

Meticulous Imprecision: Calculating Age  
in Colonial Spanish American Law

---

BIANCA PREMO

TO GRAPPLE WITH AGE IS to confront the historian's own desire for stable human categories between past and present. Yet the archive produced from Spain's rule of the Americas only partially complies. Ages frequently appear as estimated or aggregated; even more frequently, they are absent, seeming not to count. Then suddenly age is revealed to be fundamental to the legal logics of colonialism itself. For example, in 1800, when two suspects confessed to stealing various items from a Lima monastery, one Manuel Andrés Dávila reported that he was a twenty-one-year-old *indio*, a designation for the diverse indigenous peoples in Spain's American empire. Since he was not yet twenty-five, he was considered a "minor of age" (*menor de edad*). His accomplice initially claimed to be a mestizo, a caste category indicating mixed native and Spanish descent. But over the course of his testimony, he changed his claim, stating that he too was an *indio*. Their case was heard by a judge commissioned specifically with Indian legal matters, before whom Manuel Andrés's court-appointed lawyer, referred to as a guardian, explained that his client enjoyed a "double minority" due to "his age and his Indian nature" (*naturaleza índica*). Without ever seeing baptismal registries or hearing corroborating testimony, the city judge acceded to the lawyer's request for the greatest possible leniency in sentencing. He absolved both defendants of further punishment beyond time served, based on "the privilege of Indians, who are considered like minors."<sup>1</sup> Here, age not only counted, it performed multiplication, compounding the request for leniency and extending it to both defendants. Surprisingly, given how the lawyer and the judge referred to the precept, there existed no written, royal law that held that Indians should be "considered like minors."<sup>2</sup> "Double minority" was both a consequential

The author thanks José Carlos de la Puente Luna, Adriana Chira, and María Cecilia Ulrickson for their generosity in sharing hard-won observations from the archives.

<sup>1</sup> Autos que de oficio se siguen contra Manuel Andrés Dávila y Juan Ramírez por hurto, Fáctica, Juzgado del Corregidor o Subdelegado del Cercado Archivo de la Nación, Perú, legajo 1, cuaderno 16, 1800.

<sup>2</sup> To be sure, the architect of colonial law (*derecho indiano*), Juan Solórzano Pereira, did present an argument for Indian minority, but the concept had emerged through diverse practices and customs. See Caroline Cunill, "El indio miserable: Nacimiento de la teoría legal en la América colonial del siglo XVI," *Cuadernos Intercambio* 8, no. 9 (2011): 229–248; and Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill, N.C., 2005).

equation and a paperless improvisation that, at least in this narrow instance, benefited colonial subjects.

That a European colonial state infantilized native subjects before the law will not surprise historians of empire. Yet the idea that indigenous subjects might have *sought* to be considered minors as a customary legal act, and that they were not alone, is a less conventional assertion. The global history of age must nevertheless account for periodizations, stories of human agency, and legal logics that defy not only our desire for the stability of age numbers but also the timelessness of struggles for liberal inclusion. While historians of colonial Spanish America have undertaken important analyses of life-course experiences, especially childhood, age has not been theorized much *modo grosso*.<sup>3</sup> Perhaps this is because, for the highly diverse inhabitants of this legalistic early modern empire, to invoke age was to pose a variable problem in which the solution was often protection and privileges rather than universal claims to rights.

The history of age in Spain's American colonies overlaps with several themes treated in other essays in this roundtable. As elsewhere, the imperial imposition of Western age-based legal regimes on peoples of indigenous and African descent, as well as on a majority mixed-race population, was a means of regulating labor, sexuality, and spiritual and civic participation. Colonial Spanish America might also be taken as another example of a society in which ordinary people had scarce access to textual records testifying to how long they had lived. But as will become clear in a discussion of recent research on indigenous numeracy in the Andes, the diverse inhabitants of Spanish America possessed and maintained multiple age paradigms at once, and those paradigms only partially conformed to Western "age consciousness." While more research on the commensurability and clash between official age categories and native, African diasporic, and popular concepts in Spanish America remains to be undertaken, the legal archive reveals at least one shared colonial culture of age—a legal culture produced through the very act of estimating age before legal authorities in ways that capitalized on the biological naturalization of protections.

Focusing on how and why the legal archive captured colonial subjects' ages and their

<sup>3</sup> A necessarily incomplete list of works on childhood under Spanish colonial rule includes Tobias Hecht, ed., *Minor Omissions: Children in Latin American History and Society* (Madison, Wis., 2002); Cynthia E. Milton, "Wandering Waifs and Abandoned Babies: The Limits and Uses of Juvenile Welfare in Eighteenth-Century Audiencia of Quito," *Colonial Latin American Review* 13, no. 1 (2005): 103–128; Premo, *Children of the Father King*; Barbara Potthast and Sandra Carreras, eds., *Entre la familia, la sociedad y el estado: Niños y jóvenes en América Latina (siglos XIX y XX)* (Madrid, 2005); Pablo Rodríguez Jiménez and María Emma Mannarelli, eds., *Historia de la infancia en América Latina* (Bogotá, 2007); Ondina E. González and Bianca Premo, *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America* (Albuquerque, N.Mex., 2007); Nara B. Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850–1930* (Durham, N.C., 2009); Milanich, "Women, Children, and the Social Organization of Domestic Labor in Nineteenth-Century Chile," *Hispanic American Historical Review* 91, no. 1 (2011): 29–62; Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700* (New York, 2016), especially chap. 4; Susana Sosenski and Elena Jackson Albarrán, eds., *Nuevas miradas a la historia de la infancia en América Latina: Entre prácticas y representaciones* (Mexico City, 2012); Elizabeth Anne Kuznesof, "Latin America: Overview," in Paula S. Fass, ed., *Encyclopedia of Children and Childhood in History and Society*, 3 vols. (New York, 2004), 2: 530–532; Bianca Premo, "How Latin America's History of Childhood Came of Age," *Journal of the History of Childhood and Youth* 1, no. 1 (2008): 63–76; Nara Milanich, "Latin American Childhoods and the Concept of Modernity," in Paula S. Fass, ed., *The Routledge History of Childhood in the Western World* (New York, 2012), 491–508; Beatriz Alcubierre Moya, "De la historia de la infancia a la historia del niño como representación," in Lucía Lionetti, Isabella Cosse, and María Carolina Zapiola, *La historia de las infancias en América Latina* (Tandil, Argentina, 2018), 15–31.

age talk exposes a logic in which “full,” “adult” subjecthood and capacity was not necessarily desirable or even conceivable. Instead, colonial subjects jockeyed for standing as protected subjects in a corporate, privilege-based legal culture that encouraged imprecision about age as much as it forced specificity. “Minority” is the most obvious legal category of age that was stretched to apply to individuals of diverse ages in colonial Spanish America, especially indigenous people who interacted with Spanish age regimes in ways that buttressed local cultural understandings of seniority and non-Western concepts of age-grading. Old age, while a less rigidly codified category in Spanish law than youth, also carried customary prerogatives similar to minority. Enslaved litigants of African descent activated and entrenched those prerogatives when they could. The diverse inhabitants of Spanish America, standing before colonial magistrates and the notaries who transcribed their lives, may have only estimated the number of years they had lived. But they nonetheless performed careful calculations about age-related legal privileges, often shorn of presumptions about the value of axiomatic adulthood.

IN THE LEGAL DOCUMENTS THAT fill colonial archives, officials and ordinary people alike indexed the multiple age thresholds set by Spanish law, especially the expansive meaning that accreted to the concept of “minor” over four centuries of Iberian rule. Ages were, of course, administrative devices that facilitated the extraction of labor and goods from Indians who owed tribute, and they were tantamount to price tags for enslaved people. But colonial Spanish Americans also treated age as something of an exponent. The diverse subjects of empire, including indigenous people, *castas* (free non-whites), and enslaved people of African descent, often inflated claims to privileged legal statuses by naturalizing the statuses through references to youth and old age. In doing so, they could select from a wide range of age markers to gain leverage with crown representatives, as well as in their dealings with colonial subjects within their own communities.<sup>4</sup>

Age thresholds abounded in written laws. To be considered valid, many public and sacramental actions required that minimum ages be met, but the gap between them could be wide. Girls could become betrothed at the age of seven; a man could become a judge at twenty; youths could make a will at ten and choose their own guardian to protect their assets at fourteen.<sup>5</sup> A bird’s-eye view of the Spanish American archive suggests that administrators and legal officials generally respected these timetables. Or at least they made the records match the laws when conscripting the tributary labor of indigenous men (at age eighteen if married, at sixteen if not), determining whether marriages were valid (at twelve for girls and fourteen for boys), or awarding guardianship to fathers (which was theoretically automatic after a child turned three).

This multiplicity of age markers, especially those subdividing infancy, youth, and adulthood, can be attributed in part to the character of Spanish law. In the *ius commune* civil tradition, Spanish law integrated Roman and canon law with legal compilations

<sup>4</sup> Marcela Echeverri, *Indian and Slave Royalists in the Age of Revolution: Reform, Revolution, and Royalism in the Northern Andes, 1780–1825* (New York, 2016); David Sartorius, *Ever Faithful: Race, Loyalty, and the Ends of Empire in Spanish Cuba* (Durham, N.C., 2013).

<sup>5</sup> *Siete Partidas del Rey Alfonso el Sabio*, libro 1, título 6, partida 27; libro 3, título 4, partida 7; libro 7, título 1, partida 9; Twenty-Fourth Session, chaps. 1–9, in *Canons and Decrees of the Council of Trent: Original Text with English Translation*, trans. Rev. H. J. Schroeder, O.P. (St. Louis, 1941), 183–189; and Twenty-Fifth Session, chap. 15, *ibid.*, 226.

from Iberia and municipal, regional, or empire-wide edicts, as well as commentary and unwritten custom. A legacy of Roman law, the age of twenty-five marked the end of the period of minority, making it, in a sense, a stable legal threshold. (Even this, however, was not exact, since civil laws were inexact about whether minority ended at the end of the twenty-fourth or the twenty-fifth year.)<sup>6</sup>

New legal orders tailor-made for specific situations in the expansive empire could be directed at subjects of particular ages, adding more magic numbers to the law without necessarily displacing the norms and thresholds that had preceded them. Stephanie Cavanaugh details one example of this for sixteenth-century Spain, when King Felipe II effectively subdivided minority for converted Muslims (Moriscos.) He ruled that while taking captives of war was lawful, it was unlawful for Christians to enslave Morisco boys younger than ten and a half and girls under nine and a half. Those same laws required the placement of Morisco youths with Christian families as wards until the age of eighteen for women and twenty for men.<sup>7</sup> Two hundred years later, the Spanish crown again tinkered with the age of minority in the matter of marriage choice for all of the empire's inhabitants, releasing children from the requirement to obtain parental consent at twenty-three for women and twenty-five for men (and a year earlier for both sexes if their fathers were deceased), and touching off debates about who would provide parental consent for indigenous and enslaved people.<sup>8</sup>

Thus royal and canon laws routinely carved up the life course to achieve exquisite specificity for legal actions. But the imperial bureaucrats and priests who actually etched ages on parish records, contracts, or legal cases had little hope of keeping up. Only some inhabitants of the Spanish Empire were baptized, and in the early years of empire, the mass baptisms of indigenous peoples involved no parish-level age recording. Vows to enter monastic orders or marry depended on reaching an age of consent (*voluntad*), but were rarely backed up with testimony or documentation unless challenged. Even fewer colonial inhabitants wrote official correspondence, spiritual life stories (*vidas*), or applications for royal honors, the primary documents in which they would have recorded birthdates.<sup>9</sup> Still, when colonial inhabitants registered ages before officials, it is probably most accurate to say that those numbers were calculated rather than fabricated or manipulated, since the latter terms suggest that they should have had access to knowledge about "real" ages that they ignored or could not compute.

Ages were real not because they were accurate by our own modern counts, but because they were legal calculations with consequences. The invocation of ages before the criminal courts often rested on the overlap between minority and the medieval category of *miserable*, the wretched and unprotected, which grouped minors of age in with a range of vulnerable individuals of all ages—widows, orphans, the poor, and the enslaved—and granted them special prerogatives, including access to higher courts, pro bono representa-

<sup>6</sup> Compare the thirteenth-century Castilian codification, inspired by Roman law, *Siete Partidas del Rey Alfonso el Sabio*, libro 4, título 19, ley 2, with a contemporary, Visigoth-inspired codex, with the seventh-century *Fuero Juzgo*, libro 4, título 3, ley 4.

<sup>7</sup> Stephanie Cavanaugh, "Litigating for Liberty: Enslaved Morisco Children in Sixteenth-Century Valladolid," *Renaissance Quarterly* 70, no. 4 (2017): 1282–1320.

<sup>8</sup> This 1778 Pragmatic Sanction has a rich historiography, but a brief guide that details the colonial debates it stirred can be found in Steinar A. Saether, "Bourbon Absolutism and Marriage Reform in Late Colonial Spanish America," *The Americas* 59, no. 4 (2003): 475–509.

<sup>9</sup> On delegated writing, see Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham, N.C., 2010).

tion, and exemptions from legal fees.<sup>10</sup> Minority thus entailed not only restriction but also protection and prerogatives useful in providing an advantage in claims-making.

The establishment of age twenty-five as marking independence from paternal authority did not set up a concomitant category of unqualified adulthood. A series of laws pressed in on women's period of minority by setting younger ages for adolescent girls to consent to marry, and married women were technically not to appear in court or contract without their husbands' express permission.<sup>11</sup> There was no single term for men with full legal capacity in Spanish law. Instead, there were "vassals," "natives," "*republicanos*" (voting members of a pueblo), "*vecinos*," or "*naturales*" (native-born, often but not only indigenous people), most of which were also designations open to women.<sup>12</sup> These categories were more relational and community-driven than axiomatic. Perhaps the category that came the closest to the idea of full adult legal capacity was the *padre de familia*, or head of household, which in the legal imaginary was a propertied man of Spanish descent surrounded by dependents.

Over time, legal practice in Spanish territories became rife with equivalencies between the biologically young and adults subjugated by caste and gender hierarchies, as well as by slavery. At the end of the eighteenth century in Lima, a court official known as the Defender of Minors represented any person of African descent who was challenging enslavement in civil courts.<sup>13</sup> Historian Adriana Chira has recently uncovered cases of enslaved litigants in nineteenth-century Cuba who appealed for the privilege of "restitution" (*restitutio ad integrum*) enjoyed by minors of age in Spanish property laws when they sought to be refunded payments that they had made toward self-purchase or to be freed.<sup>14</sup>

Thus, the association between chronological age and legal prerogatives might have had a special vibrancy for indigenous subjects, but it fit into a broader legal culture in which minority offered a legal advantage to other groups as well. In fact, most inhabitants of the colonies could claim some type of dependent legal status. Even those who did not could try to trigger legal protections with age talk, crowding legal documents not with specific age numbers but rather with broader categories such as *menor* (minor), reference to being of *crecida* or *avanzada edad* (of advanced age, or elderly), or orphan. Even adult men of Spanish descent practiced the politics of age in court. In 1762,

<sup>10</sup> See Premo, *Children of the Father King*; Cynthia E. Milton, *The Many Meanings of Poverty: Colonialism, Social Compacts, and Assistance in Eighteenth-Century Ecuador* (Stanford, Calif., 2007); Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, Calif., 2008), especially 55–56; Victor M. Uribe-Uran, *Fatal Love: Spousal Killers, Law, and Punishment in the Late Colonial Spanish Atlantic* (Stanford, Calif., 2016), especially 56–57; and Thomas Duve, "Venerables y miserables: Los ancianos y sus derechos en algunas obras jurídicas del S. XVII y XVIII," in Jorge Avendaño Valdés, ed., *Homenaje a Fernando de Trazegnies Granda*, 3 vols. (Lima, 2009), 1: 367–388.

<sup>11</sup> Chad Thomas Black, *The Limits of Gender Domination: Women, the Law, and Political Crisis in Quito, 1765–1830* (Albuquerque, N.Mex., 2011), especially chap. 2.

<sup>12</sup> See Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven, Conn., 2003); and Sartorius, *Ever Faithful*, especially 24.

<sup>13</sup> Premo, *Children of the Father King*, 39–40; Carlos Aguirre, *Agentes de su propia libertad: Los esclavos de Lima y la disintegración de la esclavitud, 1821–1854* (Lima, 1993), 240. See also Magdalena Díaz Hernández, "La identidad de los esclavos negros como miserables en Nueva España: Discursos y acciones (siglos XVI–XVIII)," in Aurelia Martín Casares, ed., *Esclavitudes hispánicas (siglos XV al XXI): Horizontes socioculturales* (Granada, 2014), 41–57.

<sup>14</sup> Chira's forthcoming book includes several cases in which lawyers and judges argued that enslaved people, especially those whose liberty was promised or arranged during childhood, held the right to restitution; for example, *Demanda promovida por el Caballero Síndico Procurador General seguida contra María Josefa Franco reclamando la libertad de la esclava Bruna Brígida*, Audiencia de Santiago de Cuba, legajo 749, no. 17, 138, 1858.

a peninsular-born Spanish *padre de familia* sued a twenty-eight-year-old cigarette vendor for seducing his teenage daughter. The father emphasized the other man's "advanced age"; the cigarette vendor, whose caste was never given, in turn claimed legal "orphanhood" and tried to enlist the help of the Defender of Minors, who declined to represent him, not because he was beyond the age of majority, but because the advocate was already representing the teenage girl against her father.<sup>15</sup>

Legal manuals instructed notaries and court officials to specify the ages of litigants or accusers in court as a routine matter, even if imprecisely, so that a person would identify as "of so many years, more or less."<sup>16</sup> Nonetheless, in my review of a vast number of royal and ecclesiastical civil cases, largely from the eighteenth-century territories of New Spain and Peru, age was not normally provided unless it was material to a claim for protection or legal prerogatives. In criminal suits, suspects' ages tended to be recorded when they appeared to be close to the age of twenty-five. (Witnesses in both types of cases did routinely provide their ages, often in estimates, perhaps because the legal process involved discounting the opposing side's witnesses, and youth could be disqualifying *prima facie*.)<sup>17</sup>

Sometimes documentation noted the numeric ages of individuals precisely in order to eliminate access to legal privileges, especially for *castas*, who could count on neither the "minority" status of Indians nor the status and honor conferred on those of Spanish descent. In eighteenth-century Lima, the ages provided for criminal suspects demonstrated some "age-heaping" (the rounding-up of numbers to five- and ten-year intervals), but it also demonstrated the clustering of ages around eighteen and twenty-five. This was because court personnel often assigned ages by appearance (*al parecer*) to the diverse castes of suspects who did not know how long they had lived, and eighteen was the age at which they would be sentenced as adults; at the age of twenty-five, they would no longer qualify for pro bono counsel.<sup>18</sup> Colonial authorities' double stance, ensuring the protection of minors of age or Indians while also placing those protections out of reach for "lower"-caste individuals, may seem contradictory.<sup>19</sup> But that very contradiction can push us beyond regarding the ascription of age as either a rigged colonial trick or a modern practice of imposing universal standards. In colonial Spanish America, ages were furnished not just for the law but through its logic of privilege and protection.

That logic was more than a byproduct of European colonization; concepts like minority were amplified within indigenous systems of stratification. Indeed, indigenous men could find minority an advantage not only in seeking legal benefits for their pueblos from

<sup>15</sup> Causa seguida contra Luis Rubía por Fernando de Espinoza por el rapto y violación de su hija, Rosa, Archivo General de la Nación-Perú [hereafter AGN-P], Real Audiencia [hereafter RA], Criminal, legajo 24, cuaderno 272, 1762, fol. 1, fol. 14.

<sup>16</sup> Josef Juan y Colom, *Instrucción de Escribanos, en ordena a lo jurídica, utilísima también para procuradores y litigantes* (1731; repr., Madrid, 1775), 2, 11, 29, 208–212.

<sup>17</sup> *Ibid.*, 31, 34, 178–181; and on witnesses, 41–42, 63–64, 73, 281. On contracts and age, see Juan Ricardo Jiménez Gómez, *Un formulario notarial mexicano del siglo XVIII: La Instrucción de escribanos de Juan Elías Ortiz de Logroño* (1787; repr., Mexico City, 2005), 236, 241.

<sup>18</sup> This observation is derived from a review of the criminal records of 336 detained individuals in Lima's court of first instance from 1714 to 1813 (AGN-P, Cabildo, Civil). The age of the accused was noted in around 30 percent of the cases, and in the majority of these cases the suspects were under the age of thirty. For further discussion, see Premo, *Children of the Father King*, 116–117.

<sup>19</sup> Victor M. Uribe-Uran, "Innocent Infants or Abusive Patriarchs? Spousal Homicides, the Punishment of Indians and the Law in Colonial Mexico, 1740s–1820s," *Journal of Latin American Studies* 38, no. 4 (2006): 793–828; and Uribe-Uran, *Fatal Love*, chap. 2.

Spanish colonial authorities, but also in asserting their own superiority or authority within those pueblos, where the authority of “elders” (*viejos*) or “first families” (*principales*) was foundational to governance. Take, as one example, the Zapotec-speaking communities of Oaxaca, in southern Mexico. In a civil case brought in the pueblo of Lalopa in 1750, Don Manuel Mans de Velasco, a local *cacique*, complained that the village council had forced his son and son-in-law to kick in funds for a community lawsuit against his wishes. Signing his petition “the humble son of Your Mercy,” Don Manuel appealed to the Spanish judge to put an end to the conflict through whatever “remedy is befitting, since you are our Judge and [the] father of minors.”<sup>20</sup> Don Manuel’s invocation of native minority did not undermine his local or domestic power as an elder; rather, it aligned his own power with that of the Spanish judge, setting up generational equivalencies between local concepts of age-ranking and colonial rule. Age-ranking here was invoked as a challenge to the power of local elected officials, and presumably promoted Don Manuel’s own factional interests in pueblo politics. Thus, broad references in native communities to the ordering power of age concealed a deep local cultural arithmetic of status and ranking.<sup>21</sup>

They likely also contained references to actual mathematics. It is true that Iberian conquest entailed colonizing the very act of counting through the imposition of Hindu-Arabic numbers and the Western calendar for administrative purposes. But recent studies of ethno-numeracies, particularly work with non-alphabetic writing systems such as the Andean recording devices made from knotted string called *kipus*, reveal that indigenous counting systems dynamically persisted beyond colonization in the diverse native pueblos of Spanish America. In many of those pueblos, numbers had a social life founded on principles of age: for example, in the Andes, the values of numbers are understood by means of age-ranking and succession, so that cardinal numbers themselves are “older” or “younger,” or relationally paired through succession, from a “mother” number to its “child.”<sup>22</sup>

Accounting for indigenous numeracies might open new vistas for age histories in multiple ways. First, it can enrich and redirect the use in economic history of Latin Americans’ age-reporting as an index of their numeracy and, implicitly, their modernization.<sup>23</sup> What is more, recognizing that the inhabitants of colonial Spanish America possessed plural mathematical knowledges suggests that the age imprecision or improvisation preserved in the archive is evidence of a kind of age pluralism, much like the bilingualism and poly-numeracy that flourished in colonialism.<sup>24</sup>

<sup>20</sup> Los principales y comunes del pueblo de Lalopa piden se cambien a los alcaldes actuales por no convenir a sus intereses, Archivo Histórico Judicial de Oaxaca, Villa Alta, Causas Ordinarias, legajo 13, expediente 15, 1750.

<sup>21</sup> On native seniority, age talk, and gender relations in New Spain, see Lisa Sousa, *The Woman Who Turned into a Jaguar, and Other Narratives of Native Women in Archives of Colonial Mexico* (Stanford, Calif., 2017), especially 102–107; and Steve J. Stern, *The Secret History of Women: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill, N.C., 1995).

<sup>22</sup> Gary Urton, *The Social Life of Numbers: A Quechua Ontology of Numbers and Philosophy of Arithmetic* (Austin, Tex., 1997), 167; Diane M. Nelson, *Who Counts? The Mathematics of Life and Death after Genocide* (Durham, N.C., 2015); José Carlos de la Puente, “Calendars in Knotted Cords: New Evidence on How Khipus Captured Time in Nineteenth-Century Cuzco and Beyond,” *Ethnohistory* 66, no. 3 (2019): 437–464.

<sup>23</sup> Kerstin Manzel, Joerg Baten, and Yvonne Stolz, “Convergence and Divergence of Numeracy: The Development of Age Heaping in Latin America from the Seventeenth to the Twentieth Century,” *Economic History Review* 65, no. 3 (2012): 932–960.

<sup>24</sup> Tom Cummins, “Competing and Commensurate Values in Colonial Conditions: How They Are Expressed and Registered in the Sixteenth-Century Andes,” in John K. Papadopoulos and Gary Urton, eds., *The Construction of Value in the Ancient World* (Los Angeles, 2012), 406–423.

A brief consideration of the well-known Christian Andean chronicler Felipe Guamán Poma's twist on the European "ages of man" model suggests how this could operate: what appears to be age ambiguity in fact conceals precise indigenous age thinking.<sup>25</sup> In his thousand-page Spanish and Quechua chronicle, written in the early seventeenth century, Guamán Poma dedicated a section to describing censuses once undertaken by Inca rulers. Various Andean peoples gathered for administrators to count them according to age using *kipus*, which organized the population into ten census categories for men, and another set of ten for women. The ten age grades that Guamán Poma recounted, called "streets" (*calles*), began with the fittest and most able to contribute to labor and governance, who were thirty-three years of age, then ascended up the life course until the oldest, fifth "street," after which they sharply dropped down to the age of eighteen for men and back to thirty-three for "virgin" women, before descending and ending with infants.<sup>26</sup>

Guamán Poma's *calles* thus did not follow a strict chronological progression from birth to death. Numerically, they are organized around the groupings of five and by pairings, and socially they are related to production and reproduction.<sup>27</sup> We should pause, however, before ascribing the "real" value of ages preserved in the archive to their indigenous meanings alone. Guamán Poma's was not the only Andean age-ranking of his time.<sup>28</sup> What is more, he did not eschew Hindu-Arabic chronological categories; he meticulously used them to guide his groupings, encasing a capacity-based understanding of ages, along with the power of fives and pairings, in the strictures of Western chronological age. Rather than revealing the "real" value of ages for native Andeans, then, Guamán Poma's *calles* remind us that when ages turn up in the legal archive, they might preserve moments when individuals were forced to calibrate two or more different cultural arithmetics of biological time.

While many adults of all castes naturalized the legal protections they sought by discursively scrambling to early stages of life by invoking minority, others sought customary legal advantage at the other end of the spectrum, in old age. In many lawsuits for freedom, enslaved litigants sought to lower the price at which they could purchase themselves or their loved ones by stating that their best working days were behind them. Of course, enslaved litigants could point to youth, illness, or disability to lower their price enough to make them attractive to owners amenable to arrangements for liberty or to pay for their own manumission, but they compounded such claims by

<sup>25</sup> Galen Brokaw suggests that the crown, appreciating the precision that Andeans used in reporting their populations' life-stage categories in early colonial censuses, spread their modes of counting through its own bureaucratic practices. Brokaw, *A History of the Khipu* (New York, 2010), 150–151, 181.

<sup>26</sup> Guamán Poma de Ayala, *Nueva coronica y buen gobierno*, Royal Library of Denmark, Gl. kgl. S. 2232, 4<sup>o</sup>, chap. 10, digitized at <http://www5.kb.dk/permalink/2006/poma/195/en/text/?open=idm46287306244944>. *Calles* also appear in Garcilaso de la Vega's sixteenth-century *Comentarios reales*; see Carlos Sempat Assadourian, "String Registries: Native Accounting and Memory According to the Colonial Sources," in Jeffery Quilter and Gary Urton, eds., *Narrative Threads: Accounting and Recounting in Andean Khipu* (Austin, Tex., 2002), 119–150, here 123. They might also derive loosely from the peninsular genre known as *callehitas*; see Brokaw, *A History of the Khipu*, 179.

<sup>27</sup> Carolyn Dean, "Sketches of Childhood: Children in Colonial Andean Art and Society," in Hecht, *Minor Omissions*, 21–51.

<sup>28</sup> For example, around the same time that Guamán Poma wrote his chronicle, Fernando de Santillán reported twelve Inca male age groupings in descending order, which would be more legible as European stages of life. He began with the oldest (Puñueloco) and ended with newborns (Moxocapari). Santillán, "Relación del origen, descendencia, política y gobierno de los Incas," in Santillán, *Tres relaciones de antigüedades peruanas* (Madrid, 1879), 19–21, digitized at <https://archive.org/details/tresrelacionesd00fomegoog/page/n70/mode/2up>. See also Dean, "Sketches of Childhood," 46.



FIGURE 1: Drawing 71, “The second street, or age group, *puriq machu* (the man who walks), of sixty years, beyond tribute, who serves the principales” (SEGUNDA CALLE, *PVREC MACHO* [viejo que camina] / de edad de sesenta años / pasado de tributo, que cirue a los principales. // *puriq machu* /). Royal Danish Library, Copenhagen, GKS 2232 4<sup>o</sup> [or “4to” or “quarto”], Guamán Poma, *Nueva corónica y buen gobierno* (1615), 196 [198].



FIGURE 2: Drawing 86, The seventh “street” or age group, *pawaw-pallao*, girl of nine years who gathers flowers ([SÉTIMA CALLE, *PAVAV PALLAC* que recoge flores] / de edad de nueve años / de la comunidad y ciruan a las principales señoras // *pawaw palla*). Royal Danish Library, Copenhagen, GKS 2232 4° [or “4to” or “quarto”], Guamán Poma, *Nueva corónica y buen gobierno* (1615), 227 [229].

attempting to demonstrate that they had aged out of being useful for labor. As one enslaved woman's price evaluator put it in Mexico City in 1731, she was over the age of fifty, and thus "of advanced age and spent" (*hecha*).<sup>29</sup>

As was true in other cases, here age not only correlated to price but was also explicitly calibrated to the type of work that the woman would be forced to perform. The "spent" and enslaved woman in Mexico City reported being fearful that her owner would send her to a textile workhouse. She sought out her own price evaluation in order to find a purchaser to become her new owner and save her from penal labor. In other instances, such as that of Liberata de Jesús from the northern coast of Peru, older slaves objected to performing field labor on a plantation. Liberata's lawyer pointed out that she had given birth to ten children and "now was deserving of some indulgence in work, since her weakness in sex [should be] added to that of years."<sup>30</sup>

LIBERATA'S REPRESENTATIVE CIRCLES back to Manuel Andrés's double minority. Here is another Spanish American lawyer, appointed as a pro bono representative of a colonial subordinate as a guardian, performing an arithmetic that compounded age with other statuses—in this case enslavement and gender—in order to gain legal advantage in a world of disadvantages. The way Spanish American subjects toggled between numeric ages, age ranges, and legal age talk was not always precise, but it does contain a pointed warning: to view invocations of minority and other age-based legal concepts as regressive or a forfeiture of the authority and autonomy that we associate with modern adulthood is to impose our own politics of age on people in the past. While claims to age-based protected statuses might seem to be simply another instance of colonial infantilization and exclusion, they are perhaps more productively understood as part of a unique and dynamic legal culture in which age was an argument about protection as much as a biological fact. The imprecision of age and its multiplying properties might inspire age scholars not simply to more addition, tallying colonial Spanish America with a long list of global colonialisms, but to creative disaggregation in separating our own values from those held by historical subjects, of all ages.

<sup>29</sup> María Teresa del Castillo, esclava contra Manuel de Gradillas que le venda a otro amo, Archivo General de la Nación de México, Tribunal de Superior Justicia, Alcalde Ordinario, vol. 16, expediente 49, 1731. Note that old age was also considered an extenuating circumstance for imprisonment for debts, set at the age of seventy; Juan y Colóm, *Instrucción de Escribanos*, 120.

<sup>30</sup> Autos seguidos por Liberata de Jesús, contra D. Pedro Tramarría, su amo, sobre sevicia que la venda a precio de la tasación, AGN-P, Cabildo, Civil, legajo 68, cuaderno 1328, 1791.

---

**Bianca Premo** is Professor of Latin American History at Florida International University. In addition to other works on Latin American legal, cultural, and ethnohistory, she is the author of *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (University of North Carolina Press, 2005) and co-editor with Ondina E. González of *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America* (University of New Mexico Press, 2007). She is now working on a book about girls, puberty, and medical ethics in twentieth-century Peru.