their inhabitants, and abuses which have been introduced into one and another, with special information on why they grew up and some means to avoid them*. Edited by John J. TePaske. Norman: University of Oklahoma Press, 1978.

Juan, Jorge y Antonio de Ulloa 1713-1773. 1826. *Noticias secretas de América (siglo XVIII)*. Madrid: Editorial-América, 1918.

- Konetzke, Richard *Colección de documentos para la historia de la formación social de Hispanoamérica, 1493-1810*. Madrid: C.S.I.C., 1953.
- Las Siete partidas*. Translated by Samuel Parsons Scott. Edited by Robert I. Burns. Philadelphia: University of Pennsylvania Press, c2001.
- Pérez Marcos, Regina María, and Tomás Cerdán de Tallada. *Un tratado de derecho penitenciario del siglo XVI : "La visita de la cárcel y de los presos", de Tomás Cerdán de Tallada*. Madrid: UNED, 2005.
- Quito (Audiencia). *Autos acordados de la Real Audiencia de Quito, 1578-1722*. Guayaquil: Corporación de Estudios y Publicaciones, Sección de Investigaciones Histórico-Jurídicas, 1972.
- Quito (Ecuador), and José Rumazo. *Libro primero de Cabildos de Quito*. 1934.
- Quito (Ecuador). *Libro segundo de Cabildos de Quito*. Quito: [C. Briz Sánchez], 1934.
- Quito (Ecuador), Pablo Herrera, and Alcides Enriquez. *Apunte cronológico de las obras y trabajos del Cabildo o Municipalidad de Quito desde 1534 hasta 1714*. Quito: Imprenta Municipal, 1916.
- Recopilación de las leyes destos reynos, hecha por mandado de la magestad católica del rey don Philippe Segundo nuestro señor, contienense en este libro las leyes hechas hasta fin del año de mil y quinientas y nouenta y dos, excepto las leyes de Partida, y del Fuero, y del Estilo: y también van en el las visitas de las Audiencias*. Alcala de Henares, I. Iñiguez de Liquerica, impressor, 1592.
- Recopilación de leyes de los reynos de las Indias. Mandadas imprimir, y publicar por la Magestad católica del rey don Carlos II, nuestro señor. Va dividida en quatro tomos, con el índice general, y al principio de cada tomo el índice especial de los títulos, que contiene*. Madrid: I.de Paredes, 1681.
- Relaciones y visitas a los Andes, S XVI*. Edición de Hermes Tovar Pinzón. Santafé de Bogotá: Colcultura: Instituto de Cultura Hispánica, 1993.
- Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. Edición de Pilar Ponce Leiva. Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1991.
- Rocafuerte, Vincente. 1830. *Ensayo sobre el nuevo sistema de cárceles*. Quito, Ecuador: Imprenta municipal, 1914.
- Sandoval, Bernardino de. *Tractado del cuydado que se deve tener de los presos pobres. En que se trata ser obra pía proveer a las necessidades que padescen en las carceles, y que en muchas maneras pueden ser ayudados de sus próximos, y de las personas que tienen obligación a favorecerlos, y de otras cosas importantes en este propósito*. Toledo [Spain]: Casa de Miguel Ferrer, 1952.
- Scott, S. P., Robert Ignatius Burns, and Alfonso X. *Las siete partidas*. Philadelphia: University of Pennsylvania Press, 2001.
- Serra, Juan de Santa Gertrudis. *Maravillas de la naturaleza*. Bogotá: Empresa Nacional de Publicaciones, 1956.

Velasco, Juan de, 1727-1792. *Historia del reino de Quito en la América meridional / escrita por Juan de Velasco*. Quito: Casa de la Cultura Ecuatoriana "Benjamín Carrión," 1994.

Secondary Sources

- Agamben, Giorgio. *Remnants of Auschwitz: The Witness and the Archive*. New York: Zone Books, 2000.
- Aguirre Beltran, Gonzalo "La esclavitud el los obrajes novoespañoles" in Glantz, Susana. *La Heterodoxia recuperada: en torno a Ángel Palerm*. México: Fondo de Cultura Económica, 1987, 249-259
- Aguirre, Carlos. *The Criminals of Lima and Their Worlds: the Prison Experience, 1850-1935*. Durham: Duke University Press, 2005.
- Aquirre, Carlos and Charles Walker, *Bandoleros, abigeos y monteneros: criminalidad y violencia en el Perú, siglos XVIII-XX*. Lima: Instituto de Apoyo Agrario, 1990.
- Aguirre, Carlos, and Robert Buffington. *Reconstructing Criminality in Latin America*. Wilmington, Del: Scholarly Resources, 2000.
- Alonso, Romero M. P. *El Proceso Penal En Castilla, Siglo[s] XIII-XVIII*. Salamanca: Ediciones Universidad de Salamanca, Excma. Diputación Provincial de Salamanca, 1982.
- Amin, Samir. *Eurocentrism: Modernity, Religion, and Democracy : a Critique of Eurocentrism and Culturalism*. New York, NY: Monthly Review Press, 2009.
- Andrien, Kenneth. *Crisis and Decline: the Viceroyalty of Peru in the Seventeenth Century*. Albuquerque: University of New Mexico Press, 1985.
- Angel Rodríguez Sánchez, "La sogá y el fuego: La pena de muerte en España en los siglos XVI y XVII". *Cuadernos de historia moderna*, N° 15, 1994, pags. 13-40
- Anrup, Roland. "De la hostia a la horca: el delito de un mulato en Cartagena de Indias del siglo XVIII." - [S.l.] : Instituto Iberoamericano, 1998.
- Arancibia, Floody C, Cancino J. T. Cornejo, and Undurraga C. González. *Pena De Muerte En Chile Colonial: Cinco Casos De Homicidio De La Real Audiencia*. Santiago de Chile: RiL Editores, 2003.
- Anrup, Roland. "De la hostia a la horca: el delito de un mulato en Cartagena de Indias del siglo XVIII." - [S.l.] : Instituto Iberoamericano, 1998.
- Archer, Christon. *The Army in Bourbon Mexico, 1760-1810*. Albuquerque, NM: University of New Mexico Press in association with the Center for Documentary Studies at Duke University, 1977.
- Arrom, Silvia Marina. *The Women of Mexico City, 1790-1857*. Stanford: Stanford University Press, 1985.
- _____. *Containing the Poor: The Mexico City Poor House, 1774-1871*. Durham: Duke University Press, 2001.
- Baeza Martín, Ascensión. "La Condena de Españoles a Obrajes en Nueva España en 1721: Su Secuela en la Provisión de Oficios de las Audiencias Indianas." *Anuario de Estudios Americanos [Spain]* 57, no. 2 (2000): 449-474.

- Bakewell, P. J. *Miners of the Red Mountain: Indian Labor in Potosí, 1545-1650*. Albuquerque: University of New Mexico Press, 1984.
- _____. *Mines of Silver and Gold in the Americas*. Aldershot, Hampshire, Great Britain: Variorum, 1997.
- Barbier, Jacques. *Reform and Politics in Bourbon Chile, 1755-1796*. Ottawa, Canada: University of Ottawa Press, 1980.
- Bauman, Zygmunt. *Liquid Modernity*. Cambridge, UK: Polity Press, 2000.
- _____. *Modernity and the Holocaust*. Ithaca, N.Y.: Cornell University Press, 2000.
- Beattie, J. M. *Crime and the courts in England, 1660-1800*. Oxford: Clarendon Press; Princeton, N.J.: Princeton University Press, 1986.
- Beattie, Peter. *The Tribute of Blood: Army, Honor, Race, and Nation in Brazil, 1864-1945*. Durham: Duke University Press, 2001.
- Bentham, Jeremy. The Panopticon writings. London; New York: Verso, 1995
- Bhabha, Homi K. "Of Mimicry and Man: The Ambivalence of Colonial Discourse." In *Tensions of Empire: Colonial Cultures in the Bourgeois World*, ed. by Frederic Cooper and Ann Laura Stoler. Berkeley: University of California Press, 1997.
- Boyer, Richard. *Lives of the Bigamists: Marriage, Family and Community in Colonial Mexico*. Albuquerque: University of New Mexico Press, 1995.
- Bowser, Frederick. *The African Slave in Colonial Peru 1524-1650*. Stanford: Stanford University Press, 1974.
- Braddick, M. J. *State Formation in Early Modern England, C. 1550-1700*. Cambridge [England]: Cambridge University Press, 2000.
- Brading, D. A. *Church and State in Bourbon Mexico: the Diocese of Michoacán, 1749-1810*. Cambridge; New York: Cambridge University Press, 1994.
- _____. "Bourbon Spain and Its American Empire," in *Colonial Spanish America: The Cambridge History of Latin America*, edited by Leslie Bethell, 112-162. Cambridge: Cambridge University Press, 1987.
- Borchart de Moreno, Christiana. "Beyond the Obraje: Handicraft Production in Quito Toward the End of the Colonial Period," *The Americas* 1995 52(1): 1-24.
- _____. *La Audiencia de Quito: aspectos económicos y sociales (siglos XVI-XVIII)*. Quito, Ecuador: Ediciones del Banco Central del Ecuador: ABYA-YALA, 1998.
- Bristol, Joan Cameron. *Christians, Blasphemers, and Witches: Afro-Mexican ritual practice in the seventeenth century*. Albuquerque: University of New Mexico Press, 2007.
- Burkholder, Mark A. *Politics of a Colonial Career: José Baquijano and the Audiencia of Lima*. 1980. Reprint, Wilmington: Scholarly Resources, 1990
- Burns, Kathryn. *Colonial Habits: Convents and the Spiritual Economy of Cuzco, Peru*. Durham: Duke University Press, 1999.
- _____. *Into the Archive: Writing and Power in Colonial Peru*. Durham [NC]: Duke University Press, 2010.
- _____. *The Kingdom of Quito, 1690-1830: the State and Regional Development*. New York: Cambridge University Press, 1995.

- _____. "Notaries, Truth and Consequences." *The American Historical Review* 110, no. 2 (2005): 350-381.
- Cahill, David. "Financing Health Care in the Viceroyalty of Peru: the Hospitals of Lima in the Late Colonial Period." *The Americas* 52, no. 2 (October 1995): 123-154.
- _____. "Colour by Numbers: Racial and Ethnic Categories in the Viceroyalty of Peru, 1532-1824." *Journal of Latin American Studies* 26, no. 2 (May 1994): 325-347.
- Cañizares-Esguerra, Jorge. *How to Write the History of the New World: Histories, Epistemologies, and Identities in the Eighteenth-Century Atlantic World*. Stanford: Stanford University Press, 2001.
- Castillo de Bobadilla, Jerónimo, and Benjamín González Alonso. *Política para corregidores y señores de vassallos, en tiempo de paz, y de guerra, y para jueces eclesiásticos y seglares*. [Madrid]: Instituto de Estudios de Administración Local, 1978.
- Catholic University of America. *New Catholic Encyclopedia*. New York: McGraw-Hill, 1967
- Chambers, Sarah C. *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780-1854*. University Park: Pennsylvania State University, 1999.
- Chaves, Cristóbal de. *Relación de la cárcel de Sevilla*. Madrid: J. Esteban, 1983.
- Chaves, María Eugenia. *La estrategia de libertad de una esclava del siglo XVIII: las identidades de amo y esclavo en un puerto colonial*. Quito: Ediciones Abya-Yala, 1999.
- Chávez, Orozco L. *El Obraje Embrión De La Fábrica*. Mexico: Talleres gráficos de la nación, 1936.
- Chávez Orozco, Luis, and Mariano Telléz Girón y Beaufort, 12 Osura. *Código Osuna*, reproducción facsimilar de la obra del mismo título, editada en Madrid, 1878, acompañada de 158 páginas inéditas encontradas en el Archivo general de la Nación (Mexico). Mexico: Ediciones del Instituto Indigenista Interamericano, 1947.
- Chevalier, François. *Land and Society in Colonial Mexico; The Great Hacienda*. Berkeley: University of California Press, 1963
- Clendinnen, Inga. *Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570*. Cambridge: Cambridge University Press, 1987
- _____. "Disciplining the Indians: Franciscan Ideology and Missionary Violence in Sixteenth-Century Yucatán." *Past and Present* 94 (1982): 27-48.
- Cohen, Stanley, and Andrew T. Scull. *Social Control and the State: Historical and Comparative Essays*. Oxford: M. Robertson, 1983
- Cole, Jeffrey A. *The Potosí Mita, 1573-1700: Compulsory, Indian Labor in the Andes*.
- Cope, R. Douglas. *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720*. Madison: University of Wisconsin Press, 1994.
- Copete, Marie-Lucie. "Criminalidad y espacio carcelario en una cárcel del Antiguo Régimen: La cárcel real de Sevilla a finales del siglo XVI". *Historia social*, Nº 6, 1990, 105-126.

- Coronil, Fernando. "Beyond Occidentalism: Towards Non-Imperial Geohistorical Categories" *Cultural Anthropology* 11, no. 1 (1996): 51-87.
- Corrigan, Philip Richard D. *Social Forms/Human Capacities: Essays in Authority and Difference*. London: Routledge, 1990.
- Cortés, Hernán. *Letters from Mexico*. New Haven, Yale University Press, 2001.
- Costales Peñaherrera, Jaime A. "Las ordenanzas de obrajes," *Boletín de informaciones científicas nacionales*, 119 (mayo 1986), 17-62.
- _____. *El Obraje de San Ildefonso*. Tesis Quito: Pontificia Universidad Católica del Ecuador, Facultad de Ciencias Humanas, 1979.
- Cox, Pamela, and Heather Shore, eds. *Becoming Delinquent: British and European Youth, 1650-1950*. Burlington, VT: Ashgate, Dartmouth, 2002.
- Coy, Jason Philip. *Strangers and Misfits: Banishment, Social Control, and Authority in Early Modern Germany*. Leiden: Brill, 2008.
- Curcio-Nagy, Linda A. *The Great Festivals of Colonial Mexico City Performing Power and Identity*. Albuquerque: University of New Mexico Press, 2004.
- Cutter, Charles. *The Legal Culture of Northern New Spain 1700-1810*. Albuquerque: University of New Mexico, 1995.
- Cushner, Nicolas. *Lords of the Land: Sugar, Wine and Jesuits Estates of Colonial Peru, 1600-1767*. Albany: SUNY, 1960.
- Deeds, Susan M. *Defiance and Deference in Mexico's Colonial North: Indians under Spanish Rule in Nueva Vizcaya*. Austin: University of Texas Press, 2003.
- Devereaux, Simon and Paul Griffiths. *Penal Practice and Culture, 1500-1900: Punishing the English*. London: Palgrave, 2004.
- Díaz, María Elena. *The Virgin, the King and the Royal Slaves of El Cobre: Negotiating Freedom in Colonial Cuba, 1670-1780*. Stanford: Stanford University Press, 2000.
- Dikoetter, Frank, and Ian Brown. *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America*. Ithaca, N.Y.: Cornell University Press, 2007.
- Dubois, Laurent. *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787-1804*. Chapel Hill: University of North Carolina Press, 2004.
- Dussel, Enrique. "Eurocentrism and Modernity" *boundary 2* 20/3 (1993): 65-76.
- Elias, Norbert. *The Civilizing Process*. Oxford: Blackwell, 1994.
- _____. *The History of Manners*. New York: Pantheon Books, 1982.
- Emilia Salvador Esteban. "Tortura y penas corporales en la Valencia foral moderna: El reinado de Fernando el Católico." *Estudis: Revista de historia moderna*, N° 22, 1996 (Ejemplar dedicado a: Conflictividad y represión en la sociedad moderna), pags. 263-2
- Enríquez B., Eliecer. *Quito a través de los siglos; recopilación y notas bibliográficas*. Quito: Imprenta municipal, 1938.
- Escandell Tur, Neus. *Producción y comercio de tejidos coloniales: los obrajes y chorrillos del Cusco, 1570-1820*. Cusco, Perú: Centro de Estudios Regionales Andinos, Bartolomé de Las Casas, 1997.

- Esteban, Emilia Salvador. "Tortura y penas corporales en la Valencia foral moderna: El reinado de Fernando el Católico." *Estudis: Revista de historia moderna*, N° 22, 1996 (Ejemplar dedicado a: Conflictividad y represión en la sociedad moderna), pags. 263-2
- Evans, Robin. *The Fabrication of Virtue: English Prison Architecture, 1750-1840*. Cambridge [Cambridgeshire]: Cambridge University Press, 1982.
- Farris, Nancy. *Crown and Clergy in Colonial Mexico, 1759-1821: the Crisis of Ecclesiastical Privilege*. London: Athlone P., 1968.
- Finzsch, Norbert, and Robert Jütte. *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500-1950*. New York: Cambridge University Press, 1996.
- Fisher, John, et al., eds. *Reform and Insurrection in Bourbon New Grenada and Peru*. Baton Rouge: Louisiana State, 1990
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1979.
- _____. *Language, Counter-Memory, Practice: Selected Essays and Interviews*. Ithaca, N.Y.: Cornell University Press, 1980, c1977.
- Fraser, Valerie. *The Architecture of Conquest: Building in the Viceroyalty of Peru, 1535-1635*. Cambridge [England]: Cambridge University Press, 1990.
- Freile Granizo, Carlos. "Mons. José Pérez Calama, obispo de Quito (1740-1793)." *Revista del Instituto de Historia Eclesiástica Ecuatoriana* 13 (1993): 51-94.
- _____. "Los obispos de Quito y la situación colonial (1565-1605)." *Revista del Instituto de Historia Eclesiástica Ecuatoriana* 11 (1991): 113-150.
- Gardiner, Robert, and Richard W. Unger. *Cogs, Caravels, and Galleons: The Sailing Ship, 1000-1650*. Annapolis, MD: Naval Institute Press, 1994.
- Garland, David. *Punishment and Modern Society: a Study in Social Theory*. Chicago: University of Chicago Press, 1990.
- Goic, Boroevic M. *El Obraje Colonial Ecuatoriano Siglos XVII-XVII*. Santiago, 1998
- Gauderman, Kimberly. *Women's Lives in Colonial Quito: Gender, Law, and Economy in Spanish America* Austin: University of Texas Press, 2003.
- Geltner, Guy. *The Medieval Prison: A Social History*. Princeton: Princeton University Press, 2008.
- Gibson, Charles. *The Aztecs under Spanish Rule: A History of Indians in the Valley of Mexico*. Stanford: University of California Press, 1964.
- Gilchrist, Roberta. *Gender and Material Culture: the Archeology of Religious Women*. London: Routledge Press, 1994.
- Glantz, Susana. *La Heterodoxia recuperada: en torno a Angel Palerm*. México: Fondo de Cultura Económica, 1987.
- Goic, Boroevic M. *El Obraje Colonial Ecuatoriano Siglos XVII-XVII*. Santiago, 1998
- Gómez, Luis Javier Ramos "Algunos datos sobre los abusos e injusticias padecidas en 1737 por los indios de los obrajes de la ciudad de

- Quito." *Revista española de antropología americana*, N° 27, 1997, pags. 153-166
- Gramsci, Antonio. *Selections from the Prison Notebooks of Antonio Gramsci*. London: Lawrence & Wishart, 1971.
- Graubart, Karen B. "Weaving and the Construction of a Gender Division of Labor in Early Colonial Peru." *American Indian Quarterly*, Vol. 24, No. 4 (Autumn, 2000): 537-561.
- Greenleaf, Richard E. *The Mexican Inquisition of the Sixteenth Century*. Albuquerque: University of New Mexico Press, 1969.
- _____. "The Obraje in the Late Mexican Colony" *The Americas* 1967 23(3): 227-250.
- Guha, Ranajit ed. *The Subaltern Studies Reader, 1986-1995*. Minneapolis: University of Minnesota Press, 1997.
- Gutiérrez, Ramón. *When Jesus came, the Corn Mothers went away: Marriage, Sexuality, and Power in New Mexico, 1500-1846*. Stanford: Stanford University Press, 1991.
- Hampe Martínez, Teodoro. *Santo Oficio e historia colonial: aproximaciones al tribunal e la inquisición de Lima (1570-1820)*. Lima: Ediciones del Congreso del Perú, 1998.
- Haslip-Viera, Gabriel. *Crime and punishment in late colonial Mexico City, 1692-1810*. Albuquerque: University of New Mexico Press, 1999.
- Hecht, Tobias, ed. *Minor Omissions: Children in Latin American History and Society*. Madison: University of Wisconsin Press, 2002.
- Herzog, Tamar. *La administración como un fenómeno social: la justicia penal de la ciudad de Quito, 1650-1750*. Madrid: Centro de Estudios Constitucionales, 1995.
- _____. "El Rescate de Una Fuente Historica: Los Libros de Visita de Carcel: El caso de Quito, 1738-1750. (Spanish)." *Anuario de Estudios Americanos* 52, no. 2 (July 1995): 251-261.
- _____. "Juan Solórzano Pereira", an entry in the *Guide to Documentary Sources for Andean Art History and Archeology*, in Pillsbury, Joanne. *Guide to Documentary Sources for Andean Studies, 1530-1900*. Norman: University of Oklahoma Press, 2008.
- _____. "La Recopilación de Indias and its Discourse: The Spanish Monarchy, the Indies and the Seventeenth Century," *Ius Commune*, 20 (1993): 143-163.
- _____. "Sobre la cultura jurídica en la América colonial (siglos XVI-XVIII)," *Anuario de Historia del Derecho Español*, 65 (1995): 903-912.
- _____. *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*. New Haven: Yale University Press, 2003.
- _____. *Upholding Justice: Society, State, and the Penal System in Quito (1650-1750)*. Ann Arbor: University of Michigan Press, c2004.
- Hills, Helen. *Invisible City: The Architecture of Devotion in Seventeenth-Century Neapolitan Convents*. Oxford: Oxford University Press, 2004.
- _____. Cities and Virgins: Female Aristocratic Convents in Early Modern Naples and Palermo, *Oxford Art Journal*. Vol. 22, No. 1 (1999), pp. 31-54.

- Hills, Helen, ed. *Architecture and the Politics of Gender in Early Modern Europe*. Burlington: Ashgate, 2003.
- Hoberman, Schell, Louisa Mexico's *Merchant Elite, 1590-1660: Silver, State, and Society*. Durham: Duke University Press, 1991.
- Hoberman, Schell Louisa and Susan Migden Socolow, eds. *Cities and Society in Colonial Latin America*. Albuquerque: University of New Mexico Press, 1986.
- Hünefeldt, Christine. *Paying the Price of Freedom: Family and Labor among Lima's Slaves, 1800-1854*. Los Angeles: University of California Press, 1994.
- Jaffary, Nora E. *False Mystics: Deviant Orthodoxy in Colonial Mexico*. Lincoln: University of Nebraska Press, 2004.
- Joseph, G. M., Catherine LeGrand, and Ricardo Donato Salvatore. *Close Encounters of Empire: Writing the Cultural History of U.S.-Latin American Relations*. Durham, N.C.: Duke University Press, 1998.
- Josefina Zoraida Vázquez, et al. "The Labor of Prisoners in the Obrajes of Coyacán 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979.
- Kagan, Samuel. "Penal Servitude in New Spain: The Colonial Textile Industry." Ph.D. diss., City University of New York, 1977.
- Kagan, Samuel, H. Bradley Benedict, Josefina García Quintana, Elsa Cecilia Frost, Michael C. Meyer, and Josefina Zoraida Vázquez. 1979. "The Labor of Prisoners in the Obrajes of Coyocán 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979.
- Kamen, Henry. *The Spanish Inquisition: A Historical Revision*. New Haven: Yale University Press, 1998.
- Karasch, Mary C. *Slave Life in Rio de Janeiro, 1808-1850*.
- _____. "Suppliers, Sellers, Servants, and Slaves." In *Cities and Society in Colonial Latin America*, edited by Hoberman, Schell Louisa and Susan Migden Socolow. Albuquerque: University of New Mexico Press, 1986.
- Kennedy Troya, Alexandra, and Carmen Fauria Roma. *Obrajes en la Audiencia de Quito: un caso estudio: Tilipulo*. S.l: s.n, 1987.
- Kennedy Troya, Alexandra, Carmen Fauría Roma, Roberto Andrade, and Alexandra Kennedy Troya. *Tilipulo*. [Quito]: Museo del Banco Central del Ecuador, 1983.
- Landau, Norma. *Law, Crime, and English Society, 1660-1830*. Cambridge, U.K.: Cambridge University Press, 2002.
- Landazuri Soto, Alberto. *El regimen Laboral Indígena en la Real Audiencia de Quito*. Madrid: [s.n.], 1959.
- Lane, Kris. *Quito 1599: City and Colony in Transition*. Albuquerque: University of New Mexico Press, 2002.
- _____. "Unlucky Strike: Gold and Labor in Zaruma, Ecuador, 1699-1820." *Colonial Latin American Review* 13, no. 1 (June 2000): 65-84.
- _____. "Captivity and Redemption: Aspects of Slave Life in Early colonial Quito and Popayán." *The Americas*, 57, no. 2 (2000): 225-246

- Lara, Jorge Salvador. *Historia de la Iglesia Católica en el Ecuador. 3 vols.* Quito, Ecuador: Conferencia Episcopal Ecuatoriana: Academia Nacional de Historia: Ediciones Abya-Yala, 2001.
- Larrea, Carlos Manuel. *La Real Audiencia de Quito y su territorio.* Quito: Editorial Casa de la Cultura Ecuatoriana, 1963.
- Lavrin, Asunción. "Ecclesiastical Reform of Nunneries in New Spain in the Eighteenth Century." *The Americas* 22 (1965): 182-203.
- _____. "Female Religious." In *Cities and Society in Colonial Latin America*, edited by Louisa Schell Hoberman and Susan Migden Socolow, 165-197. Albuquerque: University of New Mexico Press, 1986.
- _____, ed. *Sexuality and Marriage in Colonial Latin America.* Lincoln: University of Nebraska, 1989.
- Lewin, Boleslao. *El Santo Oficio en América: y el más grande proceso inquisitorial en el Perú.* Buenos Aires: Sociedad Hebraica Argentina, 1950.
- Lockhart, James. *Spanish Peru, 1532-1560: A Colonial Society.* Madison: University of Wisconsin Press, 1968.
- Lockhart, James, and Stuart B. Schwartz. *Early Latin America: A History of Colonial Spanish America and Brazil.* New York: Cambridge University, 1983.
- López de Velasco, Juan. *Geografía y descripción universal de las Indias.* Madrid: Ediciones Atlas, 1971
- Lyman L. Johnson, ed., *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750-1940.* Albuquerque: University of New Mexico Press, 1990.
- Mac Cormack, Sabine. *Religion in the Andes: Vision and Imagination in Early Colonial Peru.* Princeton: Princeton University Press, 1991.
- Mac Lachlan, Colin M. *Criminal Justice in Eighteenth-Century Mexico: A Study of the Tribunal of the Acordada.* Berkeley: University of California Press, 1974.
- _____. *Spain's Empire in the New World.* Berkeley: University of California Press, 1988
- Mallon, Florencia E. "The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History" *American Historical Review* (December 1994): 1491-1515.
- _____. *Peasant and Nation: the Making of Postcolonial Mexico and Peru.* Berkeley: University of California Press, c1995.
- Mannarelli, María Emma. *Hechiceras, beatas y expósitas: mujeres y poder inquisitorial en Lima.* Lima, Perú: Ediciones del Congreso del Perú, 1998
- Márquez, Teodoro Falcón. "La Cárcel Real de Sevilla" *Laboratorio de Arte: Revista del Departamento de Historia del Arte*, N°. 9, 1996, pags. 157-170.
- Martín, Luís. *Daughters of the Conquistadores: Women of the Viceroyalty of Peru.* Albuquerque: University of New Mexico Press, 1983.
- Martínez, Díez G. *La Tortura Judicial En La Legislación Histórica Española.* Madrid: Instituto Nacional de Estudios Jurídicos, 1962.
- Martiré, Eduardo. "La Visita de Cárcel en Buenos Aires durante El Virreinato." *Congresos del Instituto de Historia del Derecho Indiano* [Archivo de

- ordenador]: actas y publicaciones, Vol. 5, 2000 (VIII Congreso Internacional de Historia del Derecho Indiano. Tomo III), 39-60.
- Matovelle, Julio. *Imágenes y santuarios célebres de la Virgen Santísima en la América Española, señaladamente en la República del Ecuador*. Quito: Tip. Editora de los Talleres Salesianos, 1910.
- Medina, José Toribio. *Historia del Tribunal de la Inquisición de Lima, 1569-1820*. Santiago de Chile: Fondo Histórico y Bibliográfico J.T. Medina, 1956.
- Medina, José Toribio. *Historia del Tribunal del Santo Oficio de la inquisición en Chile*. Santiago de Chile: Fondo Histórico y Bibliográfico J.T. Medina, 1952.
- Mignolo, Walter. *The Darker Side of the Renaissance: Literacy, Territoriality, and Colonization*. Ann Arbor: University of Michigan Press, 1995.
- Mignolo, Walter. *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*. Princeton, N.J.: Princeton University Press, 2000.
- Millar Carvacho, René. *Inquisición y sociedad en el virreinato peruano: estudios sobre el tribunal de la Inquisición de Lima*. [Lima]: Instituto Riva-Aguero, Pontificia Universidad Católica de Perú, 1998.
- Mills, Kenneth. *Idolatry and Its Enemies: Colonial Andean Religion and Extirpation*. Princeton: Princeton University Press, 1997.
- Milton, Cynthia E. "The Many Meanings of Poverty: Colonial Compacts and Social Assistance in 18th-Century Quito," Ph. D. diss., University of Wisconsin, 2002.
- Minchom, Martin. *The People of Quito, 1690-1810: Change and Unrest in the Underclass*. Boulder: Westview Press, 1994.
- Miño Grijalva, Manuel. *La protoindustria colonial hispanoamericana*. México: El Colegio de México, 1993.
- Mora, Ayala Enrique, ed. *Nueva historia del Ecuador*. Quito, Ecuador: Corporación Editora Nacional: Grijalbo, 1983-1995.
- Moraña, Mabel, Enrique D. Dussel, and Carlos A. Jáuregui. *Coloniality at Large: Latin America and the Postcolonial Debate*. Durham: Duke University Press, 2008.
- Moreno Yáñez, Segundo. *Sublevaciones indígenas en la Audiencia de Quito: desde comienzos del siglo XVIII hasta finales de la Colonia*. Quito: Ediciones de la Universidad Católica, 1985.
- Moreno Yáñez, Segundo E. "El 'formulario de las ordenanzas de indios': una regulación de las relaciones laborales en las haciendas y obrajes del Quito colonial y republicano," *Ibero-Amerikanisches Archiv*, n.f., 5:3 (1979), 227-241.
- Morris, Norval and David J. Rothman. *The Oxford History of the Prison: The Practice of Punishment in Western Society*. Oxford: Oxford University Press, 1995.
- Mouffe, Chantal. *Gramsci and Marxist Theory*. London: Routledge & Kegan Paul, 1979.

- Muriel, Josefina. 1974. *Los recogimientos de mujeres: Respuesta a una problemática social novohispana*. Mexico: Instituto de Investigaciones Históricas, Universidad Nacional Autónoma de México.
- _____. 1992. *Las mujeres en Hispanoamérica*. Madrid: MAPFRE.
- Nicholas, Stephen. *Convict Workers: Reinterpreting Australia's Past*. Cambridge [England]: Cambridge University Press, 1988.
- O'Brien, Patricia. *The Promise of Punishment: Prisons in Nineteenth-Century France*. Princeton, N.J.: Princeton University Press, 1982.
- Oliver Olmo, Pedro. *Cárcel y sociedad represora: la criminalización del desorden en Navarra (siglos XVI-XIX)*. Bilbao: Universidad del País Vasco, Servicio Editorial, 2001.
- _____. "Pena de muerte y procesos de criminalización (Navarra, Siglos XVII-XX). (Spanish)." *Historia Contemporánea* no. 1 (February 2003): 269-292.
- Ortiz de la Tabla Ducasse, Javier. "Las Ordenanzas de Obrajes de Matías de Peralta para la Audiencia de Quito, 1621 (Régimen laboral de los centros textiles coloniales ecuatorianos)." *Anuario de Estudios Americanos* [Spain] 33 (1976): 875-931.
- Owensby, Brian Philip. *Empire of Law and Indian Justice in Colonial Mexico*. Stanford, Calif: Stanford University Press, 2008.
- Peña, Antonio de la, and Manuel López-Rey y Arrojo. *Un práctico castellano del siglo XVI (Antonio de la Peña)*. Madrid: Tipografía de Archivos, 1935.
- Peralta, Evelia. *Quito: guía arquitectónica*. Quito: Dirección de Planificación, I., 1991.
- Perry, Mary Elizabeth. *Gender and Disorder in Early Modern Seville*. Princeton: Princeton University, 1990.
- Peters, Edward. *Torture*. New York: B. Blackwell, 1985.
- Phelan, John Leddy. *The Kingdom of Quito. The Kingdom of Quito in the Seventeenth Century; Bureaucratic Politics in the Spanish Empire*. Madison: University of Wisconsin Press, 1967.
- _____. *The Millennial Kingdom of the Franciscans in the New World*. 2nd ed., rev. Berkeley: University of California Press, 1970.
- _____. *The People and the King: The Comunero Revolution in Colombia, 1781*. Madison: University of Wisconsin Press, 1978.
- Piccato, Pablo. *City of Suspects: Crime in Mexico City, 1900-1931*. Durham: Duke University Press, 2001.
- Pike, Ruth. *Penal Servitude in Early Modern Spain*. Madison: University of Wisconsin Press, 1983.
- Pillsbury, Joanne. *Guide to Documentary Sources for Andean Studies, 1530-1900*. Norman: University of Oklahoma Press, 2008.
- Poe, Edgar Allan, Jeffery Deaver, and Michael Connelly. *Mystery Writers of America Presents In the Shadow of the Master: Classic Tales*. New York, NY: William Morrow, 2009.
- Ponce, Pilar. *Relaciones histórico-geográficas de la Audiencia de Quito: s. XVI-XIX*. Madrid: Consejo Superior de Investigaciones Científicas, Centro de Estudios Históricos, Departamento de Historia de América, 1991.

- Powers, Karen. *Andean Journeys: Migration, Ethnogenesis and the State in Colonial Quito*. Albuquerque: University of New Mexico Press, 1995.
- Pratt, John. *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*. London: Sage, 2002.
- Premo, Bianca. *Children of the Father King: Youth, Authority and Legal Minority in Colonial Lima*. Chapel Hill: UNC Press, 2005 (forthcoming).
- _____. "Minor Offenses: Youth, Crime, and Law in Eighteenth-Century Lima." In *Minor Omissions*, edited by Tobias Hecht, 114-138.
- Proctor, Frank T., III. "Afro-Mexican Slave Labor in the Obrajes de Paños of New Spain, Seventeenth and Eighteenth Centuries." *Americas: A Quarterly Review of Inter-American Cultural History* 60, no. 1 (2003): 33-58.
- Proctor, Frank T. 2003. "Afro-Mexican Slave Labor In the Obrajes de Paños of New Spain, Seventeenth and Eighteenth Centuries." *Americas (00031615)* 60, no. 1: 33-58.
- Rama, Angel. *The Lettered City*. Translated by John C. Chasteen. Durham: Duke University Press, 1996.
- Ravines, Rogger. *Tecnología Andina*. Lima: Instituto de Estudios Peruanos, 1978.
- Reig Satorres, José. "Normas penales en las ordenanzas de Quito y Guayaquil (Siglo XVI)." *Memoria del X Congreso del Instituto Internacional de Historia del Derecho Indiano*. Escuela Libre de Derecho/UNAM, México., 1995, 1345-1368.
- _____. "Ordenanzas de los cabildos de Quito y Guayaquil", en VV.AA. *Homenaje a Ismael Sánchez Bella*, 471-495, Universidad de Navarra, Pamplona, 1992.
- Robinson, David. *Paths of Accommodation: Muslim Societies and French Colonial Authorities in Senegal and Mauritania, 1880-1920*. Athens: Ohio University Press, 2000.
- Roniger, Luis and Tamar Herzog, eds. *The Collective and the Public in Latin America: Cultural Identities and Political Order*. Brighton: Sussex Academic Press, 2000).
- Rosenberg, Philippe. "A Convenient Degree of Blindness: Punitive Violence in the English Press, 1650-1700," in Paul Griffiths and Simon Devereaux (eds.), *Penal Practice and Culture, 1500-1900*. London: Palgrave, 2004.
- Rueda, N R. *El Obraje De San Joséph De Peguchi*. Quito, Ecuador: Ediciones ABYA-YALA, 1988.
- Salas de Coloma, Miriam. *Estructura colonial del poder español en el Perú: Huamanga (Ayacucho) a través de sus obrajes : siglos XVI-XVIII*. Lima: Pontificia Universidad Católica del Perú, Fondo Editorial, 1998.
- Saldarriaga Roa, Alberto, Alfonso Ortiz Crespo, and José Alexander Pinzón Rivera. *En busca de Thomas Reed: arquitectura y política en el siglo XIX*. Bogotá: [s.n.], 2005.
- Salvatore, Ricardo D., Carlos Aguirre and Gilbert M. Joseph. *Crime and Punishment in Latin America: Law and Society since Late Colonial Times*. Durham: Duke University Press, 2001.

- Salvucci, Richard J. *Textiles and Capitalism in Mexico: An Economic History of the Obrajes, 1539-1840*. Princeton, N.J.: Princeton University Press, 1987.
- Sánchez, Angel Rodríguez, "La soga y el fuego: La pena de muerte en España en los siglos XVI y XVII". *Cuadernos de historia moderna*, N° 15, 1994, pags. 13-40
- Sánchez Michel, Valeria. *Usos y funcionamiento de la cárcel novohispana: el caso de la Real Cárcel de Corte a finales del siglo XVIII*. México, D.F.: El Colegio de México, 2008.
- Scardaville, Michael. "(Hapsburg) Law and (Bourbon) Order: State authority, popular unrest, and the criminal justice system in Bourbon Mexico City." *The Americas* 50, no. 4 (April 1994): 501-26.
- _____. "Justice by Paperwork: A Day in the Life of a Court Scribe in Bourbon Mexico City." *Journal of Social History* 36.4 (2003): 976-1007.
- Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. New York: Oxford University Press, 1985.
- Seed, Patricia. *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*. New York: Cambridge University Press, 1995.
- _____. *To Love, Honor and Obey: Conflicts over Marriage Choice, 1574-1821*. Stanford: Stanford University Press, 1988.
- Serna, Juan Manuel de la, and Richard E. Greenleaf. *Iglesia y sociedad en América Latina colonial: interpretaciones y proposiciones*. México: Universidad Nacional Autónoma de México, Centro Coordinador y Difusor de Estudios Latinoamericanos, 1998
- Sevilla Larrea, Carmen. *Vida y muerte en Quito: raíces del sujeto moderno en la colonia temprana*. Quito: Ediciones Abya-Yala, 2002.
- Shaw, Christine. *The Politics of Exile in Renaissance Italy*. Cambridge: New York, 2000.
- Sibley, David. *Geographies of Exclusion: Society and Difference in the West*. London: New York, 1995.
- Silva Santisteban, Fernando. *Los obrajes en el virreinato del Perú*. Lima: Museo Nacional de Historia, 1964.
- Silverblatt, Irene. *Modern Inquisitions: Peru and the Colonial Origins of the Civilized World*. Durham: Duke University Press, 2004.
- _____. *Moon, Sun and Witches: Gender Ideologies and Class in Inca and Colonial Peru*. Princeton: Princeton University Press, 1987.
- Silverman, Lisa. *Tortured Subjects: Pain, Truth, and the Body in Early Modern France*. Chicago: University of Chicago Press, 2001.
- Socolow, Susan M. *The Women of Colonial Latin America*. New York: Cambridge, 2000.
- _____. "Women and Crime: Buenos Aires, 1757-97." *Journal of Latin American Studies* (May 1980): 39-57.
- Spalding, Karen. *Huarochirí: An Andean Society under Inca and Spanish Rule*. Stanford: Stanford University Press, 1984.
- Spierenburg, Petrus Cornelis. *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe*. New Brunswick: Rutgers University Press, 1991.

- _____. *The Spectacle of Suffering: Executions and the Evolution of Repression : from a Preindustrial Metropolis to the European Experience*. Cambridge [Cambridgeshire]: Cambridge University Press, 1984.
- _____. "Punishment, Power, and History: Foucault and Elias" *Social Science History* 28, no. 4 (Winter 2004): 607-636.
- Spivak, Gayatri Chakravorty. "Can the Subaltern Speak?" In *Marxism and the Interpretation of Culture*. Ed. Cary Nelson and Lawrence Grossberg. Urbana: University of Illinois Press, 1988.
- Stern, Steve J. *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1650*. Madison, University of Wisconsin Press, 1982.
- _____. *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico*. Chapel Hill: University of North Carolina, 1995.
- Strange, Carolyn, and Alison Bashford. *Isolation: Places and Practices of Exclusion*. London: Routledge, 2003.
- Super, John C. "Querétaro Obrajes: Industry and Society in Provincial Mexico, 1600-1810" *Hispanic American Historical Review* 1976 56(2): 197-216
- Schwartz, Stuart B. *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World*. New Haven: Yale University Press, 2008.
- Sznajder, Mario, and Luis Roniger. *The Politics of Exile in Latin America*. New York: Cambridge University Press, 2009.
- Tandeter, Enrique. *Coercion and Market: Silver Mining in Colonial Potosí, 1692-1826*. 1993.
- Tabla Ducasse, Javier Ortiz de la. "'Obrajes y Obrajeros del Quito Colonial'" *Anuario de Estudios Americanos* [Spain] 1982 39: 341-365;
- _____. "Las Ordenanzas de Obrajes de Matías de Peralta para la Audiencia de Quito, 1621 (Régimen Laboral de los Centros textiles Coloniales Ecuatorianos)" *Anuario de Estudios Americanos* [Spain] 1976 33: 875-931
- Taylor, William B. *Landlord and Peasant in Colonial Oaxaca*. Stanford, Calif.: Stanford University Press, 1972.
- _____. *Drinking, Homicide, and Rebellion in Colonial Mexican Villages*. Stanford, Calif.: Stanford University Press, 1979.
- _____. *Magistrates of the Sacred: Priests and Parishioners in Eighteenth-Century Mexico*. Stanford: Stanford University Press, 1996.
- Turner, Mark. *From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru*. (Durham, NC: Duke University Press, 1997
- Tomás y Valiente, Francisco. *La tortura en España; estudios históricos*. Esplugues de Llobregat: Editorial Ariel, 1973.
- _____. "La prisión por deudas en los Derechos castellano y aragonés Anuario de historia del derecho español, N° 30, 1960, pags. 249-490
- _____. "El Derecho Penal como instrumento de gobierno." *Estudis: Revista de historia moderna*, ISSN 0210-9093, N° 22, 1996 (Ejemplar dedicado a: Conflictividad y represión en la sociedad moderna), pags. 249-262
- Townsend, Camilla. "'Half My Body Free, the Other Half Enslaved': The Politics of the Slaves of Guayaquil at the End of the Colonial Era." *Colonial Latin American Review* 7, no. 1 (1998): 105-128.

- Twinam, Ann. *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America*. Stanford, Calif.: Stanford University Press, c1999.
- Tyrer, Robson Brines. *Historia demográfica y económica de la Audiencia de Quito: población indígena e industria textil, 1600-1800*. Quito: Banco Central del Ecuador, 1988.
- van Deusen, Nancy. *Between the Sacred and the Worldly: The Institutional and Cultural Practice of Recogimiento in Colonial Lima*. Stanford: Stanford University Press, 2001.
- Vargas, José María. *Historia de la Iglesia en el Ecuador durante el patronato español*. Quito: Edit. Santo Domingo, 1962.
- _____. *Nuestra Señora del Rosario en el Ecuador*. S.l: s.n, 1983.
- Vázquez, Josefina Zoraida, et al. "THE LABOR OF PRISONERS IN THE OBRAJES OF COYOACÁN 1660-1693." In *El Trabajo Y Los Trabajadores En La Historia De México*, 201-214. 1979.
- Velasco, Juan de. *Historia del reino de Quito en la América meridional*. Quito: Casa de la Cultura Ecuatoriana "Benjamín Carrión," 1994.
- Viforocos, Maria Isabel. "Los recogimientos de centros de integración social a cárceles privadas: Santa Marta de Quito" in Núñez, Jorge. *Ciudad y vida urbana en la época colonial*. Quito, Ecuador: Facultad de Arquitectura y Urbanismo, Universidad Central del Ecuador, 1999.
- Viqueira Albán, Juan Pedro. *Propriety and Permissiveness in Bourbon Mexico*. Translated by Sonia Lipsett-Rivera and Silvio Rivera Ayala. Wilmington: Scholarly Publications, 1999.
- Viqueira, Carmen, and José Ignacio Urquiola. *Los obrajes en la Nueva España, 1530-1630*. México, D.F.: Consejo Nacional para la Cultura y las Artes, Dirección General de Publicaciones, 1990.
- Voekel, Pamela. *Alone Before God: the Religious Origins of Modernity in Mexico*. Durham: Duke University Press, 2002.
- _____. "Peeing on the Palace: Bodily Resistance to Bourbon Reforms in Mexico City." *Journal of Historical Sociology* 5, no. 2 (June 1992): 181-207.
- Wagley, Charles. "On the Concept of Social Race in the Americas." *Actas del XXXIII Congreso Internacional de Americanistas*, 1, San José (1959): 403-7.
- Watson, Alan. *Slave Law in the Americas*. Athens: University of Georgia Press, 1989.
- Weber, Max, Hans Heinrich Gerth, and C. Wright Mills. *From Max Weber: Essays in Sociology*. New York: Oxford University Press, 1958.
- Webster, Susan. *Los olvidados: Maestros artesanos y sus obras en el Quito colonial*. Quito, Ecuador: Abya Yala, forthcoming in 2011.
- _____. "La presencia indígena en el arte colonial quiteño." In Ximena Carcelén (ed.), *Esplendor del Barroco Quiteño* (Himmel aus Gold: Indianischer Barock aus Ekuador), pp. 36-50. Exhibition catalog. Quito: FONSA, 2010.

_____. "Masters of the Trade: Native Artisans, Guilds, and the Construction of Colonial Quito." *Journal of the Society of Architectural Historians* 68, no. 1 (March 2009): 10-29

_____. *Arquitectura y empresa en el Quito colonial: José Jaime Ortiz, Alarife Mayor*. Quito, Ecuador: Editorial Abya Yala, 2002.

Wightman, Ann. *Indigenous Migration and Social Change: the Forasteros of Cuzco, 1570-1720*. Durham: Duke University Press, 1990.

Zulawski, Ann. *They Eat From Their Labor: Work and Social Change in Colonial Bolivia*. Pittsburgh: University of Pittsburgh Press, 1995.