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DEFINING DIFFERENCE IN EARLY NEW SPAIN

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ABSTRACT

This dissertation examines the language of difference developed in New Spain during the sixteenth century. In particular, this work takes as its focus the terminology used to define individuals of mixed ancestry born from the unions of Africans, Native Americans, and Europeans. Using a wide variety of documentation including Inquisition cases, bureaucratic reports, royal decrees, ecclesiastical correspondence, and criminal cases, I argue that a number of socio-racial labels were developed within the colonial context. These labels collectively called '*generos de gente*' were first used and gained currency among colonists and settlers. For these colonial subjects, specific categories such as '*mestizo*' and '*mulato*' served to define and circumscribe individuals of mixed ancestry within society. As these terms gained currency in the colony, the royal bureaucracy came to enshrine these categories of difference into the legal system. Nevertheless, these terms were never explicitly defined in law. Consequently, ascription of *género* labels remained tied to social perception and subject to the vagaries of individual opinion.

The dissertation examines these issues along two major axes. The first part of the dissertation examines the intellectual and political history of these labels. The opening two chapters study the intellectual underpinnings of Iberian notions of difference and then track the ways in which Old World antecedents shaped the development of categories of difference in early Spanish America. The third chapter focuses on how royal policy helped shape, and was influenced by, evolving understandings of ethnic difference in the Americas. The second part, divided into four chapters, shifts the focus from elite, European constructions of difference to quotidian lived experience. Chapters four and five examine the term '*mestizo.*' I explore the unique place of individuals I have termed 'elite *mestizos*' and how in the first several decades of the colonial period the children of conquistadors and early settlers avoided the stigmatizing label of *mestizo*. I then examine the place of individuals specifically labeled '*mestizo*' and their ability to succeed economically and socially despite the application of a *casta* label. The sixth and seventh chapters explore the very wide range of individuals who could be termed *mulatos*. I argue that *mulato* was a catch-all term used to describe anyone with some perceived African ancestry and was used for both individuals of Afro-indigenous and Afro-Hispanic descent. Moreover, *mulatos* represented a highly exogamous group. Over the course of the colonial period, these interethnic unions would help forge a society so diverse that the limited terminology of racial difference could no longer be applied in a coherent manner. In the seventh chapter, I demonstrate that the Afro-indigenous *mulatos* probably represented the majority of individuals so named. In so doing, I highlight a lacuna in current scholarship and argue that the predominance of these individuals necessitates a re-evaluation of the analytical value of the term *mulato* in historical investigations and a greater emphasis on the interactions between Africans, their descendents and indigenous groups. Ultimately, this dissertation expands our understanding of the initial development of racial terminology in sixteenth century Mexico as well as furthering our understanding of race in the broader Atlantic World.

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For Henry and Juliette Schwaller,

Dueños de la Villa de Flores,

Whose love for Mexico has inspired two generations of scholarship.

Introduction

*...está claro que esta tierra está llena de mestizos y salen de muy mala inclinación; está
llena de negros y negras que salen los esclavos; que está llena de negros que se casan
con la indias de donde proceden los mulatos; está llena de mestizos que se casan con las
indias donde proceden una casta diversa sin numero. Y de todas estas misturas salen
otras diversas misturas no muy buenas ...* – Fray Nicolas de Witte, 1552[1]

In 1552, Fray Nicolas de Witte, an Augustinian friar in New Spain, complained
bitterly about the developing social order he saw in the kingdom. In particular he was
worried about the 'mixtures' which were coming into existence through unions among
Europeans, Native Americans, and Africans. In particular he noted that this basic triad
produced '*mestizos*' and '*mulatos.*' Even more worrisome for de Witte was the
continuation of mixture between the founding populations and their initial mixed-
offspring. De Witte felt that these 'mixed' people would destabilize the social order.
They were descendents of blacks and Indians, inclined to disorder, and untrustworthy. In
directing this letter and his concerns to Emperor Charles V, de Witte hoped to inform the
crown of the disastrous effects of inter-ethnic unions and their increasingly negative
effects on the stability of New Spain's social order. Undoubtedly, the friar hoped that the
emperor would enact legislation to curb these unions and to reign in the 'mixtures' which
threatened to destabilize the fledgling colony.

Unfortunately for de Witte, the multitude of unions between Africans, Europeans,
and Native Americans continued to multiply as did the 'mixtures' they engendered. This

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[1] "It is clear that this land is full of *mestizos* and they are inclined to evil; it is full of *negros* and *negras* who
are the slaves; that it is full of *negros* who marry *indias* from which come the *mulatos*; it is full of *mestizos*
that marry the *indias* from which are produced a diverse and uncountable breed. And from all of these
mixtures come many other diverse mixtures all of which are unpleasant …" [Translation mine]. Archivo
General de Indias (AGI), Mexico 280, N. 57, "Carta de Fray Nicolas de Witte A S.M."

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dissertation takes as its focus these individuals of mixed ancestry in early New Spain. In particular, I examine the language of difference as it was developed in the sixteenth century. I track the complex heritage of medieval Iberian notions of difference and their transposition onto the complex colonial society developing in the Americas. A crucial element to this development, and a second focus of this work, is the high degree of variability which existed within this linguistic framework of difference from its inception through the first century of colonial rule. Although the categories of '*español,*' *indio*, '*negro*,' '*mulato*,' and '*mestizo*' came into existence rapidly, the ascription of such terms could be highly variable even in the formative phase of this cultural-linguistic schema. These terms while grounded in Iberian notions of difference and the desire to categorize an increasingly diverse society worked to negate the vast differences in lived experience of the individuals so labeled. Ultimately, this work hopes to add to our understanding of social difference in the early colonial period by examining the relationship between these stereotypical categories and diversity of colonial subjects circumscribed by these terms. However, none of the terms under study reflect racial categories in the modern sense. These terms were always connected to broader social and cultural manifestations of difference.[2] Consequently, before delving into the historiography of 'race' in colonial Mexico, it is necessary to discuss the scholarly terminology which has already been used in similar research.

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[2] R. Douglas Cope, *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720* (Madison, Wis., 1994), María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford, Calif., 2008), Patricia Seed, "The Social Dimensions of Race: Mexico City 1753," *Hispanic American Historical Review* 62 (1982), Ben Vinson III, "Studying Race from the Margins: The 'Forgotten Castes' - *Lobos, Moriscos, Coyotes, Moros*, and *Chinos* in the Colonial Mexican Caste System," in *International Seminar on the History of the Atlantic World* (Harvard University, 2000).

Most broadly the schema which organized the categories of '*español*,' *indio*, '*negro*,' '*mulato*,' and '*mestizo*' into a social hierarchy has been called the '*sistema de castas*' or '*sociedad de castas*.'[3] This phrase is based around the term '*casta*.' The history of this word and the others mentioned here is complex and will receive fuller treatment in Chapters One and Two. Within the phrase '*sociedad de castas*,' '*castas*' refers collectively to the above categories of difference; but in particular, it emphasized categories of mixed-ancestry. The linguistic evolution of these terms took time to develop. '*Casta(s)*' did not begin to function in this capacity until the seventeenth century. The first usage of '*sociedad de castas*' is more obscure but probably did not develop until the end of the colonial period. Another term which could function as a rough synonym of '*casta*' was '*calidad*.' Unlike '*casta*,' the term '*calidad*' was used in the sixteenth century as a means to differentiate between different categories of difference. However, its Iberian usage emphasized difference along the socio-economic spectrum. In the Americas, it came to be mobilized in both capacities.

In the body of this work, I have avoided using '*castas*,' '*calidades*,' or '*sociedad/sistema de castas*' because they were not phrases common to the sixteenth century. In Chapter Two, I will discuss a more appropriate phrase which did see usage in the sixteenth century, '*géneros de gente*.' However, for continuity with other scholars who have investigated the seventeenth and eighteenth century, I will make occasional reference to '*castas*' in this introduction and elsewhere in the text. I hope that this work as a whole will help reframe the discussion of categories of difference and help provide a more complete framework for discussing the development of these categories from

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[3] Gonzalo Aguirre Beltrán, *La Población Negra de México: Estudio Etnohistórico* (1946; repr. ed., México, 1981), Magnus Mörner, *Race Mixture in the History of Latin America* (Boston, 1967).

sixteenth century '*generos de gente*' into later '*castas.*' Throughout this work I will also use the English adjective 'socio-racial' as a gloss which best represents the underlying function and meaning ascribed to these categories and is commonly used in the existing literature. Finally, although this work views these categories of difference as pre-racial, I do believe this work and previous scholarship on socio-racial difference is a crucial part of the broader field of scholarship concerning the development of race in the Americas and the Atlantic World.

While the categories under study in this work can most broadly be characterized as 'racial' terms, the concept of 'race' was a construction of European colonialism during the sixteenth and seventeenth centuries and post-dates the period under examination.[4] The history of race and racial conceptions has been widely studied in both the North American and Latin American context. Scholars of North America were some of the first to try and analyze the development of racism and discriminatory understandings of human difference. Seminal works by Winthrop Jordan and Edmund Sears Morgan attempted to localize these social constructs in early British North America and the developing Atlantic world. In *White over Black*, Jordan argued that as the English sought to understand the vast phenotypic and cultural differences between themselves and Africans they inevitably constructed negative valuations.[5] These became based in complex understandings of color difference, religious cosmology, and cultural stigmas. Overtime, as African slavery became more common the pejorative view of Africans came

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[4] Jorge Cañizares-Esguerra, "New World, New Stars: Patriotic Astrology and the Invention of Indian and Creole Bodies in Colonial Spanish America, 1600-1650," *The American Historical Review* 104 (1999), James H. Sweet, "The Iberian Roots of American Racist Thought," *The William and Mary Quarterly* 54 (1997).

[5] Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, 1968).

to justify continued slavery and the creation of a white versus black binary in the colonies. In *American Slavery, American Freedom*, Morgan examined the development of racism in Virginia through the lenses of economic development, demographics, and political ideology.[6] He argued that the rise of racism resulted from the shift towards slavery from indentured servitude coupled with the need to minimize class antagonism between poor whites and the ruling elite. Most recently, Robin Blackburn has reevaluated these earlier studies and more fully grounded the rise of white-black prejudice within the context of late medieval and early modern cultural biases.[7] He notes that although slavery declined in Europe during the medieval period it never disappeared. Continued conflict between different ethnic groups and religious in the Mediterranean basin led to its continued use. With the rise of mercantile capitalism and Atlantic expansion, African slavery became a crucial part of that growth. Earlier notions of difference allowed Europeans to justify the use of African slaves and the growth of the slave-based economies of the New World further enhanced the growing racism inherent in the system.

Latin American historians have long recognized the complex racial structures which developed in Spain's American colonies. Since the mid-twentieth century there have been at least three major phases of scholarly interest into colonial Mexico's racial past. The first phase began in the 1940s and 1950s when scholars began to shed light on the notable importance of African slaves and freedmen as members of a founding triad including Spaniards and Native Americans. Notable works by Gonzalo Aguirre Beltrán,

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[6] Edmund Sears Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975).
[7] Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492-1800* (London; New York, 1997).

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Richard Konetzke, and Irene Diggs – among others – helped emphasize the complex socio-racial order of colonial Spanish America as manifested in New Spain.[8] Well ahead of his time, Gonzalo Aguirre Beltrán deserves attention for his work on Africans in colonial Mexico. Not only did he provide a detailed quantitative analysis of all colonial socio-racial categories he also analyzed the important cultural and social position of Africans and their descendents in the history of Mexico. The breadth of his interests and the overall quality of his work helped prefigure future quantitative and socio-cultural studies on race in Mexico. Nevertheless, early scholarship on race and racism largely skirted the complex issue of origins and development. For example, in his pioneering study of Africans in Mexico, Aguirre Beltrán viewed the development of socio-racial categories as a natural outgrowth of the 'divide-and-conquer' strategy used by the Spanish conquistadors:

> *Nació así para la Administración Colonial la necesidad de verificar una rígida separación de grupos sociales, basada en las diferencias raciales principalmente, que condujo a la formación de una sociedad dividida en castas, como medio para asegurar el dominio sobre las tierras recién ganadas.*[9]

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[8] Aguirre Beltrán, *La Población Negra de México*, Gonzalo Aguirre Beltrán, *Medicina y Magia: El Proceso de Aculturación en la Estructura Colonial*, 2nd ed. (México, 1980), Gonzalo Aguirre Beltrán, "Races in 17th Century Mexico," *Phylon* 6 (1945), Gonzalo Aguirre Beltrán, "The Slave Trade in Mexico," *The Hispanic American Historical Review* 24 (1944), José Juan Arrom, "Criollo: Definición y Matices de un Concepto," *Hispania* 34 (1951), Irene Diggs, "Color in Colonial Spanish America," *The Journal of Negro History* 38 (1953), William H. Dusenberry, "Discriminatory Aspects of Legislation in Colonial Mexico Discriminatory Aspects of Legislation in Colonial Mexico," *The Journal of Negro History* 33 (1948), Richard Konetzke, "El Mestizaje y su Importancia en el Desarrollo de la Población Hispanoamericana durante la Época Colonial," *Revista de Indias* 7 (1946), C. E. Marshall, "The Birth of the Mestizo in New Spain," *The Hispanic American Historical Review* 19 (1939).

[9] Gonzalo Aguirre Beltrán, *La población negra de México*, p. 153. "Thus for the Colonial Administration was born the need to ensure a rigid separation of the races which led to the formation of a society divided into *castas* as a means through which to insure dominion over the recently conquered lands." Translation mine.

Aguirre Beltrán's formulation of origins confuses the ends with the means. The system of

nomenclature created to describe the population would through its integration in legal

codes create a system of dominion over Spanish subjects. Yet, the development of those

terms and the meanings they conveyed represented a much longer and complex process

of cultural development. In his formulation, Aguirre Beltrán assumed the *a priori*

existence of 'races' within the Iberian mindset. Even if he did not analyze the complex

process of initial development, he did trace the gradual change in use and function of the

new language of difference over time as it shifted from racial to phenotypical to

euphemistic types of classification. Despite a minimal explanation of origins, Aguirre

Beltrán's work helped spur increasing interest in the history of Mexico's socio-racial

groups.

Following Aguirre Beltrán, Magnus Mörner attempted to synthesize the history of

race in the Americas from the conquest through the period of nation-building in the mid-

nineteenth century. More concerned with the processes which underlay the demographic

development of Latin America and the creation of diverse racial groups, Mörner devoted

little time to analyzing the origins of socio-racial nomenclature. Nevertheless, he did

posit that the social order which developed in the New World was not autochthonous but

rather the result of the transference and modification of a European estate-based social

order onto the newly conquered colonies.[10] Overtime, this estate model morphed as inter-

ethnic unions proliferated and became rooted in phenotypical distinctions which

constituted a 'pigmentocracy.' Additionally, he sought to examine the underlying

prejudicial nature of the socio-racial terminology which had developed. While his efforts

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[10] Mörner, *Race Mixture*, p. 54-5.

marked some of the first research into the origins and development of this linguistic

system, much of the evidence which supported his claims was based on late colonial

references from the seventeenth and eighteenth century and his analysis as a whole

focuses more on explaining the fall of the colonial regime and the rise of new nation-

states in the nineteenth century than on the initial creation of a socio-racial order.

The second phase of scholarship began in the 1960s and continued into the early

1980s. During this phase, scholarship emphasized quantitative analysis of population

groups and the demographic analysis of social categories. Often these works sought to

explain the underlying social structure and organizational hierarchies of race. Studies

based in parish records, censuses, and tribute registers began to more clearly enumerate

Mexico's socio-racial categories. A major facet of these studies was an attempt to explain

the origins and structure of Mexico's socio-racial hierarchy. During this time researchers

built upon Mörner's claim that the socio-racial hierarchies of Spanish America

represented an estate-model of social organization. In particular, scholars questioned the

difference between 'estate' and 'class' as organizing principals for a multi-racial

society.[11] Some, such as McAlister, viewed the dichotomy between Spaniards, *castas*,

and *indios* as evidence that a medieval European estate-based system of social

organization had been modeled to fit the realities of colonial society in the Americas.

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[11] Woodrow Borah and Sherburne F. Cook, "Sobre las Posibilidades de Hacer el Estudio Histórico del Mestizaje Sobre una Base Demográfica," *Revista de historia de América* 53/54 (1962), John K. Chance, *Race and Class in Colonial Oaxaca* (Stanford, Calif., 1978), John K. Chance and William B. Taylor, "Estate and Class: A Reply," *Comparative studies in Society and History* 21 (1979), John K. Chance and Willian B. Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," *Comparative studies in Society and History* 19 (1977), Lyle N. McAlister, "Social Structure and Social Change in New Spain," *Hispanic American Historical Review* 43 (1963), Robert McCaa, Stuart B. Schwartz, and Arturo Grubessich, "Race and Class in Colonial America: A Critique," *Comparative studies in Society and History* 21 (1979), Magnus Mörner, "Economic Factors and Stratification in Colonial Spanish America with Special Regard to Elites," *The Hispanic American Historical Review* 63 (1983), Mörner, *Race Mixture*, Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570-1650* (Cambridge, 1976), Seed, "The Social Dimensions of Race: Mexico City 1753."

Conversely, scholars, including Chance and Taylor, examined the relationship between economic position and socio-racial category and argued that the system reflected the beginnings of 'commercial capitalism' and the development of social classes mapped onto the language of racial difference. In general, both sets of scholars examined documentation from the seventeenth and eighteenth century and their analysis tended to emphasize the structure and function of the socio-racial order within the later colonial period. During this period of scholarship, the sixteenth century did not receive notable attention largely due to the dearth of quantitative material available for study. As a result most scholars glossed the sixteenth century as the period of formative development for terms and hierarchies used in the later mature system.

Beginning slowly in the early 1990s but expanding dramatically since 2000, scholarship on race and *casta* turned away from systematic quantitative analyses and focused more on qualitative studies. In the shift away away from structural and quantitative research, scholars have begun to emphasize the cultural values and meanings which permeated categories of socio-racial difference. These new works mined rich qualitative documentation including Inquisition cases, marriage petitions, *cofradia* records, and militia registers. These scholars have helped elucidate our understanding of how *castas* were socially constructed and the degree to which *casta* terminology represented culturally ascribed terms. While the number of scholars examining Mexico's racial hierarchy has expanded dramatically, research has still tended to focus on the later colonial period.[12] Scholarship has shown that by the late colonial period racial labels

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[12] Aaron P. Althouse, "Contested Mestizos, Alleged Mulattos: Racial Identity and Caste," *The Americas* 62 (2005), Herman L. Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570-1640* (Bloomington, 2003), Joan Cameron Bristol, *Christians, Blasphemers, and*

could be highly contextual and negotiated. In this period, many factors outside of

genealogy could influence the racial label ascribed to an individual. By the mid-

seventeenth and eighteenth centuries clothing, speech, patron-client relationships,

corporate memberships, and residence were among many of the factors which could

influence racial labeling. Increasingly, this scholarship has turned its focus on the

important relationship between Africans and native peoples further complicating our

understanding of socio-racial diversity. Yet, few of these studies examine the earliest

decades of colonial development. Those that have dealt with the sixteenth century

generally begin their analyses during the last quarter of the sixteenth century.

Many of these recent studies on Mexico's racial past have built upon Aguirre

Beltrán's work and sought to more fully examine the lives of Africans and their

descendents during the colonial period. Patrick Carroll was one of the first scholars to

examine this history in his regional study of Veracruz.[13] His study traced the history of

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Witches: Afro-Mexican Ritual Practice in the Seventeenth Century (Albuquerque, 2007), Jack D. Forbes, *Africans and Native Americans: the Language of Race and the Evolution of Red-Black Peoples*, 2nd ed. (Urbana, 1993), Robert H. Jackson, "Race/Caste and the Creation and Meaning of Identity in Colonial Spanish America," *Revista de Indias* 55 (1995), Jane G. Landers and Barry Robinson, eds., *Slaves, Subjects, and Subversives: Blacks in Colonial Latin America* (Albuquerque, 2006), Laura A. Lewis, *Hall of Mirrors: Power, Witchcraft, and Caste in Colonial Mexico* (Durham [N.C.], 2003), María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61 (2004), Martínez, *Genealogical fictions*, Brian P. Owensby, "How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico," *Hispanic American Historical Review* 85 (2005), Matthew Restall, "Black Conquistadors: Armed Africans in Early Spanish America," *The Americas* 57 (2000), Matthew Restall, *The Black Middle: Africans, Mayas, and Spaniards in Colonial Yucatan* (Stanford, Calif., 2009), Matthew Restall, ed., *Beyond Black and Red: African-Native Relations in Colonial Latin America* (Albuquerque, 2005), Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821* (Stanford, Calif., 1988), Peter Stern, "*Gente de color quebrado*: Africans and Afromestizos in Colonial Mexico." *Colonial Latin American Historical Review* 3 (1994),Dennis Nodin Valdes, "Decline of the Sociedad de Castas in Mexico City" (Ph.D., University of Michigan, 1978), Ben Vinson, *Bearing Arms for His Majesty: the Free-Colored Militia in Colonial Mexico* (Stanford, Calif., 2001), Ben Vinson, "Race and Badge: Free-colored Soldiers in the Colonial Mexican Militia," *The Americas* 56 (2000), Ben Vinson, "Studying Race from the Margins," Nicole von Germeten, *Black Blood Brothers: Confraternities and Social Mobility for Afro-Mexicans* (Gainesville, FL, 2006).
[13] Patrick James Carroll, *Blacks in Colonial Veracruz: Race, Ethnicity, and Regional Development*, 2nd ed. (1991; repr. ed., Austin, 2001).

Africans in the region beginning with the earliest arrivals through the end of the colonial period. Grounded in economic and demographic sources, he traced the place of Africans and their descendents in the region and noted their important connections to both Hispanic culture and native groups. Moreover, he argued that the rise of racism and exclusion by the Spanish elite led Afro-Veracruzanos to engage in greater social interactions with native people and non-Spanish *casta* groups. This process facilitated an even greater degree of ethnic mixing and helped forge stronger social connections among all non-Spaniards. In examining the complex social and economic development of Afro-Veracruzanos, Carroll helped to emphasize that prejudicial Spanish beliefs did not necessarily circumscribe Africans but rather Africans and their descendents were active agents in their own right and their choices actually helped foster social and cultural change within the colonial sphere.

Shortly after the publication of Carroll's work, Douglas Cope similarly examined the socio-racial history of Mexico City during the seventeenth century. In *The Limits of Racial Domination*, Cope argued that early social division was based on the dichotomy between Spanish and indigenous individuals.[14] Later, as the population of Africans grew and inter-ethnic unions proliferated, the social order morphed into one in which Spaniards were contrasted with *castas* which included anyone of mixed ancestry. The decline of the native population and an increasing gulf between elite Spaniards and those of more tenuous socio-economic position further increased inter-ethnic unions and the rise of a *casta* population. Overtime the high degree of inter-ethnic unions coupled with the genealogical nature of *casta* labels rendered the system obsolete in practical

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[14] Cope, *The Limits of Racial Domination,* pp. 9-21.

application. By the middle of the seventeenth century, urban Mexico City had become a society divided between Spanish elites and plebeians of all types of ethnic ancestry. Yet, Cope argued the use of *casta* labels did not disappear because of their integration into Spanish legal and social constructs. This situation changed the process through which *casta* terminology could be applied. Rather than reflecting genealogical knowledge of an individual, labels were applied "pragmatically" and "functionally" using a variety of categories including phenotype, dress, residence, known relatives, among others.[15] This finding represents a crucial point in understanding the history of socio-racial terminology because it highlights the fact that in the absence of known genealogies the application of *casta* terminology had to rely on other clues, most notably clues based in cultural rather than physical or genotypic markers. Additionally, Cope's work suggests that the 'system' of racial categorization and discrimination represented less of an actual ordering of society and more of a cognitive model used by the Spanish elite to visualize society.

In the past decade, scholarly investigation into the Afro-Mexican past has accelerated greatly. Scholars have begun to examine how Africans and their descendents negotiated their place within colonial society. Many of these works have examined the place of Afro-mexicans within specific social and institutional contexts. Notably Ben Vinson III has investigated free Afro-Mexicans who served in the colonial militias of New Spain.[16] Focused on the institutional history of militia units and the free-colored soldiers that comprised them, Vinson argues that militia service served to create a corporate identity which could then underpin a racial identity for those men who found themselves shoulder to shoulder in the service of the crown. He found militia service

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[15] Ibid., pp. 50-57.
[16] Ben Vinson III, *Bearing Arms for his Majesty*, Ben Vinson III, "Race and Badge."

offered many incentives to free Afro-Mexicans including tribute exemptions and access to the *fuero militar*. Yet, precisely because these privileges were based in a militia which itself was racially constituted the men who joined were more likely to articulate an identity as a free person of color. Although the privileges of militia membership declined towards the end of the colonial period and militia membership no longer served as a locus for Afro-Mexican community formation and articulation, Vinson's work clearly demonstrated that colonial institutions and the corporate memberships they entailed could serve as important catalysts for the creation of Afro-Mexican identities and communities.

Similarly, Nicole von Germeten has examined the importance of Afro-Mexican confraternities.[17] These Catholic lay institutions allowed Afro-Mexicans to forge community and identity. As members of these institutions, Afro-Mexicans, enslaved and free, were able to socialize and share in Baroque spirituality. Von Germeten examines the evolution of these groups and tracks the relationship between worship and practice and the social position of Afro-Mexican *cofrades*. She found wide-ranging diachronic diversity in these groups. In areas with many enslaved Afro-Mexicans worship focused on penitence and self-mortifying piety. As memberships changed free Afro-Mexicans came to dominate the organizations worship focused less on the penance, as reflection of slavery, and members worked to cross socio-racial boundaries. As a legitimate and sanctioned expression of religiosity, *cofradias* – similarly to militia units – offered Afro-Mexicans an opportunity to construct stronger communal bonds and to work for the collective betterment of their families, friends, and neighbors.

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[17] Germeten, *Black Blood Brothers.*

The work of Herman Bennett likewise examines the complex relationship between Africans and the Catholic Church. In *Africans in Colonial Mexico*, he argues that the church served as an important institution which offered Africans protection from the vagaries of slave owners and served as a locus for the creation of community through the sacrament of Christian marriage.[18] *Colonial Blackness* furthers this argument and argues that Christianity itself played a major role in the creation of a concept of 'blackness,' a "tenuous collective consciousness," which served to unite Africans and those of African descent.[19] Moreover, through Christian marriage, individuals of African descent formed and articulated social bonds and were able to form lasting communities which ultimately served to give creole Afro-Mexicans as sense of self rooted in their birthplace and grounded by the generations which came before. In his work, Bennett has sought to examine the history of Afro-Mexicans on their own terms without recourse to explaining their past as simply as part of the narrative of slavery or upward mobility.

In the realm of religious practice, Joan Bristol and Laura Lewis have both examined Afro-Mexicans and their acceptance, rejection, and modification of orthodox Christian practice. In her work, Bristol examines the breadth of Afro-Mexican ritual practice from participation in confraternities, to blasphemy, to spiritual curing and healing.[20] She notes that Christianity and its expression allowed Afro-Mexicans to construct family and community within a context which was accepted and promoted by the Spanish authorities. Nevertheless, some Afro-Mexicans found that engaging in occult curing and healing practices could also allow them access to a unique form of authority

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[18] Bennett, *Africans in Colonial Mexico*
[19] Herman L. Bennett, *Colonial Blackness: A History of Afro-Mexico* (Bloomington, 2009), p. 80.
[20] Bristol, *Christians, Blasphemers, and Witches*.

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over their Spaniards. For her part, Lewis' work focused primarily on this aspect of colonial religious life – magic and witchcraft.[21] She examined how elites and subaltern groups in colonial Mexico operated within sanctioned and unsanctioned spheres of power. She found that while Spaniards monopolized sanctioned power through institutions of colonial control, native people accessed unsanctioned forms of power based in magic, witchcraft, and healing. Within this schema, Afro-Mexicans and other *castas* operated between the two worlds acting as intermediaries with some access to either form of power.

Most recently, work on Mexico's African past has begun to delve into the relationship between Africans and native peoples. This scholarship has been led by many of the same scholars who first examined Africans and their place in the colony. The volume *Beyond Black and Red,* edited by Matthew Restall, provides an excellent window into the current state of this scholarship.[22] The articles presented in this volume all seek to revaluate the traditionally antagonist view of African-native interaction and provide examples of cooperation rather than conflict. Notable essays include research by Ben Vinson and Matthew Restall on African and native military service from their incorporation in campaigns of conquest to later service in colonial era militia units.[23] Similarly, Jane Landers' essay examines black and native interaction in colonial Florida highlighting the fact that the history of southeast North America cannot discount the

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[21] Lewis, *Hall of Mirrors*.
[22] Restall, ed., *Beyond Black and Red*.
[23] Ben Vinson III and Matthew Restall, "Black Soldiers, Native Soldiers: Meanings of Military Service in the Spanish American Colonies," in *Beyond Black and Red: African-Native Relations in Colonial Latin America*, ed. Matthew Restall (Albuquerque, 2005).

strong communities forged there by Africans and native persons.[24] Finally of particular

importance to this work, the essay by Patrick Carroll suggests that scholars must begin to

reframe our investigation into African-native interactions so as to search for the often

hidden but more often than not peaceable interactions between these two groups.[25]

The most recent book length study of such cooperation can be found in Matthew

Restall's *The Black Middle*.[26] This work provides an expansive analysis of the hidden

African past of colonial Yucatan. Although demographically small, he argues that the

presence of Africans in the Yucatan from the sixteenth century till independence was of

sufficient scope that it brought about a change in the very fabric of native society. In fact,

he found that by the end of the colonial period, "the Mayas of the Yucatan had in a sense

become Afro-Mayas."[27] Through examinations of marriage patterns, occupations,

criminal records, and censuses, Restall found that Africans and their Afro-Yucatecan

descendents were a people in the 'middle' operating within and between both Spanish

and Yucatec Maya culture. Nevertheless, he successfully argues that they were not

circumscribed in such a position rather they were active in searching for a place in the

complex web of colonial society. In this sense, his work demonstrates the variety of

choices available to Africans and their descendents and the important contributions they

made to the cultural fabric of the region in which they lived.

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[24] Jane G. Landers, "Africans and Native Americans on the Spanish Florida Frontier," in *Beyond Black and Red: African-Native Relations in Colonial Latin America* (Albuquerque, 2005).
[25] Patrick Carroll, "Black-Native Relations and the Historical Record in Colonial Mexico," in *Beyond Black and Red: African-Native Relations in Colonial Latin America*, ed. Matthew Restall (Albuquerque, 2005). See also, Patrick Carroll, "Black Aliens and Black Natives in New Spain's Indigenous Communities," in *Black Mexico: Race and Society from Colonial to Modern Times* (Albuquerque, 2009).
[26] Restall, *The Black Middle*.
[27] Ibid., p. 5.

This study draws from all of the above scholarship, in particular it adds to our understanding of the development of *casta* labels as a system of differentiation and the elucidation of the lived experiences of individuals who found themselves ascribed a socio-racial label. In this sense, this work provides a holistic view of the development of socio-racial categories in early colonial Mexico. Although quantitative analysis is difficult for the early colonial period, this work provides a detailed examination of this development with the ultimate goal of reconciling our knowledge of the sixteenth century as a formative period with the later social, economic, and cultural developments which have been well examined by previous scholarship. The findings of this work most parallel those scholars who sought to explain the *sistema de castas* as an evolution from Iberian notions of difference mapped onto a uniquely American society. Nevertheless, neither the socio-racial terms themselves nor their entrenchment in juridical hierarchies represent a direct transference of either estate or class models of social organization. Instead, I argue that the development of '*géneros de gente*' was shaped by pre-existing conceptualizations of difference present in early modern Iberia. This framework emphasizes the complex ethnic and religious past of Iberia and posits that in the Americas Iberians were preconditioned to seek out and define categories of difference in order to organize and govern a pluralistic society.

This view does not negate an understanding of these terms as based in the desire to construct Spanish hegemony. Yet, by focusing more closely on the sixteenth century mindset of Iberians, this work suggests that the initial development of socio-racial categories may have been a cultural precondition inherited from the complex society of early modern Iberia. Without doubt, the differential valuation of individuals based on

societal prejudices was implicit in this cultural legacy. Nevertheless, the process through which Spanish American categories of difference were created was not solely guided from a nefarious *raison d'être*. The Iberian legacy of complex corporate identities and categories inscribed a framework which could be transposed, with modifications, onto a new social order in the Americas. In this sense, it was not functional necessity based in power relations which led to colonial terms and their incorporation into a prejudicial value system. Rather, already existing cultural modes led to the development of a new framework which recreated the basic functional properties of an existing Iberian schema. The fact that relations of power – as well as relations of production and reproduction – led to a discrimination does not negate the fact that the Spanish American model was extension of older semantic categories. While no one denies that the development of '*generos de gente*' – later termed *castas* – did not occur *sui generis*, few have emphasized that any form of social distinction developed in Spanish America would have been based in some form culturally predefined social difference based in valuations of individual worth which would have implicitly and explicitly entrenched relations of power within society. In this sense, simply acknowledging the fact that these terms and the social hierarchy formed by their meanings was prejudicial and exclusionary does not fully explain their origin. 'Form' did not necessarily follow 'function' rather 'function' was implicitly related to a 'form' which already existed before Iberians reached the New World.

While this study is intimately concerned with the development of socio-racial terms themselves, any discussion of their origin would be incomplete without an analysis of their initial usage. Previous scholarship has posited that during the sixteenth century,

casta labels were applied with relative consistency. As the rate of exogamous unions increased and the population continued to become intermixed *casta* labels became ever more socially applied. By the seventeenth century, the colonial population had become so varied that the application of *casta* labels came to reflect an individual's overall social and cultural perception rather than their biological ancestry. This work challenges this understanding of sixteenth century ascriptions of *casta* labels. In particular this work examines the complex usage of the terms '*mestizo'* and '*mulato.'* These were the two most salient labels used to describe New Spain's population of ethnically mixed individuals. Previous scholarship has noted some sixteenth century variability. In particular most scholars noted that the children of prominent conquistadors rarely received the label *mestizo*. Scholars of Afro-Mexico have noted that the term *mulato* came to describe both African-European and African-Indigenous individuals.

Although these two claims have received mention in the existing literature, no study has taken as its focus an examination of the variable usage of *mestizo* and *mulato*. An understanding of this variability is crucial to understanding the initial construction of difference. These terms were not monolithic categories from the outset. Each one was mutable in a variety of ways. The variability inherent in these early socio-racial labels prefigures their later seventeenth and eighteenth manifestations. Moreover, the variability found within the sixteenth century uses of the terms '*mestizo'* and '*mulato'* speaks to the contextual nature of ascription even in the earliest manifestation of socio-racial categorization. This finding demonstrates that in colonial Mexico – and likely throughout Spanish America – the language of difference and the ascription of socio-racial epithets

was never based on a single criterion but rather represented a holistic valuation based on multiple facets of an individual's physical traits and culturally significant markers.

The findings of this study are drawn from two years of archival research conducted in Mexican and Spanish archives. Most of the material used in this study has been preserved in the Archivo General de la Nación (AGN) of Mexico and the Archivo General de Indias (AGI) in Seville, Spain. In conducting archival research, the aim of this study was to search for documentation which could provide a window into the underlying beliefs which influenced the ascription of socio-racial labels. Consequently, many of the sources consulted represent qualitative documentation rather than quantitative sources. In general, my research sought documentation which could be used to construct a "thick description" of colonial perceptions of difference. This aim draws from the work of Clifford Geertz and his approach to ethnography. He argues that the ethnographer – or in this case cultural historian – must work to record a cultural phenomenon in all its relevant detail, examine the context of the phenomenon, then interpret the singular phenomenon and finally construct an "inscription" of that event which can be studied by others.[28] Central to this aim is the need to explain the minute particularities – often taken for granted by the culture being studied – which to the observer or reader would otherwise be 'lost in translation.' Consequently, this method of analysis emphasizes detailed descriptions of the moments being investigated so as to better convey the multiplicity of modes through which cultural meaning can be constructed. Although this methodology was first articulated for ethnography, I feel that in modified form it can readily be applied historical investigation. Although our documents often do not render a scene as clearly as

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[28] Clifford Geertz, *The interpretation of cultures: selected essays* (New York, 1973). pp. 18-9.

the eyes or ears of the ethnographer, archival material can provide very candid views into the everyday life of individuals and allow the cultural historian access to detailed accounts which taken together allow for the construction of a detailed "inscription" of cultural phenomenon otherwise lost to the past.

Additionally, this study draws from the work of James Lockhart and other historians of the "New Philology." This field – most clearly articulated in a essay by Matthew Restall[29] – has focused on the analysis of colonial-era native language documents. In general, scholars of the New Philology have emphasized the importance of understanding colonial native cultures through the lens of their documentation and most importantly through their own languages. These scholars have uncovered a wealth of knowledge concerning the underlying social structures and cultural perceptions of indigenous peoples during the colonial period.[30] Key to these works was the textual analysis of particular native words and concepts which although recorded in dictionaries of the colonial period and later could not be fully delineated from Spanish sources alone. This study draws from the New Philology in a tangential manner. Although primarily concerned with Spanish language sources and the cultural perceptions conveyed by those texts, this work is ultimately a study in historical cultural linguistics. Just as the New Philology sought to understand native culture through its language and to identify native

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[29] Matthew Restall, "A History of the New Philology and the New Philology in History," *Latin American Research Review* 38 (2003).

[30] For a selection of works by scholars of the New Philology, see: Robert Stephen Haskett, *Indigenous Rulers: an Ethnohistory of Town Government in Colonial Cuernavaca* (Albuquerque, 1991), Rebecca Horn, *Postconquest Coyoacan: Nahua-Spanish Relations in Central Mexico, 1519-1650* (Stanford, Calif., 1997), James Lockhart, *Nahuas and Spaniards: Postconquest Central Mexican History and Philology* (Stanford, Calif., 1991), Stafford Poole, *Our Lady of Guadalupe: The Origins and Sources of a Mexican National Symbol, 1531-1797* (Tuscon, 1995), Matthew Restall, *The Maya World: Yucatec Culture and Society, 1550-1850* (Stanford, Calif., 1997), Peter Herman Sigal, *From Moon Goddesses to Virgins: The Colonization of Yucatecan Maya Sexual Desire* (Austin, 2000), Kevin Terraciano, *The Mixtecs of Colonial Oaxaca: Ñudzahui History, Sixteenth Through Eighteenth Centuries* (Stanford, Calif, 2001).

cultural beliefs and practices through the specific words they used, this study takes as its focus the detailed analysis of a small set of words and beliefs held by Spaniards and other Hispanized individuals. To that end, this study likewise engages in philological analysis by attempting to delineate the semantic domains which shaped the perception of difference in early colonial New Spain.

Scholarship on the African Diaspora has also influenced the direction and methodology of this study. Recently, Vinson has argued that research into the African experience in the Americas must explore the "space in-between, among, and through various racial existences."[31] This search is centrally important for this work. In looking to examine the construction of *género* labels and its framework of discriminatory terminology, this study has consistently sought to examine the actual lived experiences of colonial subjects and compare that to idealized views of *género* labels. This research has sought to highlight the permeability, contextuality, and fixedness of colonial labels. By doing this I am extending Vinson's statement to the study of all colonial 'racial existences.' In this way, scholarship on the African Diaspora can be furthered through the exploration of similarities and differences between individuals of African ancestry and other colonial subjects bounded by the nascent racial boundaries of the early colonial period.

All three of these methodologies require detailed descriptions of individuals and their contemporaries. Consequently, the records of the Holy Office of the Inquisition served as an excellent source. These documents have been preserved in the AGN and

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[31] Ben Vinson III, "Introduction: African (Black) Diaspora History, Latin American History," *The Americas* 63 (2006): p. 9.

represent one of the largest documentary collections from the colonial period. The voluminous testimony produced by Inquisition cases has insured that these texts contain a multitude of statements made by various colonial individuals about themselves and their contemporaries. In many cases, the Inquisitors specifically sought to uncover details about defendants' personal lives their families and genealogies. Consequently, these sources contain information which can help scholars of race and ethnicity more clearly understand an individual's place in society, personal networks, life history, and in some cases their physical appearance. These sources have proven invaluable to this study because they have helped shed light on the diversity within each *género* label. In all, over one hundred and fifty volumes of Inquisition documents were examined for this study. This represents the bulk of all Inquisition material produced during the sixteenth century. Within those volumes, over one hundred and sixty cases contained enough detailed documentation concerning an individual or individuals to warrant inclusion in this work. In general, cases in which the defendant was a '*mulato*' or a '*mestizo*' proved the most useful for garnishing testimony which could highlight the issues under study. The frequent demand by Inquisitors that a defendant provide a "*discurso de su vida*" insured that many of these cases contain very detailed life histories.[32] Some cases, particularly those involving bigamy, there was sufficient detail concerning important witnesses, such as spouses or family members, to warrant their inclusion as well.

The work of Richard Boyer, speaks to the utility of Inquisition records for the analysis of quotidian experience and the investigation of personal histories. His book, *The*

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[32] A "narrative of one's life." For a more detailed description of typical Inquisitorial procedure, see: Richard E. Boyer, *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico* (Albuquerque, 1995).

Lives of the Bigamists, provides an excellent accounting of how Inquisitorial

documentation can provide insights into the lives, choices, and beliefs of individuals who

were questioned by the institution. This study draws heavily from his work. In particular,

I agree with Boyer's assessment that the testimony provided to the inquisition represents

an accurate assessment of what individuals thought and did. Like Boyer, this work also

recognizes that the final form of testimony – a transcript produced by an Inquisition

notary – reflects at least one additional 'filter' between the actual statement given by a

witness and the researcher.[33] Nevertheless, through close reading of any individual

statements and an awareness of the context of production, these documents do provide an

accurate if sometimes idiosyncratic view of the individuals they purport to describe.

Unlike Boyer's study this work focuses less on the specific crimes under investigation

and more on the overall social and cultural position of the defendants and witnesses. In

other words, the spiritual and criminal ramifications of these cases inform this study less

than the various statements and confessions which describe the actors involved in the

criminal investigation. Even so, occasional reference will be made to the spiritual crimes

committed because those actions frequently add to our understanding of the broader

social and cultural context of the defendant and witnesses being examined.

In addition to the documentation produced by the Inquisition, this study has been

informed by a variety of other collections preserved in the AGN. The collections of

"*Matrimonios*" and "*Bienes Nacionales*" both contain documentation produced by the

episcopal authorities of Mexico City including marriage petitions and investigations into

adultery and fornication. These cases unlike their Inquisitorial counterparts tend to

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[33] Ibid., pp. 9-10.

provide less detailed testimony concerning the defendants. Additionally, the collections

entitled "*Reales Cedulas Duplicadas*," "*General de Parte*," and "*Ordinanzas*" all contain

records of viceroyal orders including petitions presented to and acted upon by the

viceroy. This documentation provides an excellent window into the perceptions of the

viceroys towards individuals of mixed ancestry and the means by which non-Spanish

individuals petitioned the royal authorities for rights and privileges normally reserved for

Spaniards.

The Archivo General de Indias contains a wealth of documentation concerning

the oversight of Spanish America by the Council of the Indies. This work has primarily

examined material contained within the subsection concerning the viceroyalty of New

Spain, entitled "*México*," the subsection containing miscellaneous documents, entitled

"*Indiferente General,*" and the subsection containing documents deemed important to the

history of Spain's colonial empire, entitled "*Patronato*." In total, this study examined

over two hundred and fifty *legajos* collecting over three hundred and fifty relevant

documents. The documents preserved in the AGI tend to be more variable than those

consulted in Mexico. They include viceroyal correspondence including the letters written

by viceroys to the Council of the Indies and ancillary material attached to those reports.

Correspondence by private individuals including, clerics, bureaucrats, and settlers also

appears. In many cases these individuals hoped to receive royal favor for their efforts in

the Americas and to provide the crown and its councils detailed information about the

development of colonial society. Additionally, the AGI contains records of royal decrees

issued on behalf of petitions to the Council of the Indies. *Probanzas de Merito y Servico*

record materials presented by individuals requesting official postings, rights, and/or

privileages in return for services rendered. Some of these documents were written by *mestizos* and *mulatos* and provide an important window into the self-perception of these individuals and their efforts to receive privileges despite their *generos*. Overall, the material contained in the AGI provides a window into the bureaucratic oversight of the colony and the process through which the colonial bureaucracy reacted to and influenced the rise of diverse *generos* in the Americas.

The organization of this work reflects its many documentary sources and multiple findings. Part One explores the Iberian notions of difference and their transformation into '*generos de gente*' in the New World. Chapter One focuses on the various semantic categories of difference which had come to exist in medieval Iberia. In particular, I argue that Iberians constructed difference along three major axes of difference: socio-economic, ethno-religious, and ethno-geographic. Chapter Two examines the early construction of difference in the Americas during the sixteenth century. This chapter emphasizes the ideological roots and intellectual formulations of difference developed during the formative period of Spanish colonization. Chapter Three adds to our structural understanding of sixteenth century '*generos de gente*' by tracing the juridical history of socio-racial labels. This chapter provides a detailed assessment of sixteenth century legislation which legally codified a hierarchy of socio-racial difference.

Part Two moves away from an analysis of development and structure and focuses on the quotidian usage of the terms '*mestizo*' and '*mulato.*' Chapter Four examines the uniquely sixteenth century place of 'elite *mestizos.*' These individuals often born to elite conquest-era Spaniards by native women lived lives very much like their wholly Spanish contemporaries. The reticence to label many prominent European-indigenous individuals

'*mestizos*' suggests a highly mutable barrier between *español* and *mestizo* at least among the early conquest-era elite. Chapter Five examines the 'average' *mestizo*. This chapter highlights the vast range of lived experience subsumed within the label *mestizo* and suggests that in the early colonial period the position of *mestizas* was more elevated than their male counterparts. These women, if protected by their families, played a central role as spouses to *españoles*. Additionally, this chapter suggests that many *mestizos* benefited from familial connections and entered into a wide range of occupational roles. Chapters Six and Seven turn to the problematic category of *mulato*. This term was used to categorize anyone of mixed-African ancestry. These chapters work together to help more clearly explore the social position of Afro-European and Afro-indigenous *mulatos*. Chapter Six argues that *mulatos* were relatively endogamous and tended to form families with other *mulatos*. Nevertheless, *mulatos* did show a surprising degree of exogamy suggesting that shared residence, occupation, and social networks led many Afro-Mexicans to find spouses outside their *género*. Chapter Seven, highlights the importance of Afro-indigenous *mulatos*. In particular, this study suggests the Afro-indigenous individuals represented a majority among *mulatos* and their position as intermediaries between Spaniards, Africans, and native people made them unique actors within the multi-cultural society of early New Spain. Taken together the analysis of '*mestizo*' and '*mulato*' suggest important differences in their usage. *Mestizo* very frequently came to be applied to individuals of middling social status and connections. In the sixteenth century, many biological *mestizos* escaped categorization because social and cultural factors led contemporary observers to view them as either *españoles* or *indios*. The term '*mulato*' functioned differently. It was a catch-all phrase which came to denote a person who

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manifested any degree of African ancestry. Consequently, while biological *mestizos*

could seemingly disappear into other *generos*, colonial observers were predisposed to

place anyone with some African ancestry into the category of *mulato*. Ultimately, by

uniting a structural-developmental analysis with a socio-cultural study, this work strives

to provide a broad framework for understanding how socio-racial difference was

constructed in early New Spain.

Part 1

Chapter 1

Defining Difference in Early Modern Iberia[1]

Scholars of race have long argued that race and racism are both products of social construction and reflections of cultural categories. To fully understand the development of the language of difference –and later race– we must first understand the cultural categories which came to be incorporated into such terms. This search can only begin with an understanding of difference. How did individuals and groups come to define themselves against the 'other'? What measures of difference were used to construct categories which could separate –and unite– diverse individuals and groups?

In order to fully understand the complex language of differentiation used in the Americas, one must first identify the ways in which early modern Iberians came to view themselves and others. These conceptions would prove central in the construction of new colonial categories of difference. This chapter will analyze several conceptual categories used by Iberians to define and often rank individuals within their own society. These categories include three types of descriptive terms: ethno-religious, ethno-geographical, and socio-economic (See, Figure 1.1). While these categories of difference were crucial for Iberians, they would not have conceptualized their own views in this manner. However, this variety of descriptive terminology would in the American context be

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[1] In this chapter I have chosen to use the term 'Iberia' rather than Spain. In the fifteenth and sixteenth century, Spain, *españa*, had not become the common descriptor for the kingdoms under the control of the monarchs of Castile and Aragon. Consequently, my use of Iberia should be interpreted here to refer to the multitude of holdings joined dynastically through the marriage of Ferdinand of Aragon and Isabela of Castile which would later come to be known as the *reinos de España*, or more commonly *España*. While much of the material in this chapter would also pertain loosely to Portugal, an examination of pan-Iberian beliefs is beyond the scope of this work.

encapsulated in new terms of difference based along socio-racial lines. While earlier descriptive categories and terms would continue to be used these new terms came to serve as short-hand descriptors which could encapsulate a host of stereotypical views about the individuals within an increasingly multi-ethnic and pluralistic society.

Unlike other parts of early modern Europe, the kingdoms of Castile and Aragon never developed fully articulated feudal societies. While there was a distinction between nobility, commoners, and the Church, the relationship between individuals in society generally was mediated by corporate associations and unique political arrangements developed throughout the medieval and early modern period.[2] As Teofilo Ruiz has argued the social hierarchy of early modern Iberia was more based in 'social filiations' which were tied to "privilege, tax-exemption and power."[3] Consequently, the terminology being examined in this chapter was used to signify at an individual level the complex matrix in which any person could be situated within society. The variety of terms –and semantic categories– reflect the disparate markers of social difference which contributed jointly to an individual's perceived status and position.

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[2] Henry Kamen, *Spain, 1469-1714: A Society of Conflict*, 3rd ed. (Harlow, England; New York, 2005), pp. 11-16. Teofilo F. Ruiz, *Spanish Society, 1400-1600* (Harlow, England; New York, 2001), pp. 3-5.
[3] Ruiz, *Spanish Society*, p. 6.
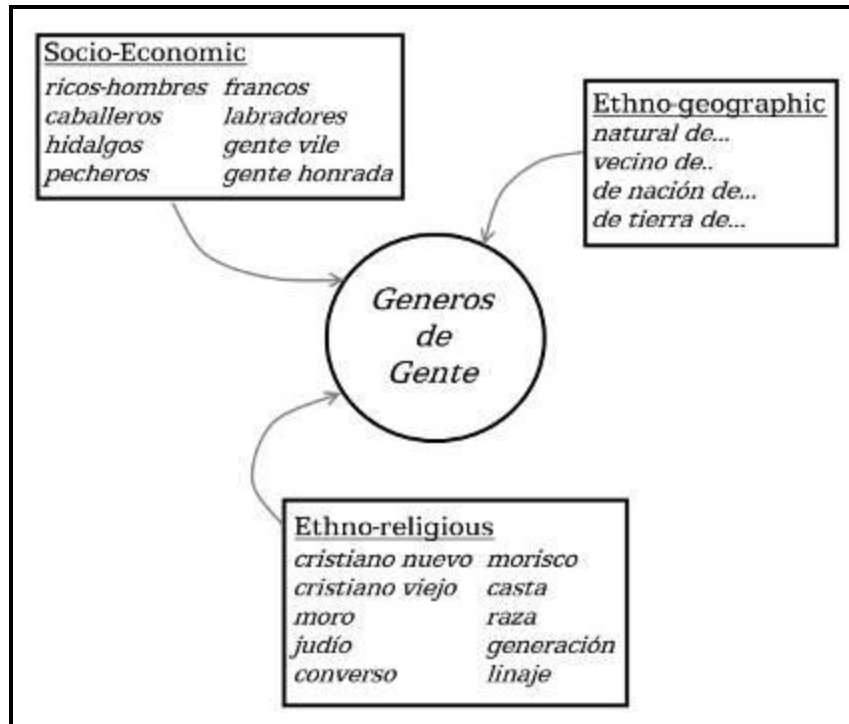
Figure 1.1, Iberian Categories of Difference

Socio-Economic Terms

One of the clearest categories for ranking an individual's access to political and economic power, as well as their overall social position, was that of their socio-economic status. These categories were not directly tied into any modern class model of society but tended to elide social status, particularly nobility, with general economic position. This correlation was strengthened as a result of the *reconquista* and the particular means by which Christian monarchs funded and organized their campaigns of reconquest. By serving in or helping to finance campaigns many previously non-noble but wealthy individuals were able to enter the ranks of the petty nobility or gain access to important

privileges.[4] This trend insured that by the beginning of the sixteenth century there existed a close relationship between wealth and status especially at the apex of the social ladder.

The highest rungs of the socio-economic hierarchy were held by individuals who could lay claim to hereditary titles of nobility, often with some claim to seigniorial territory. These titled nobility represented the most politically and socially powerful group in any locality, as well as representing the most homogeneous of all socio-economic groups.[5] To their contemporaries these individuals were called '*los ricos-hombres*.' Through the association of wealth with titled nobility this term demonstrates the intractable link between economic position and social status. As could be imagined, *ricos-hombres* did not constitute a large portion of Iberian society. Even a prominent city did not generally have more than a handful of titled nobility. For example, a 1452 census of Seville lists only seven *ricos-hombres*. These included the Conde de Marchena, the Conde de Ledesma, and the Conde de Sanlúcar, later to be made the Duque de Medina Sidonia.[6]

Below this elite group lay several other levels of nobility: *caballeros, hidalgos,* and *escuderos*. With the titled nobility, these individuals accounted for the top echelons of the social ladder. Unlike titled nobility, their relationship between economic position and social status could be more varied, as could their historical origins. Nevertheless, in early modern Iberia *caballeros* represented the largest noble group within any local social

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[4] Marie-Claude Gerbet, *La Nobleza en la Corona de Castilla: Sus Estructuras Sociales en Extremadura (1454-1516)* (Salamanca, 1989).
[5] António Dominguez Ortiz, *Las Clases Privilegiadas en la Espana del Antiguo Regimen* (Madrid, 1973), p. 71.
[6] António Collantes de Teran, *Sevilla en la Baja Edad Media: La Ciudad y sus Hombres* (Sevilla, 1977), pp. 224-6. This work analyzes Seville's population and social history through a multi-century examination of census records.

hierarchy.[7] More so than the titled nobility, *caballeros* entered the ranks of the nobility through various means. In Seville, some within this group laid claim to the title through descent from the thirteenth century reconquerers who aided Ferdinand III in the recapture of the city. Many families within this category were elevated to this rank by later Castilian monarchs during the fourteenth and fifteenth centuries. There existed several different grades of *caballeros* including: *vasallos del rey, caballeros de gracía,* and *caballeros de cuantía*.[8] Generally these differences reflected differences in the duties and privileges required by each type of noble title and as well as the specific manner in which the patent of nobility was issued. Some of the *caballero* lineages within Seville had long-standing connections to the Castilian monarchy. The Bocanegra family had Genoese forbearers who served as *almirantes* under Alfonso XI. Once settled in Seville, many Bocanegra men served in the city government in the post of *veinticuatro*.[9] Other *caballeros* of Seville had forbearers of non-Christian origin. Some like the Marmolejos were descended from *conversos.*[10] In general, the caballeros of Seville dominated the city's governmental posts with many serving as *veinticuatros*, *alcaldes mayores,* *alguziles,* and *tenientes*.[11]

The lower two orders of nobility, the *hidalgos* and *escuderos*, had a much more tenuous economic position than the *ricos-hombres* and *caballeros*. Generally, individuals in these categories could lay claim to a noble lineage and the special prerogatives that entailed; however, very often their wealth and economic position did not match that of

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[7] Dominguez Ortiz, *Las Clases Privilegiadas*, p. 57.
[8] Collantes de Teran, *Sevilla en la Baja Edad Media*, p. 226.
[9] Ibid., p. 227.
[10] Ibid., p. 228.
[11] Dominguez Ortiz, *Las Clases Privilegiadas*, p. 127.

their social standing.[12] Unlike the *caballeros*, the *hidalguía* did not have the social

connections or finances to obtain lucrative governmental posts. In Seville, *hidalgos*

represented an impoverished class, the descendents of nobility who no longer had the

property, investments, or prerogatives sufficient to maintain their perceived standard of

living.[13]

Below the nobility lay the commoners. Nevertheless, social distinctions based in

economic position could be used to define and separate even the lower order of society.

The greatest division between commoners existed between those who held some form of

privilege or tax exemption and those who did not. These exemptions were issued by the

crown and were granted to indispensable professions and to those who performed

valuable services. In early modern Seville, '*los francos*,' the exempt, included those

working in the shipyards, sailors and fishermen, tradesmen working on royal property,

those who worked in the mint, weavers and other textile producers, those in military

service, public employees, and those in the service of religious houses and institutions.[14]

The acquisition of exempt status and entrance into exempted professions and service was

a clear marker of social position among non-nobles. The desire to acquire those privileges

drove many non-exempt individuals to attempt to acquire the skills and connections

necessary to enter an exempt group.[15]

Non-exempt commoners, the bulk of society, were commonly labeled '*pecheros*.'

This term derived from the tribute that commoners were required to pay, '*el pecho*.'[16]

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[12] Ibid., p. 56.
[13] Collantes de Teran, *Sevilla en la Baja Edad Media*, pp. 232-233.
[14] Ibid., pp. 233-252.
[15] Ibid., p. 253.
[16] Ibid.

These individuals were also required at times to provide labor or service if called upon. In general the term '*labrador*' could also be applied to most *pecheros*. Technically, *labrador* referred to farmers and individuals involved in agricultural production, but could more generally be used to describe the vast majority of commoners who earned a living by working in various unskilled, or minimally skilled, positions in both urban and rural areas.[17] Most individuals in these categories worked in manual trades often as day-laborers or in seasonal labor.[18]

The above terms, *rico-hombre, caballero, franco, pechero*, etc. reflect the contemporary view of socio-economic categories and were often the categories recorded in official documents, including censuses. At the same time, several other more subjective terms of socio-economic status existed which could be used to add modify an individual's perceived moral position within the social system. For many elite Spaniards the vast majority of the population lacked honor, social grace, and the personal virtues which defined the nobility. Very often, commoners could be glossed with the term '*gente comun', 'gente baja,'* or '*gente vile.*'[19] All three terms, with increasing disdain, could be used to reflect the condescension that elites had of those below them. Given the mobility of the working classes, elites often saw their lack of stability as a sign of laziness and lack of desire to work. Consequently, very often the pejorative terms '*ocioso*,' meaning lazy or idle, and '*vagabundo*,' vagabond, were applied to these mobile persons who seemingly

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[17] Ruiz, *Spanish society*, pp. 39-42.
[18] Collantes de Teran, *Sevilla en la Baja Edad Media*, pp. 253-5.
[19] For examples of this view, see the letters of the Viceroys of New Spain, AGI, Mexico vols. 19-27 (1536-1609). Especially as Iberian immigration expanded towards the end of the sixteenth century, the viceroys regularly applied these terms to the lower status immigrants that were flooding into the colony.

contributed nothing to society.[20] At the opposite end of the spectrum, those with noble

titles or claim to exemptions and prerogatives could be glossed under the terms '*gente*

honrada,' '*...de buenas costumbres,*' or '*...de buena vida y fama.*'[21] At both ends of the

spectrum, these subjective statements of personal worth roughly correspond to the

categories of socio-economic status. Wealthy and privileged individuals were deemed by

virtue of that wealth –and often its associated prerogatives– to manifest elevated personal

qualities. Conversely, the poor, the working class, the bulk of society was deemed to be

base and vile precisely because they could not elevate themselves into more honored

categories.

The socio-economic hierarchy was sufficiently dynamic so that during the

fifteenth and sixteenth centuries mobility existed within and between both the noble and

common categories. The fifteenth century saw an increase in the ranks of the petty

nobility as wealthier commoners were able to provide financing and service in campaigns

of reconquest. The category of '*hidalgo'* tended to encapsulate those with claim to noble

lineage but with ever decreasing economic position.[22] In Seville, this category increased

over the sixteenth century. For many *hidalgos* the possibility existed that they or their

children could fall fully out of the noble ranks and be reduce to some form of manual

profession or trade. Among commoners, the gulf between *los francos* and *los pecheros*

was small enough that with determination and perseverance most *pecheros* could hope to

enter a privileged profession or at least insure their children could enter one. This

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[20] The viceroys of Mexico also complained about the *ociosos* and *vagabundos* who were living off the hard work of native peoples and productive Spaniards.

[21] A good example of these terms being used can be seen in the *probanzas de merito* from the conquest era. Many conquistadores chose to use this moral language of status to advance their claims for compensation and royal privileges. See, AGI, Patronato, S. 3, "Informaciones de Méritos y Servicios"

[22] Dominguez Ortiz, *Las Clases Privilegiadas*, p. 58.

mobility and the general assumption that one could change their position on the social-ladder – if only slightly or temporarily– permeated early modern Iberia.[23] This belief would be transferred to the Americas and would play an important role in the developing societies there.

Ethno-religious Terms

As a result of the almost eight centuries of conflict and cohabitation between Christians, Jews, and Muslims, religion and religious categories of difference played a crucial role in ascribing to an individual a place in the social world. The basic terms for describing a person's religious place in society were '*cristiano*,' '*judio*,' and '*moro*.' Through centuries many Jews and Muslims living in Christian kingdoms converted to Christianity. The need to describe these newly converted Christians led to the creation of several other terms of difference. Generically, they could be called '*cristianos nuevos*' which distinguished them from individuals whose families presumably had always been Christian – '*cristianos viejos*.'[24] Beyond that basic distinction the terms, '*converso*' and '*morisco*' were used to describe converted Jews and Muslims, respectively. The terms can be considered ethno-religious because they were not limited to the individual who first converted but rather became multi-generational markers used to describe individuals whose ancestors had converted previously. Due to the importance of ancestral descent and cultural heritage implied by these markers, several other religious concepts were important for mediating an individual's ethno-religious position. Specifically, the terms

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[23] Ibid., p. 71.
[24] María Elena Martínez has argued that the popular and institutional emphasis on verifying religious genealogy in Spain grew in importance during the fifteenth century and became common place in the sixteenth century. She also argues that the preoccupation with religious descent was central to the formation of Latin American terms for racial-difference. My argument here builds upon that assumption by adding other categories of difference which factored into new American terminology. Martínez, *Genealogical Fictions*, p. 40.

'*casta,*' '*raza,*' '*linaje,*' and '*generacion,*' all functioned within an ethno-religious

context and served to distinguish the degree to which an individual was considered to be

a *cristiano nuevo*.

In the Americas, by the mid-seventeenth and eighteenth centuries, the term *casta*

would come to refer to individuals with some degree of mixed ancestry. Yet, four

centuries earlier this term referred not to mixed ancestry but to rather to unmixed

religious lineage. *Casta* probably derived from Latin and could be used to define any

particular 'type' including both animals and humans. In Covarrubias' 1611 dictionary

casta was defined as "*vale linaje noble*."[25] Although often described as evolution from a

Latin antecedent, *castus*, in Corominas' etymological dictionary, *casta* was considered an

autochthonous Iberian word found in medieval Gallego, Castilian, Catalan, and

Mallorquín.[26] During the sixteenth and seventeenth century, it was applied to plants,

animals, and people with reference to describe purity in breeding. The English word *caste*

can be traced to the Portuguese usage of *casta* to describe the social divisions they found

in India at the beginning of the sixteenth century.[27] Even today the adjectival form of

casta, '*castizo,*' refers to something pure without taint, typical for its genre.[28] The

Spanish American evolution of this term to describe individuals of mixed race probably

occurred sometime in the seventeenth century and may have occurred as a reflection

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[25] Sebastian de Covarrubias Orozco, Ignacio Arellano, and Rafael Zafra, *Tesoro de la Lengua Castellana o Española* (Madrid, 2006), p. 473.
[26] Joan Corominas, *Diccionario Critico Etimologico de la Lengua Castellana*, 4 vols. (Madrid, 1954). vol. 1, pp. 722-723.
[27] Ibid., p. 722. According to Corominas, the first Portuguese usage to describe the social structures of India was in 1516 with the English adoption in 1588.
[28] *Diccionario de la Lengua Española*. 22 ed. (Madrid, 2003).

upon the similarities between social divisions in Spanish America to the Indian caste system.[29]

Closely, related to *casta* was the term *raza*. In Iberia this term, more so than *casta*, was used to define an individual's religious lineage. As with *casta*, the origins of the word *raza* are unclear. Covarrubias gives three definitions for the word:

> *Raza: la casta de caballos castizos, a los cuales señalan con hierro para que sean conocidos. Raza, en el paño, la hilaza que diferencia de los demás hilos de la trama. Parece haberse dicho quasi reaza, porque aza, en lengua toscana , vale hilo, y la raza en el paño sobrepuesto desigual. Raza, en lo linajes se toma en mala parte, como tener alguna raza de moro o judio.*[30]

The first definition is directly tied to *casta* and the usage of *castizo* to mean pure, unblemished, the example mentioning a branded purebred horse. The second definition suggests the notion that *raza* referred to something unlike the rest, the example being a thread that is different from the rest in a piece of cloth. The third definition shares several aspects with the previous two: the inherent notion of lineage, or descent; and that of difference –in this case ethno-religious. Corominas suggested that these different definitions reflect the coalescence of separate terms in the medieval period.[31] He suggests that the Latin root, *'ratio'* was modified possibly in contact with other romance languages and entered Castilian as '*raza*' with the general sense of "*indole, modalidad, especie.*" However, according to Corominas the second definition – that of an unusual thread –

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[29] A complete examination of the later Spanish American usage of *casta* is beyond the scope of this work. During the chronological period under study, *casta* was only used in its traditional usage as a means of describing lineages and not social divisions or groups.

[30] Covarrubias Orozco, Arellano, and Zafra, *Tesoro de la Lengua Castellana*, p. 1396. "Raza: the breed of purebred horses, those that are branded so that they are known. Raza, in cloth, the thread which is different than the rest. Seems to have been almost like *reaza* because *aza*, in Tuscan, means thread, and the *raza* of cloth is similar. Raza, in that of lineages is taken to be the bad part, such as having *raza* of Moors or Jews." Translation mine.

[31] Corominas, *Diccionario Critico Etimologico*, vol. 3, p. 1019.

derived from separate Iberian antecedent, '*raça,*' meaning '*raleza o defecto en el paño*' or more generally '*defecto, culpa.*' The vernacular confusion of these two roots occurred at some point prior to the sixteenth century when its third pejorative religious meaning became the most common.

At their core, these terms reflect the confusion between cultural, specifically religious belief and practice, and biological differences.[32] As will be shown later this confusion would continue in the Americas with terms of socio-racial difference. In Iberia this confusion was institutionalized through the belief in '*limpieza de sangre.*' This phrase encapsulated the view that religious impurity, specifically descent from Jews, Muslims, and later Protestants, was transmitted biologically from generation to generation. Broadly, speaking the emphasis on *limpieza de sangre* evolved as a means to exclude new converts from positions of power restricted to Christians.

From the late fourteenth century through the sixteenth century, periodic violence against Jews, including massive pogroms in 1391, had led to large numbers of converts who by virtue of their new faith became newly eligible for civic and religious offices and posts.[33] Historically, Castilian law made no distinction between *cristianos nuevos* and *cristianos viejos*. In the thirteenth century, the *Siete Partidas* specifically stated that they should be honored as all other Christians and be eligible for all posts similarly to other Christians.[34] The attitude contained within the S*iete Partidas* was not upheld during the course of the fifteenth century. As new converts began to seek more elevated positions,

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[32] This confusion would persist in Spanish America throughout the colonial period with regard to individuals of mixed ethnicity.

[33] B. Netanyahu, *The Origins of the Inquisition in Fifteenth Century Spain* (New York, 1995), pp. 127-213.

[34] Ibid., pp. 260-1. See, *Las Siete Partidas del Rey Alfonso el Sabio, Cotejadas con Varios Codices Antiguos por la Real Academia de la Historia*, 3 vols. (Madrid, 1807), lib. VII, tit. XXV, ley 3 and tit. XXIV, ley 6.

specific institutions and communities began to impose their own criteria for eligibility to posts and offices.[35] Initially, many statues created to limit the entrance of *conversos* into positions of power were not based in universal exclusion, but rather only sought to exclude those who had committed a religious crime after conversion. For example, Inquisitor Torquemada received orders in 1484 that only individuals who had been condemned and penanced, along with their children and grandchildren, were to be excluded from offices or posts.[36]

By 1492, the situation changed once more with large numbers of Jews converting following the expulsion orders of the Catholic Monarchs. The augmented numbers of *conversos* led to even more social pressure to exclude the new converts. During the course of the sixteenth century, various institutions began to impose their own statues of purity which went further than previous royal mandates by excluding anyone of *converso* origins. These included all six *colegios mayores*, religious orders (including the Franciscans, Dominicans, and Jeronimites), the Inquisition, several cathedral chapters (including Seville, Cordoba, Toledo, and Valencia among others), the military orders, and some city councils and confraternities.[37] These sixteenth century statues differed from earlier provisions including royal decrees by abandoning previous articulations of *limpieza de sangre* which had allowed for transition between the status of *cristiano nuevo* and *cristiano viejo* after several generations.[38] Concurrently with the discovery of the Americas, Iberians had begun to create permanent genealogical categories which defined individuals on the basis of ethno-religious descent.

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[35] Henry Kamen, *The Spanish Inquisition: An Historical Revision* (New Haven, Conn., 1997), p. 231.
[36] Ibid., p. 234.
[37] Ibid., p. 239.
[38] Martínez, *Genealogical Fictions*, p. 52.

The existence of these statues and of the hardened distinction between *conversos* and *cristianos viejos*, mandated that individuals wishing to hold secular or religious posts, take religious orders, receive university degrees, or enter guilds were required by those respective institutions provide a *probanza de limpieza de sangre*, or proof of blood purity.[39] These *probanzas* used both written documentation such as censuses, tax records, birth and marriage registers, as well as oral testimony from community members to determine an individuals religious lineage.[40] The oral component of these examinations helped insure that all Iberians came to understand the language of ethno-religious difference and began to see the world through that prism. In other words, although these proofs were used by specific institutions for particular purposes the need to prove an individual's purity through "*publica voz y fama*" placed the issue of an individual's genealogy into the realm of communal discourse. [41] Genealogical information became a community concern and was central to an individual's perceived position in the world. The increased salience of religious descent in the sixteenth and seventeenth century helped transpose the conception of genealogical purity, or taint, onto the diverse new society developing in the Americas.[42]

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[39] Kamen, *The Spanish Inquisition*, pp. 238-241, Martínez, *Genealogical Fictions*, p. 45. Kamen and Martínez differ in their view of the societal consequences of these statues. Kamen noted that the number of institutions with such statues was relatively small, for example only six sees required proofs and many Castilian city councils did not impose similar restrictions. Moreover, he found that many institutions had ambivalent attitudes towards the enactment of such statues as well as the rigidity of their application. Martínez counters that although the number of institutions with such statues was small those that did maintain purity laws were some of the most prestigious in the kingdoms. Consequently, their prestige helped promote their particular construction of ethno-religious purity.
[40] Martínez, *Genealogical Fictions*, pp. 66-68.
[41] Ibid., p. 74. The phrase, "*publica voz y fama*," or its analog "*publico y notorio*" appear frequently in documents recording testimony and reflect the importance of communal consensus in determining the veracity of an individual's claims. Other such documents include *probanzas de merito* and *interrogatorios*, questionnaires used by the prosecution and defense, from criminal or inquisition cases.
[42] Ibid., See, Chapter 6, pp. 142-171.

Ethno-geographic Terms

The complex political history of Iberia also helped spur the development of language designed to define individuals based upon their place of birth and residence. The two most important terms used to describe one's ethno-geographic place were '*naturaleza*' and '*vecinidad*.' The former described one's place of birth, their natal home, the latter formal membership, in modern terms 'citizenship,' within a corporate community. Tamar Herzog has explored the complex evolution of both terms and their uses in Iberia and Latin America from the sixteenth until the eighteenth centuries. She argues that both terms were essential to defining individuals' positions as members of communities and as bearers of specific rights and privileges.[43] Due to the varied history of conquest, reconquest, and incorporation, different political jurisdictions and cities had different legal systems and particular privileges vis-à-vis the monarchy. Consequently, residents and natives of different parts of Iberia could lay claim to a diverse array of rights depending on their *naturaleza* and *vecinidad*. Related to these general concepts were the specific legal terms as used when applied to a specific person: '*natural*' and '*vecino*.'

Prior to the formal union of Castile and Aragon under Charles V in 1555, no general concept of a Spanish nativeness existed, and not until the end of the sixteenth century did one begin to form.[44] Given the lack of a conception of a *naturaleza española*, individuals were defined by their *naturalezas* at the level of kingdom and community. The reliance on *naturaleza* was closely tied to office holding and the desire to maintain

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[43] Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven, 2003), p. 2.

[44] Ibid., p. 65. Prior to 1555, Charles and his mother Juana reigned as co-regents of Castile and Aragon. Although the kingdoms had become much more unified since the reign of Ferdinand and Isabella, major strides towards centralization and unity did not begin until the reign of Phillip II. See, John Huxtable Elliott, *Imperial Spain, 1469-1716* (New York, 1964), pp. 242-250, Ruiz, *Spanish Society*, pp. 29-31.

local control of bureaucratic and governmental posts within an increasingly diverse and conglomerate monarchy. Generally, *naturaleza* in a given community was required in order to hold appointments to public offices or benefices.[45]

While intricately tied to the maintenance of power and authority within a complex and heterogeneous empire, *naturaleza* more generally served as a short hand for defining difference between the disparate regions of the Spanish kingdoms. In many legal documents individuals were identified by their given names and their naturalezas. For example when called before the episcopal inquisition in Mexico City in 1536, Pedro García was first asked for his name and where he was from.[46] His response was recorded, "*se llama Pedro García escribano, y que es natural de Burgos en los reinos de España.*"[47] Similarly, in the same year, Inés Hernández was subjected to a similar line of questioning:

> *Preg[unta]da, como se llama/ dixo Ynes HRez [Hernández]*
>
> *Preg[unta]da, de donde es natural/ dixo q de Sevi^a [Sevilla]*[48]

Both these examples demonstrate that even when issues of privileges or particular rights were not at stake, an individual's *naturaleza* was a key element of their social identity.

Generally, for vassals of Castile and Aragon the mention of community of origin and kingdom were all that was necessary to define one's *naturaleza*. On the other hand,

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[45] Herzog, *Defining Nations*, p. 67.

[46] Archivo General de la Nación (AGN), Inq. 22, exp. 2., fs. 10v. "Proceso contra Pedro Garcia..." 1536. Specifically he was asked, "como se llama y de donde es?"

[47] Ibid. This case was conducted under the authority of ordinary, Archbishop Zumarraga, as the formal Mexican Inquisition would not be founded until 1571. "He calls himself Pedro García, *escribano*, and that he is a *natural* of Burgos in the kingdoms of *España.*" Translation mine.

[48] AGN, Inq. 22, exp. 3, "Proceso contra Inés Hernández muger de Çamorano..." 1536. "Asked, what is her name/ she said Ines Hernández. Asked, where is she from/ she said that she is from Sevilla." Translation mine.

foreigners living within these kingdoms were very often described by their 'nation' of origin rather than by their natal community. Census data from Seville, demonstrate that during the fifteenth and sixteenth centuries terms such as *catalanes*, *portugués, genovés, piamontés, milanés,* and *veneciano* were used to describe individuals from areas outside Castile.[49] Additionally, sixteenth century inquisition cases from Mexico record the use of terms such as *vizcaíno*, *flamenco* (to refer to the Dutch), *francés*, *inglés,* and *alemán*.[50] These terms served to localize non-Castilian *naturalezas*. Given that these individuals came from communities far distant from Castile, their *naturalezas* became less defined by membership within a specific community, e.g. Sevilla or Burgos, and more tied to the early modern understanding of '*nación*.'

The second term which Iberians used to define an individual's ethno-geographic place in society was *vecinidad*. More so than *naturaleza,* an individual's *vecinidad* reflected their primary location of residence. Individuals acquired *vecinidad* through residence and continuous participation in a specific community.[51] Generally, the status of being a *vecino* was defined through informal means although formal procedures were used if an individual's status was contested.[52] *Vecino* status generally implied access to the rights and privileges of the community as well as responsibilities including the requirement to pay taxes, maintain residence, and serve in local militias.[53] The social

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[49] Collantes de Teran, *Sevilla en la Baja Edad Media*, pp. 214-8.
[50] For example, see: AGN, Inq. vol. 2, exp. 1 (*alemán*); vol. 9, exp. 6 (*inglés*); vol. 14, exp. 36 (*flamenco*); vol. 31, exp. 4 (*francés*); vol. 75, exp. 16 (*vizcaíno*). By the late sixteenth century, religious conflict arising due to the Protestant reformation led to increased suspicion of persons from northern Europe, especially the German states and the Low Countries.
[51] Herzog, *Defining Nations*, pp. 24-29.
[52] Ibid., pp. 29-31.
[53] Ibid., p. 18.

status afforded *vecinos* reflected a commonly accepted social marker that worked in conjunction with an individual's *naturaleza* and socio-economic status.

One final means of defining an individuals' ethno-geographic status was used exclusively for Africans. During the course of the fifteenth century, Portuguese traders in sub-Saharan African brought increasing numbers of slaves into the Iberian Peninsula. These slaves were broadly characterized by the Castilian term '*negro*.' This reflected their distinct phonotypical appearance as well as differentiated them from other slaves, in particular '*esclavos blancos*.'[54] Despite the glossing of all sub-Saharans as *negros*, Iberians did recognize ethnic distinctions among these slaves. For example, slave records from Valencia include references to locations of origin including: Jalof, Bañul, Beafer, Berbesi, Calabres, and Sapi.[55] Similar documentation from Andalucía lists ethnic terms such as: Jalof, Manicongo, Iburon, Capi, and Jolongo.[56] In other cases general regions were used to describe slaves. For example, '*guinea*,' '*cabo verde*,' and '*terranova*' referred to general regions of the West African coast line from modern-day Gambia to the Bight of Benin.[57] In general, the phrases '*negro de...*' or '*negro de tierra de...*' preceded the ethnic marker or general region.[58]

The use of these terms differs from the use of 'national' labels in an important ways. While national labels always took the adjectival form, e.g. *genoves*, African ethnic

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[54] Forbes, *Africans and Native Americans*, pp. 75-79. *Esclavos blancos* represented a diverse lot the majority being of Muslim descent who had been enslaved during the Reconquest or in North Africa. See, Ruth Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen," *Hispanic American Historical Review* 47 (1967).

[55] Vicenta Cortés, *La Esclavitud en Valencia Durante el Reinado de los Reyes Catolicos (1479-1516)* (Valencia, 1964), pp. 56-59.

[56] Alfonso Franco Silva, *La Esclavitud en Andalucia* (Granada, 1992), p. 49.

[57] Ibid.

[58] Many examples of this can be found in matrimonial records for Mexico City, see: AGN, Matrimonios 128, exp. 25. "Leonor de color morena de tierra de Biafara..." 1583.

terms were always applied as nouns with the preposition '*de*' to indicate 'from.' At one level this suggests greater familiarity with other European groups. Longer association would have led to clear distinctions between European *naciones* and the development of adjectival forms for those groups. The more recent exposure to Africa allowed for the introduction of African ethnic markers but not their conversion into adjectives. Additionally, the lack of an adjectival form may suggest doubt in the veracity or applicability of a specific ethnic marker to slave. The European explorers and traders were aware that African slavery involved the capture of individuals from other ethnic groups. By using the phrase "*de tierra de...*" Iberians may have been referencing the fact that slave ethnic markers referred to regions of sale to Europeans and not necessarily the region of origin. Nevertheless, although slaves were described slightly differently to Castilians and other Europeans, Iberians still sought to describe them in ethno-geographic terms.

Conclusion

This chapter has explored the variety of ways in which Iberians came to define difference in the centuries leading up to the discovery and conquest of the Americas. The primary semantic categories used by Iberians revolved around ethno-religious, ethno-geographical, and socio-economic categories and differences. The complex interaction between these factors helped Iberians place individuals within a matrix of difference. As Iberians began to expand beyond the peninsula and into the Americas, this framework of difference would form the basis for their conceptualizations of the human groups they encountered or who came into existence as a result of those interactions. This transfer

was not perfect as the categories of difference devised by Iberians could not be mapped perfectly onto the new people they encountered. Nevertheless, the basic framework would serve as a basis for the creation of new terms of difference.

The three semantic categories of difference used by Iberians in the early modern period would prove crucial for defining new terms of difference in the Americas. These new colonies would be populated by *españoles, indios,* and *negros*. Each of these terms, as well as those for individuals of mixed ancestry (*mestizo* and *mulato*), would be inscribed with beliefs originating in earlier forms of difference. This formative triad encapsulated ethno-geographic difference most easily as each term implied a distinct lineage from diverse parts of the globe. Terms of mixed race would likewise encode the ethno-geographic beliefs, with the added twist that these individuals were perceived as having an amalgamation of characteristics originating in their parent lineages. Conceptions of religious difference would similarly influence colonial terms. All Spaniards would be viewed as *cristianos viejos* while Africans and Native Americans would be seen as perpetual *cristianos nuevos*. Categories of mixed-ancestry encoded different conceptions of religious purity as *mestizos* were perceived of as being closer to *cristianos viejos* than *mulatos*. This view was tied to theological explanations of ethno-religious lineage.[59] While *indios* were seen as being the descendents of the 'lost tribes of Israel,' *negros* came to be seen as the cursed descendents of Ham. In the Americas, socio-economic differences were also transferred in a modified way. In the colonial context, all Spaniards could claim privileges generally reserved to Iberian *hidalgos* while *indios, negros,* and *mulatos* came to represent the *pecheros* of the New World. Each of those

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[59] Sweet, "Iberian Roots."

groups was required to pay tribute, while no Spaniard or *mestizo* was encumbered by such a burden. Nevertheless, The American model preserved the drive to obtain privileges and exemptions as many tributaries could receive tribute exemptions or reductions through demonstrations of service and performative acts of fealty and obedience to the crown. Ultimately, American terms of racial difference did not evolve in a vacuum but rather evolved from Iberian notions of difference adapted to a uniquely colonial context. The following chapter and the rest of this work will examine the conceptions of difference which were developed based on these older semantic models, and explore how these conceptions of difference created a stereotypical – but not monolithic – framework of difference in colonial New Spain.

Chapter 2

Defining Difference in Early New Spain

...en la Nueva España han sucedido muchos alborotos y revoluciones que han nacido de los negros indios y mulatos de la tierra por que hay en ella gran copia de negros y de mulatos o mestizos y siempre que ha habido alteraciones y ... como cada día crece este género de gente que no se pone algún remedio el aparejo para que haya escándalos y alborotos en aquella tierra mayores de los que ha habidos hasta aquí... – Alonso Pérez de Arza, 1573[1]

Generos de Gente

When Europeans arrived in the Americas they sought to define and categorize the New World through the lens of their own cultural beliefs and understandings.[2] The conjuncture of Europeans, Africans, and Native Americans quickly led to unions, both formal and informal, between these 'founding' groups and a colonial population of persons with mixed-ancestry.[3] During the sixteenth century the categories of *mestizo* and *mulato* came to encompass almost all individuals produced by these unions. Other terms were developed including, *loro*, *zambaigo*, and *castizo*; however these terms were rarely used and were geographically limited in scope. Taken as a whole the developing colonial

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[1] AGI, Mexico 90, "Carta de Alonso Perez de Arza." "In New Spain there have been many uprisings and revolutions that were born among the *negros, indios*, and *mulatos* of the land. For in that land there is an abundance of *negros* and *mulatos* and they have always caused altercations… Every day this *genero de gente* grows and no attempt has been made to prepare a remedy so that there are not scandals and uprisings worse than there have been up until now…" Translation mine.

[2] For excellent theoretical work on the way culture shaped the dynamic interaction of Europeans and non-Europeans in the early modern period, see: Marshall David Sahlins, *Islands of History* (Chicago, 1985). In examining the interaction between Captain Cook and the Hawaiian Islanders, Sahlins highlights the importance of the 'structure of the conjuncture.' This theoretical view focuses on understanding the cultural constructs and predispositions which influence how both sides of any encounter. In this case Cook and Hawaiians structured their understanding of the 'other' through their own historically based cultural filters. James Lockhart has proposed a similar argument for the encounter between Spaniards and the native peoples of the Americas. See, James Lockhart, *Of Things of the Indies: Essays Old and New in Early Latin American History* (Stanford, 1999), p. 99. The phrase he uses to describe the same process is 'double-mistaken identity.' Similarly to Sahlins, Lockhart emphasizes that each side of the encounter could only view the other side through their own existing cultural framework.

[3] I prefer the term persons of mixed ancestry over mixed-race or mixed-blood. I feel this most accurately encapsulates the way these persons were viewed at the time.

society was seen as a collection of '*generos de gente,*' or 'types of people.' This chapter will examine the stereotypical beliefs associated with each category and explore how earlier Iberian forms of difference were mobilized in an effort to define the new '*generos*' of sixteenth century society.

The phrase '*generos de gente*' has not typically been used by scholars to describe the collection of terms used to describe the socio-racial status in early colonial Mexico. The most common term used to describe these groups has been *castas*; however, this usage is anachronistic for the sixteenth century.[4] As was explored in the previous chapter, *casta* was only used to describe a person's religious lineage or an animal's breeding stock. At no point in the sixteenth century was *casta* used to describe a person of mixed ancestry nor was the word *castas* used as shorthand for all persons of mixed ancestry.[5]

Some scholars have also chosen to use the term '*calidad/calidades,*' or 'quality/qualities,' to describe the spectrum of terms used to describe the colonial

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[4] Most scholars who use *casta/castas* to describe the population of mixed-ancestry have studied the seventeenth and eighteenth centuries in which these terms had come to be applied as such. For example see: Magali Marie Carrera, *Imagining Identity in New Spain: Race, Lineage, and the Colonial Body in Portraiture and Casta Paintings* (Austin, 2003), John K. Chance and William B. Taylor, "The Ecology of Race and Class in Late Colonial Oaxaca," in *Studies in Spanish American Population History*, ed. David J. Robinson (Boulder, CO, 1981), Chance and Taylor, "Estate and Class: A Reply.", Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792.", Cope, *The Limits of Racial Domination*, Ilona Katzew, *Casta Painting: Images of Race in Eighteenth-Century Mexico* (New Haven, 2004), McAlister, "Social Structure and Social Change in New Spain.", McCaa, Schwartz, and Grubessich, "Race and Class in Colonial America: A Critique.", Mörner, *Race Mixture*, Magnus Mörner, *Race and Class in Latin America* (New York, 1970), Seed, "The Social Dimensions of Race: Mexico City 1753," Valdes, "Decline of the Sociedad de Castas in Mexico City".

[5] Sixteenth century *reales cedulas* only use *casta* in either its ethno-religious sense or to reference breeding stock. For example, AGI, Indiferente 1964, L. 11, fs. 106, "*Real Cedula dando licencia a Iñigo Ortiz de Retes para llevar un chino a Nueva España,*" 1548. This cedula notes that the *chino*, a native of China, could be taken to New Spain because he was not "*de casta de moros.*" AGI Santo Domingo 2280, L. 2, fs. 92, "*Real Cedula al lugarteniente de gobernador... sobre que no le echen en sus dehesas caballos ruines que le dañen su casta,*" 1536. This cedula references the problem of bad breeding stock, *caballos ruines*, being introduced to pastures with better bred horses, *caballos de casta*. Even as late as 1602, the Spanish crown used *casta* to refer to animal breeding, see: AGI, Filipinas 329, L. 1, fs. 41v-42, "*Real Cedula al Virrey de la Nueva España que envie a las Philipinas algunas labradores yeguas y cavallos para casta como esta ordenado,*" 1602.

population.[6] While this term is less problematic than *casta* for the sixteenth century, its

usage tended to focus mainly on the socio-economic spectrum and the conflation of

wealth and political privilege with status. In other words, this view argues that the terms

español, indio, negro, mestizo, and *mulato* each carried with them a particular level of

calidad. While certainly true in a general sense, the use of *calidad/calidades* as an

umbrella term for the colonial hierarchy of socio-racial difference overlooks the fact that

differences in *calidad* could be found within any one of the included terms depending on

a specific individual's social perception. In official documentation, *calidad* was used as a

means of judging an individual's merit for the purposes of appointments to bureaucratic

posts and the conferral of privileges. Consequently, even among *españoles* there would

be noticeable differences in *calidad*. For example, a 1528 *real cedula* stipulated that any

person soliciting the crown for rewards of merit or bestowal of privileges submit a

petition which demonstrated the "*calidad y condición*" of their person as well as

documented any services rendered to the crown.[7] This usage of *calidad* implies a highly

subjective and fluid measure of 'quality' based largely in the socio-economic position of

an individual and in that person's previous demonstrations of honor and service.[8] The

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[6] Richard Boyer, "Negotiating *Calidad*: The Everday Struggle for Status in Mexico," *Historical Archaeology* 31 (1997), Joan Cameron Bristol, "From Curing to Witchcraft: Afro-Mexicans and the Mediation of Authority," *Journal of Colonialism and Colonial History* 7 (2006), Jackson, "Race/Caste and the Creation and Meaning of Identity in Colonial Spanish America."

[7] AGI, Panama 234, L. 3, f. 127v-8v. " *Real cedula que manda que las peticiones se hagan con informaciones*" 1528. Additionally, when the crown sought to prohibit *mestizos* from being ordained as priests the cedula stated that mestizos were to be barred from the priesthood because they were not "*recogidas, virtuosas y suficientes y de las calidades que se requieren para el estado del sacerdocio...*" Diego de Encinas, *Cedulario Indiano*, 4 vols. (Madrid, 1945), IV, 344. *"Cedula que manda que no se ordenen mestizos en ninguna manera," 1578.* However, the cedula went on to warn that all care should be taken that vows should only be taken by "*personas en quien concurren las partes y calidades necessarias.*" This second clarification highlights that other persons– not simply *mestizos*– could lack the necessary *calidad* and should likewise be barred.

[8] For example, a 1535 *real cedula* ordering all *vecinos* and *moradores* (settlers) to provision themselves with weapons for the defence of the colony stated that the specific weapons to be held would vary according to the "*calidad de cada persona.*" Presumably, wealthier persons with more status and

variability inherent in the usage of *calidad* and the specific religious connotation of *casta* preclude them from describing the system of socio-racial terms as they developed in the sixteenth century.

'Generos de gente' on the other hand does encompass the sixteenth century understanding of a society divided between different types of persons. Early modern Iberian society was not seen as homogeneous; consequently, Iberians expected a pluralistic society composed of various categories of persons. I use the phrase '*generos de gente*' as a collective reference for all socio-racial labels of the sixteenth century, in particular: *español*, *indio*, *negro*, *mulato*, *mestizo*. The other collective phrases typically used by modern authors, namely *casta* or *calidad*, were not typically used for such a purpose in the sixteenth century and tend to convey an anachronistic understanding of social, ethnic, and racial differences. While, I feel that '*generos de gente*' best conveys the sixteenth century understanding of an ethnically diverse, and constantly mixing, population, this phrase was not ubiquitous at the time. I have chosen to adopt it because I have found it used by a variety of colonial individuals in a range of situations to refer collectively to the labels I have mentioned. I feel that while it may not have been used frequently in quotidian speech, it would have made sense to individuals at the time. If a contemporary were to hear the phrase they would be able interpret its meaning. Whereas, for contemporaries *casta* would reference an individual's religious heritage, in particular descent from Muslims or Jews, *calidad* tended to refer specifically to socio-economic

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responsibility would be required to carry and provide greater and more expensive armaments than those with fewer resources and status. Ibid. IV, 36. "Cedula que manda que los vezinos de Mexico tengan en sus casas armas."

qualities which existed even within socio-racial categories. On the other hand, '*generos de gente'* perfectly encapsulates the sixteenth century formulation of a diverse society.

I have encountered its usage in a variety of *cedulas* and petitions. For example in a 1552 *real cedula* seeking to limit the use of slaves in personal entourages the crown noted that many of those enslaved retainers caused great disruptions and offenses against "*todo género de personas.*" [9] In 1573, Alonso Pérez de Arça, an *espadero* and *vecino* of Mexico City, shared with the crown his fears concerning the use of weapons by *negros, indios, mulatos*. He feared that because "*cada día creze este género de gente*" there would be more and more uprisings, disruptions, and rebellions so long as no efforts were made to curtain the possession of weapons.[10] In 1601, the crown sought to minimize the deaths of natives tasked with draining mines in New Spain by mandating that that work be done by "*negros o con otro género de gente*." [11] The viceroy was also ordered to limit the use of *indios* in other mining activities and to seek ways of providing miners with *"negros, u otro género de servicio."* In 1604, Diego Martínez a *vecino* of Mexico City wrote a long *memorial* addressed to the Spanish crown in which he suggested many possible changes intended to improve the collection of tribute in New Spain. In one of thirty-six recommendations he suggested that "*otros generos de jente* [sic] *tributaria como son mulatos y mulatas negros chichimecos y chinos*" be forced to relocate to known settlements and neighborhoods so their tribute burden could be more accurately assessed

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[9] Manuel Joseph de Ayala, *Diccionario de Gobierno y Legislacion de Indias*, 13 vols. (Madrid, 1991), vol. X, p. 46.

[10] AGI, Mexico 90, "Carta de Alonso Perez de Arza." "Every day this *género de gente* grows." Translation mine

[11] AGI, Indiferente 1252; this *cedula* was issued in Valladolid, November 24 1601. This *legajo* contains an assortment of cedulas from the early seventeenth century seeking to rectify problems with the repartimeinto system in both New Spain and Peru.

and collected.[12] Similarly in 1606, Antónío Rodríguez de Robles submitted to the crown and the Council of the Indies a list of suggestions for improving the government of New Spain. In this he noted that:

> *...q[ue] el dia de hoy habra en la Nueva España de cinquenta a sesenta mil negros y mulatos, y mestizos, que es el género de gente que conforme a rázon deben acudir al trabajo de la labor de las minas, y sacar el metal dellas, y en todos cinquenta mil hombres deste género, no se hallaran cinquenta hombres que se atrevan a subir del suelo de las minas una arroba de metal...*[13]

According to Rodríguez de Robles, not only were these other *generos de gente* unwilling to work in the mines their labor would be too expensive and make mining less profitable. Therefore, he suggested that the *indios* be reserved for mining but relieved of other burdens. He felt that farming duties could be taken over by Spanish *labradores*, the *repartimeinto* system and *obrajes* could reformed to prevent fraud and abuse, and went on to add that sugar mills should *"...conpre* [sic] *negros, o alquile Españoles, o otro género de gente o no tenga ingenio a costa de las vidas de los Indios..."*[14] Although not numerous, these recorded uses of *género de gente* suggest that this phrase resonated during the sixteenth and early seventeenth century as a short gloss which encompassed the variability of colonial subjects.

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[12] AGI, Mexico 123, num. 21. "Other *generos de gente* who pay tribute like the *mulatos* and *mulatas*, *negros*, *chichimecos* and *chinos*." Translation mine.

[13] AGI, Mexico 125, num. 18. "Seis Memoriales que Antónío Rodríguez dio en el Consejo respectivos al buen gobierno de la Nueva España," 1606. "...Today in New Spain there are between fifty and sixty thousand *negros* and *mulatos* and *mestizos* and it is this *género de gente* which conforming to reason should be made to labor in the mines and remove the ore from within them, and of all fifty thousand men of this *género* there are not to be found fifty men who have ventured to bring from the depths of the mines a single *arroba* of ore..." Translation mine.

[14] *Ibid*. "...purchase *negros*, or hire *españoles*, or another *género de gente* or not run a mill off of the lives of the *indios*." Translation mine.
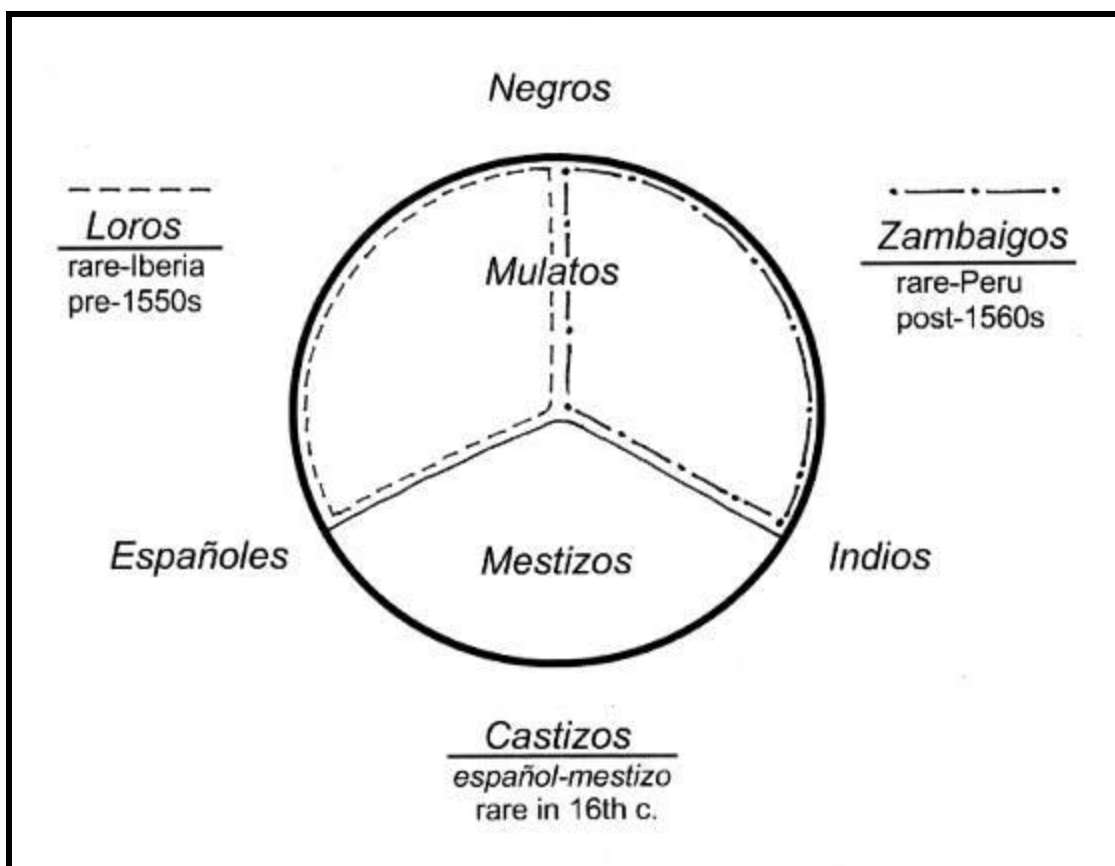
Figure 2.1, Schema of *Generos de Gente*

Español

      During the reign of the Catholic Monarchs no single term was used to describe the

early European population of the Americas. Most frequently, if references were made

generally about these residents they were referred to the terminology of legal residence.

Specifically, the terms '*vecino*,' '*morador'* [settler], '*estante'* [itinerant resident], and

'*habitante'* [resident] were used to describe Europeans according to their position within

early settlements.[15] In the early Americas, the term *vecino* was limited to individuals

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[15] For example, see: AGI, Patronato 172, R. 4, "Repartimiento de Caciques: la Española," 1516. This document records the arrival and implementation of royal mandates concerning the use of native laborers. These terms appear in various passages. Generally, *vecinos* and *moradores* received greater privileges and concession due to their more elevated status and greater wealth.

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recognized by the *cabildo* of a particular community. Generally, *vecinos* had to maintain residence, own and improve lands, and provide for the defense of a settlement. Unlike in Iberia, during the early decades of colonial rule in the Americas, *vecino* status was quite limited and required substantial wealth and political connections to attain. The terms *morador*, *habitante*, and *estante* reflected decreasing degrees of permanence in residency. The use of these terms to describe early European residents can be tied to different levels of socio-economic status and varied degrees of participation in the conquest process. *Vecinos* and *moradores* represented the highest status individuals of the early conquest period. These individuals led and financed many campaigns of conquest and were the first to found towns and petition the crown for rewards. *Habitantes* and *estates* were more likely to be newer arrivals or less wealthy individuals who would have been less able to contribute financially to early conquest expeditions and the founding of settlements.

In these early decades if a term was required to encompass all Europeans in the Americas the most common choice was '*cristianos*.' The use of this phrase evolved naturally from early modern Iberian experience in the *reconquista*. Iberians had already become accustom to describing individuals and groups based on religious origins. The term 'European' had not yet come into popular usage in Western Europe. Rather, at the beginning of the sixteenth century Europe was still envisioned by its inhabitants as 'Christendom,'[16] and in so far as a common identity could be attributed to Europeans they viewed each other as Christians. This shared Christian identity did not subsume other national identities such as Castilian, Catalan, Flemish, French, Portuguese, etc.

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[16] See: Karl W. Deutsch, "Medieval Unity and the Economic Conditions for an International Civilization," *The Canadian Journal of Economics and Political Science* 10 (1944): p. 29, Franklin Le Van Baumer, "The Conception of Christendom in Renaissance England," *Journal of the History of Ideas* 6 (1945).

Rather in most cases, the common Christian identity served as a counterpoint to non-European, non-Christian others. Within medieval Europe, Christians existed in contrast to the remaining non-christian 'barbarians.'[17] In the broader Mediterranean world, a Christian Europe stood in contrast to Muslim states and Islamic dominance in the Near East and North Africa. Consequently, in the Americas, *cristiano* represented a logical category which contrasted easily with the non-Christian *indio*. Moreover, this formulation recognized the presence and participation of numerous non-Iberians in the early conquest and colonization campaigns of the Catholic Monarchs and later the Hapsburgs.[18]

The general usage of *cristiano* for European can be seen in the 1501 orders given to Fray Nicolás de Ovando upon his appointment as governor of the Indies. In the sixth point of those instructions, Ovando was cautioned that "*algunos xianos [cristianos] de las dichas islas... tiene[n] toma/das a los dhos yndios sus mugeres e fijas e otras cosas/ contra su voluntad...*"[19] Additionally, the orders noted that *cristianos* were to live within established settlements, that both "*cristianos como indios*" were to pay the tithe, that to insure peace between "*los cristianos e los indios*" no weapons were to be given to natives, and that no Muslims, Jews, Heretics, *reconciliados*, or new converts other than "*esclavos negros u otros esclavos*" born in the power of *cristianos* were to be allowed in the Indies. The use of *cristiano* as a generic gloss for 'European' continued for several decades.

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[17] W.R. Jones, "The Image of the Barbarian in Medieval Europe," *Comparative Studies in Society and History* 13 (1971): pp. 387-8.

[18] Most notably, Christopher Columbus was Genoese. Many of the crews used in early transatlantic voyages would havebeen quite diverse consisting of among others, Portuguese, Castilian, Genoese, Venetian, and Catalan sailors.

[19] AGI, Indiferente General 418, L. 1, fs. 39v. "Instrucción a Fray Nicolás de Ovando," Sept. 16, 1501. "some Christians of the aforementioned islands... have taken from the *indios* without consent their wives, daughters, and other items..."

Changes in the descriptor for 'European' would begin during the 1520s when the term '*español*' came to be used simultaneously with '*cristiano*.' In 1525, the crown upheld the right of *indios* to marry Europeans and noted that many *caciques* desired that their children be allowed to marry "*cristianos y cristianas españoles*" and that this would lead to peace and well-being between "*cristianos y indios*."[20] Similarly, in 1527, the crown ordered slave-owners to oversee the marriages of their African slaves. In this *real provisión* the crown referred to the European population as "*cristianos españoles*"[21] Five years later, the crown ordered that *indios* with the requisite capacity and ability should be allowed to live in self-governing *pueblos* in a similar manner to "*cristianos españoles*"[22] The following year, 1533, the crown ordered that all "*hijos de españoles han avidos en indias [native women]*" be sent to "*pueblos de cristianos.*"[23] The inclusion of *español* most likely served several purposes. Firstly, by the 1530s, at least two generations of native people would have been born as Christians in the Caribbean. Although the dichotomy between *indios* and *cristianos* certainly remained salient, the term '*español*' served to underscore the difference between indigenous and colonizer. Secondly, although the initial conquest and settlement of the Caribbean had included non-Iberian Europeans during the first half of the sixteenth century the crown had worked to reduce the number of *extranjeros* in the Indies.[24] This shift led to a slightly more homogeneous

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[20] Richard Konetzke, *Colección de Documentos para la Historia de la Formación social de Hispano América, 1493-1810*, 3 vols. (Madrid, 1953), I: 77. #37, "R.C. Sobre Casamientos de Españoles con Indios". AGI, Panama 233, L. 2, fs. 45v.

[21] Ibid., I: 99. #50, "R. Provision para que se casen los Negros".

[22] *Colección de Documentos Inéditos Relativos al Descubrimiento Conquista y Organización de las Antiguas Posesiones Españolas de Ultramar (CDI-DCO)*, 27 vols., Segunda Serie (Madrid, 1895), vol. X, p. 143. AGI, Santo Domingo 1121, L. 1, fs. 120.

[23] Ibid., vol. X, p. 178, Encinas, *Cedulario Indiano*, IV: 342.

[24] In 1523, Charles V issued a *cedula* ordering the *Casa de Contratacion* to prohibit foreigners from trading in the Indies or sending ships to do so. AGI, Indiferente General 420, L. 9, f. 170v, "A los oficiales que no dexen cargar nyngund estranjero pa las Indias," 1523. Similarly, in 1538, foreigners were prohibited from

European population largely consisting of persons from the kingdoms of Castile and Aragon. While the political state had yet to be named *España*, the persons living within those kingdoms could be jointly called *españoles*, a derivative of the Latin geographical designation *Hispania*.[25] During the course of the sixteenth century, the Iberian subjects of Charles V and Phillip II came to more closely identify as '*españoles*.' With the rapid growth of the dynastic state and the incorporation of territories outside Iberia including the Low Countries, parts of the Italian Peninsula, North Africa, and the Americas, Iberians, despite their many regional differences, became more aware of their shared cultural history.[26] Consequently, demographic changes in the Americas coupled with the acquisition of non-Iberian kingdoms led to a shift away from the more general use of *cristiano* to the more specific national identity of *español* both in Iberia and the Indies.

The popular shift towards *español* probably occurred sooner then the corresponding usage in legal documents such as *reales cedulas*. In his writings, Columbus used the term *christianos* to refer to his crews. Given the diversity of these initial European explorers *christianos* would have represented the most logical term to describe his fellow Europeans.[27] By the fifteen twenties, accounts of the conquest and conversion of Mexico had already begun to describe the European participants as *españoles*. The letters of Hernando Cortés and the writings of Fray Toribio de Benavente

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serving on ships bound for the Indies. AGI, Indiferente General 1962, L.6, fs. 150-v. In 1598, the crown went even father and ordered the expulsion of all foreigners resident in the Indies who were not recognized by their communities as *vecinos*. AGI, Indiferente General 427, L. 30, fs. 473v-474. Foreigners could become naturalized as subjects of the crown in which case they would have been exempt from any of these prohibitions.

[25] M. J. Rodríguez-Salgado, "Christians, Civilised and Spanish: Multiple Identities in Sixteenth-Century Spain," *Transactions of the Royal Historical Society* 8 (1998): p. 234.

[26] Ibid., pp. 235-6.

[27] Christopher Columbus, Ignacio B. Anzoátegui, and Bartolomé de las Casas, *Los cuatro viajes del almirante y su testamento* (Madrid, 1992).

(Motolinía) both use *español* to refer to Iberians in the Americas.[28] Their usage suggests

that in the Americas the term *español* gained popular saliency faster than in Iberia itself.

While the crown still vacilated between *cristianos* and/or *espanoles* until the end of the

1530s, Iberian conquistadors, settlers, and missionaries quickly adopted the national term

españoles.[29]

In the Americas, the term *español* encompassed a wide-range of individuals from

diverse origins in Iberia and those born in the Americas. Wealthy merchants, royal

officials, prominent *vecinos* and *moradores*, modest *estantes* and *habitantes*, recent

arrivals, and lowly *labradores* all fell within its scope. However, this label did acquire a

specific stereotypical meaning within the framework of various *generos de gente*. At the

most basic level an *español* was someone of presumed Old Christian background either

from the Iberian kingdoms or a descendent of Iberians. This construction was based in

royal policy regulating immigration to the colonies. As early as 1501, the crown had

sought to insure that all immigrants to the Americas were Old Christians. According to

the instructions to Ovando no Moors [Muslims], Jews, heretics, *reconciliados*

[individuals who had been tried and punished by the Inquisition], or new converts were to

be allowed in the Indies and any who were found were to be returned.[30] The policy was

reiterated in 1518, 1520,1532, and 1539.[31] These *cedulas* added to the list of prohibited

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[28] Hernán Cortés and Angel Delgado Gómez, *Cartas de relación* (Madrid, 1993), Toribio Motolinía and Georges Baudot, *Historia de los indios de la Nueva España* (Madrid, 1985).

[29] Beginning in the 1530s, *español* was the ubiquitous term for European in the correspondence of the viceroys in New Spain. In the late sixteenth century, when the Spanish crown became more concerned with foreign nationals in the colonies, *extrangeros* came to be used to describe non-Iberian residents in the Indies. AGI, Mexico vols. 19-28.

[30] AGI, Indiferente General 418, L. 1, fs. 39v. "Instrucción a Fray Nicolás de Ovando," Sept. 16, 1501.

[31] AGI, Indiferente General 418, L. 7, fs. 763v-764. "Pa q los off°s de Sevy³ no consyenta passar nyngund cofeso a las Yndias," 1518. AGI, Indiferente General 420, L. 8, fs. 92v-93. "A los oficiales de sevy³ q guarden una cedula q esta dada para q no passen a las Indias nyngund confieso ny hijo ny nieto de condenado ny reconciliado..." 1520. AGI, Mexico 1088, L.2, fs. 75v-76v, 1532. Konetzke, *Documentos*

persons the children of *reconciliados* as well as the children and grand children of anyone condemned as a heretic.[32] Although impossible to enforce, the cumulative effect of this policy was to lead to a popular understanding that *españoles* in the Americas should be of Old Christian descent.[33] The possibility of New Christian *españoles* in the Americas led to *limpieza de sangre* requirements for both secular and ecclesiastical offices.[34] Nevertheless, popular use of the term *español* applied it to both peninsular and American born persons of European descent. The only exception to this application was that many children born to conquerers and early settlers of native women were initially called *españoles* despite being of mixed European and indigenous ancestry. This problem will be explored more fully below and in Chapter Four.

Despite its broad application to persons of European descent, the category of *español* was not monolithic. During the course of the sixteenth century a major divide came into existence as American born *españoles* began to compete with newer peninsular arrivals. Two terms, '*criollo*' and '*peninsular*,' came to be used to subdivide the category of *español*. Interestingly, the term *criollo* was not initially devised as a means of describing American-born Europeans but rather American-born African slaves. Most

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para la Formación Social, I: 192. #117 "R. Provision que no pasen a indias no esten en ellas hijos ni nietos de quemado o reconciliado, judio ni moro, ni converso ninguno," 1539.

[32] These cedulas placed the burden of proof on the immigrant and charged the *Casa de Contratacion* in Seville with investigating individual claims of purity before authorizing travel licenses.

[33] Prohibited persons were able to enter the Americas both through legal and illegal means. The crown could grant persons from prohibited categories the right to immigrate. See, AGI, Indiferente General 421, L. 11, f. 139, "Johan Fernández Hen° – Lic^a para pasar a las Indias no enbarg° q es de los prohibidos," 1526. This *cedula* allowed Juan Fernández Henero to enter the Indies even though he was a *reconciliado*. The records of the Inquisition also contain ample evidence of possible illegal *converso* migration to the Indies. For early examples, see: AGN, Mexico, Inquisition vol. 1A, exp. 10, 18-22. These cases are denunciations from 1539 against various people for being Jews. Also, Stanley M. Hordes, *To the End of the Earth: a History of the Crypto-Jews of New Mexico* (New York, 2005).

[34] Martínez, *Genealogical Fictions*, pp. 128-135.

likely derived from *criar* (to raise, as in a child or livestock)[35], this term was initially used to differentiate between recently arrived African slaves, *bozales*, from those born within Hispanic-American society.[36] By the end of the sixteenth century, this slave specific use had broadened as the term *criollo* could be applied to both individuals of European and African descent born in the Americas.[37] This usage had become common enough by the 1570s that the royal cosmographer, Juan López de Velasco noted that the American-born children of Spanish immigrants were called *criollos*.[38] Later in 1590, José de Acosta likewise called such children "*criollos (como allá llaman a los nacidos de españoles en Indias).*"[39] In 1609, Inca Garcilaso de la Vega specifically noted the dual usage of the term in his work, *Comentarios reales de los Incas*. He stated that:

> *A los hijos de español y de española nacidos allá dicen criollo o criolla,*
> *por decir que son nacidos en Indias. Es nombre que lo inventaron los*
> *negros y así lo muestra la obra. Quiere decir entre ellos negro nacido en*
> *Indias; inventáronlo para diferenciar los que van de acá, nacidos en*
> *Guinea, de los que nacen allá, porque se tienen por más honrados y de*
> *más calidad, por haber nacido en la patria, que no sus hijos, porque*
> *nacieron en la ajena, y los padres se ofenden si les llaman criollos. Los*
> *españoles, por la semejanza, han introducido este nombre en su lenguaje*
> *para nombrar los nacidos allá. De manera que al español y al guineo,*
> *nacidos allá, les llaman criollos y criollas.[40]*

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[35] *Diccionario de la lengua española*.

[36] Bennett, *Africans in Colonial Mexico,* p. 3, James Lockhart, *Spanish Peru, 1532-1560: a Colonial Society* (Madison, 1968), p. 175, Martínez, *Genealogical Fictions*, p. 135. Additionally, the term *ladino* could be used to describe slaves who although African-born had acculturated to Hispanic society.

[37] I have not found such a use in Inquisition testimony, matrimonial records, or royal decrees from the sixteenth century.

[38] Juan López de Velasco, *Geografía y Descripción Universal de las Indias* (Madrid, 1894), pp. 37-8.

[39] José de Acosta, *Historia natural y moral de las Indias: en que se tratan de las cosas notables del cielo, elementos, metales, plantas y animales dellas; y los ritos, y ceremonias, leyes y gobierno de los Indio*, (México, 1962), p. 185. Lib. IV, Cap. 25. For a brief examination of the use of *criollo* in the intellectual history of Latin America see: Arrom, "Criollo: Definición y Matices de un Concepto." "*Criollos* (as here they call the children of *españoles* in the Indies)." Translation mine.

[40] Garcilaso de la Vega, *Los Comentarios Reales de los Incas*, 3 vols. (Lima, 1943), p. 239. Libro IX, Cap. 31. "The children of Spaniards born there [the Americas] are called *criollos* and *criollas*, this means they were born in the Indies. It is a name invented by the *negros* as can be seen by this work. Among them

Sadly an exact date for the first use of *criollo* among *españoles* is lacking; nevertheless, by the end of the sixteenth century the popular use of the term for such a distinction was well entrenched.

Although based in early competition for offices, privileges, and ultimately the place power within colonial society, the *criollo/peninsular* distinction came to be contested in the ideological terms as contemporaries feared that the vastly different climate and geography would lead to physical and psychological changes in Europeans born in the colonies. In his treatise, López de Velasco noted that *criollos* could be differentiated from their European born parents in size and color; they were larger and darker than *peninsulars*.[41] According to the logic of the time these changes could be attributed to different astral influences and climatic conditions.[42] López de Velasco feared that the cumulative effect of this new environment on *españoles* would render them phenotypically identical to native persons. Specifically he stated, "*en muchos años, aunque los españoles no se hubiesen mezclado con los naturales, volverían á ser como son ellos* [*indios*]."[43] Additionally, the temperament and mental faculties of *criollos* were seen as different from their parents. He attributed such a change to being raised in a

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[*negros*] it means 'one born in the Indies;' They invented it in order to differentiate between those that come from over here [as in the Old World], born in Guinea, from those that are born there [the Americas], because they hold those born in the homeland with higher esteem and of higher quality than their children who were born in foreign lands, and the parents are offended if they are called *criollos*. The Spaniards for similar reasons have introduced this name into their language in order to name thos born there [the Americas]. In this manner, the Spaniard and Guinean born there [the Americas] are called creoles." The attributed origin of this phrase as being coined by African slaves is dubious given the close etymology with the Latinate *criar*. It is possible that Hispanized slaves coined the phrase in Spanish.

[41] López de Velasco, *Geografía y Descripción Universal de las Indias*, pp. 37-8, "De los Españoles nacidos en las Indias".

[42] Specifically he stated that these changes occured "con la mutación del cielo y del temperamento de las regiones."

[43] López de Velasco, *Geografía y Descripción Universal de las Indias*, pp. 37-8, "In many years, even if the *españoles* do not mix themselves with natives, they will return to being like them." Translation mine.

different geography and the effect of the local climate and culture on human attributes.

On this trend he noted:

> *y no solamente en las calidades corporales se mudan, pero en las del*
> *ánimo suelen seguir las del cuerpo, y mudando el se alteran también, ó*
> *porque por haber pasado á aquellas provincias tantos espíritus inquietos*
> *y perdidos, el trato y conversación ordinaria se ha depravado, y toca mas*
> *presto a los que menos fuerza de virtud tienen; y así en aquellas partes*
> *ha habido siempre y hay muchas calumnias y desasosiegos entre unos*
> *hombres con otros.*[44]

This belief was firmly rooted in medieval and early modern understandings of human difference and was used mobilized to explain difference between human groups across diverse geographies.

These early modern beliefs stemmed from long-standing conceptualizations of human diversity based in the writings of classical authors.[45] Medieval writers built upon classical works and perpetuated the belief that climate and geography shaped both the physical and mental traits of human groups. In the seventh century, Isadore of Seville argued that "Human beings vary in apperance and colour, in size of body and quality of mind, according to the skies above them."[46] Gerard of Wales posited that climate led to different cultural tendencies. He felt that the delicate airs of the East produced weak but

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[44] Ibid. "And not only in physical qualities are they different, but those of the spirit often follow those of the body, and changing that [the body] they [the qualities of spirit] change as well, or because many unquiet and lost spirits have passed into those provinces, the dealings and interactions have become depraved, and give more emphasis to those with less virtue, and as a result in those parts there have always been and are [now] many scandals and unrest among men." This statement is interesting as it suggests that *criollos* were less virtuous and more base than Peninsular Spaniards as a result of the effects of both the physical environment on their mental development and due to the less-than-virtuous nature of the immigrants who parented and acculturated them.

[45] Robert Bartlett, "Medieval and Modern Concepts of Race and Ethnicity," *Journal of Medieval and Early Modern Studies* 31 (2001): pp. 45-6. For an exploration of how these beliefs affected English beliefs and the rise of African slavery in British America see: Jordan, *White Over Black*.

[46] Qouted from Bartlett, "Medieval and Modern Concepts of Race and Ethnicity," p. 46.

cunning people and the heat of the deserts led to hot, lustful Arabs.[47] Additionally,

phenotype was likewise directly linked to climate. Bartolomaeus Anglicus, writing in the

thirteenth century, argued that warmer climates led to darker skins and conversely cooler

climates led to lighter skin.[48] Inherent in these conceptions, and still present until the end

of the sixteenth century, was the belief that a specific climate not only determined the

appearance and qualities of its native inhabitants but that it could similarly affect anyone

who entered or resided there for a period of time. López de Velasco's views are important

in this regard as he felt that although the New World minimally affected European

immigrants, their offspring, *criollos*, were far more altered as a result of being raised in

such a climate.

As the *criollo* population of the Americas grew, American-born scholars

developed contrasting theories which sought to vindicate the increasingly prejudicial

views of European intellectuals concerning American-born Europeans.[49] By the

seventeenth century time had lessened some of the force of earlier views on climatic

influence. *Criollos* had not degenerated into *indios*, nor had *negros* whitened in the cooler

climates of Iberia and the Americas.[50] Even European scholars began to alter their

opinions on climate and human difference. In the late sixteenth century, Juan de Cárdenas

an Iberian-born doctor, raised and educated in New Spain, argued that the heat and

humidity of the American colonies did affect *españoles* and *criollos* by heating their

bodies making them more delicate, less capable of exertion, and weakening their

constitutions. However, Cárdenas rejected the assertion that *españoles* could degenerate.

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[47] Ibid.
[48] Ibid.
[49] Cañizares-Esguerra, "New World, New Stars."
[50] A similar process occurred in among the English in the seventeenth century. Jordan, *White Over Black*.

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Rather, he argued that their essential nature remained the same and was immutable in the face of climatic difference.[51] During the first half of the seventeenth century *criollos* furthered the attack on earlier notions and sought to improve their reputation against *peninsular* prejudice. Scholars, such as Fray António de la Calancha, an Augustinian, and Alonso de Ovalle, a Jesuit, used contemporary views on astrology and the astral differences between the New and Old Worlds to further vindicate the contemporary view of the *criollo*.[52] They argued that the Americas were generally under more favorable constellations and that the astral influences on the land and people were benign and beneficial rather than harmful or degenerative. This construction created an ideological paradox, how could natives born under auspicious signs and in a temperate climate be lazy, foolish, miscreants?

According to both climatic and astral theory Europeans from cooler climates should be less intelligent than Native Americans from temperate zones.[53] In order to overcome this conundrum, scholars began to reject the notion that the climate or environment imbued dominant characteristics upon people. Instead scholars such as Cárdenas began to posit that different human groups, specifically *indios* and *españoles*, had 'essential' bodily and mental attributes which could be modified slightly by environmental or astral causes.[54] In this construction, *indios* were naturally phlegmatic while Europeans were naturally choleric. The degree to which *criollos* became phlegmatic in the Americas represented merely an accidental or mutable change caused

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[51] Cañizares-Esguerra, "New World, New Stars," pp. 60-1, Martínez, *Genealogical Fictions*, p. 139.
[52] Cañizares-Esguerra, "New World, New Stars," pp. 49-53. Cañizares-Esguerra notes that in the early modern period astrology was a completely commonplace element of the 'mental landscape' of educated Europeans. Although, fortunetelling and prognostication were seen as dangerous most Europeans had little doubt that the stars in the sky could affect human behavior.
[53] Ibid., p. 59.
[54] Ibid., p. 61.

by the phlegmatic environment interacting with their naturally sanguine temperment. In the first half of the seventeenth century, Enrico Martínez, a German scholar working in Mexico, and Diego Cisneros, a Spanish physician, furthered the arguments of Cárdenas. Martínez completely rejected the older climatic theories by positing that the properties of geography could not be determined by the nature of its people. Rather, human groups – specifically, *espanoles, indios*, and *negros* – had inherent immutable traits of temperment and physiology.[55] These 'natural' traits could be modified by the environment resulting in slightly different effects on human groups sharing the same geographical space. Cisneros differed slightly in the humoral description of *españoles* and *indios* but likewise agreed that they had innate characteristics which interacted differently in a shared environment. Interestingly, although these scholars sought to explain differences between *espanoles* and *indios*, with an occasional mention of *negros*, none of their works attempted to analyze the 'essential' nature of mixed groups. Rather, this strand of scholarship focused entirely on the essential natural qualities of the founding populations of colonial Spanish America and not the additional *generos de gente* which were produced within that developing society.[56] Ultimately, by the beginning of the seventeenth century, the debate over the nature of *españoles criollos* had shifted from a debate over the effect of geography on humans to one of essential immutable qualities of different human groups.

The overall course of this debate is essential for understanding the attributes of all *generos de gente* of the sixteenth century as well as the lasting legacy of sixteenth century definitions of difference. The search for explanations of difference was not limited to differentiating *criollos* from *peninsulares*. As has been suggested above, the

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[55] Ibid., p. 63.
[56] Ibid., p. 65.

main thrust of this strand of scholarship in the sixteenth century was not explanations of European difference but rather an attempt to identify the origin and nature of non-European peoples.

Negro

The Iberian experience with Africans long predated the discovery of the Americas. Consequently, in the American context old Iberian attitudes were transferred largely intact from the Old World. The longest period of prolonged contact with Africa, and its inhabitants, came during the seven hundred year presence within the Iberian Peninsula of Islamic kingdoms. During this period, Christian Iberians came to form opinions of the Muslim occupiers and the Muslim dominated area of North Africa. Christian inhabitants came to describe their Muslim neighbors as '*moros*.' In general, the most salient difference between *moro* and *cristiano* was religion. This aspect alone determined much of one's social position in any given kingdom.

For most of this period there existed a limited degree of religious toleration which allowed Christian subjects to practice their faith within Muslim kingdoms and Muslim subjects to practice within Christian kingdoms. Nevertheless, subjects who practiced a religion other than that of the kingdom's ruler were subject to certain legal limitations and tax obligations as well as limited in their ability for social and political advancement.[57] Although Christian views of the Iberian and North African *moros* were complex and varied, by the end of the fifteenth century the completion of the reconquest brought about a shift in the historical memory of a religiously and ethnically diverse

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[57] William D. Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis, 1985), p. 69, Teofilo F. Ruiz, *Spain's Centuries of Crisis: 1300-1474*, A History of Spain (Malden, MA; Oxford, 2007), pp. 139-163.

Iberia. *Moros* had by 1492 become the antithesis of *cristianos,* a long-standing foe finally

vanquished by pious Catholic Monarchs in fulfillment of Divine Providence. Although

the *moro* was defined primarily by religion, and the conflict that had engendered in

Iberia, Christian Iberians had during this period began to conflate phenotypical

differences with cultural ones. Since most *moros* were of North African descent, they

tended to have darker skin than Christians and Jews of the Iberian Peninsula. This

attribution helped precondition Christian Iberians to viewing somatic differences as

markers of cultural difference.[58]

The use of physical difference to define persons of non-Christian descent would

only increase as Christian Iberians came into greater contact with darker skinned

Africans. The initial arrival of sub-Saharan Africans in the Iberian Peninsula came in part

due to extensive trade networks connecting Iberian and North African Islamic kingdoms

to kingdoms south of the Sahara desert. From the twelfth to the sixteenth century as many

as two million sub-Saharan Africans were transported north across the desert to be sold as

slaves in the circum-Mediterranean.[59] By virtue of this connection, Christian Iberians

came to view sub-Saharan Africans as servile and barbarous, a people fit for enslavement

and subjugation. A view based both ideologically and experientially.

At the ideological level, Christian Iberians inherited from North African Muslims

a long tradition of bias against sub-Saharans. As early as the ninth century, Muslims in

Iberia and the Maghreb (North Africa) had come to define slaves based on color

distinctions. 'White' slaves, those from parts of Europe such as the Balkans or Iberia,

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[58] Sweet, "Iberian Roots," p. 150.
[59] Phillips, *Slavery from Roman Times*, p. 87.

came to be known as '*mamluks*' while 'black' slaves from south of the Sahara were termed '*abid*' [*abd* sing.]. Although the term '*abd*' could be applied to any slave and conveyed the legal status of 'slave,' white slaves were rarely designated as such. Moreover, even freed black slaves were labeled *abid* on the basis of color rather than legal status.[60] The *abid*, both slave and free, were tasked with more onerous and degrading tasks than white slaves and servants.

Muslim travelers from the Maghreb often remarked at the barbarity of black Africans. In the fourteenth century, Ibn Battuta, a Muslim scholar from the Maghreb, made an epic journey from North Africa to East Asia and back. On his return trip, he passed through sub-Saharan Africa and the kingdom of Mali. Although he valued the spiritual devotion of Mali's Muslims his opinion of the popular culture and non-Muslim population was on the whole negative. Upon arriving in Walata [Oulata], in West Africa, Battuta complained bitterly of the "badness of their manners and their despising of whites [North African Muslims like himself]."[61] Even while staying at the court of the Mali Empire, he noted with consternation the lack of hospitality given him by Mansa Suleiman. In recounting his experiences at court he mocked the local traditions including the manner in which petitioners genuflected and abased themselves in the presence of their ruler.[62] Battuta viewed many local customs as being deplorable including the ubiquitous presence of naked women, the persistence of pre-Islamic ceremonies and rituals, and the eating of prohibited meats including dogs and donkeys.[63] Despite these critiques, Battuta did find favorable qualities in Mali. The people of Mali fastidiously

[60] Sweet, "Iberian Roots," pp. 145-6.
[61] Ibn Battuta, Said Hamdun, and Noel Quinton King, *Ibn Battuta in Black Africa* (Princeton, NJ, 2005), p. 36.
[62] Ibid., pp. 44-54.
[63] Ibid., p. 59.

observed prayer times and religious services. Many tried to memorize the Qur'an. Mansa

Suleiman, although derided for his pomp and lack of hospitality, was viewed as just and

his kingdom deemed safe for travelers.[64] In general, Ibn Battuta valued those aspects of

Malinese society tied to Islamic traditions and a shared religious culture while

depreciating local traditions and practices.

A century later, Ibn Khaldun, likewise a Maghrebi Islamic scholar, shared similar

pejorative views of black Africans. More so than Battuta, Khaldun viewed sub-Saharans

as submissive, natural slaves due to their perceived lack of culture and civilization. To

Khaldun, black Africans were more closely tied to animal instincts than other human

groups:

> We have seen that Negroes are in general characterized by levity,
> excitability, and great emotionalism. They are found eager to dance
> whenever they hear a melody. They are everywhere described as stupid.
> The real reason for these opinions is that, as has been shown by
> philosophers in the proper place, joy and gladness are due to expansion
> and diffusion of the animal spirit...[65]

Khaldun did not go so far as to suggest that this 'animal spirit' was inherent in the

essential nature of black Africans. Instead, he sought an explanation in environmental

factors by resorting to classical understandings of human differences. Khaldun saw the

hot climate as the primary actor in determining a people's appearance and temperment.

> The air in which they live is very much hotter because of the reflection of
> the light and rays of the sun... Therefore, their share in the qualities

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[64] Ibid., pp. 58-9.
[65] Ibn Khaldun and Franz Rosenthal, *The Muqaddimah: an introduction to history*, (Princeton, NJ, 1967), p. 63.

resulting from heat, that is, joy and levity is larger than that of the inhabitants of cold and hilly or mountainous countries.[66]

For Khaldun, the geographic influence on the temperament of black Africans made them natural slaves. In his treatise he went to great lengths to explain the origin of Maghrebi 'nations.' In particular, he examined the 'national' qualities which led to particular civilizations in the region. In this context, the animalistic nature of black Africans made them natural slaves, predestined to servitude and incapable of forming strong polities of their own.

> Therefore the Negro nations are, as a rule, submissive to slavery, because [Negroes] have little that is [essentially] human and possess attributes that are quite similar to those of dumb animals, as we have stated.[67]

Khaldun also saw environmental factors as being the key to understanding the phenotypical differences of sub-Saharan Africans. Guided by classical authors, Khaldun favored the view that climate led to different physical traits across different nations.

> The black skin common to the inhabitants of [hot climate zones] is the result of the composition of the air in which they live, and which comes about under the influence of the greatly increased heat in the south... The light of the sun, therefore, is plentiful. People there go through a very severe summer, and their skins turn black because of the excessive heat. [He notes a similar inverse process happened in colder climate zones] There, a white skin is common among the inhabitants, likewise the result of the composition of the air in which they live, and which comes about under the influence of the excessive cold in the north.[68]

In the exposition of Khaldun's argument, the articulation of a climatic interpretation of human difference served as a critique of other authors' views that human differences were based in descent from a common biblical ancestor. This view of human differences

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[66] Ibid.
[67] Ibid., p. 117.
[68] Ibid., pp. 59-60.

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attempted to correlate contemporary human groups with biblical personages. The clearest

articulation of this understanding of difference can be found in the "Sons of Noah"

hypothesis.

In the medieval period, Christian, Jewish, and Muslim scholars attempted to

interpret the narrative of Genesis chapters nine and ten in order to understand the

contemporary distribution of national groups in light of the post-diluvial dispersal of

Noah's heirs.[69] The central issue under consideration was tracing modern populations

back to the descendents of Ham, Shem, and Japheth. In general, scholars attempted to

link the descendents of Noah to particular geographic regions. Although a great deal of

variability existed in the linking of the three sons to human groups, by the end of the

fifteenth century a general consensus had arisen which connected Japhet to Europeans,

Shem to the Semetic nations of the Middle East, and Ham to Africans.[70] In his work,

Khaldun articulated, and rejected, what would become the popular articulation of this

biblical legend:

> Genealogists who had no knowledge of the true nature of things imagined
> that Negroes were the children of Ham, the son of Noah, and that they
> were singled out to be black as the result of Noah's curse, which
> produced Ham's colour and the slavery God inflicted upon his
> descendents. It is mentioned in the Torah that Noah cursed his son Ham.
> No reference is made there to blackness. The curse included no more than
> that Ham's descendents should be the slaves of his brothers' descendents.

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[69] For excellent analysis of the various permutations of this conceptualization, see: Benjamin Braude, "The Sons of Noah and the Construction of Ethnic and Geographical Identities in the Medieval and Early Modern Periods," *The William and Mary Quarterly* 54 (1997). Also, Robin Blackburn, "The Old World Background to European Colonial Slavery," *The William and Mary Quarterly* 54 (1997): pp. 90-97.

[70] Braude, "The Sons of Noah." According to Braude early medieval texts rarely specified the geographic regions inhabited by the descendents of Noah's sons; however, overtime each descent group came to be more closely tied to particular regions. Additionally, before the fifteenth century most scholars linked Ham to Asia, Japheth to Europe, and Shem to Africa.

Khaldun's critique reflects the disparity between the biblical passage and its contemporary popular manifestation. Noah's curse simply stated that the descendents of Canaan, Ham's son, were to be the slaves of Shem and Japhet.[71] The popular insertion of the curse of blackness reflected the increased awareness of sub-Saharan Africa and its people. By the time of Khaldun, sub-Saharan Africans had become, in the eyes of Christian and Muslim alike, a manifestation of natural slaves. If there existed a nation, descended from a biblical ancestor, doomed to be the servants of all other peoples, sub-Saharan Africans seemed to fit the popular conception of such a people. Moreover, Khaldun's critique of the popular ascription of blackness did not serve to undercut the cultural weight of such a correlation. Rather, his critique was intended to advance what he believed was a more accurate understanding of phenotypical difference while maintaining the correlation of servitude with the descendents of Ham. By virtue of the close connection between the Maghreb and Iberia, these explanations of African physical difference and cultural inferiority would enter the cultural perceptions Christian Iberians.

The clearest articulation of the transfer of these conceptions into Christian discourse can be found in the writings of Gomes Eannes de Azurara chronicling the initial expansion of Portuguese traders along the West African coast. In recounting a ransom of a Muslim prisoner for five or six 'black moors,' Eannes de Azurara recounted his understanding of the nature of sub-Saharans:

> *E aquy avees de notar que estes negros postoque sejam Mouros como os*
> *outros, som porem servos daquelles, per antiigo costume, o qual creo que*
> *seja por causa da maldiçom, que despois do deluvyo lançou Noe sobre*
> *seu filho Caym, pella qual o maldisse, que a sua geeraçom fosse sogeita*
> *a todalas outras geeraçooes do mundo, da qual este descendem, segundo*

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[71] Gen. 9: 24-27.

screve o arcebispo dom Rodrigo de Tolledo, e assy Josepho no livro das
antiguidades dos Judeus, e ainda Gualtero, com outros autores que
fallarom das geeraçooes de Noe depois do saimento da area.[72]

This application of the Curse of Ham reflects a confused but popular understanding of the

biblical passage.[73] Most basically, Eannes de Azurara confused Ham, or Canaan, with

Cain. This slippage most likely reflected shared negative views of Ham and Cain as

reflected in contemporary understandings of these biblical figures. Although, he did not

specifically state that blackness was part of the curse, Eannes de Azurara implied such a

connection despite its absence from the biblical narrative. Of the authorities he cited, only

Josephus can be clearly tied to an articulation of this story. No extant works by Rodrigo

de Toledo [Roderic Ximenes de Rada] contain references to the Sons of Noah nor can

Gualtero [Walter] be identified. Despite its flaws, this expression of the Curse of Ham

reflects popular belief in biblically-justified, black-African servitude.

Eannes de Azurara also conveyed a disparaging view of sub-Saharan Africans

based in conceptions of civilization and barbarity. In recounting the arrival of sub-

Saharan slaves brought to Portugal, Eannes adopted to a paternalistic attitude and noted

that in being brought into a civilized, Christian country the slaves lived lives in marked

contrast to their former situation.

E assy que onde ante vivyam em perdiçom das almas e dos corpos,
viinham de todo receber o contrario; das almas, em quanto eram
pagaãos, sem claridade e sem lume da sancta fe; e dos corpos, por

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[72] Gomes Eannes de Azurara, *Cronica do Descobrimento e Conquista de Guiné* (Paris, 1841), pp. 93-4.
"And here you must note that these *negros* although they were Moors like the rest, are nevertheless slaves
of the others, according to ancient custom, of which I believe to have been caused by the curse, which after
the Flood Noah placed upon his son Cain, in this way cursing him, that his lineage would be subjugated to
all other lineages of the world. From this [lineage] [the *negros*] are descended, as wrote the Archbishop
Rodrigo de Toledo, and similarly Josephus in his book *The Antiquities of the Juews*, and likewise Walter,
with other authors who have spoken of the lineages of Noah since his exit from the Ark." Translation mine.
[73] Braude, "The Sons of Noah," p. 128.

*viverem assy como bestas, sem algua ordenança de criaturas rezoavees,
ca elles nom sabyam que era pam nem vinho, nem cobertura de pano,
men allojamento de casa, e o que peor era, a grande inorancia que em
elles avya, pella qual nom avyam alguu conhecimento de bem, soomente
viver em hua occiosidade bestial. E logo como vomeçavan de viir a esta
terra, e lhes davam os mantiimentos artefficaaes, e as cuberturas pera os
corpos, começavam de lhe crecer os ventre, e per tempo eram enfermos,
ataa que se reformavam com a natureza da terra, onde alguus delles
eram assy compreissyonados, que o nom podyam soportar, e morryam,
empero xpaãos.*[74]

This passage relates two important aspects of Christian views of sub-Saharan Africans.
Firstly, based upon first hand experience, and previous descriptions by Muslims,
Christian Iberians viewed black Africans as savage without the basic elements of
civilized life. Moreover, their bestial nature was due to a lack of mental acuity, the
presence of which should have allowed them to live a more civilized life. Secondly, this
account highlights the perceived civilizing aspects of slavery. Through bondage the
bestial black African could be converted, and made capable of spiritual salvation, as well
as civilized through the care of Christian masters. These conjoined beliefs would shape
the justification of and legal basis for continued African enslavement over the course of
the next four centuries.

Through the works of Eannes de Azurara and the Islamic scholars that came
before one can identify an early and lasting bias against black Africans. For Muslims and
Christians alike the fact that sub-Saharans were subjected to slavery within their local

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[74] Eannes de Azurara, *Cronica do Descobrimento e Conquista de Guiné*, pp. 137-8. "And whereas they had
lived in perdition of their souls and bodies, they came to receive the opposite. Of their souls, while they
were pagan, they lacked the clarity and light of the Holy Faith, and of their bodies, because they lived like
beasts, without the order of reasonable beings, since they did not know bread or wine, nor covering of
clothing, nor the shelter of a home, and the worst was their great ignorance, because of which they lacked
any understanding of good, and could only live in bestial idleness. And later when they came to live in this
land, they were given prepared food and clothing for their bodies, their bellies began to grow, and for a
time they were ill, until they became accustom to the nature of the land. And some of them were stricken
and unable to adjust and they died, but as Christians." Translation mine.

kingdoms reinforced any pejorative views they had. For the slave-buyers of the circum-Mediterranean, the fact that black Africans were enslaved in such large numbers and subjected to forced labor in a variety of sub-Saharan kingdoms led to the *a priori* conclusion that they were somehow less than human and innately preconditioned for enslavement and servitude.[75] The perceived bestial and savage condition of these African cultures only reinforced this opinion. Moreover, biblical passages were mobilized to help explain this attitude and served to reinforce a lasting belief that black Africans were predestined to slavery and subjugation by other nations. This bias would be articulated in legal terms through both ecclesiastical and secular law and its application to African slaves.

The earliest ecclesiastical approval of sub-Saharan enslavement came in a series of papal bulls issued to the Portuguese crown between 1452 and 1456. In these bulls, the pope granted the Portuguese monarch, Dom Afonso V, the spiritual and temporal jurisdiction of any lands he wished to claim from Morocco to the Indies [Asia]. In those lands the monarch was given the right to capture and subjugate enemies of Christianity in order to propagate the faith. Finally, this subjugation could take the form of perpetual servitude.[76] These bulls clearly tied enslavement to the spread of Christianity and the conflict between Christians and non-Christians while at the same time authorizing a

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[75] In other words, the historical development and cultural importance of slavery within sub-Saharan society notwithstanding, Muslims and Christians alike first came to know black Africans as slaves. For centuries, the volume of the trans-Saharan slave trade and the servile condition of those slaves served to reinforce any pejorative ascriptions upon darker skinned Africans brought north into the Maghreb and Iberia. For examples of scholarship on autochthonous traditions of slavery in sub-Saharan Africa, see: Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge; New York, 2000), Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1977), Phillips, *Slavery from Roman Times*, pp. 114-127.

[76] Sweet, "Iberian Roots," p. 157. A. J. R. Russell-Wood, "Iberian Expansion and the Issue of Black Slavery: Changing Portuguese Attitudes, 1440-1770," *The American Historical Review* 83 (1978): pp. 27-8. The bulls in question were *Dum diversas* (1452), *Romanus pontifex* (1455), and *Inter caetera* (1456).

perpetual form of bondage which existed independently from any conversions it secured. In other words, barbarity and idolatry could occasion enslavement for the purposes of conversion to the true faith, yet conversion did not remove the condition of slavery nor curtail its perpetuity.

Once made part of the faithful, ecclesiastical law sought to incorporate African slaves into the communal life of the faithful. They were allowed to receive the sacraments of Baptism, Confirmation, Penitence (confession), Marriage, and Extreme Unction (last rights). These sacraments were seen as the most essential for the maintenance of Christian society.[77] Baptism and Confirmation helped guarantee the proper religious instruction and catechization of a believer. Marriage allowed individuals to form families in accordance with Church law. Penitence and Extreme Unction insured that the faithful were able to seek absolution from sin and prepare themselves for salvation. By granting access to these sacraments, the Church sought to incorporate African slaves as part of the community of the faithful and provide them with proper Christian lives according to their station.

Some sacraments were reserved from Africans. Prior to the Council of Trent, the laity rarely received the consecrated host or wine from the sacrament of Eucharist. As members of the laity Africans would not have comulgated regularly. After the Tridentine reforms of the sixteenth century, the laity, including Africans slaves and freepersons, would have been able to receive the sacrament more frequently. Due to perceived, mental deficiencies, Africans were not allowed to take holy orders and enter the clergy. Similar

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[77] Herbert S. Klein, "Catholicism and the Negro Slave," *Comparative Studies in Society and History* 8 (1966), Ann M. Pescatello, "The "Leyenda Negra" and the African in Sixteeth- and Seventeenth-Century Iberian Thought," *The Catholic Historical Review* 66 (1980): p. 174.

arguments would be made of Native Americans. In Iberia, and later in the Americas, proof of *limpieza de sangre* would be required of individuals wishing to take Holy Orders. In the context of medieval and early modern Christianity these restrictions were not seen as being impediments to 'full' membership within the community of the faithful. Rather they were imposed so as to maintain orthodoxy in the face of perceived contamination by newly converted peoples.

The church also provided Africans, along with all other Christians, additional means of participating in Christian devotion and fellowship. In particular lay confraternities, *cofradias*, were open to African members. In the late fourteenth century, a *negro* confraternity was founded as part of Seville's Hospital of Our Lady of Angels in the parish of San Bernardo.[78] This confraternity allowed Seville's African residents to share in a communal religious life as well as support a charitable institution founded in order to care for their sick and dying. Although these institutions were mainly supported by dues paid by their members, often Spanish elites would provide additional donations and bequests through acts of Christian charity. In the case of the Seville *cofradia*, the Duke of Medina Sedonia left a bequest of one thousand *maravedís* to aid in the running of the institution. The existence of African *cofradias* would continue in Spain and the Americas throughout the colonial period.[79] The sacraments of Baptism and Marriage also allowed Africans, like other faithful, to form and reinforce community within the context of Christian devotion. In these sacraments *padrinos* [godparents] and sponsors were asked to formally present and attest to those receiving sacramental blessing. Frequently, individuals sought to reaffirm communal and personal ties through the selection of

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[78] Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen," pp. 345-6.
[79] Nicole von Germeten, *Black Blood Brothers.*

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padrinos and matrimonial sponsors.[80] Often individuals selected to participate in this way were close friends or important patrons.[81] Their participation helped reaffirm important personal and communal relationships between those receiving sacramental blessing and those called to support them. In these way, Christian life offered Africans, as members of the faithful, a variety of means by which to constitute and reinforce communal ties and friendships.

Secular legislation regulating enslaved Africans drew from Roman and Iberian antecedents. The *Siete Partidas*, Castile's thirteenth century legal codification, contained a variety of legal statues concerning the institution of slavery and the rights and responsibilities of slaves and owners.[82] Most importantly, the code recognized that the institution of slavery was "*contra razon y natura.*"[83] Through this statement, the code recognized that slavery was a lamentable –but accepted– legal condition, one in which a person's natural freedom had been curtailed, but a legal status which did not negate the essential humanity of the slave.[84] The code stipulated that slaves were to maintain the honor of their owners through their actions in all things even if such action were to lead to the death of the slave. Owners were required to maintain their slaves' welfare, and if slaves felt their owners were treating them unjustly, not providing sufficient sustenance

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[80] Bennett, *Africans in Colonial Mexico.*
[81] Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen," p. 350.
[82] Blackburn, "The Old World Background to European Colonial Slavery," pp. 78-80, Klein, "Catholicism and the Negro Slave," pp. 298-299, Pescatello, "The "Leyenda Negra" and the African in Sixteeth- and Seventeenth-Century Iberian Thought," p. 174, Phillips, *Slavery from Roman Times*, pp. 110-111.
[83] *Las Siete Partidas*, vol. III, p. 117, Partida IV, Titulo XXI, Ley I.
[84] The above law mentions three means by which a free person can enter slavery: 1) captured in war while being an enemy of the Faith, 2) those born of female slaves, 3) self-sale into slavery. Laws III and IV of the above Partida and Title added that persons could be enslaved if they gave material aid to enemies of the Faith, and the children of clerics could be made slaves of the ecclesiastical institutions of their fathers.

or punishing them unjustly, the slave could appeal to authorities and ask to be sold to a new master.

The code also contained protections concerning the rights of slaves within marriage. [85] In particular, the *Partidas* protected the right of slaves to marry who they chose even against the opposition of their owners. Slaves could marry other slaves or free persons. However, if a slave married a free person, the free partner was required to remain with their enslaved spouse and aid them in the service of the slave's owner. In order to insure that all parties knew of the legal status of prospective spouses, the code required that slaves formally declare their status before being married. Additionally, if a master allowed a slave to marry a freeperson but did not declare the status of his slave, the slave would be freed by the marriage.[86] If two married slaves had separate masters, the code protected them from separation by allowing the Church to intercede in order to keep the couple together. This could take the form of the sale of one spouse to the master of the other or through the purchase of freedom for one of the slaves. The protection of marriage from the burdens of slavery would remain a hallmark of secular and religious law throughout the colonial period.

The *Partidas* also recognized that "*aman et cobdician naturalmientre todas las criaturas del mundo la libertad, quanto mas los homes que han entendimiento sobre*

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[85] *Las Siete Partidas*, vol. III, Part. IV, Tit. V.
[86] This law would be particularly problematic in the Indies, as some African slaves would claim that marriage to a free person constituted freedom. However, in the context of the *Partidas* this law was meant to insure that all parties knew of the legal status of marriage partners. The freedom conferred by this law was imposed as a penalty to owners who were lax in their oversight of slaves. As a royal cedula would later clarify, marriage did not award freedom. Konetzke, *Documentos para la Formación Social*, vol. 1, p. 84. #41, "R. Provision que no sean libres los esclavos negros que se casen ni los hijos que tuvieren." 1526

todas las otras."[87] Given the recognized importance of freedom the code outlined a variety of ways in which slaves could be freed. Owners could free their slaves at any time they chose in the presence of witnesses or in their testaments. Enslaved women were to receive freedom if they were forced to prostitute themselves for their owner. If an enslaved woman married her owner, or married a free man with the consent of her owner she was to be freed. Slaves who lived outside of their owner homes for could after an extended length of time become free. Finally, the code stressed that owners should be inclined to liberate their slaves because as freepersons their former slaves will hold them in high esteem and honor them. Ultimately, the *Partidas* recognized that slavery was a viable, and at times useful, institution in Castilian life, but in regulating slavery the code sought to insure a basic Christian life for slaves that was insulated from possible excesses by slaveholders.

Negros entered the Iberian context as slaves. The popular view of these sub-Saharan Africans was negative. Undoubtedly, marred by their enslaved position Muslims and Christians alike viewed them with disdain. To their eyes, *negros* were bestial and only capable of servitude and subjugation. The cultural gulf between Mediterranean civilization and those of sub-Saharan Africa was too wide to be bridged. Once within Iberia, enslaved *negros* were subject to a variety of legal restrictions imposed by secular and ecclesiastical law. While both codes recognized the humanity of slaves, neither granted them full rights. Even as freepersons *negros* would not enjoy full rights in either spiritual or secular life. Their position continued to be bound to their previous legal status.

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[87] *Las Siete Partidas*, vol. III, p. 121, Tit. XXII. "All creatures of the world naturally love and desire freedom, even more so humans who have the greatest understanding of all." Translation mine

Their integration and conceptualization within Iberian Christian culture provides the clearest example of the conflation of somatic difference with cultural difference. Bias against their perceived cultural backwardness and enslaved position came to be marked by the color of their skin. This reinforced the already existing phenotypical divisions which had begun to exist in the context of religious conflict. By the end of the fifteenth century, Christian Iberians had constructed loose hierarchy of somatic difference which placed white Christians above darker-skinned Muslims and reserved the lowest position for black Africans.[88] As Iberian monarchs expanded westward into the Atlantic, the indigenous peoples of the Canaries and the Americas would be slotted into this hierarchy of difference based on similar perceptions of cultural and intellectual difference.

Indio

In 1492, Columbus and his crew believing they were somewhere in the Indies, then conceived of as the Far East, labeled all Native Americans *indios*. Although the belief that the new lands were part of Asia quickly disappeared the term *indio* remained in use to describe the indigenous inhabitants of the Americas. Additionally, the term *natural* came to be used synonymously with *indio* throughout the colonial era. Sometimes glossed in the depreciatory Western sense of 'native' or 'natives,' the term initially served as shorthand for the phrase '*natural de la tierra*.' Based in the idea of *naturaleza*, early Iberians viewed native peoples as *naturales de la tierra*, 'natives of the land.' Although European and African *criollos*, as well as, individuals of mixed-ancestry would eventually also be 'native' to the Americas, this phrase remained tied to Native

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[88] Sweet, "Iberian Roots," p. 150.

Americans. On the whole the European conception of indigenous peoples saw rapid development during the sixteenth century as initially favorable perceptions gradually eroded. Initial optimism about their abilities faded as the difficult realities of governance led to more pessimistic and pejorative views.

The first explorers, conquistadors, and clerics in the Americas generally related glowing accounts of native persons. Columbus in his first accountings of indigenous Caribbeans noted that they were:

> *muy bien hechos, de muy fermosos cuerpos y muy buenas caras: los*
> *cabellos gruesos cuasi como sedas de cola de caballos, e cortos... y ellos*
> *son de la color de los canarios, ni negros ni blancos.... Ellos todos a una*
> *mano son de buena estatura de grandeza y buenos gestos, bien hechos.*[89]

The account of the first voyage also noted that the natives of Española were:

> *la gente más hermosa y de mejor condición que ninguna otra de las que*
> *habían hasta allí hallado.... Cuando a la hermosura, decían los*
> *cristianos que no había comparación, así en los hombres como en las*
> *mujeres, y que son blancos más que los otros, y que entre los que son*
> *blancos más que los otros, y que entre los otros vieron dos mujeres*
> *mozas tan blancas como podían ser de España.*[90]

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[89] Columbus, Anzoátegui, and Casas, *Los Cuatro Viajes,* pp. 30-1. The extant account of Columbus' first voyage was heavily edited by Bartolomé de las Casas from Columbus' diaries. Nevertheless, in the text the entirety of the above quote was attributed to Columbus. They were "very well made, with formidable bodies and good faces. Their hair was thick much like horses' tails and short... and they were the color of the Canary Islanders, neither black nor white... They were to a one of good size and appearance, well made." Translation mine.

[90] Ibid., pp. 87-88. They were "the most beautiful and well made people of all those that they had found until that point.... Of their beauty, the Christians [the crew] said there was no comparison, either of the men or the women, and they were white more than the others, even among those that were white, and among them the others [the crew] saw two young women who were so white they could be from *España*." Translation mine.

These passages express initial fascination with native peoples and their physical attributes. Columbus and his fellow European crew saw the natives as well proportioned and attractive people. They were amazed in many respects with the variety of phenotypes among the natives citing that most appeared the color of the indigenous people of the Canary Islands, but others were lighter almost like Europeans. The natives' lack of clothing and the practice of painting their skin and hair surprised these first arrivals, but did not seem to negatively affect these initial accounts.

On the native capacity to learn and acquire Christianity, Columbus' first account similarly expressed a favorable impression. Columbus was quoted as saying, "*no le conozco secta ninguna, y creo que muy presto se tornarían cristianos, porque ellos son de muy buen entender.*"[91] This view was not without bias. While Columbus saw natives as apt for the faith he felt they were also naturally timid and subservient:

> *Ya he visto sólo tres de estos marineros descender en tierra y haber multitud de indios y todos huir, sin que les quisiesen hacer mal. Ellos no tienen armas, y son todos desnudos y de ningún ingenio en las armas y muy cobardes, que mil no aguardarían tres, y así son buenos para mandar y les hacer trabajar, sembrar y hacer todo lo otro que fuere menester y que hagan villas y se enseñen a andar vestidos y a nuestras costumbres.*[92]

To these early explores natives were timid yet intelligent. Capable of understanding the faith and European customs but ultimately easy to lead and dominate.

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[91] Ibid., p. 38. "I have seen no sect [as in Islam or Judaism] at all, and I believe that very quickly they will become Christians because they are quite intelligent." Translation mine.

[92] Ibid., p. 92. "I have seen three of these sailors go ashore and find a multitude of *indios* and all will flee without any attempt to harm them. They do not have weapons, and all are naked with out any type of arms and they are very cowardly. A thousand could be subjugated by three [Europeans] and in this they are good for commanding and being made to work, sow, and anything else that should be done and be made to make towns and learn to wear clothes and lives as we do." Translation mine.

This belief guided early colonization as settlers and conquistadors used force to consolidate the 'passive' and 'docile' natives into *encomiendas*. The imposition of this Iberian institution followed directly from similar practices in the *reconquista*. Those natives that did not demonstrate such submission were branded 'cannibals' and decimated and enslaved.[93] During the course of the first several decades of rule, disease, warfare, and harsh demands took their toll and the native population quickly diminished. In response, clerics in the Caribbean sought to rectify the excesses of the early settlers and the abuses of *encomenderos*. In 1511, Fray António de Montesinos preached a sermon in which he denounced the settlers for their unjust treatment of "*estos inocentes gentes... que estaban en sus tierras mansas y pacíficas*" and challenged that those who treated the native population poorly had fallen into mortal sin and were as likely for salvation as Moors and Turks.[94] This sermon perpetuated the view of the passive, innocent native even as it challenged the abuses of Spaniards.

The following year, Doña Juana, in her capacity as co-regent with her father Ferdinand, issued a series of laws intended to rectify past abuses and normalize the manner by which native persons were incorporated into Spanish rule through the institutions of *encomienda* and *repartimiento*. While these laws strove to prevent further wrongs they also institutionalized an increasingly pejorative and paternalistic view of native persons. In the preamble, native persons were described not as "passive" and

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[93] The Caribs were most frequently given this label. As early as the account of Columbus' first voyage, Europeans noted the savagery and cannibalism of this group. During the course of the sixteenth century the Spanish crown regularly issued *cedulas* allowing settlers to enslave or kill Caribs who resisted Spanish domination. See, AGI, Indiferente General 418, L. 3, 194. As late as 1609, Spaniards continued to petition the crown for authorization to attack and subdue Carib groups outside Spanish dominion. AGI, Indiferente General 1255, "Las condiciones con que el Capitan Thome Cano vezino de Sevilla tomara a su cargo servir a su Magestad," 1609.

[94] Quoted in Bartolomé de las Casas, *Historia de las Indias*, 5 vols. (Madrid, 1875-6), vol. III, p. 365. "these innocent people… who had been in their lands tranquil and peaceful." Translation mine.

"docile" but, rather, "*de su natural son ynclinados a oçiosidad y malos viçios de que nuestro señor es deservido.*"[95] Although the laws stressed the need for conversion and religious instruction, they did not convey a strong belief in the indigenous capability to learn. They ordered that natives be taught the Articles of the Faith, the Seven Deadly Sins, and the Ten Commandments, but only to those persons who were judged to have the "*capaçidad y avilidad para los aprender.*"[96] An addendum, issued in 1513, ordered that within two years conversion and religious instruction should render "*los indios tan capazes y tan aparejados a seer christanos y sean tan politicos y entendidos que por sy sepan regirse y tomen la manera de vida que alli viben los christianos*."[97] This paternalistic and condescending attitude would come to dominate the view of natives and the debate over royal policy towards indigenous people over the course of the entire colonial period.

The Caribbean experience greatly affected colonial attitudes towards indigenous persons. There native people's vastly different manner of living and their difficulty adjusting to the demands of colonial rule led to increasingly negative and patronizing attitudes by Spaniards. Once the frontier of conquest moved inland and into Mesoamerica, for a brief period the view of native people was once again elevated as conquistadors and missionaries alike marveled in the greater degree of political and technical development among those civilizations.

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[95] António Muro Orejón, "Ordenanzas Reales Sobre los Indios. (Las Leyes de 1512-13), Transcripción, Estudio, y Notas," *Anuario de Estudios Americanos* 13 (1956): p. 418. "By their nature they are inclined to idleness and vices which do a disservice to God."
[96] Ibid., p. 424. "the capability and ability to learn them." Translation mine.
[97] Ibid., p. 448. "sufficiently capable and prepared to be Christians and become sufficiently educated and enlightened so that they may govern themselves and live in a manner similar to other Christians [Europeans]." Translation mine.

In his first letter to Charles V, Cortés quickly described the native cultures of

Mexico's gulf coast. Noting:

> *La gente desta tierra, que habita desde la isla de Cozumel y punta de*
> *Yucatán hasta donde nosotros estamos, es una gente de mediana estatura*
> *y de cuerpos y gestos bien proporcionada....Y los vestidos que traen*
> *tapadas sus vergüenzas y encima del cuerpo unas mantas muy delgadas y*
> *pintadas a manera de alquiceles moriscos. Y las mujeres y de la gente*
> *común traen unas mantas muy pintadas desde la cintura hasta los pies y*
> *otras que les cubren las tetas, y todo lo demás traen descubierto. Y las*
> *mujeres principales andan vestidas de unas muy delgadas camisas de*
> *algodón muy grandes, labradas y hechas a manera de roquetes.*[98]

This passage clearly contrasts the indigenous people of the mainland with those of the

Caribbean. The emphasis on clothing would have conveyed the understanding that these

indios were already more civilized than those of the islands. Further exploration inland

only furthered this perception. In Cortés' second letter, he described the city of Tlaxcala

as being much larger and more populated than Granada and of being "*tan grande y de*

tanta admiración que aunque mucho de lo que della podría decir deje."[99] Upon seeing

Mexico-Tenochtitlan, Cortés compared the Mexica capital to Sevilla and Cordoba. Of the

Mexica he remarked:

> *La gente desta cibdad es de más manera y primor en su vestir y servicio*
> *que no la otra destas otras provincias y cibdades porque como allí estaba*
> *siempre este señor Muteeçuma... siempre a la cibdad había en ella más*
> *manera y policía en todas las cosas... en su servicio y trato de la gente*
> *della hay la manera casi de vevir que en España y con tanto concierto y*

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[98] Cortés and Delgado Gómez, *Cartas de Relación*, pp. 140-141. "The people of this land, who inhabit [the coast] from the island of Cozumel and the point of Yucatán to where we are now, are a people of medium stature with well proportioned bodies and faces.... And the clothes they wear cover their gentiles and over their bodies [they wear] thin, painted tunics similar to the *alquiceles* worn by *moriscos*. Women and the commoners wear brightly painted tunics from the waist to their feet and others which cover their breasts with the rest of their bodies uncovered. The elite women go around dressed in thin shirts of cotton which are long and decorated made in a similar manner to *roquetes*." Translation mine.

[99]Ibid., pp. 184-6."so large and admirable that of all the things which could be said I must leave out much." Translation mine.

orden como allá, y que considerando esta gente ser bárbara y tan
apartada del conocimiento de Dios y de la comunicación de otras
naciones de razón, es cosa admirable ver la que tienen en todas las
cosas.[100]

The vast differences between the Mexica of central Mexico and the Arawaks of the

Caribbean amazed the initial conquistadors and for a time led to a greater degree of

respect for the native inhabitants of the mainland.

Early clerical accounts of the mainland likewise convey a more favorable

impression of the *indio* population. In the 1530s, Fray Toribio de Benavente (Motolinía),

one of the first twelve Franciscans in New Spain, wrote a lengthy account of the native

population. His view of the natives mirrored many of the early accounts from the

Caribbean.

la gente, que naturalmente es temerosa y muy encogida, que no parece
sino que nacieron para obedecer... Lo que de esta generación se puede
decir es, que son muy extraños de nuestra condición... y estos Indios y
todas las animales de esta tierra naturalmente son mansos.... Pero
hábiles son para cualquier virtud y habilísimos para todo oficio y arte, y
de gran memoria y buen entendimiento. [101]

This passage highlights the pervasive view that natives are by nature timid. It alludes to

geographical determinism in suggesting that the land in someway has made both its

human inhabitants as well as its animal life timid by nature. Nevertheless, Motolinía

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[100] Ibid., p. 242. "The people of this city pay much greater attention to their manners and mode of dress than those in other provinces and cities because the Lord Moctezuma is always present.... Within the city there is always great order and courtesy in all things... In the daily life of the people of this city there is a great similarity to life in Spain especially in the well ordered manner of things. Considering that these people are barbarians and so distant from the knowledge of God and contact with other nations with reason it is an admirable thing to see." Translation mine.

[101] Motolinía and Baudot, *Historia de los indios de la Nueva España*, pp. 232-233. "the people are naturally timid and very reserved, they seem as if they were born to serve... Of these stock [*generación*] one can say that they are alien to our manners... these *indios* and all the animals of this land are naturally docile... but capable of all virtues and very able for any trade or art and of great memory and sound understanding." Translation mine.

emphasizes that *indios* have admirable qualities particularly their aptitude towards learning new skills and ideas. He felt that God bestowed upon these people their particular skills in learning and intellect:

> *El que enseña al hombre la ciencia, ese mismo proveyó y dio a estos Indios naturales, grande ingenio y habilidad para aprender todas las ciencias, artes y oficios que les han enseñado, porque con todos han salido en tan breve tiempo, que en viendo los oficios que en Castilla están muchos años en los deprender, acá en sólo mirarlos y verlos hacer, han muchos quedado maestros. Tiene el entendimiento vivo, recogido y sosegado, no orgulloso ni derramado como otras naciones.* [102]

Motolinía's experiences led him to esteem the admirable traits of the native population and to see a hopeful future for them as productive, Christian subjects in the growing empire.

Despite these initial favorable views, the overall view of Mesoamerican natives diminished over time. The massive depopulation caused by European disease led many, both secular and cleric, to view the natives as being weak and inferior. Although they recognized the effects of disease, they were unaware of the vast differences in immunity between Europeans and natives. Consequently, native deaths were seen as reflecting weak bodies. Additionally, this loss of native labor would have further prejudiced the *encomenderos* against natives as their profitability of their grants was dependent upon the population and productive capacity of native laborers.

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[102] Ibid., p. 238. "He who teaches man science, is the same one who granted these *indios naturales* great intellect and ability to lear all the sciences, arts, and trade that they have learned, because all of these have been learned so quickly, that even the trades that in Castilla take many years to teach, here only by watching them done many natives have become masters. They [*indios*] have active, reserved, and peaceful intellects, not boastful or wasted ones like those of other nations." Translation mine.

Royal efforts to regulate the indigenous population continued to be patronizing and served to further reinforce the perceived mental and physical weaknesses of the native population. Ostensibly, royal policy sought to insure the temporal and spiritual welfare of their native subjects. Nevertheless, by constructing a colonial order based in "dual republics" – one Spanish the other *indio*– the monarchy permanently entrenched the idea that *indios* were necessarily distinct and inferior to Europeans. At the core, the idea of constructing special laws for the governance and maintenance of native persons reflected the view that *indios* needed special protection.[103] The cumulative effect of royal policy towards *indios* constructed a very unique legal space in which native persons received certain protections and rights at the expense of various obligations and responsibilities not required of *españoles.*

By the 1540s, royal legislation explicitly stated that *indios* were free vassals of the realm and should be treated as such. Native enslavement had been banned, natives were to live in their own self governing communities, they were to have access to the legal system, they were to be paid wages for any labor they provided, and their religious education was to be undertaken by clerics trained in native languages.[104] At the same time that the crown sought to protect its native vassals, the burdens placed on natives clearly set them apart from Spanish subjects. As conquered people, *indios* were required

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[103] Lewis, *Hall of mirrors: power, witchcraft, and caste in colonial Mexico*, p. 18, McAlister, "Social Structure and Social Change in New Spain," p. 358.

[104] Many of these protections were granted piecemeal over the first half-century of colonial rule, but came to be permanently entrenched in the New Laws of 1542. AGI, Patronato 170, R. 47, "Ordenanzas a Observar en el Consejo y Audiencia de Indias." For a detailed examination of native access to and protections within the legal system, see: Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, 1995). The New Laws prohibited "*servicios personales.*" This system had required native persons to provide unpaid labor and services to *encomenderos*. Following the New Laws, natives could still be required to provide labor to *encomenderos* and other Spaniards through the *repartimiento de indios*; however, this system was more directly regulated by officials and required that any laborer be paid for his time.

to pay tribute to the monarchy. This tribute was initially assessed and collected through the *encomienda* system. As the crown sought to reform abuses by *encomenderos*, the tribute came to be collected by royal officials. Additionally, natives were required to provide labor. Although the labor requirement went through many changes in its application throughout the colonial period, forced labor was always a requirement for natives and their communities. Moreover, the joint requirements of labor and tribute were only assessed on the native population.[105] Consequently, legally they came to occupy a similar position as the *pecheros* of the Iberian kingdoms. The subordinate position of natives as constructed by the crown's paternalistic policies indelibly marked *indios* as perpetually inferior to all other vassals of the realm.

During the course of the sixteenth century, difficulties face in entrenching orthodox Christianity among the natives further diminished the position of *indios* in the eyes of the clergy and populace at large. At the outset most commentators, secular and religious, had high aspirations that native persons would quickly and easily come to understand the tenants of the Christian faith. Motolinía's account, written in the 1530s, demonstrates this high esteem of the natives and their capacity for the faith. These initial hopes would be permanently marred in 1535 when Don Carlos Ometochtzin was tried and executed for idolatry and apostasy. Don Carlos was not just any *indio.* He was the native ruler of Texcoco, an early convert to Christianity, and former student educated by the Franciscans at the *Colegio de Santa Cruz de Tlatelolco* in Mexico City. His hidden idolatry placed in stark relief the major problems of evangelization during the early

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[105] During the 1560s, tribute would also be imposed on free *negros* and *mulatos* as will be discussed below. Additionally, although at times suggestions were made to impose a labor requirement on the free-colored population none of these proposals came to fruition.

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colonial period. There were too many natives and not enough clerics. While clergy tried to educate the *indio* neophytes in the basic tenants of the faith and the need to abandon all previous religious belief, the time required to instill such understanding would be great. Don Carlos demonstrated that even prolonged and directed religious instruction could not necessarily bring about true conversions.[106]

In response to the perceived failings of the early evangelization efforts many religious clergy sought to understand the tenants of indigenous religious belief. Through the study of pre-Christian belief these clerics hoped to better predicate the new faith and more adequately prepare missionaries with a sound understanding of the pre-Christian beliefs that they might still encounter. The most prolific example of this new trend can be seen in Fray Bernardino de Sahagún. For over five decades Sahagún worked to catalogue traditional native practices and beliefs, both secular and religious. He helped produce missionary texts including grammars, dictionaries, and confessional guides. His most prominent works include the *Psalmodia Christiana* and the *Florentine Codex*. The former work translated liturgical readings and commentary into Nahuatl and was the only work published in his lifetime. The later represents an encyclopedic compendium of Nahua belief and culture. Both works demonstrate the ideals of this second wave of missionaries and were intended to be instructive tools to be used to improve predicating and catechizing the native population. Despite these efforts at bridging the cultural gap between indigenous belief and Christian orthodoxy, the overall optimism of the missionary effort had begun to wane by the end of the century.

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[106] John F. Schwaller, "Conversion, Engagement, and Extirpation: Three Phases of the Evangelization of New Spain, 1524–1650," in *Conversion to Christianity from Late Antiquity to the Modern Age: Considering the Process in Europe, Asia, and the Americas*, ed. Calvin B. Kendall, et al. (Minneapolis, 2009), p. 269.

Even with advanced catechistic texts and increased knowledge of native language and culture many clergy had begun to fear that natives would never come to accept Christianity fully.[107] In response to this increasing pessimism, the methods of conversion and religious indoctrination changed. Instead of earlier efforts to bridge cultural differences and construct an understanding of Christianity through native cultural modes, the missionaries of the late sixteenth and early seventeenth century turned to their focus towards extirpating any vestiges of idolatry and pre-Columbian belief. Although prominent leaders in this movement maintained an interest in identifying pre-Columbian practice, the new goals were limited to identifying and ending any continuation of those beliefs and forms rather than subtly manipulating them for Christian aims. This transition entrenched the already growing opinion that natives were fickle and recalcitrant. Over the course of the sixteenth century, the constant difficulties faced by missionaries led a shift from a hopeful and optimistic view of native willingness for conversion towards a much more jaded view of natives which helped permanently mark them as poor learners and perpetual neophytes in the faith.[108]

During the sixteenth century, the interaction of both secular and religious Europeans with indigenous Americans led to a lasting pejorative impression of *indios*. Although both groups initially viewed the indigenous population in a positive and hopeful light, the processes of conquest, conversion, and colonial dominance led to

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[107] Ibid., p. 278.

[108] Native reactions to Christianity were certainly not the only issues guiding these shifts in predication. Early missionaries were often hopeful that successful conversion would bring about the Millennial Kingdom. As this hope waned later debates around predication were hampered by conflict between secular and regular clergy, royal attempts at reigning in clerical power in the Indies, and the increasing emphasis on orthodoxy within post-Tridentine Catholicism. For an examination of early Millennial views, see: Edwin Edward Sylvest, *Motifs of Franciscan Mission Theory in Sixteenth Century New Spain Province of the Holy Gospel* (Washington, 1975).

increasingly negative views. In particular, frustration by clerics over the slow pace of conversion and secular frustration over ever-decreasing native tribute and labor contributed to diminished perceptions of *indios*. Always seen as meek, Native Americans came to be associated with physical weakness, obstinance, and low intellect. The paternalistic policies of the monarchy both contributed to this shift and permanently entrenched these beliefs into the colonial order. Ultimately, native persons would be seen as the miserable dregs of society always in need of protection and unable to advance themselves in the eyes of Europeans.

People in the Middle: *Loro*, *Mulato*, *Zambaigo*, *Mestizo*

As new groups of people were incorporated into Iberian society in the Peninsula and the Americas, new terms were created to categorize persons of mixed ancestry. Unlike *indio* and *negro*, these new people, and the categories which described them, were not subject to the same degree of intellectual debate as the parent groups from which they were descended. While scholars seeking to understand the ever widening world and its people hotly debated the origins and nature of Africans and Native Americans, individuals of mixed ancestry rarely received the same degree of intensive analysis. These categories came to exist and be understood within the context of lived experience. In other words, the discourse surrounding these categories was not based in scholarly investigation but rather in popular opinions formed in the context of quotidian interaction and later entrenched in legal codes. Nevertheless, these groups came to be conceptualized in a variety of ways. In general, these terms of mixed-ancestry came to be understood as amalgamations of the parent categories. The elitist and prejudicial nature of Iberian definitions of difference tended to place upon these categories the negative valuations of

parent groups while refraining from attributing any positive aspects. This section will briefly review the historical development of these categories.

The earliest manifestations of these new categories came in to existence to describe the offspring of Christian Iberians with enslaved Africans. Two terms '*mulato*' and '*loro*' entered Castilian during the course of the fifteenth century to describe these individuals. Of these two, *loro* is the more problematic but also more limited in its usage. The first usage of *loro* appears to have been as a reference to color. As early as the tenth century some livestock were refered to as being *loro* in color. Most likely a derivation of the Latin "*laurus*" (laurel) the word referred to an intermediate shade of dusky brown similar to the color of laurel leaves.[109]

By the thirteenth century, some slaves in Iberia had begun to be designated as *loros*. The usage of this term over the next three centuries suggests that it came to refer to individuals of mixed, or presumed mixed, Muslim ancestry. In the fifteenth century, slaves not labeled as black (*negro*) or white (*blanco*, *berberisco*) tended to be labeled *loros* if labeled at all.[110] At this time the term may have been used to refer to either phenotype or ethnicity. Many enslaved *loros* seem to have been the offspring of *negros* or *moros*. The documentation suggests that in these cases *loro* was being used to describe the children of slave owners, Christian Iberians, and their darker skinned slaves.[111] Nevertheless, early sixteenth century usage suggest that *loro* could be used simply as a phenotypical reference. Some writers described Canary Islanders, Native Americans, and

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[109] Forbes, *Africans and Native Americans*, p. 106. The *Real Academia Española* also defines *loro* as "*de color amulatado, o de un moreno que tira a negro.*" See, *Diccionario de la lengua española*.
[110] Ibid., pp. 109-10.
[111] The documents rarely mention parents, but many young enslaved *loros* are noted as being the children of *negras* or *moras*. Given the lighter phenotypical reference of *loro* presumably these *loro* slaves had unnamed Iberian fathers.

sub-continental Indians as being *loro* in color.[112] In these documents, *loro* served as a color reference which served to identify the phenotype of these newly discovered peoples to Iberians. This usage did not last long as these peoples came to be known as *canarios* or *indios*.[113]

The variable usage of *loro* complicates our ability to fix its meaning as an ethnic term. Although it evolved as a description of color, particularly an intermediate shade between light and dark, in the fifteenth and sixteenth century, its most common usage was to describe enslaved persons of mixed ancestry. In general, it seems as though *loros* were conceived as being the children of Muslim slaves, *negros* or *moros*, and Iberian parents. Some slaves of the early sixteenth century were labeled *loros berberiscos*, this coupling would likewise suggest individuals with intermediate skin tones of Muslim ancestry.[114] During the course of the sixteenth century, *loro* fell into disuse in the Peninsula. The abandonment of *loro* may reflect the changing demographic of Iberia's enslaved population. Although Muslim slaves continued to be held in the sixteenth century, numerically sub-Saharan African slaves came to dominate Iberia's enslaved population. Since the most common usage of *loro* tended to imply some Muslim ancestry, the declining enslaved Muslim population would have slowly diminished the number of individuals who could be identified with this term.[115] Coinciding with the

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[112] Forbes, *Africans and Native Americans*, p. 111.
[113] *Indio* was used to describe the inhabitants of both the West Indies and the Indian subcontinent of the East Indies.
[114] Forbes, *Africans and Native Americans*, p. 108.
[115] Forbes suggests that the ambiguity inherent in the ascription of *loro* led to its decline. While some ambiguity existed, even his evidence suggests that *loro* was applied most commonly to the descendents of slaves captured within the context of Christian-Muslim warfare. The decline in Muslim slaves and the corresponding increase in sub-Saharan African slaves would have facilitated the transition away from *loro*. Moreover, almost all Iberian terms of difference suffered from varying degrees of ambiguity. The existence of ambiguity did not necessarily lead to their decline. In the case of *loro*, the decline in usage most likely

decreased usage of *loro,* the term *mulato* saw increased usage in Iberia and came to be the exclusive term used to describe individuals of mixed-African ancestry in the Americas.

The etymology and early usage of *mulato* is complex. There are two possible derivations for the term. The first, and the one most often cited in the colonial period, links the term *mulato* to the word *mula* meaning mule. In the seventeenth century, Covarrubias define *mulato* as: "*El que es hijo de negra y de hombre blanco, o al revés, y por ser mezcla extraordinaria la compararon a la naturaleza del mulo*."[116] The negative connotation enshrined in this definition certainly reflected the popular opinion of such individuals. Like the mule to the horse, the hybrid *mulato* was of a lesser nature than its Spanish forbearer.[117] While this definition certainly resonated well in the seventeenth century, the term *mulato* first began to appear over a century previously and may have initially evolved from a second source drawing from Arabic rather than Latin.

The Arabic term *muwallad* could have served as a root for the later *mulato*. In modern Arabic *muwallad* can be used to refer to individuals of mixed ancestry. In medieval Portuguese, the term '*malado*' – a derivative of *muwallad* – was used to describe servants or other individuals bound by obligations to serve. In describing the history of slavery, the nineteenth century historian José António Saco argued that the

corresponded to an ever decreasing number of persons capable of being placed within this category. Ibid., p. 112.

[116] Covarrubias Orozco, Arellano, and Zafra, *Tesoro de la Lengua Castellana*, p. 1302. "One who is the child of a *negra* and a white man, or the reverse, and because it is an odd mixture it is compared to the nature of a mule." Translation mine.

[117] Forbes, *Africans and Native Americans*, p. 132. In his examination of the term, Forbes posits that this derivation is lacking in several respects. Firstly, if *mulo* itself referred to a hybrid creature why not borrow that word directly without adding a modified diminutive suffix (*-ato* rather than *-ito*). Secondly, Iberians had long been exposed to various hybrid persons of Iberian, Moorish, and sub-Saharan African ancestry. Given this long history of human hybridity why would the most obvious animal corollary only enter use in the 16th century to describe those of Spanish and sub-Saharan African descent?

term *malado* described individuals of mixed Christian-Muslim descent and may have had linguistic ties to the later '*mulato.*'[118] These terms were used most frequently in the medieval period and would have been salient to the experience of Muslim-Christian interaction during that period both in terms of ethnic mixing and various obligations to serve. Unfortunately, there is no clear evidence for the linguistic shift between *malado*, or other derivatives of *muwallad*, and *mulato*. Nevertheless, the close similarity between *mulado* and *mulato* suggest the two may have shared similar semantic meanings. The possibility of an Arabic origin for *mulato* rests upon the evolution of terms to describe individuals of Christian-Muslim origins and the existence of patron-client obligations or other bonds of service. Certainly these conditions existed within medieval Iberia; however, the lack of a clear link or transition obscures the direct transition.

The best explanation for the late fifteenth and early sixteenth century evolution of '*mulato*' to describe an individual of mixed sub-Saharan African and Christian ancestry may rest upon a convergence of meaning between these separate linguistic origins. The closeness of *mulato* to Iberian Arabic terminology describing hybridity and subservience may have melded with Latin based terms for animal hybrids and provided additional semantic grounding to the new term '*mulato.*'[119] In looking at the usage of *mulato* in the colonial context both in Iberia and Americas, possible Arabic antecedents are important from a linguistic point of view but less important for quotidian usage. While, Arabic terms may have helped forge the new term *mulato*, Castilian dictionaries from the sixteenth and seventeenth century did not preserve that meaning. This suggests that while linguistic scholarship can highlight an important nexus of Arabic-Latin interaction, for

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[118] Ibid., pp. 140-147.
[119] Ibid., p. 147. Forbes suggests this situation is the most probable origin of the term '*mulato*'

everyday Castilian speakers of the sixteenth and seventeenth century these issues were

not relevant to their understanding of the term or people categorized as such.

Consequently, the popular usage of *mulato* remained tied to a conception of degenerative

hybridity – Afro-Hispanic individuals who were innately inferior to their Castilian

parent.

In the Americas, the term *mulato* retained its connection to hydrid people but did

not remain fixed to solely African-European individuals. At some point during the middle

of the sixteenth century, the meaning of *mulato* broadened in the Americas. *Mulato* came

to describe both the mix between African and Castilian as well as the mix between

African and indigenous. The precise dating of this transition is unclear, but references

from mid-century onwards suggest that quotidian usage had already incorporated this

new meaning.[120] In New Spain, one of the earliest mentions of these Afro-indigenous

mulatos was made by an Augustinian friar, Nicolas De Witte, in 1555. In his letter to the

crown, Fray de Witte lamented the rise of "*la gente baja y ruin.*"[121] Among these

undesirables he noted were those engendered by the mixture of Africans and indigenous

people with each other and Spaniards. He called attention to the origin of *mulatos*, "*de

negros que se casan con las indias … proceden los mulatos.*"[122] By the 1570s this

phenomenon had become so pronounced as to rate mention by the viceroy in his letters to

the crown and the Council of the Indies. In 1574, Viceroy Martín Enríquez warned that

mulatos born of *negros* and *indias* were becoming to populous and that by virtue of being

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[120] Esteban Mira Caballos, *Indios y Mestizos Americanos en La España del Siglo XVI* (Madrid, 2000), p. 58. In the Caribbean the usage of *mulato* to describe the offspring of an *india* with a *negro* was already in use by mid-century.
[121] AGI, Mexico vol. 280, N. 57. "Fray Nicolas de Witte a SM," Jan. 8 1555. "Low and ruinous people"
[122] "From *negros* who marry the *indias* … come the *mulatos.*"

born free they were becoming uncontrollable wastrels.[123] Contemporaneously, the royal

chronicler, Juan López de Velasco, noted in his *Geografía y Descripción Universal de las*

Indias that there were two types of *mulatos*: "*hijos de negros y de indias*" and "*hijos de*

españoles y de negras."[124] Of these two the most problematic and most numerous were

those born of *negros* and *indias*.

López de Velasco also noted that the term '*zambaigo*' was used in some colonial

settings to refer specifically to Afro-indigenous *mulatos*. The word '*zambo*' was used to

describe similar individuals. According to Covarrubias' dictionary, *zambo* meant 'knock-

kneed,' "*El que pisa para afuera al contrario del estevado*."[125] Corominas suggested that

'*zambo*' was a Mozarabic derivation from the latin '*strambus*' meaning 'bow-legged.'

Although the definitions seem to describe opposing traits, both refer to physical traits of

the legs. Corominas suggests that the term '*zambo*' was applied to individuals of African-

indigenous descent because it was believed that the above physical traits were common to

such individuals. He also noted that the term '*zambaigo*' may have arisen due to the

elision of '*zambo*' and '*hijo*.'[126] This term was not used in colonial New Spain. The few

use I have found are royal *cedulas* issued to all jurisdictions of the Americas. This term

may have had greater usage in South America. In New Spain, *mulato* quickly became the

only term used to describe any one of presumed African descent. Chapters Six and Seven

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[123] *Cartas de Indias*, (Madrid, 1877), pp. 297-300. LV "Carta del Virey de la Nueva Espana, Don Martin Enriquez al Rey Don Felipe II, dandole cuenta de varios asuntos de las islas Filipinas y de aquel Reino. – Mexico, 9 de enero de 1574." Martin Enriquez did not make the *negro-india* pairing explicit, but did at different points in his letter mention *negro* fathers and *india* mothers for *mulatos*.

[124] López de Velasco, *Geografía y Descripción Universal de las Indias*, p. 43. "De los mestizos, negros, mulatos y zambaigos."

[125] Covarrubias Orozco, Arellano, and Zafra, *Tesoro de la lengua castellana*, p. 1550.

[126] Corominas, *Diccionario critico etimologico*, p. 816-818.

will examine the quotidian usage of *mulato* and more fully explore the nature of its ascription and the diversity of individuals to which it was applied.

The first New World mixture that required a wholly new term was between Europeans and Native Americans. The word which would eventually describe individuals of this type would be '*mestizo.*' The development and common usage of this word lagged slightly. Initially, individuals of European-indigenous ancestry were categorized by their predominate cultural affiliation. Children born of native women but recognized and raised by their European parent were often called *españoles* or *christianos*. Similarly, children raised by their indigenous parent, mostly *indias*, were called *indios*.[127] After several decades, by the 1530s, greater differentiation became more important. *Cedulas* from the 1530s referred to these European-indigenous persons as "*hijos de espanoles e indias*."[128] By the 1550s, '*mestizo*' had entered common usage.[129] Covarrubias defined '*mestizo*' as, "*El que es engendrado de diversas especies de animales; del verbo misceo, es, por mezclarse*."[130] Unlike '*mulato*' which may have had Arabic antecedents, '*mestizo*' was wholly derived from the latinate verb '*mezclar*,' meaning to mix. As Covarrubias' definition indicates, this term referenced both mixture and animal hybrids. Nevertheless, the application of this term was never uniform.

As scholars have pointed out previously, the tendency to apply the term '*mestizo*' to an individual remained rooted inconcepts of culture and status.[131] Many children born

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[127] Borah and Cook, "Sobre las posibilidades de hacer el estudio histórico del mestizaje sobre una base demográfica."

[128] *CDI-DCO*, X: 179, Encinas, *Cedulario Indiano*, IV: 342.

[129] Ida Altman, "Spanish Society in Mexico City after the Conquest," *The Hispanic American Historical Review* 71 (1991): p. 439.

[130] Covarrubias Orozco, Arellano, and Zafra, *Tesoro de la lengua castellana*, p. 1278.

[131] McAlister, "Social Structure and Social Change in New Spain," p. 355.

of *indias* to prominent Spaniards could avoid the ascription of the term *mestizo* by virtue of their familial ties and adoption of Spanish cultural norms. On the other hand *mestizos* born to less prominent Spaniards or Hispanized persons with connections to both indigenous and Spanish culture were more readily termed *mestizos*. By the middle of the sixteenth century, the term *mestizo* had become pejorative in law mestizos were seen as wastrels and vagabonds. The cultural and social underpinnings to the ascription of the '*mestizo*' category created a discrepancy among European-indigenous persons. During the sixteenth century, many biologically *mestizo* individuals avoided categorization due to status and familial considerations while others became subject to this discriminatory and limiting label. As the social order became more developed and Spanish elites sought to further restrict claims to *español* status, the term '*castizo*' was developed. This category, rarely used in the sixteenth century, encapsulated the offspring of a Spaniard with a *mestizo*. On the whole categorization of European-indigenous individuals involved more subjectivity than other ascriptions. Chapters Four and Five will more closely examine this phenomenon and examine the breadth of lived experience for European-indigneous persons.

Conclusion

James Sweet has described the process by which Iberians defined difference and constructed a discriminatory society based on those differences as "racism without race."[132] Although his formulation resonates well with modern sensibilities, one cannot separate racism from race. Racism is the manifestation of discrimination based upon a

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[132] Sweet, "Iberian Roots," p. 165.

concept of race, or rather unequal races. "Racism without race" rejects the primary cultural and ideological construct, race, while maintaining its secondary manifestation, racism. This creates an inescapable semantic paradox. Race and racism exist as interconnected ideological concepts in modern thought and culture. They did not exist as ideological constructs in medieval thought or at the beginning of the early modern period.

For early modern Europeans, particularly Iberians, the world consisted of a variety of different people, *gente, gens, generaciones* or *naciones*. The development of terms such as *español, indio,* and *negro* reflected this conceptual framework. Race, as an ideological construct for defining the difference or similarities between human groups, did not exist. The ideological debate which would underpin conceptions of race would evolve as part of the colonial process. In particular the debate over the 'essential nature' of the founding triad would prefigure and influence later conceptions of race and inherent difference.

The lack of an articulated conception of race did not mean that Iberians lacked concepts of difference or forms of discrimination. Rather, Iberians used a variety of ideological constructs, religious, geographical, social, and physical, to articulate conceptions of difference between themselves and other groups in their known world. These categories of difference often, if not always, valued European traits over non-European ones. In so far as these ideological concepts of difference had salience in the creation of social institutions and the articulation of rights and privileges, different human groups were granted different statuses based on their presumed capabilities and qualities. This process, the creation of *generos de gente* such as *español*, *indio*, *negro*, *mulato*, and *mestizo*, reflected both ideologies of difference and a corresponding valuation or

deprecation of humans on the basis of those categories. These ideological conceptions of difference led directly to institutional and social discrimination. In so far as somatic differences came to represent these perceived differences, the discrimination and prejudice of the fifteenth and sixteenth century prefigured later articulations of race and racism; however, these cultural beliefs cannot be equated either ideologically or structurally with their future manifestations. In this sense, fifteenth and sixteenth century Iberians were clearly discriminatory and prejudicial in their views of other groups, but they were not racist. Finally, as subsequent chapters will demonstrate these terms of difference were mutable in application and practice; a variability which despite contingent discrimination precludes their categorization as purely racial and their inherent prejudice as racism. The following chapter will shift the focus of this analysis from ideological constructions of difference to the legal entrenchment of difference in the Spanish American world.

Chapter 3

Shaping Society

...esta la tierra tan llena de negros y mestizos, que exceden en gran cantidad a los españoles y todos desean comprar su libertad con la vidas de sus amos... – Viceroy Luis de Velasco (el viejo), 1553[1]

Muchos son los negros mulatos y mestizos libres que hay en esta tierra por que la mala yerba siempre crece y no hay que fiar ni confiar de ellos lo que es posible se hace para tener ellos sujetos y es mejor sufrirlos aquí donde queden ser castigados que en los pueblos de indios donde tendrán mas libertad y harén mayores excesos sin castigo. – Viceroy Luis de Velasco (el joven), 1608[2]

The Spanish crown did not seek an active role in setting up colonies in the newly discovered Americas. Following models developed during the r*econquista* the Catholic Monarchs authorized individuals to lead campaigns of conquest, recognized newly founded towns, and provided modestly paid appointments or grants to deserving conquistadors. The Monarchs did not hold or impose a strategic vision of where to engage in conquests or establish settlements. The drive of expansion was funded by private interest and fueled by constantly shifting rumors of where the next large, rich native empire lay. Within this de-centralized pattern of exploration, conquest, and

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[1] *Cartas de Indias*, pp. 263-4. XLIX "*Carta de don Luis de Velasco, virrey de Nueva España, al Emperador Don Carlos, dándole cuenta de las reformas que la conveniencia aconsejaba hacer en el repartimiento de tierras a los españoles y en la ejecución de las ordenanzas – México, 4 de Mayo de 1553.*" "This land is so full of *negros* and *mestizos*, they exceed by a large margin the number of *españoles* and all of them wish to buy their freedom with the lives of their masters." Translation mine.
[2] AGI, Mexico 27, N. 52. "Many are the free *negros*, *mulatos*, and *mestizos* who live in this land for the bad weed always grows and one cannot trust in them, what is possible is to have them as subjects and to suffer them where they can be punished but not in *pueblos de indios* where they will have more freedom and can take more excess without punishment." Translation mine.

expansion, the Spanish monarchy, and its attendant bureaucracy, generally reacted to rather than shaped colonial realities. This tendency was especially pronounced in the relationship between the developing *género* labels and their incorporation into colonial legal codes.

The impact of royal policy on society in the Americas can only be explained as part of the historical construction of a unique Spanish American system of jurisprudence and government. After their discovery, the Americas were initially incorporated into the kingdom of Castile and by virtue of that annexation made part of the jurisdiction and legal framework of that kingdom.[3] This situation would not last long. Over the course of the first three decades of colonial rule, the importance of the Indies became more apparent and the crown sought to more firmly establish control over the governance of these possessions.[4] This process entailed the creation of overseas governmental entities and institutions which came to exist separately from those of Castile and the creation of a separate body of law and jurisprudence, called *Derecho Indiano*.

The process of constructing administrative and judicial institutions took decades, but by the end of the 1520s the crown had established a basic model which was repeated where and when it was needed. By 1527, the Spanish monarchs had decided that the American colonies needed professional administrators and trained jurists. In Hispaniola and in Mexico, the crown had created two high courts, *audiencias*, in Santo Domingo and Mexico City. These courts oversaw judicial appeals and other matters pertaining to

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[3] Jose María Ots Capdequi, *El Estado Español en las Indias*, (Mexico, 1957), pp. 9-10.
[4] Excellent works tracing this process and its ideological debates can be found in: Mario Góngora, *El Estado en el Derecho Indiano: Época de Fundación (1492-1570)* (Santiago de Chile, 1951), Mario Góngora, *Studies in the Colonial History of Spanish America*, Richard Southern trans. (Cambridge; New York, 1975), Ots Capdequi, *El Estado Español en las Indias*, Silvio A. Zavala, *Las Instituciones Jurídicas en la Conquista de América*, (Mexico, 1971).

jurisprudence. In each region, governors oversaw the administrative aspects of government and a host of lesser officials presided over local issues of justice and government. In 1535, the crown appointed António de Mendoza viceroy of New Spain; his duties were to oversee provincial governors and provide more stable, reliable governance. This move finalized the basic structure of secular governance which would be used in the Americas until the eighteenth century.

In addition to the formation of American institutions of government, the existence of *derecho indiano* resulted from institutional developments in the governmental structure of the Spanish monarchs' Iberian possessions. During the first several decades of colonial rule the Indies were considered an appendage of the Kingdom of Castile.[5] As part of Castile they were subject to its laws and overseen by the Council of Castile. Within decades it became clear to the monarchy that an independent institution would be required to effectively oversee the unique problems and situations being faced in the Indies. The solution chosen by Charles V was the 1524 creation of the *Real y Supremo Consejo de Indias.* This council, ranked second only to the Council of Castile, decisively separated the oversight of the Americas from the governance of Castile.[6] By the 1530s the institutional development within the American colonies coupled with the creation of new governmental entities in Iberia had constructed a uniquely American legal sphere which would come to be known as *derecho indiano*.

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[5] Mario Góngora, "Institutions and Founding Ideas of the Spanish State in the Indies," in *Studies in the Colonial History of Spanish America* (Cambridge; New York, 1975), p. 79.
[6] Góngora, *El Estado en el Derecho Indiano*, p. 39.

Before turning to the development of royal social policy and its use of *género* labels, four important features of colonial law should be noted.[7] First, early modern Castilian legislation in Iberia and the Americas tended to be casuist. In particular, royal orders and policies tended to be issued in response to and attempt to rectify or correct a particular problem or issue. Only rarely did the monarchy issue expansive general legislation.[8] Second, in addition to focusing on particular issues and problems, during the sixteenth century, Spanish monarchs became interested in highly minute oversight and regulation of the colonies. This tendency became most developed during reign of Phillip II and the tenure of Juan de Ovando as President of the Council of the Indies.[9] While generally this oversight involved frequent requests for information from royal officials in the Indies as well as copious orders and legislative acts, the crown also purposefully created institutional and jurisdictional overlaps in order that competition between officials in the colonies would serve to impede independent action.[10] The use of competition as a means of checking autonomous bureaucratic action can be most clearly seen in the constant jockeying for privileges and jurisdiction between viceroys and members of the *audiencia* during the sixteenth century.[11]

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[7] For more detail see: Ots Capdequi, *El Estado Español en las Indias*, pp. 12-14.

[8] For example, the Laws of Burgos (1512) and the New Laws (1542) represent aberrations in that they represent broad reaching comprehensive legislation. Nonetheless, it should be noted that even these pieces of legislation were reactions against problems which had arisen in the Indies. Their breadth can be correlated in large part with the need for expansive legislation in response to many interrelated problems.

[9] Stafford Poole, *Juan de Ovando: Governing the Spanish Empire in the Reign of Phillip II* (Norman, 2004).

[10] Góngora, "Institutions and Founding Ideas," pp. 88-92, Ots Capdequi, *El Estado Español en las Indias*, p. 13.

[11] For examples of the relationship between viceroy and *audiencia* see: António F. García-Abásolo, *Martín Enríquez y la Reforma de 1568 en Nueva España* (Sevilla, 1983), Ethelia Ruiz Medrano, *Reshaping New Spain: government and private interests in the colonial bureaucracy, 1531-1550* (Boulder, 2006), María Justina Sarabia Viejo, *Don Luís de Velasco: Virrey de Nueva España (1550-1564)* (Sevilla, 1978).

A third essential feature of colonial legislation can be described as a profound interest in the religious and spiritual life of the crown's subjects. This can be explained by the legalistic justification of the papal donation by Alexander VI of the Americas to the Spanish Monarchs. According to several bulls issued in 1493, the papacy recognized the Catholic Monarchs' claims to the Indies provided that they oversaw the predication and evangelization of the indigenous population.[12] This mandate was profoundly important to the Catholic Monarchs and their descendents. The clearest evidence for the royal interest in propagating Christianity and insuring the spiritual wellbeing of their subjects can be found in the instructions they gave to their officials in the Americas. In 1501, the newly appointed governor of Hispaniola, Fray Nicolás de Ovando was given instructions that opened:

> *Primerament[e] p^{o}curareys co[n] mucha diligencia/ las cosas del servi^o d[e] dios e que los oficios devinos se/ hagand con mucha estimacio[n] e orden e reverencia como conviene/*

> *Yten porque nos deseamos q[ue] los yndios se conviertan/ a nra Santa Fee Catolica e sus anymas se salven por/ q este es el mejor bien q les podemos desear... terneys mucho cuydado de/ procurar... como los religiosos/ que alli estand los ynforme[n] e amoneste[n] pa[ra] ello co[n] mucho/ amor d[e] manera que los mas presto q se pueda se convierta[n]...*[13]

Similar statements appeared in the opening statements of all future instructions to viceroys upon their appointments.[14] Interestingly, in legislation which focused on matters

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[12] Zavala, *Las Instituciones Jurídicas en la Conquista de América*, pp. 30-43.

[13] AGI, Indiferente General, vol. 418, L. 1, fs. 39-42. "Instrucción a Fray Nicolás de Ovando," Sept. 16, 1501. "Firstly, with great diligence, you are to insure that all things are done in the service of God, and that all holy offices are conducted with respect, order, and reverence, as they should be. *Item*: Because we desire that the *indios* be converted to our Holy Catholic Faith, and their souls saved, because this is the greatest good we could desire… that you, with prudence, insure… that the religious [clerics]who are there preach and admonish [the *indios*] with great love so that they are converted as quickly as possible…" Translation mine.

[14] See: Ernesto de la Torre Villar, ed., *Instrucciones Y Memorias De Los Virreyes Novohispanos*, 2 vols. (Mexico, 1991). Most sixteenth century viceroys received virtually identical instructions.

of spiritual and religious life, the crown often sought to construct an idealized moral world very much in contrast to secular legislation which was characterized by pragmatic solutions to specific cases. Consequently, religious legislation tended to accentuate the differences between theory and praxis, law and reality.[15] As will be shown below, the difference between spiritual and temporal policies could at times create tensions which could undermine royal policies and the idealized perception of colonial society.

Fourthly and finally, although legislation tended to react to particular cases and problems, the legal system did seek uniformity and a '*vida juridical*' that was consistent across all jurisdictions. Most importantly, for this discussion, the legal system sought to overcome the particularity of casuist laws by acknowledging the principal of analogy in the implementation of policy across the Americas.[16] In other words, when royal legislation or policy was made in response to a particular problem in one jurisdiction of the Indies it could be held as valid in other areas where similar problems existed. In so far as a particular policy had relevance in a general sense it was to be construed as being valid for all similar cases. [17]

This aspect is most important for understanding royal policy towards ethnic-mixing and the various *generos de gente*. The casuist nature of legislation led to the issuance of many laws in response to particular problems or issues arising in the various jurisdictions of the Americas. To fully understand the evolution of a royal policy towards

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[15] Ots Capdequi, *El Estado Español en las Indias*, pp. 13-14.

[16] Góngora, *El Estado en el Derecho Indiano*, p. 238.

[17] An excellent example of this aspect can be seen in a 1581 case between Sebastián, a native of India, and several Portuguese men who captured and enslaved him: AGI, Indiferente General 1231, "El Fiscal de su Mag y Sevastian yndio con[tra] Carlos Pinelo y Ju° Ant° Lanz." In this case the royal *fiscal* successfully argued that royal legislation and mandates ranging in dates from 1532 until 1570 and pertaining to various geographic regions were pertinent to Sebastián's case. Moreover, these disparate orders and policy clarifications constituted sufficient proof that *indios*, regardless of origin, were prohibited from being enslaved or maintained as slaves within Spanish jurisdiction.

ethnic-mixing in the Americas, all relevant legislation must be examined with the understanding that at the time individual laws or orders were not seen as being limited to the particular case. A similar process can be seen in the early attempts to codify *derecho indiano*. Beginning in the 1570s, the Council of the Indies, sought to compile all relevant legislation pertaining to the spiritual and temporal government of the Indies. [18] Although, the process took over twenty years, in 1596, the *Cedulario Indiano* (also known as the *Cedulario de Encinas*) collected all legislation relevant for general application across the Indies.[19] This process was repeated again in 1680 with the creation of the *Recopilación de Leyes de Las Indias*. Both the *Cedulario Indiano* and the *Recopilación* recognized that although most royal legislation was issued in response to a particular case, laws with general application needed to be preserved and codified so they could be uniformly applied across the Indies.

This peculiar nature of the construction of *derecho indiano* worked against general and comprehensive legislation which explicitly defined categories for individuals of mixed ancestry or their place in society. At best royal policy towards these the interethnic unions, and individuals, was sporadic and reactive rather than deliberate and proactive. Some early policies favored, at least tacitly, these unions, while later policies often sought to circumscribe individuals of mixed ancestry after they had come to account for a sizable segment of the non-indigenous population. Moreover, the crown never sought to specifically define any socio-racial term nor delineate a specific legal hierarchy of categories. In so far as a commonly recognized hierarchy existed, the

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[18] Although the principal of analogy existed from the outset of colonial rule, the process of codifying the 'laws of the Indies' was begun by Juan de Ovando as president of the Council of the Indies. See: Poole, *Juan de Ovando*, pp. 144-146.
[19] Encinas, *Cedulario Indiano*.

relative status of a particular term/category was negotiated and defined by broader social and cultural values and beliefs and not by any specific colonial policy. Finally, given the lack of a clearly-defined, comprehensive policy from the crown, institutions and officials within the colony had relatively wide latitude to issue ordinances which defined and delimited individuals of mixed-ancestry. In this context, specific policy concerns regarding individuals of mixed-ancestry often devolved to the viceroyalty, and its officials, where individual personalities, local concerns, and specific events could affect the juridical position of persons of mixed-ancestry.

Inter-Ethnic Marriages

Although profoundly important in financing Christopher Columbus' discovery of the Americas, the monarchs Ferdinand and Isabella never viewed the Americas as an important part of their kingdoms. Part of this lack of interest in the Americas can be explained by their desire to consolidate royal power and institutions in their Iberian possessions after the completion of the *reconquista*. Additionally, the privately-financed, entrepreneurial nature of early expansion into the Caribbean allowed the monarchs to take a wait-and-see attitude towards developing policies for their new territories. Even once the monarchs' sought to impose royal authority on their new territories they did not seek to impose a preconceived construction of society. Rather their goals emphasized the importance of evangelizing the native population, as was required of them by the papal donation, and the maintenance and increase of royal revenues from applicable taxes and duties. As a result the crown's social policies were most often linked to, and issued on account of, perceived problems in either or both of the above two goals.

This tendency can be clearly seen in the instructions given to Fray Nicolás de Ovando prior to his departure as governor of the Indies.[20] Issued in 1501, these instructions include many orders which would be incorporated into all future ordinances and laws pertaining to the governance of the Indies and the relationship between Spaniards and native peoples. The Catholic Monarchs' emphasis on religious conversion and duty to God can clearly be seen in the opening two clauses which remind Ovando that he should always act in "the service of God" and order that the conversion of the *indios* take primary importance. Other clauses command Ovando to maintain peace and establish justice, establish good relations with *caciques* and *indios principales*, impose a tribute burden on natives as vassals of the crown, oversee the foundation of new towns, and ensure that Christians (Europeans) lived only in designated *poblaciones*. These royal policies would reappear in later legislation, including the 1512 Laws of Burgos, and instructions to newly appointed viceroys.

Given the importance of native labor, tribute, and the continued friendship and cooperation of native elites, Ovando's instructions also included provisions to rectify conflicts which had arisen between early settlers and native communities. During the first decade of Spanish settlement on Española, many Spaniards had entered into sexual relationships with indigenous women, often by force but other times with consent. Given the conflicts inherent in the abduction and sexual violation of native women, the crown sought to regulate Spanish-indigenous couplings so as to benefit its own long-term goals. To this end, Ovando was ordered to return any *indias* taken without consent to their families; however, the instructions also allowed for unions to continue so long as "they

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[20] AGI, Indiferente General, vol. 418, L. 1, fs. 39-42. "Instrucción a Fray Nicolás de Ovando," Sept. 16, 1501.

are by choice and not by force."[21] Although this allowed for Spanish-indigenous unions, this legislation should not be interpreted as implying a desire for inter-ethnic unions. Rather, this policy represented a pragmatic solution which would prevent colonists from engaging in politically, and spiritually harmful, acts while allowing for politically beneficial, consensual unions.

Over the next decade royal policy would continue to reflect this pragmatism. In 1514, a royal *cedula* reiterated that European residents on Hispaniola could marry native peoples without penalty or hindrance. This order clearly noted that these marriages were "useful and beneficial to the service of God and [the Crown] and convenient for the populating of the island."[22] By this point the decline of the island's native population had become apparent and the prospect of augmenting the population through Spanish-*indio* unions was seen as more favorable than continued depopulation. The following year, another cedula similarly stipulated that *indios* could marry freely either other *indios* or Europeans.[23] Taken together these two cedulas upheld the right of both Europeans and native peoples to marry whom ever they chose.

In 1525, the crown recognized yet again the utility of marriages contracted between Spaniards and native elites. In a cedula sent to Darién, the Carlos V wrote:

> *yo soy informado que muchos de los indios principales y caciques desta*
> *tierra quieren casar sus hijos e hijas con cristianos y cristianas españoles*
> *y los dichos españoles con los dichos indios … de que Dios nuestro Señor*

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[21] AGI, Indif., vol. 418, L. 1, fs. 39v. See also: Konetzke, "Mestizaje durante la Época Colonial," 24: 215.
[22] *CDI-DCO*, IX: 22-23, Konetzke, *Documentos para la Formación Social*, I: #28.
[23] *CDI-DCO*, IX: 52.

seria muy servido y vernia mucho provecho y paz a la dicha tierra y
sosiego y gobernación entre los dichos cristianos e indios della…[24]

This cedula in conjunction with previous orders clearly illustrates that royal policy saw Spanish-native interethnic marriages as a means by which to more easily achieve their own goals of conversion-indoctrination and peaceful government. By recognizing that the individuals involved needed to act out of their own free will, the crown honored the Church's prerequisites for marriage without actively encouraging inter-ethnic unions.[25]

While Spanish-indigenous unions were allowed for by royal legislation, the crown always attempted to prevent African-indigenous unions and sought to keep the *negro* population separate and distinct from native peoples. One of the most recurrent themes concerning Africans and slaves in the Americas was the fear of revolt or uprising. This fear was well founded in fact; as soon as enslaved Africans entered the Americas they began to engage in various forms of resistance and revolt.[26] In response to early reports of African runaways, '*cimarrones*,' the crown sought to tame or pacify the *negro* population through marriage.

In 1527, the crown issued a *Real Provision* in which it noted that Hispaniola had received many African slaves and the Christian (European) population was too small to

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[24] Konetzke, *Documentos para la Formación Social*, I: 77. #37, "R.C. Sobre Casamientos de Españoles con Indios". AGI, Panama 233, L. 2, fs. 45v. "I am informed that many of the *indios principales* and *caciques* of this land want to marry their sons and daughters to Spanish Christian men and women and that the Spanish [wish to do the same] with the *indios* … from this God our Lord would be well served and from which much fortune and peace [would come] to the land and the tranquility [of it] and its governance of Christians and indios." Translation mine.

[25] Daisy Rípodas Ardanaz, *El Matrimonio en Indias: Realidad Social y Regulación Jurídica* (Buenos Aires, 1977), pp. 227-257.

[26] Lynne Guitar, "Boiling it down: Slavery on the First Commercial Sugarcane Ingenios in the Americas (Hispaniola, 1530-45)," in *Slaves, Subjects, and Subversives: Blacks in Colonial Latin America*, ed. Jane G. Landers and Barry Robinson (Albuquerque, 2006), Richard Price, *Maroon Societies: Rebel Slave Communities in the Americas*, 3rd ed. (Baltimore, MD, 1996).

safely control these captives.[27] They worried that this situation could incite an uprising, lead to slave runaways, or in other ways cause harm and inconveniences to the colony. Consequently, the provision concluded that the best solution for ensuring that slaves lived more peaceful lives was that slaves be married. The king in consultation with the Council of the Indies believed that "*el amor que ternian a sus mujeres e hijos y con la orden del matrimonio seria causa de mucho sosiego dellos y se excusarian otros pecados e inconvenientes que de lo contrario se siguen*."[28] Moreover, the crown mandated that in the future all private individuals who held or were granted licenses to import slaves to the colony be required to bring an equal number of males and females and see that their slaves be married to each other.[29] Any slaves already present in the colony were to be married within fifteen months. Importantly, as in the *cedulas* concerning Spanish-native unions the crown expressed its wish that the owners not attempt to coerce slaves into marrying. Specifically, the *negros* should be allowed free will in choosing their partner and entering into the union. This created an odd juxtaposition. Owners were mandated to marry slave with slave within a given time period but at the same time required to allow their slaves to exercise free will in choosing a partner.

Over the next several decades, the crown reiterated its desire to prevent African-indigenous marriages. In 1541, a *cedula* ordered Governor Pizarro to ensure that *negros*

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[27] Konetzke, *Documentos para la Formación Social*, I: #50. "R. Provisión para que se casen los negros," Valladolid, June 28, 1527.

[28] Ibid. "the love that [*negros*] will have for their wives and children and the order brought by marriage will cause great tranquility among them and will prevent other sins and inconveniences which would otherwise persist." Translation mine.

[29] The wording of the order suggests that this was being applied only to Española and may not have affected an existing *asientos* granted for large shipments. The text reads "mandamos que agora y de aqui adelante todas y cualesquier personas que tuvieren licencias nuestras así generales por la facultad que tenemos dada a la dicha isla Española como especiales a personas particulares para pasar esclavos negros… sean obligados a pasar la mitad de hembras… y de los casar a ley y bendición queriendo los dichos negros y de su voluntad…" Translation mine.

only married *negras*.[30] The crown had received reports that in Peru, African slaves had a diverse number of native women, some by choice others not. In order to prevent antagonizing the native population and better control the slaves, Pizarro was ordered to marry male and female African slaves to each other. However, the 1541 order, its 1527 antecedent, and a separate 1538 *cedula* to New Spain noted an additional complication arising from slave marriages and medieval Castilian law.[31] According to these *cedulas*, after being married some slaves had argued that in being married they had received their freedom.

The slaves reasoning may have been based in African understandings of slave status; however, the *Siete Partidas*, Castile's medieval legal code, contained a similar provision. In the section pertaining to slave marriages, the code noted that:

> *si siervo de alguno casase con mujer libre o hombre libre con mujer*
> *sierva estando su senor delante o sabiendolo si no dijese entonces que era*
> *su siervo solamente por este hecho que lo ve o lo sabe y callase hacese el*
> *siervo libre y no puede despues tornar a servidunbre.*[32]

While appearing to construe a path to freedom via marriage, this law actually aimed at penalizing slave owners who did not take an adequate interest in the lives of their slaves. Importantly, this law notes that a marriage between slave and free person could only be valid if the free spouse was aware of the status of the slave at the time of marriage. Moreover, the spouses of slaves were required to cohabitate with their enslaved partner

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[30] Konetzke, *Documentos para la Formación Social*, # 136.

[31] The 1538 cedula issued to New Spain can be found in Encinas, *Cedulario Indiano*, IV: 385-387.

[32] From Partida IV, title V, law I. Cited within a 1526 cedula sent to Hispaniola: AGI, Indiferente General 420, L.10, fs. 350. Also in: Konetzke, *Documentos para la Formación Social*, #41." If a slave [siervo] of someone marries a free woman, or a free man marries a female slave [sierva], with their owner present, or with his knowledge, and the owner does not announce that the slave is his, by this fact, of seeing and knowing yet remaining silent, the slave is made free and cannot thereafter be made to serve." Translation mine.

even if that meant moving due to the will of the slave's owner. The above quoted law, sought to add another level of oversight to slave marriages. By insisting that the owner inform the future spouse of the status of their slave, this code hoped to prevent slaves from hiding their legal status when marrying.[33]

Taken together, royal legislation regarding inter-ethnic marriages in the Indies illustrates the pragmatism of royal legislation and the difficulties in balancing religious ideals with practical considerations. Above all other considerations, the crown consistently recognized the importance of an individual's free will in contracting a marriage. This approach led to policies which allowed for inter-ethnic unions without actively encouraging them. Moreover, these laws clearly demonstrate a bias against Africans by tacitly accepting Spanish-*indio* unions while striving to prevent any mixed unions involving Africans.[34]

16th Century Slave Policy

Before turning to policies which focused on individuals of mixed ancestry, a brief review of legislation which focused on enslaved Africans, will help illustrate that although necessary as laborers royal policy consistently viewed *negros* as being dangerous to the body politic. From the outset, conquistadors and colonists were allowed

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[33] Given the wording of the law, presumably, a slave owner who did not know his slave was attempting to marry would not lose the slave because they would be unable to acknowledge their ownership. The wording is specific that freedom could only follow willful inaction on the part of a slave's owner.

[34] I have found no evidence of royal policies which specifically sought to prohibit African-European unions in the Americas. The presence of Africans in Iberia prior to the discovery of the Americas and the existence of Afro-Hispanic individuals in Iberia suggests that by the early sixteenth century, the crown tacitly accepted that Europeans would form unions with their African slaves and servants. For more on Africans and Afro-Hispanics in Iberia see: Ruth Pike, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century* (Ithaca [N.Y.], 1972), p. 187-8, Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen."

to bring slaves to the Americas. The earliest slaves probably represented a rather diverse group. The *reconquista* and early Atlantic expansion had led to the enslavement of individuals from diverse ethnic and religious background. At the turn of the sixteenth century, Iberian slaves could include: *esclavos blancos, moriscos, berberiscos, negros, canarios,* etc. However, within the first few decades of colonial rule slavery became most closely associated with Africans and *negro* became synonymous with slave. Over the course of the first fifty years of Spanish dominion, the crown's policies towards slaves had two main thrusts: first, prevent the importation of any non-African slaves; second, implement laws which would circumscribe enslaved persons' actions to prevent uprising or unrest.

The first comprehensive legislation regulating enslaved persons in the Americas was issued in Hispaniola by Diego Colon in his capacity as viceroy and governor. In late December of 1521, a number of African slaves, probably Wolofs, began an insurrection which led to the deaths of several Spaniards and the flight of slaves into the mountains.[35] In the wake of this violent rejection of captivity, the secular officials on the island sought to more rigidly control the enslaved population. The ordinances passed on January 6, 1522, sought to recapture existing runaway slaves and prevent future uprisings and runaways.[36]

In order to tempt runaways to return the first and third provisions offered a grace period in which runaways could return to their owners without punishment, so long as the slave had not engaged in any other punishable act. Owners were to report runaways

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[35] Wenceslao Vega Boyrie, "El Cimarronaje y la Manumisión en el Santo Domingo Colonial. Dos Extremos de una Misma Búsqueda de Libertad," *CLÍO* 174 (2005): p. 80.
[36] AGI, Patronato, 295, N. 104.

within ten days or face a financial penalty. No slave was to have any offensive or defensive weapons, and could only carry a small knife for personal use. No slave was to travel more than two leagues from their owner's home or estate without being accompanied or carrying written authorization. Slaves were not to be rented out or allowed to work for anyone but their owner without the express consent of the authorities. Slave owners were to pay a minor fee, per slave, to support the officials which would oversee the enforcement of these provisions. In general, the punishments imposed on slaves began with whipping, second offenses led to the loss of a foot, and future infractions merited death. Owners found guilty of being delinquent in their oversight duties could be fined and have their slaves taken away. Finally, the ordinances mandated that all *cabildos* on the island and every slave owner have a copy of the new provisions.

These ordinances are important because they differentiate between *negros* and *esclavos*. Throughout the text the phrase '*negros y esclavos*' appears as does the phrase '*esclavos negros, blancos, y canarios.*' The mandating of ordinances for regulating '*negros y esclavos*' suggests that the bulk of individuals considered *negros* were enslaved.[37] Additionally, the phrase '*esclavos negros, blancos, y canarios*' reiterates that while most *negros* were slaves, the enslaved population was contained other types of individuals. The phrase '*esclavos blancos*' could refer to a diverse group of individuals. In general, *esclavos blancos* were individuals of Muslim descent who had been enslaved

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[37] For early examples of free Africans traveling to the Indies see: AGI, Contratación, 5536, L.1, f.11, "Francisco de color negro, horro;" Contratación, 5536, L.1, f. 125, "Rodrigo de Ovando, negro horro;" and Contratación, 5536, L.1, f. 206, "Juan Ramos de color negro, horro."

in the Reconquista or in conflicts between Muslims and Christians in North Africa.[38]

'*Esclavos canarios*' were individuals who had been enslaved in the Canary Islands. From

the late fourteenth century onward, Iberian merchants had begun expeditions to the

Canaries in search of trade goods and captives.[39] In the early fifteenth century,

expeditions authorized by the Castilian monarch lead to the conquest of several of the

smaller islands in the archipelago.[40] The conquest of the islands remained incomplete

until after Columbus' voyage to the New World when in 1496 Tenerife became the last

of the major islands to be conquered.[41] Many of the islands' defeated inhabitants were

forced into slavery and eventually some of these *esclavos canarios* found themselves in

the Caribbean.

In response to this insurrection and other acts of slave revolt, the crown began to

implement slave importation policies which it hoped would preference more docile

slaves. Policy began to favor the importation of '*bozales*.' This term was applied to sub-

Saharan African slaves who had spent little or no time in Iberia, or other European

possessions, and were therefore unlikely to have adopted European cultural traits. The

first *cedula* to implement this change was issued in 1526 and noted that:

> *…a causa de se llevar negros ladinos destos nuestros reynos a la isla*
> *Española los peores y de mas malas costunbres que se hallan por que aca*
> *no se quieren servir dellos et ynponen e aconsejan a los otros negros*
> *mansos que estan en la dicha isla pacificos y obedientes al servicio de sus*

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[38] Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen," p. 344.
[39] John K. Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800*, 2nd ed. (Cambridge; New York, 1998), pp. 28-30.
[40] Felipe Fernández-Armesto, *Before Columbus: Exploration and Colonisation from the Mediterranean to the Atlantic 1229-1492*, 3rd paperback ed. (Philadelphia, 1994), pp. 182-184.
[41] Ibid., pp. 204-205.

> *amos an yntentado y provado muchas vezes de se alzar e han alzado et
> ydose a los montes y hecho otros delitos…*[42]

According to reports that had been received in the Council of the Indies, Hispanized slaves, '*ladinos*,' were more likely to engage in acts of insurrection and plots to escape bondage. Although the cedula does not provide more detail, presumably because of their familiarity with Castilian language, as well as, the political and economic organization of the colony, ladino slaves were far more aware of possible means of revolt or flight than recent arrivals. The crown specifically noted that "*los tales boçales son los que sirven y estan pacificos e obedientes y los otros ladinos los que alteran et ynducen a que se vayan et alzen e hagan otros delitos.*"[43] Over the course of the next several decades, the crown would gradually broaden this prohibition to include other types of slaves.

The existence of enslaved persons from many different ethnic and religious backgrounds made the simple prohibition of *negros ladinos* insufficient to exclude all possible Hispanized slaves. On February 2, 1530, the crown sought to impose stricter control on the importation of all slaves by mandating that no one could import "*esclavos, ni esclavas, blancos, negros, loros, ni mulatos, sin nuestra expressa licencia.*"[44] Any slave discovered without a license was to be lost to the royal treasury. Moreover, any unlicensed slave who was "*berberisco, de casta de Moros o Judios, o mulato*" was to be

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[42] *CDI-DCO*, pp. 242-3, Encinas, *Cedulario Indiano*, IV: 384. Text from *CDI-CDO*. See also: *Recopilación de Leyes de los Reynos de las Indias*, 4 vols., Reproducción en Facsimil de la Edición de Julián de Paredes de 1681 (1681, repr. ed. Madrid, 1973), Lib. IX, Tit. XXVI, ley XVIII. "Que no passen a las indias Negros ladinos, ni se consientan en ellas los que fueren perjudiciales." "As a result of bringing *negros ladinos* from our kingdoms to the island Española the bad customs that they have here of not wanting to serve [are brought] and they share them with other peaceable *negros* that are on the island pacific and obedient to the service of their masters and they have tried many times to rise up and have rebelled and fled to the mountains and committed other crimes." Translation mine.
[43] *CDI-DCO*, p. 243. Text from *CDI-CDO*. "the *bozales* are those that serve and are pacific and obedient and the others *ladinos* [are] those who disobey and incite the others to flee and rise up and cause other crimes." Translation mine.
[44] *Recopilación de Leyes de las Indias*, Lib. IX, Tit. XXVI, ley XVII. "Que no se passen esclavos blancos, negros, loros, mulatos, ni berberiscos sin expressa licencia del rey, y penas de la contravencion."

returned directly to Iberia and a one thousand peso fine imposed on the owner. This *cedula* had two main goals. Firstly, it sought to more efficiently collect royal revenues by maximizing income from the sale of licenses and the collection of duties by the Casa de Contratación. Secondly, and more importantly for social policy, the crown sought to prevent any Hispanized or newly converted slaves from entering the colony. Although they reserved the right to grant such licenses, the fine they levied demonstrates a clear desire to prevent the importation of any European or North African slaves of possible Muslim or Jewish ancestry, *esclavos blancos* or *esclavos berberiscos*.[45] The inclusion of *mulatos* and *loros* broadened the previous 1526 exclusion of *negros ladinos*, by including individuals of mixed African-Hispanic ancestry who were Hispanized by virtue of their parentage and life in Iberia. Ultimately, the desired effect of both the 1526 and 1530 policies was to increase governmental oversight of slave importation through clearer, more ridged licensing requirements and to change the demographics of slave importation by limiting the number of European, North African, and Hispanized African slaves in favor of sub-Saharan *bozales*.

The ease by which this policy shift was implemented is dubious. Over the next several decades similar orders were repeated again and again suggesting consistent violations and negligence on the part of officials. In 1531, the blanket prohibition against *blancos*, *negros*, *mulatos*, and *loros* was repeated, and it would be repeated again in 1550 and 1552.[46] In 1543 and 1550, the crown would again make explicit warnings that the importation of *berberisco* slaves should never be allowed in the Indies because they were

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[45] *Berberisco* referred to slaves from North Africa with Muslim heritage.
[46] Encinas, *Cedulario Indiano*, IV: 135, 381-3.

recent converts from Islam and could possibly spread that sect in the colonies.[47] The 1543

order further mandated that any *berberiscos*, *moriscos*, or children of Jews, free or

enslaved, be immediately removed from the colonies.[48] The continued importation of

prohibited slaves probably resulted from several causes. Firstly, although all passengers

traveling from Spanish ports were required to present themselves and provide

information about their ancestry and those of their household, many slave owners may

have lied about their slaves' personal details. Secondly, the crown continued to allow

some importation of prohibited slaves through the granting of specific licenses.[49] Thirdly,

increasing demand for slaves as a result of economic development and native

demographic collapse would insure that both colonists and officials had some incentive to

overlook or underreport instances of banned slaves arriving in the Indies. Thus, although

difficult to implement in the first half of the sixteenth century, by the 1530s royal policy

had come to favor the exclusive importation of slaves from sub-Saharan Africa.

Although the crown believed *negros bozales* represented the most controllable

type of slave, policy continued to view *negros* as being dangerous and possibly harmful

to the social order. As more African slaves entered the colony, the crown sought to more

closely control their behavior. These increasingly restrictive policies sought to more

closely regulate Africans' personal lives than had been possible during the conquest

period. Previously, African slaves and servants had helped European conquistadors by

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[47] Ibid.

[48] *Recopilación de Leyes de las Indias*, Lib. VII, tit. IX, ley XXIX.

[49] For example see: AGI Mexico, 1088, L.3, fs. 192V, this is a 1538 license allowing the treasurer of New Spain to import an esclavo blanco born and raised in Iberia; or, AGI Indiferente General, 1961, L.2, fs. 224V-225, allowing Diego Herrera the right to import an esclavo blanco in 1532.

serving as armed auxiliaries within conquest expeditions.[50] Some of these black

conquistadors received their freedom and settled as colonists. Many continued to carry

arms for their protection and as status symbols recognizing their service.[51] For freed

negros and former black conquistadors swords and other weapons represented status

symbols that demonstrated their previous service and elevated their social position.

Moreover, in the early decades of the colony, and throughout the sixteenth century in

rural areas, offensive weapons were a necessary requirement for protecting one's person

and property. Consequently, Africans, both enslaved and free, frequently carried swords

and other weapons. In many cases, slaves carried arms with the consent and in the service

of their owners.[52] This widespread phenomenon made sense given the overwhelming

native population and fears of a massive indigenous revolt.

Most common Spaniards considered Africans, even if enslaved, their natural allies

in the face of a native coup. In 1568, a fleet of English privateers under the command of

John Hawkins was attacked by Spanish forces. In the aftermath, many English sailors

were captured in the port of Veracruz and along the gulf coast of the colony. Over the

next several years, many Englishmen were tried by the newly formed Inquisition for

being unrepentant Protestants. In one deposition taken by the tribunal, a Spaniard related

a discussion between himself and his English cellmate concerning the possibility of an

English attack on New Spain. Pedro de Trejo claimed that William Calens boasted that

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[50] Peter Gerhard, "A Black Conquistador in Mexico," *The Hispanic American Historical Review* 58 (1978), Restall, "Black Conquistadors," Matthew Restall, *Seven Myths of the Spanish Conquest* (New York, 2003), pp. 53-63.
[51] For example see the license to carry a sword granted to Sebastian de Toral, a *negro* conquistador in Yucatan. AGN, General de Parte, vol. 2, exp. 489, 97-97v.
[52] Royal officials often were allowed to have armed slaves within their retinues, and many wealthy private individuals followed suit. See, AGN, General de Parte, vol. 3, exp. 7 fs. 3v. "Licencia a Luis de Rivera, tesorero de la casa de moneda, para traer en su compañia esclavos negros con espadas." January 14, 1587.

the English could easily subdue the Spaniards and capture the colony because all English

sailors knew the sea routes and the Spanish had very little control over the region.[53] Pedro

countered, "¡*Habemos domado todas las naciones del mundo, pues a los negros y indios*

que hay en esta tierra que os echaramos os la defendieramos!"[54] To which Calens

laughed and retorted, "*que engañados estáis con los negros y indios, pues esos nos la*

habían de dar a nosotros!"[55] The Englishman based his belief in conversations with

African slaves and native laborers in the mining town of Taxco. Pedro's view was

probably idealized even for his contemporaries. However, even as late as the 1570s many

Spaniards would have seen African slaves, especially their personal servants, as natural

allies against native revolts or foreign invasions. The memory of conquest era African

auxiliaries would have persisted among Spanish residents. On the edges of the colony,

Africans continued to serve as armed auxiliaries aiding attempts at expanding Spanish

possession.[56] Moreover, since many African slaves served in Spanish homes, many slave

owners would have assumed that their slaves' cultural affinity would trump possible an

alliance based on mutual servitude. Even if imported as *bozales* within a few years most

slaves, if integrated into Spanish households, would have become acculturated to

Hispanic language and customs.[57] Their shared culture led Spaniards like Pedro to

assume that Hispanized slaves would similarly fear the prospect of a native revolt.

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[53] *Corsarios Franceses e Ingleses en la Inquisicion de la Nueva España, Siglo XVI,* (Mexico City, 1945), pp. 332-67. The original case against William Calens can be found in, AGN, *Inq.*, vol. 52, fs. 144-381.
[54] Ibid., pp. 332-367. Testimony of Pedro de Trejo. "We have dominated all the nations of the world, and with the *negros* and *indios* we would repel any attack and defend our land from you." Translation mine.
[55] "How fooled you are about the *negros* and *indios* they will throw in with us." Translation mine.
[56] Restall, "Black Conquistadors," p. 181. By the 1580s, the *relator* of the Audiencia even suggested that free *negros* and *mulatos* be sent with Spaniards and natives to found new settlements in the north of the colony. AGI, Mexico, leg. 70, exp. 144, "Carta del licenciado Esteban de Porres, relator de la Audiencia de México."
[57] As Chapter Seven will explore, many slaves' duties placed them into daily contact with native peoples and helped foster cultural understandings with the native population.

For the crown, and its highest officials, the existence of armed African slaves and servants represented a greater danger than a possible benefit. For officials, experiences such as the 1521 slave revolt on Hispaniola reflected an omnipresent danger wherever African slaves were concentrated. Consequently, in 1535 the crown mandated that no *negro* was to have or carry any weapon.[58] Any *negro* found in violation was to receive 50 lashes and any Spaniard convicted of giving a *negro* a weapon was to receive a penalty of three thousand *maravedíes*. Very likely, this order was intended to confirm policies already taken by officials in the Indies, such as those of Diego Colon.

The royal order proved prescient. In September of 1537, a group of *negros* attempted a rebellion in Mexico City. The primary description of the attempted uprising was recorded by Viceroy Mendoza and sent to the king a month later. According to the viceroy, a group of *negros* had elected a king and set about organizing themselves into squads. According to the information gathered by Mendoza, the *negros* hoped to gain the support of the native population and take over Mexico City and some nearby mines. The plot was leaked by a *negro* and Mendoza was able to roundup the supposed ringleaders before any of their plans were set in motion. Interestingly, Mendoza does not mention any weapons found or other materiel to be used in the uprising. However, in its wake Mendoza issued ordinances to help protect against future attacks.[59] Within two weeks, Mendoza had prohibited the sale or gift of any form of weapon to *negros, moriscos,* and *indios* under penalty of death to both the slave and whomever gave the weapon. He also prohibited the gathering of more than three *negro* or *morisco* slaves of different owners

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[58] Encinas, *Cedulario Indiano*, IV: 388. "Cedula que manda que los negros no puedan traer ni traygan armas, publica ni secretamente." Madrid, 7-VIII-1535.
[59] AGI, Mexico 350, "Ordenanças de Veracruz" July 3, 1539. This document contains a copy Mendoza's 1537 orders.

under penalty of one hundred lashes. Finally, the orders imposed a curfew on *negros* and *moriscos* prohibiting them from traveling after dusk without their owners. The penalty for violation was to be six pesos or one hundred lashes but death if the slave was found with a weapon after dark. Two years later, the *cabildo* of Veracruz issued a local set of ordinances which took similar steps to control their *negro* population. Their orders also required that slave owners report all slaves to the authorities within three days of entering the city's jurisdiction.[60]

As a result of continuing problems in the colonies, the crown saw fit to reissue their own restrictions on Africans and slaves to bolster those already issued by their officials. In 1542, the crown followed the lead set by its colonial bureaucrats in prohibiting *negros* from traveling at night because they could use that freedom to plan and carry out insurrections.[61] In 1551 and 1552, the ban was reissued and clearly stipulated that no *negro* or *loro* (*mulato*) enslaved or free was not to be allowed to carry any type of weapon.[62] The only exception made was for individuals in the personal service of justices, such as *alguaciles* or *alcaldes mayores*. The 1552 order went so far as to order the Audiencia of New Spain to investigate licenses issued to individuals allowing them to have armed retinues and revoke those that were not reasonable.[63] Collectively these royal orders augmented and expanded existing local provisions and sought to clearly define the duties of owners and officials in controlling the enslaved population.

By the beginning of the sixth decade of Spanish rule in the Indies, royal policy supported the contradictory goals of favoring the exclusive importation of African slaves

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[60] Ibid., fs. 4v-5
[61] Encinas, *Cedulario Indiano*, IV: 390, *Recopilación de Leyes de las Indias*. Lib. VII, tit. V, ley XII.
[62] Encinas, *Cedulario Indiano*, IV: 388-9, *Recopilación de Leyes de las Indias*. Lib. VII, tit. V, ley XV.
[63] Encinas, *Cedulario Indiano*, IV: 389.

while at the same time attempting to circumscribe the actions of enslaved individuals so as to prevent unrest, revolts, or insurrections. The 1550s marked a turning point in the way in which royal policy conceived of regulating the non-Spanish and non-indigenous population. From this point forward, few royal orders would be issued to deal with the African *negro* population as separate from other *generos de gente*. During the second half of the sixteenth century, legislation directed to Africans and their descendents always lumped *negros* with *mulatos* and legislation aimed at all non-European, non-indigenous persons included *negros, mulatos*, and *mestizos*.

Hijos de españoles e indias

As soon as Europeans and natives came into contact in the New World, interethnic unions produced individuals of mixed ancestry. Although, Iberians had previously dealt with the need to define individuals of mixed European-African descent, unions in the Americas lead to European-indigenous and indigenous-African persons. The process of naming and defining their place in society proceeded slowly as Spaniards sought to determine the relative qualities of these individuals vis-à-vis those of the founding groups.

Despite being the most common early coupling,[64] European-indigenous persons did not receive attention by the crown until the early 1530s, about the same time that the term 'mestizo' probably entered common usage.[65] Most early references to individuals of

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[64] Although Africans were unbiquitous as members of early conquest and settlement, they were probably the smallest of the initial triad. Consequently, based on the demographics of early colonial populations, European-indigenous unions probably predominated.

[65] The earliest usage of the term *mestizo* that I have found comes from a blasphemy case from 1539. AGN, Inq. 2, exp. 9.

mixed indigenous-European ancestry described those persons as "*hijos de españoles y indias*." In eschewing the application of a new term, this phrase suggests an attempt to avoid disparaging these individuals because of their non-European mothers. In some cases, the mother's role was even more subdued through the use of the phrase "*hijo de español havido en una india*" This construction depicts the indigenous woman as merely a vessel which bore a European child. This early view of European-Indigenous individuals initially rejected creation of a categorical distinction by considering them Europeans born of the wombs of native women.

The crown for its part favored this view during the early decades of colonial rule. The first direct *cedula* responding to the presence of these individuals was issued in 1533.[66] Issued in response to growing numbers of "*hijos de españoles que han avido en Indias*" who wandered lost among the *indios* dying of starvation or being sacrificed, the crown ordered the Audiencia of Mexico to collect this children and have them sent to Spanish towns or entrusted to *encomenderos* so that they could be educated. This paternalistic attitude towards the offspring of Spaniards and *indios* continued over the course of the next several decades. In 1550, the crown asked viceroy of Mexico to provide information as to the utility of a school which would help educate "*mestizos y muchachas perdidas*."[67] In fact, such as school already existed. Three years earlier, the *cabildo* of Mexico City, acting on its own initiative, authorized the creation of "*un centro para mestizos hijos de padres desconocidos*."[68] In addition, a school for young *mestizas*

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[66] *CDI-DCO*, X: 179, Encinas, *Cedulario Indiano*, IV: 342.
[67] Encinas, *Cedulario Indiano*, I: 211.
[68] *Actas del Cabildo de la Ciudad de Mexico*, 44 vols. (Mexico City, 1889-1902). Quoted in Paulino Castañeda Delgado, "El colegio de San Juan de Létran de México (Apuntes para su Historia)," *Anuario de Estudios Americanos* 37 (1980): p. 70.

was founded where they were to be housed, supported, and indoctrinated.[69] The desire to provide support for early *mestizos* probably resulted from a presumed need to increase the size of the colony's Hispanic population.

One other important aspect of this early move to collect and support *mestizos* is the correlation between the label *mestizo* and illegitimacy. In all of these early cedulas it is implied that when born to their native mothers *mestizos* existed outside of Spanish society. While they may have been fathered by Spaniards, those men were '*desconocidos*' and left their offspring to be raised native pueblos where they were '*perdidos.*' As will be explored in Chapter Four, this construction of *mestizo* as both illegitimate and orphaned by the Spanish parent created a discrepancy where in publicly-recognized, albeit often illegitimate, children of Spaniards and native people could avoid the stigmatizing label of mestizo. These individuals generally continued to be called '*hijos de español y india*' or simply '*hijos naturales.*'[70] This trend began concurrently with the widespread use of *mestizo* as a term for Spanish-indigenous individuals, and from the outset created a semantic discrepancy between biological *mestizos* and social *mestizos*.

Although the label 'mestizo' implied illegitimacy, initially the crown did allow *mestizos* some prerogatives due to their Spanish heritage. During the 1550s, the crown issued several rulings which allowed *mestizos* and their *india* parents to travel freely

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[69] Villar, ed., *Instrucciones Y Memorias De Los Virreyes Novohispanos*, p. 164. The founding date for this house is not as clear. It was probably founded concurrently with the *mestizo* school. The school continued to support *mestizas* in some form until the end of the century by which time it had come to educate the daughters of the local Spanish elite. See, AGI Mexico 24, N. 21.
[70] As will be explored more thoroughly later, among the biologically *mestizo* children of elite Spaniards there was a strong tendency to obscure their indigenous parent.

between the Americas and Spain without prior royal license.[71] This privilege was never extended to other non-Spanish groups. Also unlike other non-Spanish individuals, in 1549, *mestizos* who were either *vecinos* or the legitimate sons of *vecinos* were allowed to manage native laborers through the institutions of *encomienda* or *repartimiento*.[72] This privilege was probably limited in its temporal application. In 1538, the crown sought to better foster a stable social order by ordering officials in the colony to persuade and admonish all *encomenderos* to marry or lose their grants and to give preference to married men in all future *encomienda* or *repartimiento* grants.[73] The following year, marriage was made mandatory and *encomenderos* had three years to marry or they would be stripped of their grants.[74] This policy led many *encomenderos* to formalize previously informal unions with native, African, *mestiza*, or *mulata* women. A decade later, the extension of privileges to legitimate *mestizos* can be interpreted as a means of appeasing *encomenderos*, and entrepeurial *vecinos*, who feared that their *mestizo* children might be prohibited from inheriting or managing their estates. Later generations of *encomenderos* probably did not face similar issues. Royal policy continued to whittle away at the number of *encomiendas*. Those that continued were often held by socially prominent individuals who by the later period would have had the means and station to marry Spanish women. Furthermore, future sixteenth century legislation did not mention the incongruous situation of legitimate *mestizos*.

While *mestizos* held a sightly privilaged position during the first half of the sixteenth century, by the 1560s royal legislation began to lump *mestizos* in with the other

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[71] Encinas, *Cedulario Indiano*, IV: 287, 358.
[72] Konetzke, *Documentos para la Formación Social*, # 171, p. 259.
[73] AGI, Mexico 1088, L. 3, fs. 165v "Sobre los casados que no llevan sus mugeres."
[74] AGI, Panama 235, L. 7, fs. 75. "Real Provisión para que se casen los encomenderos que estén solteros."
See also: Marshall, "The Birth of the Mestizo in New Spain," p. 167.

generos de gente. In particular, the 1570s saw major attempts to restrict *mestizo*

privileges. In 1576, the crown ordered that no *mestizo* was to be granted a commission to

serve as an *escribano*. The wording of this *cedula* demonstrates a particularly pejorative

conception of *mestizos*. According to the crown, *mestizo escribanos*, "*hacen agravios y*

vejaciones a las personas que con ellos tienen negocios."[75] Two years later the crown

ordered that *mestizos* never be given responsibilities over natives because often harmed

the *indios* rather than helped them.[76] The same year, *mestizos* were also barred from

being ordained. The crown eared that they were not, "*personas... recogidas, virtuosas, y*

suficientes y de las calidades que se requieren para el estado del sacerdocio."[77]

Interestingly, four years later, in response to questions raised in the colonies, the crown

clarified the prohibition by stating that while *mestizos* born of a native and a Spaniard

were prohibited the child of a *mestizo* and a Spaniard was not.[78] The cumulative effect of

these policies was to erode the marginal privileges enjoyed by first and second generation

mestizos. By the last quarter of the sixteenth century, the view that '*hijos de españoles e*

indias' should be near-equals to their Spanish parents had shifted and come to view

European-indigenous individuals as illegitimate, socially damaging *mestizos*.

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[75] Encinas, *Cedulario Indiano*, II: 362. "They harm and vex all persons with whom they work." Translation mine.

[76] Ibid., IV: 343. "Cedula que manda que no se den protectorias de Indios a mestizos, si no a otras personas honradas, y de conciencia que miren por ello."

[77] Ibid., IV: 341. "virtuous, elevated persons sufficient in the qualities required for the priesthood." Translation mine.

[78] Ibid., I: 173. This royal order did not give a categorical name to the children of mestizos and Spaniards, even though, at about this time, the term '*castizo*' was beginning to be used within the colony.

Hijos de negros e indias y españoles y negras

Although individuals of mixed African descent were present in the Americas from the earliest voyages of exploration and conquest, very rarely was specific legislation aimed at controlling or policing these individuals separately from Africans or *mestizos*. As was mentioned above enslaved *mulatos*, the children of Europeans and Africans, were prohibited from being transported to the Americas as early as 1530. However, no explicit provisions were made concerning the travel of free *mulatos*. In 1551, *loros*, later *mulatos,* were included in the blanket ban on weapons carrying along with *negros* and *berberiscos*, enslaved or free. Not until the 1570s did royal legislation seek to regulate individuals of mixed African descent separately from other groups.

By this period, individuals of partial African descent had come to account for a sizable portion of the non-indigenous colonial population.[79] At around 1570, New Spain may have had as many as six thousand *mulato* residents, either African-European or African-indigenous, while the Spanish population numbered around 15,000 and enslaved Africans probably numbered about the same. Anecdotal evidence suggests that of these individuals of partial African descent most were African-indigenous rather than African-European. The increasing numbers of '*hijos de negros e indias*' held financial implications for the governing of the colonies. Sometime prior to 1572, the Audiencia of Guatemala sought royal guidance in how to apply tribute burdens to these partially indigenous *mulatos*. The Audiencia asked "*si algunos negros libres o esclavos que se casan con Indias e tienen hijos, e pretenden estos hijos eximirse del tributo personal,*

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[79] For a more detailed discussion of the *mulato* population in the late sixteenth century see Chapter Six.

diziendo que no son Indios, si lo deven pagar o no?"[80] If these Afro-indigneous

individuals were excluded from tribute burdens the crown would lose revenue and could

indirectly favor African-indigenous unions.[81] On the other hand, if tribute was imposed

the crown would only see the benefit of increased revenue from a growing segment of the

population. Consequently in 1572 and 1573, the crown ordered the Audiencia of

Guatemala to consider the children of *negros* and *indias* as tributaries.[82] Interestingly,

neither letter calls these individuals *mulatos* or *loros*.

By 1574, this policy was expanded and sent to all jurisdictions of the empire. In

reformulating the policy and applying across all of the Americas, the crown chose to

lump *mulatos* and free *negros* together. Under this new legislation "*todos los negros y

negras, mulatos y mulatas libres que hubiere en las indias paguen tributo a su

Majestad.*"[83] By including free blacks the crown sought to increase its revenue by further

taxing an initially minute but increasingly large segment of the population. Interestingly,

by choosing to simply use the phrase '*mulatos y mulatas*' this order did not impose any

difference between individuals of African-European descent and those of African-

Indigenous descent considering them equals for the purposes of taxation. The inclusion of

both free blacks and both African-indigenous *mulatos* as well as their African-European

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[80] Encinas, *Cedulario Indiano*, IV: 391. "Cap. De carta que su Magestad escrivio a la audiencia de Guatimala, en diez y ocho de Mayo, de setenta y dos, que manda que los hijos de los negros esclavos libres avidos en Indias, paguen tributo como los demas." I have not located the original question; however, the royal response repeated the Audiencia's doubts in their answer.
[81] In 1574, Viceroy Martin Enriquez complained that male African slaves prefered unions with indigenous women because their offspring would be born free. A similar preference could have been created if native people saw unions with Africans as a means of removing the burden of tribute from their children. See, *Cartas de Indias*, p. 299. "*Carta del Virey de la Nueva Espana, Don Martin Enriquez al Rey Don Felipe II, dandole cuenta de varios asuntos de las islas Filipinas y de aquel Reino. – Mexico, 9 de enero de 1574.*"
[82] Encinas, *Cedulario Indiano*, IV: 391.
[83] Ibid., IV: 390. "Cedula que manda que todos los negros y negras, mulatos y mulatas libres que oviere en las Indias paguen tributo a su Magestad." Also, AGI, Patronato 275, R. 77, "Copia de una Real Cédula sobre que las justicias de Indias exijan a cada uno de los esclavos que hubiensen pasado a ellos, y sean al presente libres, un marco de plata o más al año, según sus facultades. Madrid, 27 de abril de 1574"

counterparts marked a lasting shift in royal policy towards individuals of African descent. From the 1570s onwards, most legislation aimed at these groups would include both *negros* and *mulatos*.

Importantly, this change was not received well by some individuals of African descent. In 1583, Juan Bautista de Cardona, self described as a "*mulato, hijo de un cavallero español*," sought exemption from these new tribute levies.[84] According to a petition presented before the *corregidor* of Mexico City, Juan Bautista provided evidence that he was born in Iberia to Gaspar Rubio de Cardona, a *vecino* of Valencia, and Catalina Martín "*de color morena*."[85] Moreover, his father was a *caballero* in the Kingdom of Valencia. For his part Juan Bautista claimed that he demonstrated through his person and actions that he was of the *calidad* of his father and a "*persona honrrada y de buenos virtuosos respetos*."[86] As further demonstration of his personal qualities and abilities, Juan Bautista presented evidence that he had served the crown as a soldier in Malta during its 1565 siege by the Ottomans, had helped build the stronghold of Bernia in Valencia, and had helped put down the 1568 *morisco* rebellion in the Alpujarra mountains of Granada. Finally, prior to arriving in Mexico, Juan Bautista lived in Madrid where he worked as a tailor often in the service of "*cavalleros y personas principales*." What most concerned Juan Bautista was that this new legislation was an affront to his status as the son of a *caballero*. He did not choose to hide or obfuscate his mixed ancestry, his mother was clearly a *morena*; however, his petition expresses a deep

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[84] AGI, Indiferente General 1233, "Información fecha a pedimiento de Juan Bautista de Cardona sobre cierto tributo que se le pide, 1583." "*Mulato*, son of a *caballero español*."

[85] Ibid., 'Morena' was a synonym for *negra*, although it tended to be less prejudicial.

[86] Ibid., "an honorable person of good, virtuous respect." Translation mine.

conviction that although a descendent of Africans he should not be taxed similarly to *negros libres*.

The legal arguments he presented were of dubious success. Given the clarity of the 1574 order to extend tribute to all individuals of African descent, Juan Bautista could not directly refute the claim that he should pay tribute. Instead, he argued that the tribute was really only being collected from *negros libres* and therefore due to his service and status as the *mulato* son of a *caballero* he should be exempted. As evidence, he presented a cedula from 1578 issued to Tierra Firme which authorized a temporary cessation of tribute collection for *negros libres* due to the financial hardships in that region. Juan Bautista used this relief as evidence that "*este tributo se cobrase solo de negros libres y no mulatos.*"[87] This legal strategy relied upon a manipulation of the tension between casuism and analogy inherant in *derecho indiano*. The 1578 *cedula* was clearly intended to provide minor financial relief to poor subjects in Tierra Firme. That it was only applied to *negros libres* most likely reflected their socio-economic position as tributaries in the region; *mulatos* may have been better off financially and less in need of favor. Juan Bautista's attempt to use this *cedula* as proof that only *negros libres* should pay tribute rested on a tenuous legal manipulation. Although the document does not record a definitive finding in Madrid, presumably the Council of the Indies saw through his strategy. As of its initial review by the council he was still pursuing his case. Unfortunately, for socially prominent, well-off *mulatos* like Juan Bautista royal legislation did not recognize any difference within the category of '*mulato.*' Moreover,

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[87] A copy of the 1578 cedula is included in his probanza. Another copy can be found in AGI, Panama 237, L. 11, fs. 38v-39v.

following the decision to impose tribute on free persons of color, the crown did not issue any legislation directed specifically towards *mulatos* as separate from '*negros y mulatos.*'

General Policies Defining the Socio-Racial Order

In addition to the above policies which evolved through a dialectical process of local change and royal response, the crown did pursue three important policies consistently throughout the sixteenth century. These more consistent policies were meant to maintain an idealized social order and were attempts to proactively shape society rather than react to autochthonous evolution. First, the crown always sought to insure the proper religious education and preparation of its subjects regardless of their ancestry. Second, following early abuses in the Caribbean, society was to be divided between settlements of *indios* and *españoles* with no non-natives allowed in indigenous settlements. Third, once the European and Hispanized population grew to substantial numbers the crown began to vigorously promote anti-vagabond legislation in an attempt to prevent the preponderance of wastrels and drifters. Together these policies demonstrate the crown's ultimate goal of producing a pious, ordered, and productive society.

Based in the language of the Papal Donation, the crown of Spain was required to oversee the religious lives of their new indigenous vassals as well as their European and African subjects. To this end, monarchs regularly enacted legislation intended to better fulfill the clerical needs of the Americas. Moreover, the legislation intended to insure the spread of Christianity and promote the spiritual education of the populace sought to insure adequate indoctrination regardless of ethnicity or ancestry. The necessity of religious instruction for natives was emphasized almost immediately in royal instructions to early Caribbean governors such as Ovando and reiterated in all instructions to later

viceroys.[88] However, royal emphasis on the need to educate African slaves lapsed until

they recognized that slave owners were often remiss in allowing their bondmen time to

receive instruction. In order to rectify this problem, in 1538 the crown ordered that all

slave owners send their chattel to religious instruction.[89] The problem of slave owner

delinquency continued and in 1544 a *cedula* reiterated the need of slaves to be given time

for religious instruction.[90] In 1569, the crown continued to emphasize the importance of

proper indoctrination for individuals of African descent through two *cedulas*.[91] The first,

sent to Peru, reiterated the need to provide Africans, both slave and free, religious

instruction equivalent to that being given to native peoples. The second, sent to New

Spain, ordered the archbishop to oversee the religious instruction of *mulatos*. This *cedula*

was issued in response to a petition by the *mulatos* of the province who felt that their

spiritual needs were not being fulfilled. Specifically, the petition stated,

> *...que a causa de andar la mayor parte de tiempo ocupados en la labor de las minas, y en las guardas de las haciendas de estancias de ganados, y otras cosas fuera de poblado no son doctrinados ni industriados en las cosas de Nuestra Santa Fe Católica, como seria justo lo fuesen, y padecen detrimento sus animas y conciencias en cuanto a su salvación, de que dios nuestro señor se ha sido y es muy deservido...*[92]

Although this order originated through the supplication of subjects themselves, once

made aware of a deficiency in religious instruction the monarchy acted quickly to insure

adequate clerical ministration. These *cedulas* demonstrate that consistent and universal

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[88] AGI, Indiferente General, vol. 418, L. 1, fs. 39-42. "Instrucción a Fray Nicolás de Ovando," Sept. 16, 1501. Villar, ed., *Instrucciones Y Memorias De Los Virreyes Novohispanos*.
[89] Encinas, *Cedulario Indiano*, IV: 391-2.
[90] Ibid., IV: 391.
[91] Ibid., IV: 391-2.
[92] Ibid., "as a result of spending most of their time occupied in the mines, watching over *estancias* of livestock, and other things outside of settled areas they are not indoctrinated nor educated in the things of Our Holy Catholic Faith, as they rightfully should be, and as a result their souls and consciences are damaged in terms of their salvation, of which God our Lord has been and is much disserved." Translation mine.

religious instruction remained problematic throughout the first century of colonial rule. Nevertheless, official policy constantly favored and promoted comprehensive instruction.

In conjunction with the need to convert and predicate to natives, the crown quickly came to favor the creation of 'dual republics' which separated native peoples and Europeans, and their African slaves. Enacted as early as the tenure of Ovando in Hispaniola, the later Laws of Burgos and the 1542 New Laws, firmly established that native communities were to be the exclusive preserve of indigenous subjects.[93] Although Spaniards could be granted *encomiendas* or native laborers through the *repartimiento de indios*, they were not to live within native communities. In 1550, the crown reiterated that even if Spaniards had the right to labor or tribute from native communities they were not under any circumstances to reside in those communities because, "*se sigue gran vejación y trabajo a los dichos indios: porque de mas de llevarles los dichos tributos como dicho es, comen a costa de ellos, y resultan algunos delitos y cosas de mal ejemplo que se siguen por la entrada que en estos tienen los tales pueblos.*"[94] For the monarchy, the dual republic system functioned as a means of both maximizing native productivity and insuring the spiritual wellbeing of natives. These regulations reflect the justifiable view that the presence of Spaniards within native communities both reduced their productive capacity and had a destabilizing effect on the proper moral and religious life of native peoples.

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[93] Rafael de Altamira y Crevea, "El texto de las Leyes de Burgos de 1512" *Revista de Historia de América* 4 (1938), AGI, Patronato 170, R.47, "Ordenanzas a observar en el Consejo y Audiencia de Indias" [New Laws]. Although these laws intended the separation of Spaniards from natives, neither the Laws of Burgos nor the New Laws prohibited the relocation of native communities in order to better access and manage their labor and tribute.

[94] Encinas, *Cedulario Indiano*, II: 256-8. "The great strain and labor of the *indios* continues. In addition to collecting the tributes, they take their food the result of which is many crimes and bad examples that continue because of the entrance of such persons in those *pueblos*." Translation mine.

As colonial society grew, Africans and individuals of mixed descent came to be seen as equally –and in some cases more– detrimental to native communities. During the second half of the sixteenth century the crown would extend this prohibition to the non-Spanish members of the *republica de españoles* by prohibiting Africans and individuals of partial indigenous descent from living within native communities. In 1568, the crown issued a *cedula* prohibiting *mestizos*, *mulatos*, and *negros* from living in *pueblos de indios*.[95] A decade later, in 1578, a *cedula* declared that *mestizos, mulatos,* and *negros* were "*universalmente tan mal inclinados*" those individuals should not be allowed to even be in the company of natives because "*ellos tratan mal [a los indios] y se sirven de ellos los enseñan sus malas costumbres y ociosidad y también algunas errores*."[96] A similar *cedula* from 1586 went farther in denouncing non-Spanish, non-indigenous subjects:

> *...ay muchos negros mulatos y mestizos y gente de otras misturas y que
> cada día va creciendo el numero de ellos y los mas son mal habidos y que
> así muchos no conocen padres y todos se crían en grandes vicios y
> libertad sin trabajo ni tener oficio y comen y beben sin orden y se crían
> con los indios o indias y se hallan en sus borracheras y hechicerías y no
> oyen misa ni sermón y así no saben las cosas tocantes a Nuestra Santa Fe
> Católica y que de criarse de esta manera se podrían seguir muchos danos
> e inconvenientes...*[97]

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[95] AGI, RCD 6, exp. 277, fs. 583.

[96] AGI, Indiferente General 427, L.30, fs. 295-v. Encinas, *Cedulario Indiano*. IV: 341. "Cedula que manda que no se consienta que anden ni estén en compañía de indios ni en sus pueblos, mestizos ni mulatos ni negros." "They treat them poorly and they take advantage of them and teach them bad customs and laziness and errors." Translation mine.

[97] *Coleccion de Documentos Ineditos Relativos al Descubrimiento, Conquista y Colonizacion de las Posesiones Espanolas en America y Oceania* (CDI-CC) (Madrid, 1864), XVIII, p. 164-5. "There are many *negros*, *mulatos*, and *mestizos*, and people of other mixtures and every day the number grows. The majority are born out of wedlock and do not know their parents, and all of them are raised in vice and freedom without work nor profession. They eat and drink without restraint and they procreate with the *indios* and *indias* and they get drunk [with the *indios*] and practice witchcraft [with them] and they don't go to mass or listen to sermons. As a result they do not know the things relevant to Our Holy Catholic Faith. From being raised this way many damages and inconveniences will result." Translation mine.

Although damning in their critique of non-indigenous persons, none of these *cedulas* responded to the complexity of expelling individuals of mixed ancestry from their natal communities. These *cedulas* tended to construct a universal dichotomy between wholly indigenous persons and everyone else.

In 1589, the crown attempted to issue a clearer policy on this issue. In a cedula directed to Peru, the crown wrote, "*en lo que toca a los mestizos y zambaigos,*[98] *que son hijos de indias y nacidos entre ellos y han de heredar sus casas y haziendas, os parecía cosa dura sacarlos de con sus padres.*"[99] However, of free *negros* and *mulatos,* the crown was adamant that they should be expelled from any native community. Spaniards and their enslaved *negros* and *mulatos* could reside near native communities; however, if either Spaniard or slave harassed the native inhabitants or damaged their lands they were to be expelled.

While clearly allowing some persons of mixed indigenous ancestry to live in native communities, this *cedula* was far from clear in its application. The wording implied that *mestizos* and *zambaigos* could live in their natal communities, but that their right had to be based in inheritance. Did this clause allow the illegitimate child of a Spaniard and native woman –or African and native woman– to live in a community? Moreover, while protecting the inheritance of these individuals the law would seemingly destroy any nuclear family –if it existed– by expelling the non-indigenous parent from the community in which they had created a family and held a sense of community.

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[98] The word 'zambaigo' refered to African-Indigenous persons. I have only seen this phrase used in cedulas and other official documentation. In Mexico, the dominant sixteenth century term for anyone of partial African descent was *mulato*.

[99] Encinas, *Cedulario Indiano*, IV: 342. "In what touches upon the *mestizos* and *zambaigos*, those that are children of *indias*, and born among them, that they should inherit their [parents] homes and property, it appears to us a difficult thing to remove them from their parents." Translation mine.

Ideally this law sought to rectify the growing problem of inter-ethnic unions by clearly restricting non-indigenous residents. Although problematic in application, by allowing mixed-indigenous persons to remain in their natal communities the crown did seek a pragmatic solution in reconciling its desire for a society of dual republics with the increasing –and increasingly difficult to control– ethnic diversity of the colony.

While interethnic unions and non-indigenous interlopers strained the ideal of separate republics, the late sixteenth century saw the rise of an even greater social ill, vagabondage. Even as the political structure of the colony became more stable and complex, the problem of vagabondage grew as more Europeans arrived. In 1550, Viceroy Velasco (the elder) wrote to the crown complaining that many single Spaniards had begun arriving in the colony and were uninterested in making a living from the land. Instead, they opted to travel among the numerous native settlements engaging in petty commerce. Velasco feared that the increasing number of single, listless men, termed "*gente baja*," would not only continue to harm native peoples but could "*ser causa de desasosegar la tierra y de alguna alteración que sea mala de remediar.*" [100] To this end, he suggested that the crown stop granting licenses to immigrate to the colony. He also favored a policy of pressing *mestizos* into service and sending them as soldiers to fight in Europe. Initially, the crown responded by reiterating the importance of separating Spaniards and *indios* into separate *republicas*. While consistently favored by the crown, this policy was difficult to enforce. To complicate matters, individuals of mixed race soon joined the growing numbers of transients. In his letter, Velasco warned that

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[100] AGI, Mexico 19, N. 13, fs. 13. "Carta del Virrey a S.M." Aug. 20, 1550. "cause unrest in the land and a conflict which would be hard to remedy." Translation mine

los mestizos van en gran aumento y todos salen tan mal inclinados y tan osados para todas maldades... los mestizos andan entre los indios y como tienen mitad de su parte a cogen los y encubren los y dan los de comer y los indios reciben de ellos muchos malos ejemplos y ruines tratamientos.[101]

To better combat the parasitic nature of these vagabonds, the crown sought to integrate them more fully as functional members of the colony.

In 1558, the crown ordered Velasco to round up any "*españoles y mestizos y indios vagabundos*" and have them resettled into newly founded communities.[102] This order was envisioned as working along side and in conjunction with the policy of dual republics. According to the *cedula*, Spaniards and *mestizos* were to be resettled together while *indios* were to be placed in separate communities. The location of these new settlements was to be determined by the viceroy and each community was to have lands for farming and livestock raising. The crown was even generous enough to authorize royal funding to help purchase initial quantities of seed and breeding stock for the settlers. Ideally, this order would help reduce the number of vagabonds and provide additional security and increased trade through the creation of new cities. Nevertheless, the complexities involved in implementation undoubtedly prevented its application by Velasco.

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[101] Ibid. "The *mestizos* grow rapidly and all are inclined to wickeness and are prone to all kinds of evil deeds… the *mestizos* wander among the *indios* and as they are half [*indio*] they are taken in and hidden and given food and from this the *indios* acquire bad customs and are treated poorly." Translation mine.

[102] Encinas, *Cedulario Indiano*, IV: 343. "Cedula que manda al Virrey de la Nueva España provea como los españoles y mestizos y indios vagabundos que hubiere en aquella tierra se junten y hagan pueblos en que vivan."

While the programs of new (re)settlement would continue to be proposed over the course of the century,[103] royal policies towards vagabonds and jobless wanderers would quickly shift to more manageable plans. A *cedula* from 1563, returned to the problem of Spanish vagabonds living parasitically off of native communities.[104] Reiterating the "*daños y agravios*" caused by Spaniards in native communities, the crown ordered that no "*vagamundos españoles no casados*" could live in native communities and that any such person should face "*graves penas.*" The *cedula* also ordered that the authorities should mandate that such vagabonds be compelled to find employment, learn trades, or be forced to find some means by which to "*ganar y tener de comer.*"

In 1569, the crown extended this plan to control non-Spanish vagabonds. A *cedula* directed towards the Nuevo Reino de Granada, ordered that all *mestizos* be compelled to work, taught trades, become farmers, or be exiled.[105] As in previous *cedulas*, the crown was responding to the perceived harm that the lax lifestyle of these *mestizos* could bring about. In 1577, this policy was extended yet again to include free *negros* and *mulatos*. As free persons, *negros* and *mulatos* could travel freely in search of work and communities. This mobility tended to hinder attempts to collect the newly

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[103] By the 1580s, northward expansion brought Spanish settlers, miners, and ranchers into constant contact with hostile, highly-mobile Chichimecos. To attempt to pacify the region and bring greater order and security colonial officials began to favor the founding and settlement of cities as a means to extend Spanish control over these new frontiers. An excellent articulation of this policy can be seen in an undated (1580s) letter by Esteban de Porres, *relator* of the Audiencia of Mexico. In this letter he suggests that various "*villas y lugares*" be settled by Spaniards, "*indios de paz,*" and "*negros y mulatos libres.*" In his estimation, the founding of 20 *villas* of 30 *vecinos* would be far cheaper and more effective than continuous military expeditions. See, AGI, Mexico 70, N. 144.
[104] Encinas, *Cedulario Indiano*, IV: 341. "Cedula que manda que ningún vagabundo español no casado, ni viva ni este en sus pueblos de indios, ni entre ellos."
[105] Ibid., IV: 342-3. "Cedula que manda a la audiencia del Nuevo Reino de Granada, se informen de los mestizos que ay en aquella tierra, y los compelan a que sirvan o depredan oficios."

imposed tribute burden.[106] The *cedula* mentioned that tribute could not be collected because these persons were not "*gente que tiene asiento ni lugar conocido*"[107] In order to enforce their tribute obligations and insure that they had permanent stable work, this *cedula* ordered that these free-colored individuals work for Spaniards and that a register of their names, and employers, be maintained by the local magistrate. Moreover, they were not to be allowed to change employers or residence without a license. If they did leave, they were to be arrested and returned, by force in necessary, to their employer of record.

The continuing problem of vagabonds had reached new levels towards the end of the sixteenth century. In the late 1590s, the viceroys of both New Spain and Peru both received specific instructions concerning this social ill. Upon being appointed viceroy of Peru, don Luis de Velasco (el hijo) was ordered by the crown to closely watch over "*los españoles, mestizos, mulatos, y zambaigos, vagamundos, no casados que viven entre [los indios].*"[108] Specifically he was make sure that the secular authorities of the colony, "*castiguen sus excessos con todo rigor, y sin remision, y que procuren que los que supieren oficios los usen, y los que no, los aprendan, o sirvan amos, o tomen otra manera de vivir.*" Additionally, he was to insure that the religious authorities in the colony oversaw the problem so that they could prevent or rectify the problems caused by those that "*viven libre y licenciosamente.*" Those individuals who refused to rectify their

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[106] As late as 1590, Viceroy Velasco (el joven), and his predecessor the Marques de Villamanrique, continued to complain that the collection of free-colored tribute was hindered by their mobility and lax recordkeeping by local officials. AGI, Mexico 22, N. 24.

[107] Encinas, *Cedulario Indiano*, IV: 390. "Cedula que manda al Virrey de la Nueva España, provea como los negros y mulatos libres vivan con amos conocidos, para que se puedan cobrar los tributos." "People that do not have a residence or known home." Translation mine.

[108] Ibid., II: 314-5. "Cap. XXVI. Que se tenga cuidado con que los españoles mestizos y mulatos y vagamundos y zambaigos que ay entre los indios, no hagan insolencias, ni daños, y que los que tuvieren oficios los ejerzan, y los que no, los aprendan." July 22, 1595.

behavior and continued to pose a problem were to be exiled or forcibly sent to serve as soldiers in Chile or other such campaigns. The Conde de Monterrey received a similar, albeit less specific, instruction that all diligence should be made in inspecting the passenger licenses for those who arrived in the colony. The crown feared that many Spaniards had been arriving in the colony without permission and that these illegal immigrants were filling the land with, "*vagabundos y mugeres perdidas*."[109] Both instructions reflect the continued and increased concern that *gente baja* and *ociosa* were beginning to dominate in the colonies and that the preponderance of such persons was an inherent danger to the moral and political stability of the colony.

Conclusion

During the first hundred years of Spanish presence in the New World, the Spanish monarchs created a comprehensive system of laws to govern their American possessions. In general, these laws tended to be reactions to problems and incidents in the colonies rather than proactive. Policies towards ethnic mixing and the new *generos de gente* were developed slowly and often reflected changing perceptions of those unions and individuals. Initial policy tacitly allowed for Spanish-indigenous unions. Mixed unions involving Africans tended to be opposed although canon law allowed individuals to exercise free choice despite royal opposition. Broader policy towards Africans initially favored the exclusive importation of sub-saharan African slaves. Nevertheless, the omnipresent fear of rebellion insured the issuance of harsh legislation intended to circumscribe Africans within society. Over time, this pejorative view of Africans came to

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[109] Ibid., II: 338. "Cap. LVI Que manda que se provea como se guarde lo proveído que se manda enviar a estos reinos todos los que pasaren sin licencia." March 20, 1596.

be extended to include all individuals of mixed-African ancestry. Individuals of Spanish-indigenous descent initially avoided similar stigmas as the crown saw them as a means of expanding the nascent Hispanic culture of the colonies. Within decades, however, *mestizos* came to be seen as socially damaging. Towards the end of the century, many policies lumped all non-Spanish, non-indigenous persons together. At about the same time a growing fear of vagabonds and other '*gente ocioso*' came to predominate as the crown sought to insure stability and order within rapidly maturing colonial societies.

Most importantly for this study, the royal legislation produced during the sixteenth century reflected rather than projected the discriminatory valuations ascribed to the various *generos*. Because legislation was more often than not prompted by complaints or reports to the crown, the laws which were promulgated mirrored more popular – although certainly elite –views of the *generos de gente* present in the colonial order. Consequently, royal legislation from the sixteenth century lacks any over arching attempt to define the *generos* themselves. Rather, the legislation simply entrenched the already existing popular categories of difference because those were the categories which were salient to the conquistadors, bureaucrats and clergy whose reports, complaints, and policies prompted the issuance of royal legislation. The following chapters will examine the popular usage of these terms and highlight their frequently contextual ascription.

Part 2

Chapter 4

Elite *Mestizos*

… en toda essa tierra ay mucha cantidad de hijos de españoles que han avido en indias los quales andan perdidos entre los indios y muchos dellos por mal recaudo se mueren y los sacrifican de que nuestro senos es muy deservido… Real Cedula of Emperor Charles V, (1533)[1]

… de los mestizos no hago tanto caudal aunque ay muchos entre ellos de muy ruyn biuienda y de ruynes costumbres mas al fin son hijos despañoles y todos se crian con sus padres que como de quatro o cinco anos salen de poder de las indias y siempre an de seguir el vando de los spanoles como la parte de que ellos mas se honrran… Viceroy Martín Enríquez, (1574)[2]

During the first half-century after the conquest, the initial conquistador-settlers of New Spain sought to consolidate their economic and political position within the kingdom. Even a cursory examination of the voluminous documentation produced by this generation evidences their profound desire to shape the colony's development in order to privilege their position and interests. *Probanzas de Merito y Servicio*, *Informaciones de Servicio y Parte*, and *Cartas de Buen Gobierno* all reflected the vested interest of the early Spanish elite in the continuing development of the colony.[3] These individuals hoped to preserve their *encomienda* grants or *ayudas de costa*, consolidate control in bureaucratic positions, and preserve their elevated status. The promulgation of the New

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[1] "In all of this land there are a great quantity of children of *españoles* born by *indias* who live lost among the *indios* and many of them die from lack of care or are sacrificed all of which is a disservice to Our Lord God." Translation mine. *CDI-DCO*, Vol. 10, p. 178-9.

[2] "Of the *mestizos* I do not give much worry. Even though among them there are many who lead ruinous lives and have bad customs, they are at the end the children of *españoles.* They are all raised by their fathers and after four or five years they leave the power of the *indias* [their mothers] and always continue on the side of the *españoles* because that is the part of themselves which they most honor." Translation mine. *Cartas de Indias*, p. 298.

[3] Most of these petitions and letters survive in the Archivo General de Indias in sections Patronato and Mexico. A shift can be determined within these documents over the course of the sixteenth century. While conquistadors, early settlers, and their immediate descendants wrote letters which suggested specific changes or policies for the new kingdom's social, political and economic order, by the third generation (roughly 1580) letters directed to the crown tended to focus solely on gaining bureaucratic positions, grants of aid or other markers of status within existing the increasingly mature colony.

Laws, increased royal control over native tribute and labor, and the arrival of increasing numbers of immigrants and peninsular bureaucrats all threatened '*los primeros conqusitadores y pobladores.*' Within the context of mid-sixteenth century development, this chapter takes as its focus a set of unique individuals born of the conquest but intimately connected to this formative phase of social, political and economic development – a group I have termed "elite *mestizos*."

Chapters Two and Three have discussed the ideological and legal origins of the category of *mestizo*. To recap the salient features of this term, '*mestizo*' was applied contextually to individuals of European and indigenous descent. In general, the application of the term *mestizo* varied according to social and economic factors. Individuals with property or social connections to elite Spaniards were less likely to be labeled *mestizo* while individuals with stronger ties to indigenous society and of lower economic position were more frequently referred to as mestizos.

Among those individuals of European and indigenous ancestry one of the most unique subsets is that of elite *mestizos*. I have chosen to use the phrase 'elite *mestizo*' in order to differentiate these individuals from the vast bulk European-indigenous individuals. Their lives were markedly different in terms of their social, political and economic standing. Universally, elite *mestizos* had close connections with their Spanish parent. They were recognized as offspring, very often they were '*hijos naturales*' – illegitimate but recognized children. Some elite *mestizos* were legitimate offspring of recognized Spanish-indigenous marriages; however, the dynamics of Spanish-indigenous sexual encounters involving elite Spaniards did not generally result in many legitimate

mestizo children during the sixteenth century.[4] Often these individuals were raised in a

Spanish home, either that of their parent or a close friend. Men in this group often

received financial support for training in professions or investment in career

opportunities. Women were generally raised like Spanish *doncellas* with the intention

that they be married well, preferably to Spaniards. As a result of the support and

recognition by their Spanish parent these individuals were rarely labeled '*mestizos.*' This

tendency reflects their close incorporation within Spanish society and the social

deference given them by virtue of their Spanish parents' status and clear desire to

incorporate illegitimate offspring into Spanish society.[5]

Hijos de los conquistadores

In the sixteenth century, most elite *mestizos* were the offspring of the first

conquistadores y pobladores of the colony.[6] The status acquired by this conquest-era elite

afforded their biologically *mestizo* children many advantages. Several examples from the

mid-sixteenth century can help illustrate the unique position of elite *mestizos*. The

following cases are preserved as *probanzas* written by elite *mestizos* requesting royal

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[4] Undoubtedly, many *mestizos*, including elite *mestizos*, were born of non-consensual, possibly violent, sexual encounters between Spanish men and native women. While this is a crucially important aspect of Spanish conquest and colonization, a discussion of sexual violence in the engendering of colonial *mestizos* is beyond the scope of this work.

[5] In his study of early Spanish Peru, Lockhart identified a very similar phenomenon occurring among that kingdom's conquest-era elite. Lockhart, *Spanish Peru,* pp. 166-169. Interestingly, although this study and that of Lockhart are based on very different archival materials both reach similar conclusions as to the place of elite *mestizos* in the immediate post-conquest decades.

[6] In this study, I have avoided an examination of those biologically *mestizo* children born within the highest ranks of *conquistador* families – the likes of Martin Cortés or the various descendents of Montezuma. By focusing on lesser known individuals I hope to demonstrate the relative predominance of this phenomenon during the formative years of the kingdom. See: Donald E. Chipman, *Moctezuma's Children: Aztec Royalty under Spanish Rule, 1520-1700* (Austin, 2005), Anna Lanyon, *The New World of Martin Cortés* (Cambridge, MA, 2004), Pedro Carrasco, "Indian-Spanish Marriages in the First Century of the Colony." In *Indian Women of Early Mexico*, edited by Susan Schroeder, Stephanie Wood and Robert Haskett (Norman, 1997). Older works include. Diggs, "Color in Colonial Spanish America," p. 415, Marshall, "The Birth of the Mestizo in New Spain," p. 168.

favor in light of their merits and those of their parents. For more examples of elite

mestizos see Table 4.1.

Name	Date	Parents	Social Details
Alonso Rieros	1540s	Alonso Martín Rieros *conquistador* and Luisa *india*	Lived in Mexico City and Puebla. Petitioned for right to travel to Spain. Supported by Bishop Quiroga (Michuacan).
Hernando de Araçena	1550s	Juan de Araçena *conquistador* and Catalina *india*	Lived in Zapotecas. Father was given *encomiendas*. Sought royal recognition of his claim to be the legitimate heir.
António de Leyba	1550s	Juan de Najera *conquistador* and Francisca *india principal*	Lived in Mexico. Served in conquest of Jalisco. Sought *corregimiento* for his service and that of his father.
Hernán Pérez de Villanueva	1560s	Diego López de Villanueva *conquistador* and Ines Hernández *india*	Lived Guatemala and Mexico City. Father was *encomendero* of several pueblos. Sought royal appointment as *escribano*. Supported by *vecinos* and *conquistadores*.
Isabel de Montejo	1560s	Adelantado don francisco de Montejo and doña Catalina *india princiapal*	Lived in Mexico City. Married to Cristóbal Gentil. Was close to other Montejo relatives.
Diego Montejo	1560-70s	Adelantado don Francisco de Montejo and an unknown woman probably *india*	Lived in Mexico City. Had close connections with other Montejo relatives. Contracted marriage with prominent widow in Yucatan.
María García Pareja	1570-80s	Andrés García *conquistador* and Luisa *india principal* from Tlaxcala	Lived in Mexico City (Tlatelolco). Sought remuneration for her father's services. Continued ties to Tlaxcalteca
Juan de Montejo	1570-80s	Capitán Franciso de Montejo and an unknown *india*	Lived in Merida (Yucatán). Sought royal pension. Well integrated into Yucatecan elite.
Sources: AGI, Mexico vols. 95, 96, 97, 100, 104, 107, 117, 280.			

Table 4.1: Elite *Mestizos* of the 16th c.

In 1579, María García Pareja wrote to the crown requesting that she be given a grant of two hundred pesos annually for the services rendered by her father, Andrés García, a conquistador who participated in the conquest of Mexico-Tenochtitlan.[7] María noted that in return for his services Andrés had been given a grant of two hundred pesos. Nevertheless after the deaths of her father and her husband, Juan Gómez de Almaçan, likewise a conquistador, María found herself impoverished and in need of financial support.[8] To sway the crown to her necessity, María presented evidence of the 1544 grant to Andrés which awarded him and his legitimate children two hundred pesos of income to be paid from tribute revenues. She also included testimony which corroborated her claim to be a legitimate daughter and spouse of conquistadors.

According to the material she presented, Andrés García was one of the first conquerors of New Spain.[9] At some point following the conquest of Mexico-Tenochtitlan, Andrés married Luisa, an *india principal* from Tlaxcala. María García was the legitimate daughter of that union. Eventually, María García married Juan Gómez de Almaçan, conquistador who arrived in Mexico with Pánfilo de Narváez.[10] The witnesses she presented soundly supported her claims. These individuals were drawn from the ranks of the colony's oldest conquistador families. Her supporters included: Juan Carlos de Bonilla, a conquistador who arrived in 1523; Juana Hernández, daughter of Diego Hernández, a conquistador of Mexico-Tenochtitlan; Guiomar de Molina, widow of Diego

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[7] AGI, Mexico vol. 107, "María García Pareja vezina [*sic*] de México sobre que se le den 200 ps° de renta que tenía Andrés García su padre conquistador," (1579-1584).

[8] The *probanza* was a typical document type of the sixteenth century. In general, supplicants to the crown framed requests for pensions and grants of income in the language of dire necessity regardless of actual situation. Consequently, we cannot judge based on the evidence presented how impoverished María Garcia may have been.

[9] She used the phrase "uno de los primeros conquitadores desta ciudad de Mexico" suggesting that he was a member of Cortés' original company or possibly a member of Pánfilo de Narváez's company.

[10] See, AGI, Patronato vol. 74, N. 1, R. 7.

Hernández; Juan Montaño, priest and son of Francisco Montaño, conquistador; Luís

Pérez de Padilla, son of Alonso Pérez, conquistador. In addition to the support of

conquistadors and their descendents, María also gathered testimony from two *indias*.

These women, Juana María and María Tepi, both gave their testimony in a Nahuatl and

provided detailed accounts of María García's mother, Luisa. In particular they noted that

the wedding between Andrés and Luisa occurred in Tlaxcala and that Luisa was a relative

of the Tlaxcallan leader Maxixcatzin.[11] The wedding was of sufficient import that María

Tepi's husband was ordered by his kinsmen to return to Tlaxcala from Mexico City in

order to participate in the festivities.

The testimony provided also highlights the relationship between the term

'*mestizo*' and individuals of high status. Despite being of known European-Indigenous

descent, none of the witnesses chose to call María García a '*mestiza.*' This lapse was not

accidental. By 1579, '*mestizo*' was well entrenched in the vocabulary of the colony.

Many of her contemporaries were being labeled with the term. Rather, María García

demonstrates the limits of the term '*mestizo.*' In a very real way to her contemporaries,

María García was not a '*mestiza.*' She was the legitimate child of a conquistador and an

india principal. Since its creation, '*mestizo*' had served to describe illegitimate children.

In the early colony the children of Spaniards born by *indias* were almost always out of

wedlock. Yet, in María's case a Spaniard had married a member of the indigenous

nobility, an *india principal*, herself a member of an important indigenous community,

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[11] At the time of Cortés' arrival in Tlaxcala, Maxixcatzin was one of the most prominent of the *altepetl*'s nobility. He was the *tlatoani* of Ocotelolco, one of Tlaxcala's main moieties, and possibly the titular leader of the community as a whole. See, Ross Hassig, "Xicotencatl: Rethinking an Indigenous Mexican Hero," *Estudios de Cultura Náhuatl* 38 (2001): pp. 35-40, James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries* (Stanford, Calif., 1992), p. 31.

Tlaxcala. In the eyes of her contemporaries María García was not one of the many children born of the conquest and left to be raised as foundlings in the new colony. She was woman with important connections. Through both her father and her husband she was tied to the conquest, and through her mother she an heir to one of the major lineages of Tlaxcala, itself a key ally in the conquest. This position was not lost on her contemporaries. By not labeling her a '*mestiza*' despite discussing her Spanish and indigenous parents they were demonstrating that her *género* was not a simple product of her parentage but rather a complex function of her place in society.[12]

Although her contemporaries did not consider her an '*mestiza,*' there is some evidence to suggest that she still had ties to indigenous culture and individuals. Almost all of the witnesses noted that she lived in poverty "among the *indios*."[13] Several witnesses noted that she lived in the barrio of Santiago Tlatelolco. Given her connections to conquistadors and Spanish society, it is doubtful that she would have found herself so completely without recourse as to force her to reside in Tlatelolco. The claim to poverty was universal in this genre of supplication and witnesses would have supported the assertion.[14] Moreover, even without the support of friends, she could have relied on her

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[12] In general, socio-racial terms served as epithets which placed an individual in reference to 'Spaniards.' Consequently, the lack of a qualifying socio-racial label generally implied that the individual was considered an "*español.*" See, James Lockhart, "Social Organization and Social Change in Colonial Spanish America," in *The Cambridge History of Latin America*, ed. Leslie Bethell (Cambridge, 1984). Depending on the genre of documentation, the term '*indio'* could also be omitted. In documents produced within the legal sphere of the *república de indios*, the use of the term '*indio*' as an epithet was often redundant and very often omitted. However, in this context an individual's *naturaleza* from an indigenous community served to place them within the category of *indio*.

[13] For example, Joana Hernández said "*por la dicha necesidad bibe entre los yndios por no se pudiese sustentar con la provecha que tiene*." "…due to her poverty she lives among the *indios* because she cannot support herself on the support that she has." Translation mine.

[14] An extreme example of this can be found in similar petitions by don Luis de Velasco (the younger). Prior to his appointment as viceroy Velasco wrote many letters to the crown asking for financial aid to ameoliorate his impoverished condition despite already being encomendero of several lucrative grants, the recipient of a massive royal pension, and kinsman to several of the wealthiest families in the colony. John

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daughter Francisca Gómez and her son-in-law Gonzalo de Sosa. They, like María, were

seeking financial remuneration for the conquest services of Juan Gómez de Almaçan,

Francisca's father and María's husband.[15] Rather, given the social resources available to

her, she may have chosen to live in Tlatelolco.

The witnesses in her petition suggest that she had lasting ties with Tlaxcalteca

from the conquest period. The two women who provided testimony concerning her

parent's wedding lived in Tlatelolco themselves. The fact that María García was able to

recruit them as witnesses on her behalf suggest continued social ties to those women and

by extension other Tlaxcalteca in Mexico City. Additionally, the fact that María Tapi and

Juana María both spoke Nahuatl suggests that María García's interaction with them in

Tlatelolco was more grounded in indigenous social and cultural norms than Spanish.

María García was related to the most elite of Tlaxcaltecan society. Her mother's kinsman,

Maxixcatzin had been *tlatoani* of Ocotelolco, Tlaxcala's most prosperous sub-division. In

the initial Tlaxcalan encounter with Cortés, Maxixcatzin, unlike fellow noble Xicotencatl

the younger, had been an ardent supporter of an alliance with the newcomers against the

Triple Alliance of the Mexica-Tenochca.[16] The marriage between Andrés García and

doña Luisa was a typical example of conquest-era alliances between Spaniards and

indigenous elites. These connections were of paramount importance to the creation of the

early colonial political order.[17] Consequently, María García was quite visibly a

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F. Schwaller, "The Private Correspondence of Don Luis de Velasco, the Younger, with the Court of Phillip II," (The Pennsylvania State University, March 18, 2009).

[15] AGI, Patronato vol. 74, N. 1, R. 7. Their 1575 request was not granted by the Council of the Indies. The inability of Francisca and Gonzalo to receive remuneration for the services of Juan Gómez de Almaçan may have prompted María García to press her case in 1579.

[16] Hassig, "Xicotencatl: Rethinking an Indigenous Mexican Hero."

[17] This marriage was one of many made in Tlaxcala both before and after the conquest which cemented alliances between that *altepetl*'s ranking elite and the members of Cortés' expedition. See, Ibid., pp. 39-40.

manifestation of this conquest alliance. Her life in Tlatelolco and association with the Tlaxcalteca who resided there demonstrates the continued importance of her indigenous ancestry and her complex position in early colonial society. To Spaniards she was an "*hija de uno de los primeros conquitadores*" and to the Nahua the descendent of a Tlaxcalan noble house, but for none of her contemporaries was she a *mestiza.*

Another excellent example of an elite *mestiza*'s place in early colonial society can be seen in Isabel de Montejo. Our knowledge of Isabel de Montejo has been preserved in a 1562 *probanza* written by her husband Cristóbal Gentil in which he used his marriage to Isabel to support a request for a position in the colonial bureaucracy.[18] The son of Melchior Gentil, *portero* for the Audiencia, Cristóbal hoped that his marriage to Isabel de Montejo, the illegitimate daughter of *adelantado* don Francisco de Montejo would secure him a position as *escribano* or *receptor* in the government of Mexico City.

In this *probanza*, his marriage to Isabel de Montejo served as a major justification for receiving a position. He claimed that "*adelantado don Francisco de Montejo obo por su hija natural a la dicha Ysabel de Montejo en una yndia principal llamada doña Catalina.*"[19] Moreover, Cristóbal emphasized that Isabel had been treated as if she had been a Spanish daughter. He stated that Montejo raised her as his daughter "*por casar*" [to be married] by always providing for her needs. This statement is telling in that it reinforces the fact that for don Francisco, Isabel was an important social commodity. Isabel was fit to be married and her upbringing reflected her status as a member of the colonial elite, albeit illegitimate and partially indigenous. Cristobal reinforced his claims

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[18] AGI, Mexico vol. 97, "Probanza de Xpoval Gentil," 1562.
[19] "Adelantado don Francisco de Montejo had as his natural [illegitimate] daughter Isabel de Montejo [born of] an *india principal* named doña Catalina."

to her parentage by pointing out that "*en su rostro paresce* [sic] *mucho al dicho adelantado.*"[20] He concluded his mention of Isabel by noting that they had been married publically in the Mexico City home of doña Catalina Montejo, the adelantado's legitimate daughter.

To support his case, Cristóbal gathered testimony from other prominent members of Mexico City's Spanish elite. These included a conquistador, many *vecinos*, the *portador* of the Audiencia, and Diego Montejo, another illegitimate child of the adelantado.[21] Most witnesses simply affirmed Cristóbal's claims about Isabel's parentage without adding many details. However, several statements are elucidating to her public perception. Andrés Mexía, a resident in Yucatan, testified that in Merida he saw Isabel in the home of the adelantado Montejo and that Montejo called her his daughter and treated her as such. Diego Montejo, her half-brother, likewise reported that Isabel had been born in Montejo's home and openly raised as his daughter. Diego Hermoso and Cristóbal Aznar de Luna went further in describing her position in the Montejo household. They noted that doña Beatriz, the wife of Montejo, went to great lengths to insure that Isabel was raised as an 'honest' woman.[22] Others noted that when Isabel moved to Mexico City similar care was taken by doña Catalina, Montejo's legitimate daughter, and her husband Adelantado Maldonado. These statements are important because they reinforce Cristóbal Gentil's claim that Isabel was considered to be a valuable social commodity and a woman

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[20] "In her apperance [literally, 'face'] she appears very similar to the Adelantado."

[21] The *probanza* of Cristóbal Gentil does not give many details about Diego Montejo. However, it is very likely that he too was an elite *mestizo* born of the adelantado and an *india*. Like Isabel, Diego was also favored by Montejo and received an encomienda. See, John F. Chuchiak, "The Sins of the Fathers: Franciscan Friars, Parish Priests, and the Sexual Conquest of the Yucatec Maya, 1545-1808," *Ethnohistory* 54 (2007): p. 81.

[22] Diego said that doña Beatriz "…*la tenía en su casa muy recogida e* [sic] *guardada.*" Cristóbal claimed that "…*se crio en su casa* [Montejo's] *e tenía mucho cuidado* della [Isabel] *doña Beatriz muger del dicho adelantado e de tenerla onesta e recogida por ser hija del dicho adelantado…*"

of marriageable status. Thanks to her father's recognition and protection of her, Isabel became incorporated into the extended family that likewise provided her financial support and served to incorporate her into elite Spanish society.

Interestingly, unlike María García, two of the witnesses in this *probanza* referred to Isabel as a *mestiza*. Both Diego Hermoso and Bartolomé Muñoz, Spanish *vezinos* of Mexico City, referred to her as "*una hija mestiza*." They did not use the phrasing more commonly used in the ascription of the term '*mestizo*' which would have used the term '*mestiza*' as an epithet immediately following her name, as in 'Isabel Montejo *mestiza*.'[23] Their choice of wording would have slightly lessened the depreciatory impact of the term. This wording referred mostly to her particular mixed parentage and less her social position. Moreover, the remainder of their statements reinforced her elevated social position and close ties to the Montejo clan. Their decision to explicitly mention '*mestiza*' is interesting given the relatively early date of the *probanza*, 1562 versus 1579 for María García, and the relatively higher status of the Montejos as compared to Andrés García.[24] One final aspect of Isabel's social position can be seen in the lack of the honorific '*doña.*' All other members of her family, her father, uncles, legitimate half-siblings, and even her *india* mother were given this honorific yet she and her *mestizo* half-brother Diego did not receive the status marker in this *probanza*.[25] The absence of *doña* is interesting in that it

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[23] For the use of socio-racial terms as epithets, see: Lockhart, "Social Organization and Social Change in Colonial Spanish America," p. 288.

[24] The Montejos were incredibly powerful in the sixteenth century. Aside from wealthy *encomiendas* and financial grants in the Yucatan, the *encomienda* of Azcapotzalco had been given to the Adelantado Montejo in return for his services in petitioning the crown during Cortés 1519-1521 conquest of Mexico-Tenochtitlan. The *encomienda* remained in the family at the time of this *probanza* having been given to doña Catalina as part of her dowry in her marriage to Alonso Maldonado.

[25] In the sixteenth century the usage of the honorific 'don/doña' was quite consistent for individuals. Rarely was a person referred to as 'don' by some by not by others. See, Lockhart, *Spanish Peru,* pp. 35-36. Interestingly, a 1571 document exists in which Diego Montejo refers to himself with the honorific. Unfortunately, this document does not shed light on Diego's mother and only refers to him as "*hijo del*

demonstrates that despite her elevated social position and clearly favored status as an

elite *mestiza* the circumstances of her birth and parentage mediated her public persona.

For most individuals she was certainly not a *mestiza*, but at the same time she was no

doña.

The experiences of elite *mestizos* provide interesting parallels to those of elite

mestizas. In general elite *mestizos*, like their female counterparts received familial

support which helped them maintain prominent positions within society. However, given

their gender they could participate more actively in the early colonial bureaucracy. An

excellent early example of an elite *mestizo* can be found in the 1542 *probanza* of Alonso

Rieros.[26] According to his petition, Alonso Rieros was the son of Alonso Martín Rieros, a

conquistador who accompanied Cortés.[27] His petition requested that information be taken

so as to verify his identity as a son of a conquistador so that he could travel to Castile. A

letter from the bishop of Michuacan, Vasco de Quiroga, accompanied the request. The

bishop described Alonso as "*un criado hijo de hespañol* [sic] *y yndia*." Quiroga praised

Alonso Rieros for his service as an interpreter during the Second Audiencia's inquiry into

illegal indigenous slavery. The letter also noted that Alonso Rieros was married with

children, lived in poverty, and deserved royal favor in return for his services and those of

his father.

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adelantado don Francisco de Montejo." See, "Petición de don Diego Montejo, hijo natural de Francisco de Montejo, a don Carlos de Arellano para poder casar con Ana de Campos, viuda mujer que fue de Julián Doncel," 22 November 1571, private collection, Mérida. A transcription of this document was graciously made available to me by John Chuchiak.

[26] AGI, Mexico, vol. 95, N. 50, "Alonso Rieros, hijo de conquistador. Memorial, informacion y recomendacion del obispo de Michoacan," 1542. The testimony taken in support of Alonso Rieros' claims was taken in Puebla de los Angeles.

[27] Alonso Rieros signed a joint petition written by the members of Cortés company requesting recompense for their services in the conquest of Mexico-Tenochtitlan. See, Joaquín García Icazbalceta, *Colección de documentos para la historia de México*, vol. 1 (1858, repre ed. Mexico, 1980), pp. 427-427. "Carta del ejército de Cortés al emperador".

In his own statements, Alonso Rieros focused on the merits of his father. Alonso Martín Rieros had served with distinction in Cortés' campaigns. In return for this service, Cortés, acting as governor of the new colony, had granted him the *encomienda* of Ocelotepec.[28] Alonso Ruiz was born to Alonso Martín and an *india* named Luisa. Unfortunately for Alonso, his father was killed when he went to the pueblo as the *indios* who lived there were not "well pacified."[29] Alonso ended his statements by repeating that while he lived his father accepted him as his natural son and treated him as such.

The witness testimony gathered by the petition was sparse in providing additional details. All three witnesses were *vecinos* of Puebla and included the *alguazil mayor* of the city. They supported Alonso's claim to be the natural son of a conquistador. The testimony further reinforced claims to the *encomienda* grant and Alonso Martín's unfortunate death at the hands of "incorrigible and bad" *indios* who "rose up and made war."[30] Interestingly, none of the witnesses called Alonso Rieros a *mestizo*. Although, Francisco de Cordina mentioned his mother Luisa *india*. Sparse in its details, the probanza highlights important aspects of Alonso Rieros' life as an early elite *mestizo*.

Despite his father's untimely death, Alonso was recognized and raised as his son. The witness testimony confirms this as does the simple existence of this petition. Given the early date of this petition, we know that Alonso was born during or soon after the conquest. Had he not been recognized and supported by his father from birth, Alonso

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[28] Ocelotepec is located south of Antequera (Oaxaca) towards the Pacific Coast nestled in the slopes of the Sierra Madre del Sur. Peter Gerhard, *A Guide to the Historical Geography of New Spain* (Cambridge, 1972), pp. 187-188.

[29] The petition notes that Alonso Martin Rieros had done nothing to antagonize the *indios* of his grant but that being poorly pacified they murdered him.

[30] Gonzalo Diaz de Bargas, *alguazil mayor*, called them "*incorregibles e malos*" while Martin de Calaherra noted that the *indios* "*se alzaron e hizieron* [sic] *de guerra.*"

would never have entered the historical record at least not through a royal petition. Unrecognized children of conquistadors were typically incorporated into indigenous society where to Spanish eyes they would appear as any other *indio*.[31] His hispanization and incorporation into Spanish society demonstrates that he was recognized by his father and even after his father's death received support from other Spaniards. His service to Vasco de Quiroga and incorporation into the early Spanish bureaucracy further marks his acceptance by other Spaniards in the new social order. This participation as a translator also suggests that Alonso's upbringing was not solely dominated by Spanish society. At some point he learned native languages and became an excellent linguist. While we do not know the exact circumstances of his upbringing, his mastery of native languages and his participation in the investigation of native slavery certainly suggest that he was able to maintain some social and cultural ties to his indigenous ancestry. Whether this was via his mother or the result of necessity or opportunity the evidence is not clear.

Yet, Alonso's social position was elevated. None of the witnesses in his petition called him a '*mestizo*.'[32] He clearly had a powerful patron in Bishop Quiroga. His other witnesses were drawn from the ranks of the developing Spanish elite in Puebla. Moreover, Alonso's interest in returning to Spain suggests that he was interested in improving his situation. Following the death of his father the *encomienda* of Ocelotepec

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[31] Borah and Cook, "Sobre las posibilidades de hacer el estudio histórico del mestizaje sobre una base demográfica," Lockhart, *Spanish Peru,* p. 166.

[32] Although an early date we know that some of his contemporaries also born of conquistadors and native women were being labeled as such. In the late 1540s, both the *cabildo* of Mexico City and the crown hoped to provide for these early *mestizos* through the creation of a "*colegio de mesticos* [sic] *y mochachas perdidas.*" See, Encinas, *Cedulario Indiano*, I: 211. "Cap. De la instrucion del Virrey de Nueva España que mandase informe de la utilidad que se sigue de aver colegio de mesticos y mochachas perdidas que se recogen en el." See also, *Actas del Cabildo de la Ciudad de Mexico*. Quoted in Castañeda Delgado, "El colegio de San Juan de Létran de México (Apuntes para su Historia)," p. 70.

was reassigned by Viceroy Mendoza to Alonso Ruiz, *portero* of the Audiencia.[33] This loss certainly hurt Alonso Rieros' social and economic status. Similar contestations over grants led many early conquistadores and their descendents to travel between the colony and Spain in order to personally petition the crown and the Council of the Indies for restitution. Although not outlined in his request, Alonso could have been part of this trend.

Alonso's father died sometime around 1540.[34] The 1542 date of this petition suggests a timely attempt to rectify the loss of the *encomienda* and seek royal favor and support. Moreover, the 1540s were a crucial time for the early recipients of *encomiendas*. The promulgation of the New Laws cast doubt on the long-term profitability of that institution. Alonso, like legitimate children of conquistadores, would have wanted to receive royal recognition of claims to his father's award or at the very least a royal pension which would provide equivalent financial support. Finally, the fact that he could propose such a journey suggests that his financial situation was not as dire as the *probanza* would have suggested. Trans-Atlantic crossings were not cheap and spending time at court pursuing petitions required substantial financial reserves. Despite his mixed ancestry, Alonso's goals and social status reflect those of countless other *hijos de conquistadores* who sought to consolidate conquest-era privileges and advance their position in early colonial society.

During the colony's first century, many new arrivals and children of early conquistadors continued to provide armed service to the crown in attempts to secure

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[33] Gerhard, *A Guide to the Historical Geography of New Spain*, p. 188.
[34] Ibid.

lucrative grants and privileges. Many elite *mestizos* likewise saw service to the crown as an ideal means to secure their position within society. In 1552, Antónío de Leyba petitioned the crown asking to be given a *corregimiento* as a reward for the services he and his father had provided. In his petition, he claimed that he was the son of Juan de Najera, a conquistador, who had with 'zeal' helped serve the crown by conquering the land and staying to help populate it. Antónío claimed his father had many children of which he was one. Like other elite *mestizos*, he noted that he was a natural son but recognized and raised by his father. In his own life, Antónío aided Viceroy Mendoza's *entrada* to Jalisco with his "*armas y caballo.*" Later he joined the reinforcements being sent to Peru in support of Viceroy la Gasca. During his services, Antónío spent much of his own wealth and found himself "at the point of death many times." He concluded his claims by stating that he had always maintained "weapons and horses to serve His Majesty in any occasion like an *hijodealgo*."[35] This claim was particularly important in demonstrating his status as a prominent member of early colonial society. In 1530, Emperor Charles V had allowed all "*conquistadors y pobladores*" to have weapons for their defense and that of the kingdom; in 1535, the maintenance of arms was made mandatory for all *vecinos* of Mexico.[36]

The witnesses who supported this *probanza* were also drawn from the ranks of conquistadors and *vecinos*. Andrés Roças, a conquistador, verified Antónío's claims about his father. Andrés had known Juan de Najera in Española and had travelled with

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[35] "*Sienpre* [sic] *a tenydo armas y cavallo pa*[*ra*] *servir a su Magestad en lo que sea ofrecido como hijodealgo.*"

[36] Encinas, *Cedulario Indiano*, IV: 36 "Cedula que manda que los vezinos de Mexico tengan en sus casas armas." Madrid 13-XI-1535, *Recopilación de Leyes de las Indias*, Lib.4, tit. 6. ley 6 (Vol. 2, p. 17).

him from that island in order to join the ranks of Cortés' men.[37] Moreover, Andrés knew

that António's mother was an *india principal* named Francisca and that Juan had always

recognized António as his son. Along with Andrés, other witnesses supported António's

claims to service in Jalisco. Most stated that António had served with distinction. Juan de

Jasso, a *vecino* of Mexico, highlighted António's valor saying, "*… a hecho muy bien*

como buen soldado valiente que se mostro en lo que se ofrescio [sic] *en la dicha guerra y*

especial en la entrada de la varranca que lo hizo como valiente hombre."[38] All the

witnesses agreed that António lived like an *hidalgo* keeping horses and weapons for

service to the crown and the protection of the kingdom.

As with other elite *mestizos*, António de Leyba was never directly labeled a

'*mestizo.*' Only two witnesses mentioned that António was the son of an *india principal.*

The remaining testimony, including António's own, completely avoids mention of his

india mother simply noting that he was a natural son. His claims to service and

attentiveness to the duties of '*conquistadores y pobladores*' reinforced his elevated social

position as well as his economic prosperity. Although he 'spent much of his estate' in the

service of the crown, António had enough to continue to support his station and

household. Unlike, Alonso Rieros, António never suggested that he was destitute and in

need of financial support. Rather, António felt that his service and that of his father

warranted an appointment as *corregidor*. The Council of the Indies agreed to a point.

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[37] The wording suggests that Roças and Najera were members of Narváez's expedition and not the initial company raised by Cortés.

[38] *"...*he served very well, as a good, valiant soldier, demonstrating this in his service in the war and especially in the entrada de la barranca where he served as a valiant man ." Translation mine. I do not know where the "entrada de la barranca" occurred; however, given Jasso's reference the action must have been commonly known at the time.

They ordered he be given a recommendation for appointment, but ultimately the decision would be made by the viceroy.

The decision to favor António with a recommendation demonstrates recognition, even in Iberia, of the important position of some biological *mestizos*. By royal decree, António should not have received any support despite his elevated social position or his service. By the time of António's petition, the crown had begun to restrict the privileges of *mestizos* in the face of increased competition with Spanish residents and legitimate children of conquistadors (See, Chapter 3). A 1549 *cedula* had decreed that no *mestizo* or illegitimate man be given *indios* or royal posts.[39] In recommending António for a position as *corregidor* the Council of the Indies distinguished António from the typical *mestizo* or illegitimate son. The Council's decision demonstrates that the absolute ban imposed by the crown did not necessarily reflect the realities of life in the Americas. Many 'hijos naturales' born of native women contributed to the maintenance and extension of the kingdom through service to the crown. Those individuals, unlike the stereotypical *mestizo* or illegitimate son, should be rewarded for their service because that service and its recognition represented an ideal for other colonists. At the time of this petition, failure to reward the service of colonial subjects, even those of mixed-ancestry, posed a greater threat to Spanish rule than placing a few prosperous, loyal "*hijos de conquistadores y indias*" in governmental posts.

Caciques y Gobernadores
In discussing the individuals above, I chose to call them 'elite *mestizos*' because of their privileged position within the Spanish sphere of colonial society. However, there

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[39] Konetzke, *Documentos para la Formación Social*, vol. I, p. 256. "R.C. Que ningun mulato, ni mestizo, ni hombre que no fuere legitimo, pueda tener indios, ni oficio real ni publico".

did exist another category of 'elite *mestizo'* during the colonial period. Just like their counterparts discussed above these individuals rarely received the label '*mestizo.'* Nevertheless, they were not subsumed into the category of *español* but rather were seen as *indios*. These 'elite *mestizos*' represent a small subset of the colonial era indigenous elite. Scholars of colonial native community have frequently noted this phenomena and its importance to society and government within '*pueblos de indios.'*

Although not an exact corollary to the trend noted above, the incorporation of *mestizos* into the indigenous nobility was a reflection of the porous boundary between '*mestizo'* and '*indio.'* In his study of colonial Cuernavaca, Robert Haskett traces several prominent indigenous families which included *mestizos*.[40] In the seventeenth century, the Hinojosa family of Cuernavaca and the Rojas family of nearby Tepoztlan both included several members who were known to be of mixed ancestry. Importantly for this discussion, the knowledge of their mixed-genealogy rarely played a role in their incorporation into community life. Both families were important within the ruling elite and frequently served as governors and members of their respective *cabildos*. Their incorporation into the elite of these indigenous communities reflects the reality that among indigenous groups, familial and cultural ties trumped genealogy as defining categories of group membership.

Nevertheless, a sense of community based in shared culture and family did not completely negate the possibility for conflict between these '*mestizos'* and their *indio* peers. Spanish law prohibited *mestizos* from residing in or serving as leaders of native communities. Consequently, in moments of conflict the fact that a claimant to indigenous

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[40] Haskett, *Indigenous Rulers,* p. 160.

political office may have been a *mestizo* could be used to delegitimize any attempt to gain community power.[41] Yet, in many cases these claims did not last long, and families like the Hinojosas and the Rojas were able to continue holding office within their communities. Importantly, this phenomenon may not have existed to the same degree in all parts of New Spain. In examining Yucatec Maya communities, Matthew Restall did not note conflicts over '*mestizo*' leaders.[42] The importance of kinship as manifested through Maya patronyms may have minimized the rise of a *mestizo* elite. In particular, if mixed Maya-Spanish individuals became divorced from the *chibal* of their indigenous parent, their ability to claim elite status or enter into local office would be severely diminished. Similarly, Kevin Terraciano noted the rare presence of Spaniards and *mestizos* among the colonial Mixtec. Interestingly, he did find some marriages between *mestizas* and members of the indigenous elite. This would suggest that there were some Mixtec nobles of mixed-ancestry. Nevertheless, the lack of any conflict over such genealogies suggests that the Mixtec more so than the Nahua were inclined to overlook the mixed-ancestry of those within their corporate communities.

Although tangential to the body of individuals described above, the 'elite *mestizos*' of colonial indigenous society further attest to the mutability of *género* ascription in colonial New Spain. Most importantly, they demonstrate that individuals of mixed Spanish-indigenous ancestry could be perceived as belonging to a *género* other than *mestizo*. In the case of elite indigenous *mestizos*, this perception was based both in communal norms and Spanish 'ignorance.' Firstly, most colonial indigenous groups based membership on familial ties, residence, and cultural incorporation. As members of

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[41] Ibid., p. 48.
[42] Restall, *The Maya World*.

known lineages who lived, worked, and socialized within their communities the '*mestizo*'

nobility of indigenous society acted like every other member of their society.

Consequently, except in moments of conflict they were not likely to be singled out for

their ancestry much less given a label based in a foreign language and culture. Secondly,

because Spanish law constructed such a rigid separation between the *republica de*

españoles and the *republica de indios* many colonial bureaucrats, curates, and observers

were inclined to describe any resident of mixed indigenous ancestry within an indigenous

community as an *indio* – unless other factors warranted their mention.[43] This 'blindness'

reflected the idealized social makeup of indigenous communities while simultaneously

allowing a large number of ethnicly-mixed, culturally-indigenous individuals to avoid

inclusion in the category of *mestizo* while living their lives as *indios*.

Conclusion

In total, elite *mestizos* represented a small fraction of the Euro-indigenous

population of the sixteenth century. Elite *mestizos* tended to be recognized children of

elite Spaniards, in almost all cases conquistadors. The social status and support of their

fathers placed these individuals in an elevated position within the colony. They received

financial and familial aid in a variety of ways. Like their fathers, and fellow *hijos de*

conquistadores, they often sought royal recognition for their services to the crown.

Nevertheless, the unique position occupied by elite *mestizos* was one born of the early

decades of the kingdom. During the first few generations of colonial rule, elite *mestizos*

prospered through their connection to the early conquistador elite and the relatively small

Spanish population. As the colony matured, more Spanish arrivals grew the ranks of

Spanish society and began to displace elite *mestizos*. Furthermore, as royal control over

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[43] Haskett, *Indigenous Rulers,* p. 139.

the economy and politics of the colony grew it no longer needed to privilege the children of the conquistadors and initial settlers. This shift along with increased efforts to restrict the social and political access of *mestizos* and other non-Spaniards led to the disappearance of elite *mestizos* as members of the colonial elite by the end of the century.

Importantly, the gradual diminution of elite *mestizos* was not a simple matter of increased prejudice and social competition. Successful marriages with Spaniards by elite *mestizos* would have helped to place their descendents in the ranks of *españoles*. Elite *mestizas* were particularly important in this regard. The case of María García Pareja provides a clear example of this possibility. As an elite *mestiza,* she was raised by her father and married to a fellow conquistador. During her marriage to Juan Gómez de Almaçan, María gave birth to a daughter, Francisca Gómez. As the daughter and granddaughter of conquistadors, Francisca was, like her mother, an elite member of early colonial society. Unlike her mother, she was not directly tied to a native parent. Moreover, the fact that María García was not commonly regarded as a '*mestiza*' benefited Francisca further as she could simply consider herself a member of Spanish society. At some point, Francisca married Gonzalo de Sosa, a Spaniard, further demonstrating her elevated social position. In 1575, Francisca and Gonzalo sought royal aid in return for the previous service of Juan Gómez de Almaçan. Although unsuccessful in their attempt, this *probanza* further demonstrates Francisca's *de facto* social status as an *española.* In this petition she calls herself:

> *Francisca Gómez muger ligitima de Gonçalo de Sosa, vezina* [sic] *que soy desta gran ciudad de Mex^{co} desta Nueva España ija legitima de Juan*

Gómez de Almaçan difunto que este en Gloria vezino y conquistador que fue desta dicha ciudad…[44]

This initial description completely avoids mention of a possibly indigenous ancestry and reinforces the claims that she is the legitimate child and legitimate wife of Spaniards. When María García is mentioned by Francisca and Gonzalo she is simply referred to as "*María García Pareja su* [*Juan Gómez de Almaçan*] *legitima muger*." The net effect of the strategy adopted by Francisca resulted in her portrayal as simply another *hija de conquistador* with no references to possible indigenous ancestry.

Marriages between elite *mestizos* and Spaniards, generally *mestizas* with Spanish men, would have led to the gradual incorporation of socially successful and upwardly mobile elite *mestizos* into the category of *español*. In later centuries, this phenomenon has been called 'passing.'[45] By the late seventeenth and eighteenth centuries, this phenomenon typically affected socially and economically successful individuals who by virtue of their prosperity were able to move up the socio-racial hierarchy. The eventual disappearance of elite *mestizos* differs from 'passing' in several ways. Firstly, elite *mestizos* were already subsumed within the category of *español*. That is to say rarely were they labeled *mestizo* and by virtue of that omission were tacitly viewed as *españoles*. This initial social position allowed their descendents – born of unions with other *españoles* – to distance themselves from the increasingly pejorative label *mestizo* and be fully incorporated as *españoles.* The avoidance of such stigma was a conscious effort. *Probanzas* like that of Francisca García demonstrate that the descendents of elite

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[44] AGI, Patronato vol. 74, N. 1, R. 7.

[45] Chance, *Race and Class in Colonial Oaxaca*, pp. 132-3, 175-6, Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," pp. 482-4, Diggs, "Color in Colonial Spanish America," p. 407, Mörner, "Economic Factors and Stratification in Colonial Spanish America with Special Regard to Elites," p. 362, Seed, "The Social Dimensions of Race: Mexico City 1753," pp. 591-596.

mestizos consciously minimized references to indigenous ancestors in order to facilitate this shift. This rhetorical shift differs somewhat from some conquest-era elite *mestizos* who actively included references to indigenous parents if those claims connected them with the *indios principales* whose actions helped bring about Spanish dominion.

Secondly, the multi-generational nature of this process also differentiates it from the later phenomenon of 'passing.' While the incorporation of elite *mestizos* into the category of *español* could operate over the course of several generations, 'passing' generally occurred during one's life. An individual's descendents might also succeed in 'passing' but the process essentially related to an individual's life and their changing social perception. In contrast to passing, the disappearance of elite *mestizos* reflected a multi-generational process wherein the first generation of biologically *mestizo* individuals avoided the ascription of the category *mestizo* which in turn allowed their descendents born of further unions with Spaniards to completely remove themselves from the European-indigenous spectrum.

Several scholars have argued that the incorporation of elite *mestizos* and their descendents into the category of *español* was crucial in bringing about the rapid and sizable growth of a *criollo* population in the kingdom. [46] While this argument reflects the overall findings of this study, such a claim may overstate our ability to track such a process in early colonial society. While most conquest-era elite probably engendered elite *mestizos*, the specific rhetorical strategies of these individuals and the generation as a whole hampers the specific identification of such a process. For the purpose of this study

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[46] Aguirre Beltrán, *La Población Negra*, Chance, *Race and Class in Colonial Oaxaca*, pp. 98, 128, 132-3, Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," p. 462, Diggs, "Color in Colonial Spanish America," p. 415, Mörner, *Race Mixture,* p. 55.

I only included cases in which I could clearly identify an indigenous parent. Countless other '*hijos naturales*' petitioned the crown for remuneration or benefits. In many of these cases, the documentation presented by the supplicant and supporting testimony completely avoided discussion of the non-elite parent. This lack of evidence suggests a rhetorical strategy based on obfuscating a possible indigenous parent. Nevertheless, this type of documentation avoided presenting any evidence which was not deemed beneficial. Certainly in some of these cases, a Spanish mother of lower social status may have been omitted just as easily as an *india*. Consequently, a full accounting of elite *mestizos* is hampered by the vagaries in rhetorical style which would have minimized non-elite Spanish parents as well as indigenous ones.

Moreover, from a terminological point of view the common usage of *criollo* as a means to distinguish American-born Spaniards from their Peninsular counterparts did not become common until the last quarter of the sixteenth century.[47] This shift would have been contemporaneous with the eventual disappearance of elite *mestizos*. Certainly, the adoption of *criollo* and its disparaging connotation towards American-born *españoles* could reflect a suspicion that American-born Spaniards were heavily tainted by indigenous ancestry. Nevertheless, such a claim was not solely tied to a belief that all *criollos* were to some degree descendents of *indios*.[48] Rather, the distinction had by the late sixteenth century become an important locus for social and political contestation within the maturing colony. While elite *mestizos* undoubtedly contributed to the growth of *españoles criollos*, a full accounting of their numerical contribution to this Spanish

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[47] See Chapter 2. In the documentation I have examined there are only sparse references to '*criollo*' being applied to Spaniards. Its initial usage focused primarily on distinguishing between American- and African-born slaves.

[48] Cañizares-Esguerra, "New World, New Stars."

population will remain difficult if not impossible due to the particular rhetorical strategies used by many sixteenth century *hijos naturales* and other American-born *españoles* of the conquest-era.

The full incorporation of elite *mestizos* into the category of *español* required continued intermarriage and social incorporation with Spanish society. Certainly the descendents of some elite *mestizos* did not fare as well. If elite *mestizos* could not marry into Spanish society and were forced to marry individuals from the categories of *mestizo*, *mulato*, *negro*, or *indio* their descendents would have been lumped into either the category of *mestizo* or *mulato*. Descendents born of elite *mestizos* and individuals with some indigenous ancestry would have been categorized as ordinary *mestizos*. Conversely, the children of elite *mestizos* with individuals of African descent would have led to incorporation within the category of *mulato*. Ultimately, the existence of elite *mestizos* was a phenomenon unique to the conquest-era and subsequent demographic and social development quickly removed this social type. The following chapter will examine the position of those individuals publically deemed *mestizos*.

Chapter 5

Mestizos

Hay, demás de los españoles que de estas partes han ido á las Indias, y de los criollos que de padres y madres españoles han nacido en ellas, muchos mestizos que son hijos de españoles y de indias, o por el contrario, y cada día se van acrecentando mas en todas partes; los cuales, todos salen por la mayor parte bien dispuestos, ágiles y de buenas fuerzas, e industria y maña para cualquier cosa, pero mal inclinados a la virtud, y por la mayor parte muy dados a vicios; y asi no gozan del derecho y libertades que los españoles, ni pueden tener indios, sino los nacidos de lejítimo matrimonio. – Juan López de Velasco, Royal Cosmographer, 1570s[1]

In 1564, Juan Méndez, a *mestizo* and a shoemaker, was investigated for double marriage by the ecclesiastical inquisition of Antequera (Oaxaca).[2] He was accused of marrying a *mestiza* named Catalina Sánchez while being married to Juana *india*. Friends and witnesses told the inquisitors that Juan had pursued a marriage to Catalina Sánchez through Francisco de Heredia, her employer. The relationship seemed amenable to all parties and Catalina was betrothed to Juan along with a dowry of five hundred pesos.[3] At

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[1] "In addition to the *españoles* who have gone to the Indies and the c*riollos* born of Spanish parents, [there are] many *mestizos* who are the children of *españoles* and *indias*, or the reverse. Every day they continue to grow [in numbers] across the land. Of them, the majority turn out well disposed, agile and of sound strength and industry, capable of any task, but they are not inclined to virtue and the majority tend toward vice. For this they do not enjoy the rights and liberties of the *españoles*, nor can they have *indios* excepting those who are born of legitimate marriages." Translation mine. López de Velasco, *Geografía y Descripción Universal de las Indias*, p. 43 "De los mestizos, negros, mulatos y zambaigos".

[2] AGN, Mexico 26, exp. 2, fs. 13-29. "*Proceso contra Juan Méndez, mestizo zapatero, por casado dos veces, Antequera.*"

[3] Marriage in the sixteenth century and its discussion in inquisitorial testimony is complicated by the particular process through which marriages were contracted and the spiritual significance of promises to marry. In the sixteenth century before the publication of Tridentine reforms three words were typically used to describe the process of marriage: '*casarse*,' '*desposarse*,' and '*velarse*.' The verb '*casarse*' literally meant to marry, and was used in the general sense to refer to people who were married in the eyes of the public and/or the Church. The verb '*desposarse*,' or the noun '*desposorio*,' referred to the exchange of vows. This could be public or private. After the Council of Trent clarified the process for sacramental

some point following the exchange of the dowry, members of the community, including

Juan's confessor, discovered that Juan was already married to Juana, the *india*. Somehow

tipped off to the fact that his secret had become known, Juan hastily left Antequera,

quickly scribbling a short letter to Catalina, but taking with him the dowry. Although

Juan fled before he could be interrogated, the documents produced by this proceeding

provide interesting clues as to the social and cultural spaces occupied by those

individuals commonly labeled *mestizos*.

Juan Méndez's quick disappearance from Antequera allowed him to avoid an

interrogation by the ecclesiastical court; however, even without direct testimony from

Juan the case provides numerous details about his life. We know that he worked as a

shoemaker and that he owned his own store and probably employed several workers. The

last person to see him in town was a *mestizo* named Hipólito García. Juan had asked him

to watch the store while he went out to an *estancia* suggesting that Hipólito worked in the

store. His ownership and operation of the shoe store suggests that Juan had some wealth.

While many *mestizos, mulatos,* and *indios* worked in skilled trades, in the sixteenth

century few non-Spanish individuals had the capital to set up independent operations.

Consequently, Juan's store represented a sizable investment on his part.

Francisco de Heredia and Catalina Sánchez, Juan's betrothed, both attested to the

fact that Juan had absconded with her dowry. The amount of money he received was

substantial. Five hundred pesos was more than many prominent conquistadores received

marriage, the *desposorio* was to be public and should include an ordained priest. However, even at this
point private promises could be considered valid by the Church and Holy Office. Finally, the verb
'*velarse,*' or the noun '*velación,*' referred to the blessing of a marriage by a priest including a Mass. In
cases of multiple matrimony, commonly called bigamy, the event which mattered was the *desposorio* or
promise of marriage. If an individual willingly entered into the promise of marriage while already in a state
of marriage they committed a heretical crime against the sacrament.

in annual pensions from the crown. It could purchase countless native slaves, if they were available, or several expensive African slaves. In short, five hundred pesos was a small fortune. The fact that Heredia had offered it to Juan as part of the marriage contract suggests that Juan was a prominent and successful individual. A marriage to a social inferior or wastrel would not have warranted a large dowry, if any at all. The fact that it was given for a wedding between two *mestizos* makes it doubly interesting. Juan had clearly demonstrated a respectable social standing and economic acumen to warrant receiving such a large dowry. On the other hand, the dowry suggests that Francisco Heredia had a strong connection to Catalina. Although the patron-client relationship would have warrented some form of support in a marriage, his donation of five hundred pesos to a *mestiza criada* (housekeeper) suggests that their relationship was deeper than that between employer and employee. As will be discussed later, many Spanish parents and families provided for their recognized *mestiza* daughters and kin. While not equivalent to the support given to elite *mestizas*, many publically recognized *mestizas* received substantial support from their relatives and many were raised like Spanish *doncellas* with the hope that they marry well. This case is unclear about the relationship between Catalina and her employer. The vast dowry made available to her suggests that Francisco Heredia was very likely a kinsman of hers or was raising her as his ward. His involvement in her marriage was too great for her to have simply been his *criada*.

Unfortunately, the testimony presented in the case did not identify Juan Méndez's parents directly. We do know that he was the son of an *español* presumably with an *india*. In 1573, the newly founded Holy Office reopened the ecclesiastical investigation and sought to determine Juan's whereabouts. They gathered testimony from a woman named

Catalina Alonso. She admitted to knowing Juan and added that he was the son of her first husband. Moreover, she knew of Juan's marital problems and had heard that Juan fled to Havana where he was living with a *mulata*. Catalina's statement suggests that she was a woman of relatively high social standing. She was the widow of a man named Hernan Gómez de Valverde a *vecino* of Antequera and had a son who served as a canon in the cathedral church of Antequera. Sadly, she did not name Juan's father so it is unclear if Hernan Gómez was her first or second husband. The fact that she was the mother of a church canon demonstrates her elite status and that of her husbands. Additionally, her statements indicate that Juan was born out of wedlock to her first husband; however her knowledge of him and his whereabouts suggests that he had been raised by his father as a recognized illegitimate son and that Juan had continued ties to his father's family. Catalina noted that her son, the canon, had told her of Juan's flight to Cuba. Although tantalizingly short, Catalina's testimony does highlight the fact that Juan had extended and continuous contact with his father's family. Juan's financial prosperity was likely due to these connections.

In many ways, Juan Méndez and his second wife Catalina Sánchez are typical examples of *mestizos* in the sixteenth century. Firstly, they lived within the context of Spanish society and were culturally Hispanic. Juan was trained in a trade and pursued his own career. His financial situation was a bit exceptional and he received more financial aid than was common. Catalina, likewise, was well integrated into Hispanic society and received substantial support in pursuing a marriage. While this support was common for many recognized *mestiza* daughters, the amount she received was greater than average. While similar to elite *mestizos* in some ways, *mestizos* like Juan and Catalina were

qualitatively different from their elite counterparts in that they were commonly called *mestizos* by their contemporaries. Nevertheless, the use of the term '*mestizo*' was not clear cut.

The figure shows a graph with the vertical axis labeled "Integration into Spanish Society and Manifestations of Hispanization" and the horizontal axis labeled "Use of '*mestizo*' Label." A curved line on the graph is labeled at three points: "Elite '*Mestizos*'" at the top, "'*Mestizos*'" in the middle, and "'*Indios*'" at the bottom.
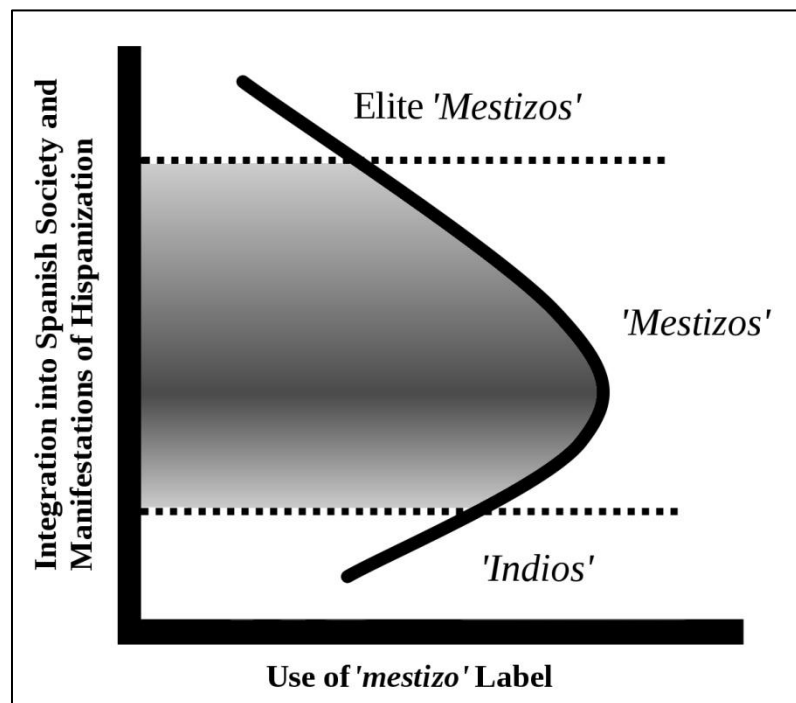
Figure 5.1, Use of '*Mestizo*' Label

In the sixteenth century, the application of the term '*mestizo*' tended to reflect subjective valuations of an individual's familial connections, occupation, marital partner, dress, and language. There existed a spectrum between elite *mestizos* and individuals who could be commonly mistaken for *indios,* see Figure 5.1. In general, the frequency that an individual was labeled '*mestizo*' increased as their degree of integration into Spanish society and perceived Hispanization decreased. Past a certain point, individuals of European-indigenous ancestry could begin to fall into the category *indio* if they were

perceived to be culturally and socially integrated into indigenous life and lacking in markers of Hispanization. The inverse held true as well. Some '*indios*' were subsumed into the category '*mestizo*' because of their perceived Hispanization and integration into Spanish rather than indigenous society. Phenotype undoubtedly played a role in these ascriptions; however, most documents lack clear physical descriptions. Nevertheless, they suggest that from the outset cultural and personal traits could trump phenotype in the application of *generos de gente*, especially along the European-indigenous spectrum.

This chapter will examine the varied lives of *mestizos*. Although the category came to be increasingly mobilized during the course of the sixteenth century, the lived experiences of *mestizos* could vary. Some lived much like their elite *mestizo* and *español* counterparts others led lives more akin to *indios*. The application of the label '*mestizo*' marked them as less than *españoles*, but did not during the course of the sixteenth century circumscribe the totality of their lives. In this sense the term '*mestizo*' served to mark individuals of perceived or known European-indigenous heritage, but did not circumscribe their existence into a narrowly defined path.

The records of the Inquisition in Mexico have preserved rich qualitative information concerning many colonial subjects. In the absence of detailed census information from the sixteenth century, the Inquisition's cases can help provide a means of accessing the daily life of the colony's *mestizo* population. These records contained detailed personal information concerning those under investigation as well as witnesses called before the tribunal. From the testimony provided we can determine occupations, residencies, marital status, as well as social networks. This study has examined the vast bulk of Inquisition documentation from the sixteenth century with an emphasis on

documents produced by inquisitorial proceedings.[4] I have identified sixty-two *mestizos*

who appeared as witnesses or defendants in inquisitorial proceedings; thirty men and

thirty-two women. This is not a complete count of all *mestizos* found within the surviving

sixteenth century records. Rather, this is a list of *mestizos* for which there was sufficient

documentary reference to determine aspects of their social position. Other *mestizos*

appeared in fleeting references or as minor witnesses. The ones examined here tended to

be defendants or key witnesses and actors in the relevant proceedings. Their importance

to the cases under investigation has insured that we have detailed descriptions of their

lives and social circumstances. While these individuals do not represent a random

sampling of sixteenth century *mestizos,* they do help elucidate the varied lives of their

contemporaries.

Mestizo Marriages and Marriageable *Mestizas*

In the first century of colonial rule, the growth of Spanish society suffered from a

very real problem of reproduction. Most *conqusitadores y pobladores* were largely drawn

from the ranks of single young men. From the outset, royal policy recognized the

profound problem of settling and reproducing a long-term Spanish population in the

Americas. As Chapter 3 discussed, the Spanish crown initially favored marriages

between settlers and indigenous elites in order to strengthen alliances and perpetuate

Spanish settlement. These connections favored the growth of elite *mestizos*. Nevertheless,

by the 1540s the crown became increasingly wary of Spanish-indigenous unions and

interactions and imposed restrictions, including the New Laws, designed to divide society

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[4] The documentation produced by the Inquisition was numerous and included internal memos, letters, and finances. This study has focused primarily on Inquisition volumes containing actual proceedings rather than administrative or bureaucratic documents. The bulk of sixteenth century *processos* can be found in the first 150 volumes of the *ramo "Inquicisión,"* although I have consulted other volumes containing sixteenth century material.

into separate and distinct *republicas*, one for Spaniards and another for native peoples. This legal and social separation necessitated a renewed focus on the immigration of women and families to the Americas. To this effect, by the end of the 1530s the crown had issued *cedulas* requiring those holding bureaucratic posts or *encomiendas* to marry.[5] Although these did not specify that Spaniards marry Spanish women, the royal requirements increased pressure on upwardly mobile Spaniards to seek spouses. Social norms would have led men to seek out women of high status in order to forge marriage alliances and secure greater social and political positions.

Unfortunately, the dynamics of immigration to the colony did not lead to large numbers of single, female immigrants. Conquest-era immigration was heavily male and the continued opportunities offered by campaigns of conquest through the 1540s and 1550s insured a large population of *españoles* with few *españolas*. The surviving records of immigrants preserved in the *Casa de Contratación* shows that from 1520-39 women represented less than seven percent of trans-Atlantic passengers.[6] Of that number only fifty-four percent were young, unmarried women. By the late 1540s, the problem of such a large single male population became apparent to the crown. By mid-century, the crown had begun to enact provisions insuring a more balanced immigration to the colonies. In 1544, and repeated throughout the century, the crown ordered that men married in Spain wishing reside in the Americas were required to travel with their wives and children.[7] The crown added a requirement that any man married in Spain but residing in the

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[5] In 1538, a variety of royal decrees ordered secular and religious officials to preference married men over single men in the . See, AGI, Mexico 1088, l. 3, fs.159-163, "Carta real a los obispos de México, Guatemala y Antequera;" AGI, Mexico 1088, l. 3, fs. 165v; AGI, Mexico 1088, l. 3, fs. 217.
[6] Peter Boyd-Bowman, *Patterns of Spanish emigration to the New World (1493-1580)* (Buffalo, NY, 1973), p. 30.
[7] *Recopilación de Leyes de las Indias*. See: Lib. VII, Tit. III, Ley i & viii.

Americas bring their wife and family to the colonies or be forced to return to live with his family. These laws sought to protect the sanctity of marriage by insuring that spouses lived together, but also served to help insure the growth of a stable Spanish population. The crown hoped that the immigration of families would help bring order to the male dominated conquest-era society and reduce the gender disparity between Spanish men and women. Lamentably for the crown, these policies did not correct the disparity and throughout the sixteenth century viceroys complained about the proliferation of single men and their penchant for vagabondage.[8]

Even as the political and social order stabilized during the second half of the sixteenth century, the gender balance among immigrants did not ever achieve parity. From the 1540s onward women immigrants increased their overall percentage steadily. During the 1540s and 1550s, female passengers accounted for just over sixteen percent of all emigrants, roughly fifteen hundred of nine thousand persons.[9] Of those single women remained the majority but only just, accounting for fifty-four percent of all female arrivals. In the twenty years following 1560, female immigrants dramatically increased to twenty-eight percent of all travelers, or five thousand out of almost eighteen thousand persons.[10] The percentage of single women grew slightly from fifty-four to sixty percent of all female emigrants. In the final twenty years of the century, female immigration decreased slightly to twenty-six percent of all emigrants, or twenty-five hundred out of

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[8] See, AGI Mexico 19, N. 3, don Luis de Velasco (el viejo) to the crown (1550); AGI Mexico 19, N. 142, don Martín Enríquez to the crown (1573); AGI Mexico 22, N. 16 and N. 128, don Luis de Velasco (el hijo) to the crown (1590 and 1594).
[9] Boyd-Bowman, *Patterns of Spanish emigration to the New World (1493-1580)*, p. 49.
[10] Ibid., p. 79.

ninety-five hundred arrivals.[11] Of these again roughly sixty percent were unmarried young women. In short, even as Spanish colonial society became more stable and Iberian women began immigrating in larger numbers the percentage of single women travelling to the colonies never exceeded one fifth of all emigrants. Consequently, the young *españoles* born in New Spain or those arriving from Iberia always outnumbered their female counterparts.

The demographics of *español* immigration and the increased importance of marriage for social and political advancement helped create an environment in which *mestizas* became important social and familial commodities. In a society lacking *españolas*, socially respectable *mestizas* were seen as viable marriage partners for those unable to secure the hand of an *española*. The families of *mestizas* recognized their value and in many cases protected these women even if they were illegitimate in the hopes that they could secure a marriage with an *español*.

Within the sixteenth century Inquisition records, I have identified the marriage partners of twenty six *mestizas* and eighteen *mestizos*.[12] The data is quite illuminating in demonstrating a profound difference in the marriage patterns between men and women of this *género*. The eighteen men for whom I have information contracted thirty marriages.[13] Generally, *mestizos* married *indias* and *mestizas,* accounting for forty and thirty-four

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[11] Peter Boyd-Bowman, "Patterns of Spanish Emigration to the Indies 1579-1600," *The Americas* 33 (1976): p. 84.

[12] This may be a small data set; however, unlike other marriage documents including parish records and marriage petitions, these cases provide much more qualitative data which can be used to investigate the circumstances of *mestizos*. Consequently, although few in number these cases provide much more detailed evidence of how *género* affected marriage in the sixteenth century.

[13] Many of the cases I have come from trials of multiple marriages. This accounts for the drastically higher number of marriages then men. I have included three 'marriages' which were not deemed legal by the ecclesiastical authorities. In each case the men were involved in long term unions (*amancebamiento*) which were commonly believed by observers to be marriage. Although not sacramentally valid, members of the community believed these unions to be marriage.

percent of the marriages (Figure 5.2). Four marriages were to *mulatas* (thirteen percent),

two to *españolas* (seven percent), one to a *castiza*, and finally one unknown. In contrast,

the marriages of *mestizas* reflect a completely different pattern. The twenty-six *mestizas*

accounted for thirty-six marriages. The largest number of *mestizas* married *españoles*, a

striking forty-two percent of marriages. *Mestiza-mestizo* marriages followed in second at

twenty eight percent. *Indios* were the third most common spouses for *mestizas*, eleven

percent. *Castizos*, *mulatos*, and unknowns each accounted for two marriages or five

percent per *género*. One *mestiza* married a *negro esclavo*. The overall impression given

by these marriages is profound disparity between *mestizos* and *mestizas* in their ability to

marry *españoles.*

Figure 5.2[14]

One benefit to these records is our ability to track multiple marriages by the same

individual (Figure 5.3). Of *mestizos*, there were eleven of multiple marriages and among

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[14] Sources: AGN, Inq. vols. 5, 10, 18, 23, 25, 26, 27, 29, 36, 70, 84, 94, 95, 96, 98, 103, 104, 107, 137, 147, 186, 262.

mestizas ten. One question raised by multiple marriage is the degree to which it represented an attempt at social improvement. Again the data is striking. Among men, subsequent marriages tended to represent an improvement in their spouse's status. In six of the eleven cases, men married women of a higher *género*. Nevertheless, only one of these was a second marriage to an *española* following one to an *india*. In two cases, men married *mestizas* after *indias*. In two other cases, men married *castizas* after being married to a *mulata* or an *india*. In one case, a man married an *india princiapal* after marrying an *india*. Three men married women who were of lower status than their first wife. Two married *indias* after *mestizas,* and one married a *mulata* after an *española*. Two men married women of the same *género*, in one case *mestizas* and in another *indias*. Of these subsequent marriages, ten of the eleven were deemed heretical multiple marriage by the authorities. This suggests that men who had the opportunity to improve spouses chose to do so even if those marriages were in violation of Church law.

Mestizas followed a different pattern. They contracted fewer multiple marriages and fewer marriages in which spouses' *generos* differed. Five of ten *mestizas* married two men of the same *género*: three cases of *españoles*, one case of *mestizos*, and one of *indios.* In three cases, *mestizas* married men of a lower status. Two women went from *españoles* to a *mestizo* and an *indio*. One *mestiza* married a *negro esclavo* after a *mestizo*. In only one case did a *mestiza* marry upward, going from a *mestizo* to an *español*. In one interesting case, a *mestiza* married an *indio* after being married to a *mulato*.[15] Of these subsequent marriages six of the ten were deemed heretical multiple marriages by the Inquistion. Interestingly, in cases of bigamy most *mestizas* committed heresy in marrying

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[15] In this case it is hard to say if the marriage was an improvement or not.

men of lower *género*, three of the six cases. In only one case did a *mestiza* marry upward, *mestizo* to *español*, and in one case a *mestiza* married two *españoles*. In the four cases in which *mestizas* remarried legitimately as widows the *género* of the spouse did not change. In two cases, the same woman married *españoles* in succession each time legitimately. The other two *mestizas* were married to *mestizos* and *indios*.

Relative Change in Second Spouse's *Genero*
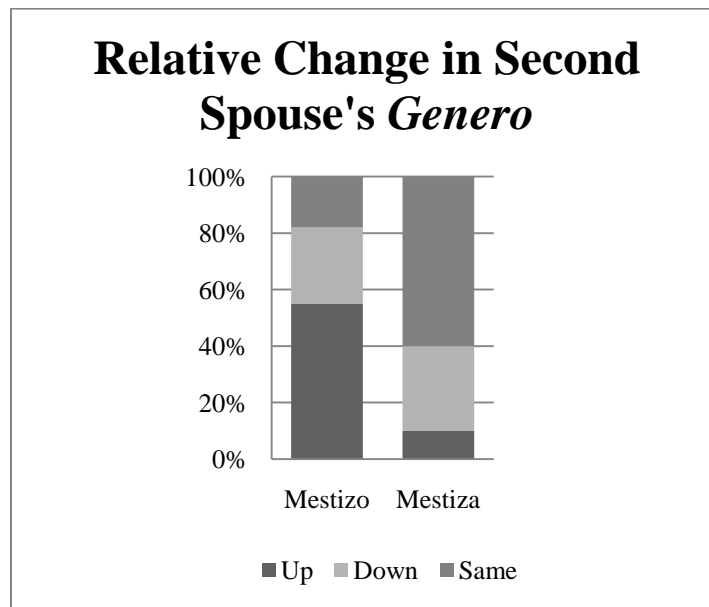
Figure 5.3[16]

The data for *mestizas* contrasts greatly with that for *mestizos*. Unlike their male counterparts, *mestizas* were most likely to marry *españoles*.[17] On the other hand, *mestizos* looked to *indias* most frequently as spouses. Both *mestizos* and *mestizas* married within their *género* at roughly similar rates, between one quarter and one third of marriages. In looking at the data another way, *mestizos* were only able to marry spouse of equal or better *género* fourty percent of the time. On the other hand *mestizas* married spouses of

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[16] See footnote 14.

[17] It should be noted that two women accounted for five of these marriages. While these two women may skew the results slightly, the difference between *mestizo* and *mestiza* marriages to *españoles* remains strong.

equal or better *género* seventy-five percent of the time! Interestingly, in subsequent marriages *mestizos* did markedly better at improving the *género* of their spouses. However, in almost every case *mestizos* committed heresy in marrying upward. *Mestizas* on the other hand did not show a marked tendency to marry upward in later marriages and in heretical marriages they most frequently married subsequent spouses of lower *géneros*. This finding may well reflect the fact that *mestizas* tended to marry well for their *género* and few sought to improve. It may also reflect the reality that women could exert less choice in spouse than men. Although the Inquisition data is certainly not random, the marriage data it contains reflects radically different marriage patterns between *mestizos* and *mestizas*. The following examples illuminate the important position *mestizas* held in their families and reflect the important role they played as potential spouses for *españoles*.

Sometime around 1559, a young Spaniard arrived in the city of Michoacán (pres. Morelia).[18] Francisco Gutiérrez de Avila had travelled from Yucatán where he had participated in the conquest. He quickly found a place in his new environment working as the *alguazil* for the *alcalde mayor* Alonso Carrillo. Soon after arriving, Francisco was approached by Juan Pérez Calvillo and asked if he was interested in marrying Ana Melgarejo, Juan's sister-in-law and a *mestiza*. Francisco accepted the proposed marriage and the couple was *desposado* in Juan's home. The *desposorio* was officiated by don Diego Pérez Negron Gordillo, *chantre* of the cathedral church of Michoacán, and attended by many other prominent members of Michoacán society. Following their union, Francisco and Ana lived in her Juan's home for a time before leaving to live in the

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[18] AGN, Inquisition 23, exp. 5, fs. 59-134. "Proceso contra Francisco Gutiérrez por casado dos veces."

home of Miguel Diaz, another *vecino* of Michoacán. On the feast of San Francisco, while the entire town was out watching the processions, a man from Campeche noticed Francisco and Ana holding hands. He told several of the *vecinos* that he recognized Francisco and knew that he was married in Yucatan to a woman named Catalina de Vargas. This news spread rapidly and Juan Pérez Calvillo acted quickly in defense of his sister-in-law. Francisco was denounced to the *alcalde mayor* and investigated by the ecclesiastical inquisition under orders from the bishop. He was found guilty, publically penanced and branded for his crime. For her part, Ana acted quickly to have the marriage annulled by the bishop. Her request was granted and she subsequently married a Spanish merchant and settled in Mexico City. After a few years, her second husband died and she remarried a second time to a Spanish *confitero*. Sadly, at some point prior to 1574, she was killed by the *confitero* in Mexico City.

Although Ana Melgarejo's death was unfortunate, her case provides an interesting window into understanding the place of *mestizas* within the social order of the mid-sixteenth century. The records of the bigamy case against Francisco Gutiérrez provide useful insights into her social position. Ana was rarely called a *mestiza* directly. In fact none of the witnesses from Michuacan labelled her as such. Those from Yucatan refered to her as "*una moza mestiza*." In Michuacan she was simply the sister of Francisca Velázquez and sister-in-law of Juan Pérez Calvillo. In this regard, she straddles the amorphous boundary between elite *mestiza* and commonly recognized *mestiza*. Her father was Licenciado Velázquez and her mother was Juana, an *india* from Chalco. Her sister, Francisca Velázquez, was actually a half-sister by another mother. Both were raised together and Ana lived in the home of her sister's husband Juan Pérez Calvillo. His

interest in marrying Ana well demonstrates the important role she could play in forging familial alliances. Before it became known that Francisco Gutiérrez was already married, he would have represented an ideal marriage choice for the recognized *mestiza* daughter of a prominent family. Francisco had participated in the conquest of Yucatan, and now worked as a minor official; he had some training in medicine and would have been eminently employable. In short, his prospects were good.

Additionally, the speed with which the family reacted to the news of Francisco's previous marriage represents a concerted effort to protect Ana's reputation. By denouncing Francisco and insuring his prosecution, they were attempting to preserve Ana's future marriage prospects. The rapidity of the investigation also suggests that the community as a whole recognized the severity of Francisco's transgression and the need to secure a future for Ana. Her successful petition for an annulment protected her status and insured that she could seek a respectable marriage despite the dishonor brought by Francisco. In this regard, we know she was successful. She was able to remarry a Spanish merchant and eventually a Spanish tradesman in Mexico City. Sadly, once out of Michuacan, her family was less able to protect her. Unfortunately, we do not know the exact circumstances surrounding her death nor the family's actions in response to her murder.

Another case which can illustrate the interesting position of *mestizas* can be seen in that of Madalena Pérez.[19] In 1575, a young *español* named Martín de Salvatierra arrived in the Valle de Atlisco. He found a place in the home of Manuel Pérez. After a

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[19] AGN, Inq. vol. 84, exp. 3, fs. 5-41. "Proceso contra Martín Ochoa de Salvatierra, fraile Agustino, por haberse casado, por otro nombre Martín de Salvatierra." (1578).

time, Martín became enamored of Manuel's *criada* and illegitimate *mestiza* daughter, Madalena. According to Esteban Martín, a *vecino* of Atlisco, Madalena was a *doncella* and Martín managed to have her removed from her father's home by the authorities in order to marry her. In response, Manuel filed a suit against Martín for his actions. In spite of this conflict, Martín and Madalena were married by the local parish priest. During the course of two years of marriage, the couple had a daughter, Luisa de Villanueva. Unfortunately, Martín was not what he had seemed. Several residents of Altisco eventually discovered that Martín de Salvatierra was actually a professed Augustinian friar. Following a denunciation, the inquisition opened an investigation into Martín's actions. They discovered that prior to arriving in Atlisco he had taken vows as a friar but had subsequently been expelled from the order for being incorrigible. Despite his expulsion, he was still bound by his vows and was prohibited from contracting marriage. For violating those vows he was found guilty and sentenced to three years seclusion in the Augustinian convent in Mexico City.

Although most of the Inquisition's investigation focused on Martín's actions, the case does elucidate the life of Madalena Pérez. She was commonly known to be the illegitimate daughter of Manuel Pérez and lived in his home under his protection. In testimony presented by Manuel, he did not openly acknowledge his paternity, instead calling Madalena simply his *criada*. Other witnesses including his nephew were more open about the relationship. Although he did not openly claim her as his daughter, we know that Manuel was keenly interested in her prospects. The fact that she was openly called a *doncella* by witnesses demonstrates that Madalena's virtue was protected and Manuel had not allowed her or her suitors to taint her public persona as an unwed young

woman. Moreover, Martín's interest in marrying her suggests that in the eyes of a young *español* she was worthy of marriage. Martín probably hoped that a marriage to Madalena would forge a social connection to her father and to the community in Atlisco.

The conflict that arose between Martín and Manuel may have subverted those hopes, but it further demonstrates that Madalena and her marriageability was important to Manuel. According to his account, and those of other witnesses, Martín had clandestinely exchanged vows with Madalena. This act undermined Manuel's ability to influence her choice in spouse and resulted in the suit between the young friar and Madalena's father.[20] Unfortunately, we do not have a record of the proceedings from this suit. We do know that the authorities sided with the couple and removed Madalena from the home of Manuel and held her '*depositada*' until the proper marriage ceremonies could be performed.[21] Manuel's challenge to Martín's initial marriage proposal as well as his quick denunciation of Martín's heresy reflect his interest in protecting Madalena and insuring that she be married well. We do not know why Manuel opposed the marriage initially. Maybe Martín did not have sufficient social standing or economic prospects to warrant a marriage to his daughter. Maybe Manuel had reservations about Martín's truthfulness, certainly we know he was lying about his past. Or maybe Manuel simply did not want to lose a productive member of his household. Whatever the reasoning, Manuel's actions demonstrate that Madalena and the prospects she offered through marriage were worth protecting despite her being an illegitimate *mestiza*.

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[20] For an excellent study concerning marriage conflicts in the late colonial period see, Seed, *To Love, Honor, and Obey*.

[21] This procedure was common in matrimonial disputes or in suits between married couples. Normally, the authorities, civil or ecclesiastical, would remove the woman involved from the home of her husband, or family, and place her "in deposit" in the home of another married couple. This insured that the woman would not be influenced by the other parties in the dispute and served to protect her 'honor.'

A somewhat similar example can be seen in the life of Mari Sánchez. Born around 1554, she was the *mestiza* daughter of Martín Alonso *español* and Juana Sánchez.[22] As a young woman she lived in Mexico City in the home of Andrés Moreno where she worked as a *criada*. In 1570, at the age of sixteen she began a friendly relationship with a young *español* named Pedro de Padilla. They had direct communication and sent notes through intermediaries. During the course of their conversations, Mari complained that she was treated poorly by her employers. Ostensibly acting in her interests, Pedro took it upon himself to intercede and remove her from her situation. One night in late April of 1570, Pedro snuck into Mari's home and abducted her. After taking her to several other residences he left her in the care of an *india* named Agustina, possibly a relative of Mari. The investigation into Mari's disappearance proceeded quickly and Pedro was arrested. Andrés, Mari's employer, brought a suit against Pedro for taking the young *doncella* from his home. Faced with criminal prosecution and the possibility of capital punishment, Pedro agreed to marry Mari. Andrés and the authorities acted quickly and the couple was *desposado* and *velado* by clerics from the cathedral church of Mexico City within days of the abduction.

Following their marriage, Mari and Pedro lived together as husband and wife and she bore him a child. After two years, Pedro left their home and Mari did not see him again until the Inquisition questioned her about their marriage. At the time of her abduction it was not known that Pedro had been married in Spain before arriving in Mexico. In the heated aftermath of Pedro's abduction of Mari, he had failed to disclose

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[22] AGN, Mexico 95, exp. 1, fs. 1-105. "Proceso contra Pedro de Herrera Padilla escriviente vecino de Mexico, casado dos vezes." (1572). Mari's mother Juana Sanchez was never called an *india* in this investigation, but Mari was consistently called a *mestiza*.

his previous vows. Once arrested by the Inquisition, Pedro argued that his marriage to Mari was not valid as he had been coerced by Andrés into marrying her. He claimed that when he agreed to marry her he had received advice from unnamed friends telling him that he should go through the motions of marrying Mari. According this logic, the coercion being used by Andrés to force Pedro to marry his *criada* would have undermined the sacramental validity of the marriage. In going along, Pedro felt he was being deceitful to Andrés' interests but not violating the sacrament of marriage, as the union did not meet the spiritual prerequisites. In his confession, Pedro also noted that after the marriage he had asked the *provisor* to annul the marriage; his petition was not acted upon. In the end, the inquisitors did not agree with Pedro's claims. He was sentenced to public penance, one hundred lashes, and perpetual exile from the Indies.

The events surrounding Mari's abduction suggest that although only a *criada*, her employers had an interest in protecting her honor and marriageability. Unfortunately, we do not know how Mari came to live with Andrés Moreno. She was neither an orphan nor a foundling; she knew her parents lived in a mining town. It is possible that Andrés was a distant kinsman or family friend. Sadly, the testimony did not describe their relationship fully. The rapid response of Andrés to her abduction suggests that she was an important member of the household even if she was not kin herself. The fact that he mobilized a search for her that same night and immediately opened a suit against Pedro suggest that he was keenly aware of that Mari's public honor could be tainted by the event. Even if Pedro did not attempt to seduce or force himself upon Mari, her absence from Andrés' home in the company of a young man could seriously tarnish her reputation as a *doncella*. This public appellation demonstrates that while in the home of Andrés' her sexual purity

and feminine virtue was being protected and publically acknowledged. Once removed from that environment by a single man in the dead of night, her continued virtue was not assured. By pressing a suit against Pedro, Andrés was insuring that the marriage between Pedro and Mari would serve to mitigate any possible loss of honor caused by the abduction itself.

If Mari and Pedro were to be believed, no sexual contact occurred during the evening in question. Both told secular and ecclesiastical authorities that Mari had been taken from the home of Andrés because she had complained of her treatment and Pedro had deposited her with an *india* for safe keeping. Even if their statements were true, the possibility of sexual impropriety was damaging to Mari. The subjective public view of such events was more important than an objective factual accounting. By responding quickly, Andrés demonstrated his keen interest in Mari's marital prospects. We do not know if Andrés would have supported a marriage between the two under normal circumstances. His emphatic demand that they be married certainly reflects his protection of her public honor. It may also suggest some degree of opportunism.

Although Pedro's actions led to a socially awkward situation, his overall social position was favorable. He was a young man with prospects and a recent immigrant to the colony. He was trained as a scribe and had employment working for Juan Clemente, an *escribano de provincia*, previously he had worked for the Audiencia's *relator*. As a future spouse, he was gainfully employed, had important connections in the government, and ultimately had good advancement prospects in the viceroyal capital. By pursuing a marriage between Mari and Pedro, Andrés probably recognized that he could insure a valuable marriage for his *criada*, one which might otherwise have been difficult.

Unfortunately, what Andrés did not know was that Pedro was hiding a previous marriage. The situation created by the abduction and Andrés' dogged pursuit of a marriage created an impossible situation for Pedro. He could try and avoid marriage and face charges of abduction and breaking and entering, the penalties for which could be severe. Or Pedro could try and appease Andrés and enter into a coerced marriage. The outcome of the union was not as beneficial as Andrés had hoped. Pedro abandoned Mari with a child and fled to the Yucatán. His eventual conviction would have freed Mari of the marriage but only after further damaging her public honor. In the end, Mari was left unwed with a child. Even with an ecclesiastical annulment she would not have been as valuable a spouse as she had been before her marriage.

These cases do not represent the ideal. The fact that all three of these women were married men who were spiritually barred from entering into a marriage makes these cases somewhat exceptional. Nevertheless, without the records of the Inquisition we would not have detailed testimony concerning the process of marriage or the issues involved. Parish records and matrimonial documents rarely contain the detail of these cases. As a result, these cases although exceptional and tragic provide a unique window into the marriage options available to some *mestizas*. The dearth of marriageable *españolas* insured that many *españoles* needed to find spouses from another *género*. *Mestizas,* particularly those who were protected by their families and employers, proved to be ideal wives. The protection they received allowed them to maintain social standards of female honor – they could claim to be *doncellas*. Many of these women could bring important financial resources and social connections into a marriage, thereby increasing their value as spouses. In this regard, they were very similar to elite *mestizas*; however unlike their elite

counterparts they were commonly regarded as *mestizas*. This was an important qualitative difference. Nevertheless, in the early colony the public ascription of *mestiza* did not necessarily prejudice a woman's prospects. If women received support from their family or other Spaniards they could find successful marriages with *españoles* otherwise unable to marry an *española.*

Scholarship of the later colonial period provides some coorobaoration for the marriage patterns seen among *mestizos* with some important exceptions. In looking at late seventeenth century Mexico City, Cope found that *mestizos* were relatively endogamous, men married *mestizas* almost seventy percent of the time while women married *mestizos* fifty-five percent of the time.[23] Nevertheless, men and women formed a number of unions with other *generos*. For both men and women, *mulatos* and *indios* represented the second and third most frequent spousal choices (Figure 5.4).

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[23] Cope, *The Limits of Racial Domination,* p. 79.

Figure 5.4[24]

In a survey of marriages in Antequera during roughly the same period, Chance found that

mestizos were far less endogamous in their marriage patterns (Figure 5.5).[25] Although

endogamous unions represented the largest group of marriages for *mestizo* spouses of

either gender, both *mestizos* and *mestizas* married a relatively large number of *españoles*

and *mulatos*. Noticably small in these figures are *mestizo-indio* marriages. This lack

might be accounted for by the highly urban nature of Chance's dataset and the relative

lack of *indios* in the population of urban Antequera. A century later, Chance and Taylor

found similarly diverse marriage patterns among the *mestizos* of Antequera (Figure

5.6).[26] One noticeable change in the data from the late-eighteenth century was the shift

among *mestizas.* While *mestizo* men married other groups at roughly the same rate as

they had a century before, *mestizas* had begun to marry only *mestizos*, *españoles*, and

indios. Marriages between *mestizas* and *mulatos* markedly disappeared in the later period.

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[24] Ibid., adapted from Table 4.7, p. 79.
[25] Chance, *Race and Class in Colonial Oaxaca,* pp. 134-139.
[26] Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," p. 478.

Mestizo Marriage Patterns
Antequera, 1693-1700

Españoles
Mestizos
Indios
Mulatos
Negros

Figure 5.5[27]

Mestizo Marriage Patterns
Antequera, 1793-1797

Españoles
Mestizos
Indios
Mulatos
Negros
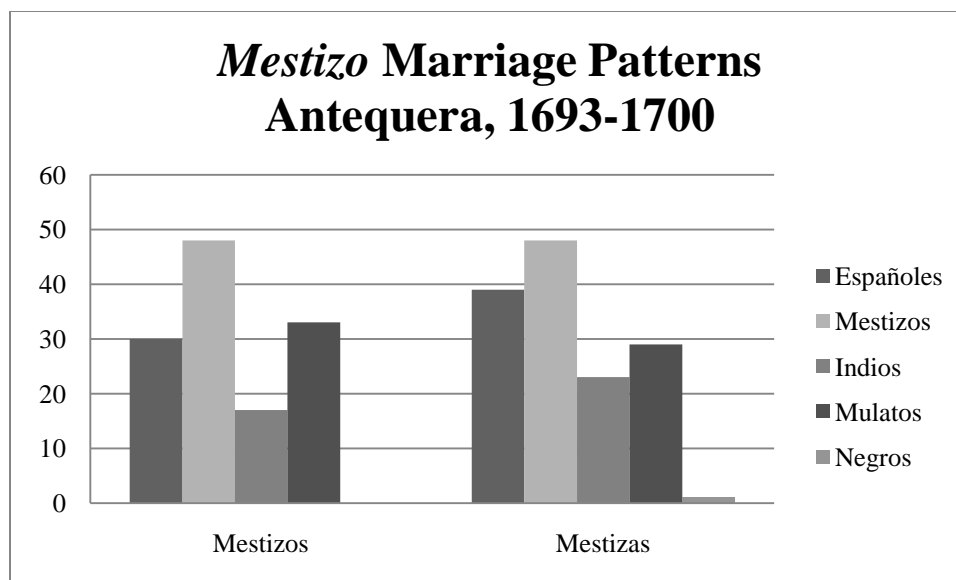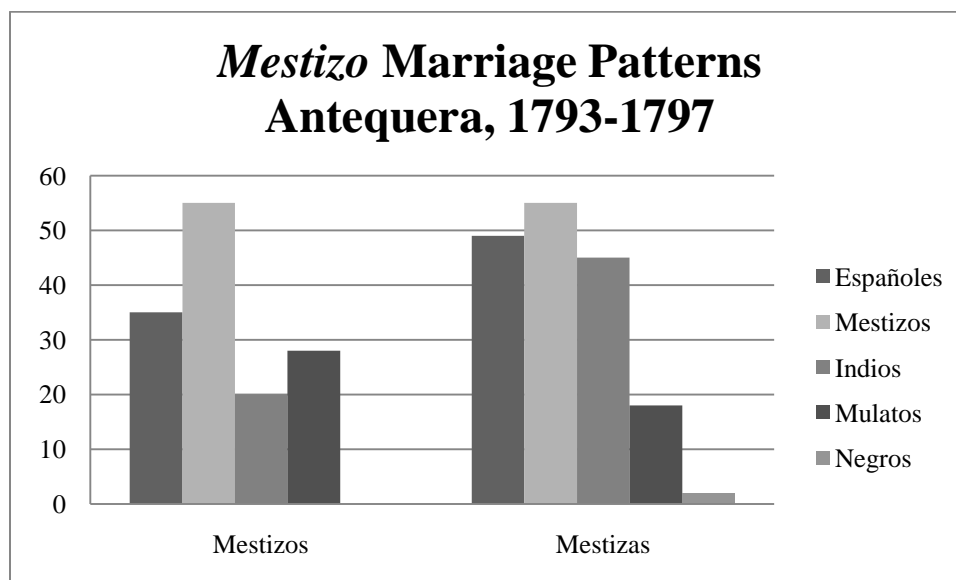
Figure 5.6[28]

In general, these studies reinforce the data presented by this chapter in

emphasizing exogamy among *mestizos*. From the sixteenth century onward, *mestizos*

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[27] Chance, *Race and Class in Colonial Oaxaca*, p. 136-7, adapted from Table 10.
[28] Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," p. 478, adapted from Table 4.

married spouses from all the *generos* available. The data tend to support Cope's assertion that *mestizos* tended to marry individuals from within their own *género* or that of their parent groups, *españoles* and *indios*. Although this finding reflects the numerical preference of *mestizos*, I feel that it understates what Cope himself calls the "one of the great puzzles" concerning colonial demography – the frequency of *mestizo-mulato* unions.[29] Unfortunately, a full explanation for *mestizo-mulato* unions – common to all the datasets –cannot be explained by a constant cause across the colonial period. Nevertheless, the data presented by this study and those of later periods suggest that *mestizos* were not bound by their *género* to solely associate with those like them or their parent groups. The strength of those associations certainly reflects shared cultural and familial networks with *españoles* and *indios*. Yet, the consistent marriage rates between *mestizos* and Afro-Mexicans over time suggest that when circumstances of residence, occupation, and familiarity coincided, *mestizos* would readily marry other *generos*.

Importantly, this trend would have the side effect of blurring the lines between individuals of mixed African ancestry and those of mixed Spanish-indigenous ancestry. In a study of eighteenth century Patzcuaro, Aaron Althouse found that such a blurring provided opportunities for Afro-Mexicans categorized as *mulatos* to attempt to contest those labels and lay claim to a public identity as *mestizos*.[30] His research found that the exogamy of *mestizos* helped to blur the lines of socio-racial ascription. Because *mestizos* were so exogamous many individuals within that category had diverse familial and social connections to other *género* groups. Consequently, some Afro-Mexicans seeking to elevate their social perception could attempt to lay claim to the *mestizo* label when

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[29] Cope, *The Limits of Racial Domination,* p. 84.
[30] Althouse, "Contested Mestizos, Alleged Mulattos: Racial Identity and Caste."

circumstances of parentage, occupation, and/or social networks afforded them that possibility. This finding certainly highlights the importance of exogamy as a means by which the basic ideological categories of difference came to be subverted. Chapter Seven will similarly examine the importance of African-indigenous unions as a means by which the stereotypical *género* labels came to be subverted over time.

Interestingly, the data from later periods suggests that the phenomenon of 'marriageable *mestizas*' was unique to the sixteenth century. In the data sets provided for the late seventeenth century, *mestiza* marriages did not differ markedly from their male counterparts suggesting similar opportunities for spousal choice existed for either gender. This can be explained largely by the demographic development of the colony. In the sixteenth century, *mestizas* represented a valuable commodity for their families. A profound lack of *españolas* and an abnormally large number of young *españoles* forced those at the top of the *género* hierarchy to search for spouses among well-to-do *mestizas*. By the seventeenth century, the gender imbalance seen in the nascent, post-conquest colony would have been rectified. Local population growth among the Spanish population would have added more *españolas*. Additionally, slippage into the category of *español* from the 'elite *mestizos*' and the offspring of *mestiza-español* unions would have contributed to a more gender-balanced Spanish population. Consequently, by the middle of the seventeenth century, the marriage prospects for *mestizas* would have declined and come to approximate those of *mestizos*.

Interestingly, the data from late eighteenth century Antequera shows a marked similarity to the sixteenth century pattern. Given the vast differences in time, one cannot explain the eighteenth century data in light of sixteenth century pressures. Rather, the

eighteenth century phenomenon most likely representes the outcome of almost three centuries of mixed unions and the increased variability of *género* labels – by that period termed *castas*. Chance and Taylor perceived the gender-based difference in *mestizo* marriages as the inability of *mestizos* to marry women of higher status.[31] In a critique of Chance and Taylor's methodology, McCaa *et al*. posited that the data actually showed a notable bias on the part of *mestizas*.[32] Rather, than inability on the part of *mestizas*, the skewed numbers actually reflect *mestiza* selection for spouses of a higher status. Both authors noted the frequent instances of 'passing' during this period.[33] I feel that the data probably reflect the confused nature of *casta* labels at the time. Given the relationship between occupational status and *casta* ascription – noted in both studies – there existed the possibility that men more than women would be able to move upward from *mestizo* to *criollo*. If this was in fact the case, then *mestizas* who married *criollos* could actually have been marrying individuals who had already lost the *mestizo* label. In contrast, those men who still retained that label would have shown a marked decrease in marriageable prospects because *mestizas* favored upwardly mobile *mestizo-criollos* while their own occupational and social perception remained low. Consequently, the 'marriagable *mestizas*' of the late-eighteenth century probably disguises a slippage among men from the category of *mestizo* to that of '*español criollo*.'

The Place of the *Mestizo*

Not all *mestizos* were the same. Even in the early colonial period, the lived experience of *mestizos*, and other *generos*, could be and often was varied. *Mestizos* found

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[31] Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," p. 479.

[32] McCaa, Schwartz, and Grubessich, "Race and Class in Colonial America: A Critique."

[33] Chance and Taylor, "Estate and Class: A Reply," pp. 439-440, McCaa, Schwartz, and Grubessich, "Race and Class in Colonial America: A Critique," p. 433.

themselves in a numerous range of occupations and social settings. To a large extent, the particularities of the family background and geographic location played crucial roles in determining the overall social position of a *mestizo*. Nevertheless, this variability insured that the category of *mestizo* neither determined nor circumscribed an individual's position in society even in the early decades of its use. In general, *mestizos* found employment in a variety of trades and occupational niches often important to the early economic growth of the colony (Figure 5.7).
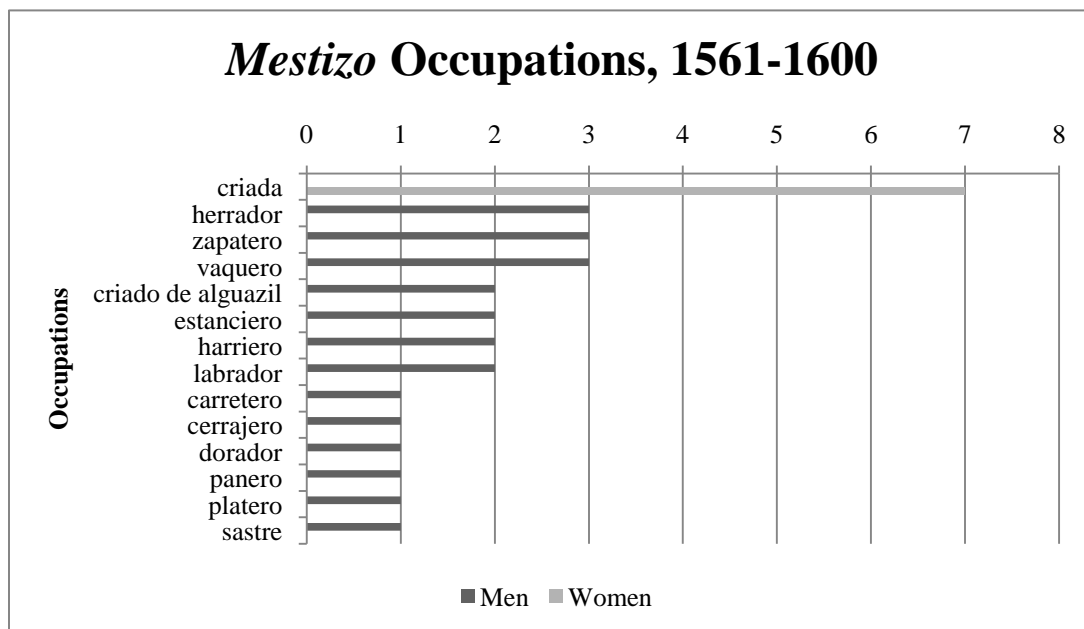
Figure 5.7[34]

Occupation was one of the most frequently recorded aspects of social position found in inquisitorial documents. Often when asked to identify themselves, defendants and witnesses mentioned their occupation along with other pertinent aspects of their social identity: residence, birthplace, and parentage. Even so occupation was not

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[34] See footnote 14.

universally recorded. Of the sixty-two *mestizos* I have identified in the documentation

slightly less than half provided their occupation in the testimony they gave. In general,

men declared their occupation more frequently than women, seventy-three percent versus

twenty-two percent. This discrepancy probably reflects the fact that most of the women in

this group were married or lived in larger households and were not independent laborers.

While men declared a wide-range of occupations – thirteen in total– the only recorded

occupation for women was *criada*.[35] This finding reflects the fact that for men occupation

played a key role in determining their social place and identity, while for women

interpersonal and familial networks served to best locate them within the social order.

On the whole, *mestizos* filled a wide range of occupational roles. The three most

common jobs for *mestizos* were shoemaker (*zapatero*),[36] ferrier (*herrador*),[37] and cowboy

(*vaquero*),[38] with three individuals claiming each trade. Behind these were farmers

(*labrador*), [39] muleteers (*harriero* [sic]),[40] rural estate managers (*estanciero*),[41] and

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[35] I believe that many of the single women who did not declare an occupation probably worked as *criadas* in the households in which they resided. Married women rarely mentioned any occupation although certainly many married women of all *géneros* worked in a variety of occupations in order to provide additional household income.

[36] AGN, Mexico 26, exp. 2, fs. 13-29, "Proceso contra Juan Méndez, mestizo zapatero, por casado dos veces, Antequera." (1564); AGN, Inq. 70, exp. 5, fs. 91-119, "Proceso contra Gaspar Pérez, mestizo, zapatero, natural de Guatemala vecino de las Minas de Sombrerete, por simple fornicación." (1571); AGN, Inq. 147, exp. 6, fs. 121-184, "Proceso contra Juan Luis, mestizo, vecino de Xochimilco, por blasfemo, tener pacto y adorar al diablo, llamaban a este reo Mantelillos." (1598)

[37] AGN, Inq. 25, fs. 154-186, "Proceso contra Baltasar de Alcocer, por casado con dos indias." (1563). Andrés de Ávila a mestizo herrador appeared as a witness in this case. AGN, Inq. 26, exp. 2, fs. 13-29, "Proceso contra Juan Méndez, mestizo zapatero, por casado dos veces, Antequera." (1564). Juan Álvarez, herrador, appeared as a witness in this case. AGN, Inq. 262, exp. 3, fs. 32-112, "Proceso contra Josep de Molina, mestizo, alias Cristóbal de Molina, por bígamo." (1600)

[38] AGN, Inq. 100, exp. 2, fs. 19-84, "Proceso contra Diego Rodríguez Pozo, por casado dos veces." (1572); AGN, Inq. 137, exp. 10, fs. 277-300, "Proceso contra Isabel Muñoz y Bernabe García por casados dos veces." (1588); AGN, Inq. 147, exp. 6, fs. 121-184, "Proceso contra Juan Luis, mestizo, vecino de Xochimilco, por blasfemo, tener pacto y adorar al diablo, llamaban a este reo Mantelillos." (1598)

[39] AGN, Inq. 103, exp. 7, fs. 275-288, "Proceso contra Juan Gutiérrez, mestizo, por casado dos veces." (1575); AGN, Inq. 186, exp. 3, "Proceso contra Inés de Cisneros, mestiza, natural de México, que servía en Patzcuaro, por bigamia." (1597). Joachin de Cordova, Ines' first father-in-law worked as a labrador.

[40] AGN, Inq. 5, exp. 7, fs. 154-86, "Proceso contra Juan Flores, mestizo, vecino de la ciudad de Mexico, por no haberse confesado…" (1565); AGN, Inq. 104, exp. 8, fs. 212-280, "Proceso contra Marcos Ruiz por

assistant *alguaziles*.[42] Two individuals claimed each of these occupations. Finally, one

mestizo claimed each of the following: tailor (*sastre*),[43] silversmith (*platero*),[44] locksmith

(*cerrajero*),[45] gilder (*dorador*),[46] carter (*carretero*),[47] and baker (panero).[48] These jobs

represented the wide range of employment opportunities available in the sixteenth

century, from skilled trades to unskilled labor. On the whole, *mestizos* predominantly

worked in minimally skilled or unskilled positions often with some connection to the

countryside. Nevertheless, some *mestizos* found work in some of the most prestigious and

costly trades.

In general, *mestizos'* choice in occupation reflected their overall social position

and incorporation into Hispanic society. Those men who worked in the trades had

substantial familial or social connections which provided access to those skills. The case

which opened this chapter demonstrates this support quite clearly. Juan Méndez's ability

to begin work as a shoemaker and run his own shop in Oaxaca would not have been

possible without substantial familial support and financial resources. Another example of

a *mestizo* tradesman can be seen in Alonso Ruiz, the lone *platero.* We know he was the

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casado dos veces." (1575). Juan Flores also appears briefly in a bigamy case brought against his wife, see, AGN, Inq. 94, exp. 1, fs. 1-67, "Proceso contra Beatriz Martín, alias Ana Martín, por dos veces casada." (1572).

[41] AGN, Inq. 70, exp. 10, fs. 158-189, "Proceso contra Martín Alonso, mestizo, por simple fornicación." (1575). Both Martín Alonso and the witness, Alonso Gonzalez, worked as estancieros.

[42] AGN, Inq. 103, exp. 7, fs. 275-288, "Proceso contra Juan Gutiérrez, mestizo, por casado dos veces." (1575); AGN, Inq. 98, exp. 7, fs. 343-377, "Proceso contra Pedro de Carrança por casado dos veces." (1572)

[43] AGN, Inq. 10, exp. 4, fs. 110-149, "Proceso contra Pedro Sánchez de Reina, mestizo, por haber dicho…" (1569)

[44] AGN, Inq. 26, exp. 3, fs. 31-83, "Proceso contra Alonso Ruiz, platero, por casado dos veces." (1564)

[45] AGN, Inq. 27, exp. 1, fs. 3-108, "Proceso contra Graviel Carrasco, por casado dos veces." (1565)

[46] AGN, Inq. 70, exp. 7, fs. 121-136, "Proceso contra Baltasar de Audelo, mestizo, natural de México, … proposiciones." (1572)

[47] AGN, Inq. 94, exp. 1, fs. 1-67, "Proceso contra Beatriz Martín, alias Ana Martín, por dos veces casada." (1572). Pedro Marqués the carretero was Beatriz's 3rd husband.

[48] AGN, Inq. 95, exp. 1, "Proceso contra Pedro de Herrera por otro nombre Pedro Padilla por dos veces casado." (1570). Mateo de Tapia, the panero, was an accomplice in the case against Pedro de Herrera.

son of Bartolomé Ruiz and an *india*.[49] He did not name his mother in his statements suggesting he may not have known her or that he was trying to more closely associate himself with his father. Sadly, we do not know if his father was a *platero*, but it is clear that Alonso received training as a *platero* when he was young in Guatemala. He later travelled to Mexico City with another Spanish *platero* and found work in that trade. The court records indicate he had extensive professional and social connections to the *plateros* of Mexico City. After being arrested and questioned by the Inquisition he was released pending the final decision of the tribunal. His *fianza* (bail) was posted and his person guaranteed by Spanish *plateros* in Mexico City. The support of other members of his profession demonstrates his important social connections and his integration into that community of tradesmen.

Similar familial and professional support allowed other *mestizos* to practice trades. Pedro Sánchez de Reina was the illegitimate son of a priest, Bartolomé Sánchez de Reina.[50] After the death of his father, he received support from his extended family, "*personas honrradas y cristianos.*"[51] This support allowed him to be apprenticed to a tailor. Likewise, Graviel Carrasco was the son of Pedro Carrasco, a vecino in Michoacán. He received training as a locksmith although it is unclear if he practiced that trade frequently. Around 1560, he served in the *jornada* sent to conquer Florida. After that expedition he lived in Chiapa and eventually settled in Mexico where he was known to be a locksmith. The other two shoemakers, Gaspar Pérez and Juan Luis, did not provide much information on their professional life, but in both cases they seem to have had close

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[49] AGN, Inq. 26, exp. 3, fs. 31-83.
[50] AGN, Inq. 10, exp. 4, fs. 110-149.
[51] "Honorable, Christian people."

relationships with their Spanish parents which provided them with the training necessary to practice that trade.[52] Unlike, Juan Méndez neither of these two shoemakers had sufficient capital to own their own stores. Gaspar Pérez worked in the shop of Bartolomé de Holanda and Juan Luis probably did not practice his trade regularly finding alternate employment as a *vaquero*.

Although some *mestizos* had the means to receive training in skilled trades, the bulk of *mestizos* worked in semi-skilled and unskilled rural occupations. *Labrador, estanciero, harriero-carretero*, *herrador*, and *vaquero* were all professions which required little training and capital. Of the rural trades, *vaqueros* and *labradores* required the least financial resources and training. They were probably also the most numerous positions available to healthy working adults. Cowboys were particularly important in the expanding livestock industry of the sixteenth century. As the native population declined throughout the century, Spaniards increased their ownership of rural land. The profitability of livestock including sheep, cattle, and horses led to ever increasing opportunities for rural employment.[53] Although being a cowboy required some specialized knowledge it was not as specialized or as protected as that of tradesmen. Presumably one could learn on the job. Moreover, contracts could be quite lucrative, especially for those without other financial resources or support. In 1580s, António de Espejo hired his cowboys with advance pay for their services. One of his cowboys, of which he employed over a dozen, received fifty pesos annually for his services.[54] This was not a small sum of money. The wages were probably elevated because of the level of

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[52] AGN, Inq. 70, exp. 5, fs. 91-119; AGN, Inq. 147, exp. 6, fs. 121-184.
[53] Elinor G. K. Melville, *A Plague of Sheep: Environmental Consequences of the Conquest of Mexico* (Cambridge [England]; New York, NY, USA, 1994).
[54] Archivo General de Indias, Mexico vol. 109, Ramo 3, N. 18, fs. 282-602. See, testimony of Gerónimo López, fs. 382.

danger involved. Cowboys especially those of the northern frontier were subject to raids by unconquered *indios chichimecos* as well as the other dangers of rural frontier life and livestock handling including inclement weather, accidents, and illness. Yet for those willing to brave those dangers, being a cowboy offered the possibility of a regular and substantial salary and a largely independent life. Many *mestizos* without other resources may have hoped that such a career would allow them to save up some money and improve their station over time.

A similar occupation was that of *labrador*. Roughly glossed as 'farmer,' *labradores* worked primarily in agricultural production. *Labradores* did not necessarily own their own estates, rather many worked as tenant farmers for larger landowners. Like vaqueros, they could receive salaries for their labor.[55] Although many *indios* worked as *labradores*, the occupation did show a range of employees. António de Espejo employed several *mestizo* and Spanish *labradores* on his northern estates alongside his *vaqueros*. These men generally worked *milpas* (small agricultural plots) and produced the agricultural goods for the estate. Royal policy had attempted to promote the emigration of *labradores* as part of a plan to develop a stronger more self-sufficient *republica española* which would rely less on native labor.[56] In the end, those policies failed and *indios* remained the predominant agriculturalists. Yet, some Spaniards, *mestizos*, and *mulatos* did fill this niche where available. It is possible that *mestizo labradores* gained training or

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[55] António de Espejo also paid a salary of forty *pesos* to an *indio labrador* named, Martín Velásquez.
[56] The city of Puebla de los Angeles was initially envisioned as being a self-sufficient city modeled after those in Iberia with its own Spanish *labradores* engaging in farming instead of *indios*. See, Richard J. Morrisey, "Agriculture in New Spain," *Agricultural History* 31 (1957): p. 26, Hanns J. Prem, "Spanish Colonization and Indian Property in Central Mexico, 1521-1620," *Annals of the Association of American Geographers* 82 (1992): p. 447. Julia Hirschberg, "Social Experiment in New Spain: A Prosopographical Study of the Early Settlement at Puebla de los Angeles, 1531-1534," *Hispanic American Historical Review* 59 (1979): pp. 2-5.

experience as *labradores* through connections with their indigenous relatives. Unfortunately, none of the *mestizos* I have identified as *labradores* provided extensive familial or occupational details. Nevertheless, the predominance of *indios* in agricultural production may have helped transfer those skills to the early *mestizo* population by virtue of connections between *mestizos* and their indigenous relatives. Regardless of how *mestizos* became *labradores*, the demand for agricultural products and rural labor ensured that *mestizos* in search of stable, low skilled jobs could find a place on rural estates.

Other typical occupations claimed by *mestizos* built on the growth of rural estates and the increased need to connect urban centers with the developing rural landscape. In particular, *harrieros* and *herradores* served important auxiliary roles in the developing economy of the colony. *Herradores* would have found ready employment in rural areas due to the widespread use of horses by cowboys and Spaniards.[57] Increasing numbers of *estancias* would have created a demand for ferriers among rural residents relying on horses for transportation and work. Nevertheless, this demand was not solely rural in nature. Cities required substantial *herradores* in order to maintain the animals owned by their residents. In fact, the two *mestizos* claiming to be ferriers both resided in urban areas. Andrés de Ávila lived in Mexico City and Puebla while Juan Álvarez lived in Antequera. *Harrieros* and *carteros* likewise helped connect the developing rural economy to urban centers by transporting goods. This profession required more financial

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[57] By royal decree, *indios* were barred from riding horseback. Villar, ed., *Instrucciones Y Memorias De Los Virreyes Novohispanos*, pp. 27, 62-63. As early as the 1520s, the crown ordered its officials to prevent *indios* from acquiring horses. These prohibitions were largely ignored and *indios hidalgos* frequently received permission to ride horses and wear Spanish dress. In rural areas, *indios* employed on estates also were allowed to ride horses in violation of the royal order. Viceroyal licenses for horseback riding are preserved in the AGN, *Ramos*: *General de Parte, Mercedes,* and *Reales Cedulas Duplicadas*, among others.

resources that other semi-skilled jobs. Muleteers needed beasts of burden in order to carry their goods.

As with *mestizo* marriages, data from the later colonial period suggests some continutity between the occupational range observed here and later patterns. For example in Chance's analysis of late seventeenth century Antequera, almost seventy percent of *mestizos* held jobs within the ranks of the artisans of the city.[58] Seven percent of *mestizos* worked in more elite trades including guilders and silversmiths. The remaining *mestizos* held low status occupations including shepherds, muleteers, and cowboys. A century later, Chance and Taylor observed some upward mobility among *mestizos* with ten percent numbering in high-status artisanal trades and as shop owners. Even still eighty-percent of *mestizos* continued to occupy lower-status artisanal positions. In mid-eighteenth century Mexico City, Patricia Seed found that almost sixty-percent of *mestizos* worked in artisanal trades.[59] Additionally, just over eight percent worked in elite positions as shop owners and merchants while the remaining thirty-eight percent worked as unskilled laborers or servants.

In examining similar data in eighteenth century Guanajuato, D.A. Brading considered *mestizos* to be an "ambiguous middle layer" in colonial society.[60] In their analysis, Seed along with Chance and Taylor both determined that the ambiguity of this middle layer was only superficial. For their part, Chance and Taylor argued that if a middle layer existed in late colonial Oaxaca it consisted of *mestizos* and *mulatos* as both

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[58] Chance, *Race and Class in Colonial Oaxaca*, p. 140, Table 11.
[59] Seed, "The Social Dimensions of Race: Mexico City 1753," p. 580.
[60] D. A. Brading, *Miners and Merchants in Bourbon Mexico, 1763-1810* (Cambridge, 1971), p. 258.

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groups manifested very similar occupational trends.[61] In support of this trend, McCaa *et al*. found that the data provided by Chance and Taylor in fact manifested a disproportionate representation among *mestizos* and *mulatos* in low-status artisanal and servant occupations.[62] Moreover, their examination demonstrated that the job market was skewed by the preponderance of peninsular Spaniards in elite positions of government and bureaucracy and *criollos* in professional and high-status artisanal trades. Seed argued that the data from Mexico City demonstrated that *mestizos* actually manifested occupational roles more closely associated with *indios*.[63] Unlike other individuals of mixed-ancestry *mestizos* were far more likely to be unskilled laborers, the predominate niche occupied by *indios*.

On the whole, the data in this chapter suggests some factors which contributed to the occupational trends of *mestizos* in the sixteenth century and beyond. Most importantly, *mestizo* occupation in the sixteenth century reflected lasting connections with Spanish parents. The presence of *mestizos* in the artisanal trades can be attributed to familial encouragement in the acquisition of skills and financial support needed to engage in those trades. In the absence of such support, *mestizos* entered into a wide variety of jobs which required little to no skill. Although low status, *mestizos* played an important role in the development of the colonial economy. The longer term trends reflect two realities. One, the support of Spanish social networks and integration into familial networks which included Spaniards would have continued to allow *mestizos* access to the training required by artisanal work. Two, even after the sixteenth century when many

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[61] Chance and Taylor, "Estate and Class in a Colonial City, Oaxaca in 1792," p. 473.
[62] McCaa, Schwartz, and Grubessich, "Race and Class in Colonial America: A Critique," p. 432.
[63] Seed, "The Social Dimensions of Race: Mexico City 1753," p. 581.

mestizos would have been born of unions not including a Spaniard – e.g. *mestizo-mesitza*, *mestizo-india* – parents trained in artisanal occupations could continue to pass on those skills to their children.

Interestingly, Seed noted that unlike all other groups of mixed ancestry *mestizos* and *castizos* (discussed below) did not predominate in any one occupational niche. Their presence was most notable among the artisans but they did not represent the majority. She attributes this lack of noticeable occupational specialization to the fact that these categories may have been the most mutable socio-racial categories within eighteenth century Mexico City.[64] This finding supports Althouse's description of socio-racial contestation over the *género* of *mestizo* during the same period. This finding might suggest one way in which '*mestizo*' differed as a marker of mixed-ancestry from the label of '*mulato*.' Ideally, *mestizo* was applied to those of mixed European-indigenous ancestry. Yet, during both the sixteenth century and the eighteenth century, many biological '*mestizos*' seemingly escaped application of the label due to the socially-defined nature of the ascription process. The term '*mulato*' did not function the same way. Although the next chapter will examine this term more fully, it is worth nothing here that *mulato* probably represented a category which did not easily allow for such mutability. In general, the ascription of '*mulato*' served to mark of some degree of African ancestry. As a definition which was based in the perception of <u>any</u> degree of African-ness it was much less mutable. Consequently, while *mestizos* could 'whiten' through multiple generations of unions with Spaniards or in some cases slip into the category of '*indio*,' colonial observers were highly accustom to marking anyone who

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[64] Ibid., p. 585.

seemingly had an African past as *mulato*. The result of this tendency would be the

constant growth of the *mulato* population as any inter-ethnic union could extend the label

to the offspring of non-*mulatos* with their *mulato* spouse. At the same time the possibility

of passing among *mestizos* and their descendents would have led to slower growth of that

population as some unions, and life-style choices, would have altered the perception of

biological *mestizos* and prevented the ascription of that *género* label.

The Rise of *Castizos*

By the mid-sixteenth century, the term *mestizo* had come to characterize those

individuals of known, or presumed, Spanish-indigenous ancestry. Nevertheless,

continued mixing between Europeans, native peoples, and *mestizos* complicated this

simple construction. In particular, the preponderance of elite *mestizos* and *mestizas*

married to Spaniards created a situation in which Spanish elites sought to further

differentiate between *españoles* and increasing numbers of individuals with some

indigenous ancestry. The *género* of *castizo* was created precisely to identify and separate

partially – but not wholly – European individuals from *españoles*.[65] Interestingly, in

modern Castilian Spanish *castizo* has come to mean "pure, of a type, without taint."[66]

Nevertheless, in the colonial period *castizo* served as an intermediate and subordinate

distinction intended to prevent the sublimation of largely Spanish individuals into the

category of *español*.

The first usage of this term probably dates to the late 1560s and early 1570s.

These decades make sense given that by this period roughly two to three generations

would have passed since the conquest, and the population of *españoles* was increasing

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[65] Chance and Taylor, "Estate and Class: A Reply," p. 438.
[66] *Diccionario de la lengua española*.

dramatically due to immigration from Iberia. In the inquisition records from the 1570s through 1600 I have found eight bigamy cases involving individuals who were described as *castizos*. The most notable aspect of these cases is that the ascription of the term *castizo* was never uniform. In most of these cases, different witnesses would use either *mestizo* or *castizo* to describe the same individual. This suggests that even as *castizo* entered the lexicon and became a commonly understood *genero*, the subjective application of the term remained highly variable. In general, the early ascription of the term reflected social status rather than specific parentage. In other words, although *castizos* were meant to be the children of *mestizos* and *españoles* what mattered most in ascribing the label *castizo* was social status.

The earliest example I have of the term *castizo* comes from the 1574 case of Mari Sánchez and Pedro de Herrera, described above. The term appears only once in the testimony and is used to describe Mari. When the inquisitors sought to determine the events surrounding Mari's nocturnal abduction by Pedro, they questioned Luisa Martínez, the wife of Baltasar Moreno and sister-in-law of Andrés Moreno. When asked about Mari and Pedro's relationship, Luisa chose to describe her former *criada* as "*una moça* [sic] *castiza y siempre la tuvieron por doncella*"[67] This appellation is interesting in that no other witness chose to describe Mari as a *castiza*. For the most part, the witnesses referred to her as a "*moza mestiza.*" Unfortunately, we do not know enough about her parents to be certain that she was the child of an *español* and a *mestiza*, the ideal parentage of *castizos*. In her testimony, she named her parents as Martín Alonso and Juana Sánchez residents in the mines of Tlalpujahua. Neither parent ascribed a *género*.

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[67] "A *castiza* girl who we all believed to be a virgin." Translation mine. AGN, Inq. 95, exp. 1, fs. 45.

Unfortunately, neither name clearly suggests an ethnicity or *género*. Nevertheless, Luisa's choice of *género* is notable. For Luisa, if not other acquaintances and witnesses, Mari was not an ordinary *mestiza* she was partially indigenous but not the same as the standard '*mestizo*' type. Whether by parentage or status, the testimony is unclear, Mari stood out from the bulk of late sixteenth century *mestizos* and represented one of a new *género*, a *castiza*.

A similar example can be seen in the case of Madalena Pérez and her Augustinian husband. As with Mari, the term *castiza* was applied by only one individual. When questioned by the inquisition he declared his wife as "M*adalena Pérez castiza doncella que no tiene padre ni madre.*"[68] Although Martín did not want to declare Madalena's parentage, we do know her father was Manuel Pérez an *español*. Unfortunately, no witness mentioned anything about her mother making it impossible to determine if her mother was a *mestiza*. One possibility for Martín's use of *castiza* may be his desire to elevate her perceived status. All witnesses agree she was illegitimate and of some indigenous ancestry but a virgin. By calling her a *castiza* rather than a *mestiza*, Martín may have attempting to improve his social perception by elevating the *género* of his wife. Certainly, *mestizas* like Madalena were valuable social commodities because of their social connections and their protected position within Spanish families; however, even the simple shift from *mestiza* to *castiza* would further elevate the perceived status of Madalena. Martín may have hoped that this would help his case before the Inquisitors. One cannot discount the possibility that his own perception of Madalena was that of a *castiza*. Either way, Martín like Luisa chose to mobilize an increasingly salient term to

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[68] "Madalena Pérez *castiza* virgin who does not know her parents." Translation mine.

describe a European-indigenous individual who was similar to but more socially prominent than the typical *mestizo* archetype.

While the lack of clear parentage may obfuscate these early *castizas*, at least one case from roughly the same period clearly demonstrates the use of *castizo* to describe the child of an *español* and *mestizo*. In 1578, Bartolomé Hernández was investigated for double matrimony.[69] According to the denunciation Bartolomé, a *mestizo*, had married an *india* named Veronica some ten years prior only to later marry a *mestiza* named Agustina Bermudez. According to witnesses, Bartolomé had lived for a time in Totimehuacan, a *pueblo de indios* near Puebla. During his time there he began a relationship with Veronica eventually the couple was married by a friar. They lived for a time with her parents and had several children. Eventually, he left the pueblo, leaving behind Veronica and their children. At some later time, he ventured to Tlaxcala where he eventually met Agustina Bermudez. She was the *mestiza* daughter of Pedro de Collacos, an *español* who worked as nahuatl interpreter, and María *india.* Bartolomé and Agustina were married publically in Tlaxcala according to all the requirements newly applied by the Council of Trent. Unfortunately, word of the second marriage reached the Totimehuacan and Bartolomé was denounced for double marriage. After interviewing his second wife's family and taking extensive testimony from Totimehuacan, Bartolomé was found guilty of double matrimony sentenced to public penance, two hundred lashes, and five years at the oars of His Majesty's galleys.

One of the most interesting aspects of this case is the choice of *género* used to describe Bartolomé by the various witnesses. In Totimehuacan, none of the witnesses

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[69] AGN, Inq. 107, exp. 3, fs. 143-186, "Proceso contra Bartolomé Hernández, castizo, harriero…"

applied any *género* to Bartolomé or Veronica. All the witnesses were described as *indios* in the case documents, but none chose to label Bartolomé or Veronica. This testimony has the added complication of translation, as the witnesses gave their testimony in a native language. The documents only record the Spanish translation of their statements. We cannot be certain how the actual testimony differed from the Spanish gloss. The statements show enough variety to suggest that the interpreter did an able job translating the specific statements of each witness so as to record their own unique impressions.[70] The lack of *género* probably reflects a high degree of familiarity between the witnesses and those they are describing. We know that Bartolomé had lived in the pueblo for many years before and during his marriage to Veronica. She was a native of Totimehuacan and most witnesses had known her since birth. This level of intimacy would have minimized the need and impulse to ascribe *generos* to the couple. To the *indio* witnesses of Totimehuacan, Bartolomé and his wife were well known and they may have felt no need to clarify their identity with any additional descriptors such as a *género* label.[71]

Although absent from the indigenous testimony, the testimony given by Bartolomé his second wife and other witnesses in Tlaxcala frequently ascribe *género* labels. In his initial statements, Bartolomé did not use any labels other than *indio*. He neglected to label himself, his second wife Agustina, or their parents. He did label Veronica an *india* but denied ever marrying her. Agustina's statement provides many more labels. She describes herself as a *mestiza* the daughter of Pedro de Collacos and

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[70] In other similar cases involving multiple native witnesses, translated testimony from various persons appears almost identical. In such cases, the translator might be overly simplifying the witness' testimony rather than providing an accurate translation of each individual's statements.

[71] A similar phenomenon can be seen in multiple references to the same individual. In many cases, witnesses only apply *género* categories early in their statements. Subsequent references to the same individual usually only refer to the person's name.

María, an *india* and his wife. Although she does not call Bartolomé a *castizo* she does note that he was an "*hijo de mestiza.*" This wording is important she could have simply lumped him with his mother by labeling him a *mestizo* instead she avoids a direct label for him but mentions he is the son of a *mestiza*. This choice suggests that an '*hijo de mestiza*' may not be the same as a '*mestizo.*' Although she does not use *castizo*, her description of Bartolomé functioned to moderate his perception by subtly distancing his *género* from that of his mother. Her family was not so kind. Both her sister, María, also a *mestiza*, and her father, Pedro, called Bartolomé a *mestizo*. Their view of him was rather unfavorable and they did not attempt to moderate his *género* in any way.

In later testimony, Bartolomé was more forthcoming in describing his *género*. Once imprisoned in the secret jail of the Holy Office, Bartolomé recounted his complete genealogy as part of his interrogation. He described himself as, "*Bartolomé Hernández natural de la Ciudad de Los Angeles, castizo, de edad de treinta y dos anos*."[72] He went on to list his parents: "*Bartolomé Hernández, vecino de la Puebla, difunto, cantero,*"[73] and "*María Hernández, mestiza, natural de Santo Domingo.*"[74] These statements are very interesting given his previous reticence to label himself, his second wife, or their families. Not only does he apply the *castizo* label to himself, he clearly describes his parents as a *mestiza* and an *español*, the ideal parents for the *castizo género*. In ascribing *género* labels to himself and his parents, he broke with his earlier rhetorical strategy. His decision to use labels in his Mexico City confession probably reflects an attempt to be

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[72] AGN, Inq. 107, exp. 3, fs. 172. "Bartolomé Hernández, native of the City of Los Angeles [Puebla], castizo, thirty-two years of age."

[73] "Bartolomé Hernández, resident of Puebla, dead, stonecutter."

[74] "María Hernández, *mestiza*, native of Santo Domingo." I believe that his mother was born in a parish of Santo Domingo and not on the island of Hispaniola. Several parishes in Mexico City have the same name as major cities in the region, most notably Santo Domingo and la Vera Cruz. Often testimony does a poor job distinguishing between the parish and the city.

honest but to present himself in the best light. In Tlaxcala, he avoided ascribing a label to himself and his second wife in the hopes of avoiding unnecessary stigma and creating an even larger gulf between himself and the accusations of mere *indios* from Totimehuacan. In Mexico City, the situation changed. A prisoner of the Holy Office, Bartolomé now had to appear cooperative and forthcoming while still protecting his social position. As a result he chose to label himself a *castizo*, an increasingly recognizable term which reflected the actualities of his parentage, *español-mestiza*, and represented a slightly elevated position above that of *mestizo*. This strategy allowed him to openly admit his parentage while at the same time attempting to lay claim to a new, more socially acceptable *género*.

Conclusion

During the sixteenth century, the *género* of *mestizo* encompassed a complex and varied range of individuals. As a shorthand stereotype it implied that individuals so labeled were of European-indigenous descent often with the connotation that they were illegitimate. Nevertheless, *mestizos* lived highly varied lives and filled a wide range of occupational roles in colonial society. Men worked in almost every available trade and could run their own workshops and businesses. Many *mestizos* labored in jobs intimately concerned with urban-rural interaction and helped to link the largely indigenous-rural world to the largely Hispanic-urban world. Moreover, gender played an important role in shaping the lived experiences of *mestizos*. Given the lack of *españolas* throughout the sixteenth century, *mestizas* were seen as prime candidates for marriage to *españoles*. This led many families to take an active interest in protecting their *mestiza* daughters in the

hopes that they marry young *españoles*. As a result, *mestizos* had a harder time trying to find spouses of equivalent *género*. While many *mestizas* were able to marry upwards, *mestizos* most frequently found spouses among *indias* and only rarely married *españolas.*

The relative frequency of *español-mestiza* unions led to the growth of individuals of largely Spanish descent who began to encroach upon the social position occupied by *españoles*. As a result, by the last quarter of the sixteenth century, the term *castizo* came to characterize a new *género* which could be applied to individuals of some indigenous descent who might otherwise have been subsumed into the category of *español.* This new category represents a tide-water shift away from earlier conquest-era practice. While the earliest children born of conquistadores and native women, those I labeled elite *mestizos*, were often subsumed into the *género* of *español*, by the end of the century this process had become curtailed. The *género* of *castizo* represents a complete rejection of the assimilatory drive seen among early conquistadores and settlers and illustrates the increasing importance of exclusivity and social differentiation among *españoles*.

Chapter 6

Mulatos

*La multitud de mulatos y mestizos y negros criollos libres que ay en estos reinos es cosa
que pone temor y que si no fuese por la mucha estima de la majestad del rey Nuestro
Señor y de su grande poder habría hombre quienes [sic] no se podría esto soportar en
ninguna manera si dios milagrosamente no trújese en su mano.*

*El remedio que esto podría tener a my parecer es hacer en esta tierra lo que hace el
médico en un cuerpo muy repleto que es curar disminuyendo la mucha sangre y los
malos humores que por ser muchos no puede naturaleza gastarlos.* – Dr. Sancho Sánchez
Muñón, Maestresquela of Mexico, Sept. 24, 1577.[1]

*En esta tierra hay gran cantidad de negros y mulatos libres los cuales son tan dañosos y
perniciosos como V.S. sabe porque no entienden sino en jugar y andar vagabundos y
hacer robos y daños y aun que tributan a su Majestad la mayor parte deja hacerlo.* –
Viceroy Marques de Villamanrique to Viceroy Don Luis de Velasco the Younger, Feb.
14, 1590.[2]

For Spanish officials, the presence of Africans and individuals of African descent
represented seemingly endless problem of social control. Viceroys, bishops, *oidores*,
missionaries, and countless other officials constantly noted the problems posed by these
individuals and the pressing need to control their place in society. The irony of this

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[1] AGI, Indiferente General 739, N. 94. "The multitude of mulatos, mestizos, and negros libres in this
kingdom strikes terror and if it were not for the great esteem of the majesty of the king our Lord and his
great power there would be men who could not support this in anyway were God not holding them in his
hand. The remedy for this seems to me to treat this land like a doctor treats an ill body which is to reduce
the blood and the bad humors which because of their quantity cannot be removed by nature alone."
Translation mine. Dr. Sanchez Muñón extends this metaphor by suggesting that the undesirable *generos* be
used as soldiers in continued expeditions to the Philippines.

[2] AGI, Mexico 22, N. 24, "Carta de Velasco el Joven a S.M., Oct. 8, 1590." Villamanrique's comments
were included in a letter addressed to Velasco as his successor. Velasco forwarded that letter along with his
own opinions on Villamanrique's views to the Council of the Indies and Phillip II. "In this land there is a
great quantity of *negros* and *mulatos libres* who are greatly damaging and pernicious, as Your Honor
knows, because they know only gambling and vagabondage and robbery and destruction and even though
they pay tribute to His Majesty the greater part avoid it." Translation mine. This letter was unnecessary in
many respects. Don Luis de Velasco had been living in Mexico as a private citizen for most of the previous
decade. He had even been under royal orders to report to the king on the affairs of the kingdom directly and
without viceroyal oversight. As a resident and bureaucrat in the colony since the 1540s, Velasco certainly
knew the state of Mexico's social order. Villamanrique's "as you well know" probably rang truer than he
could have known.

continuous discourse over the inconveniences of Africans and their descendents in the Americas is that they represented one of the earliest Old World immigrants to the New World as well as a preexisting subset of the Hispanic population. Africans had become incorporated into Iberian society as increased trading ties with sub-Saharan African brought enslaved Africans to the peninsula. For almost a century prior to the discovery of the Americas, Africans lived in Iberian cities, engaged in formal and informal unions with Europeans, and became an increasingly large segment of Iberia's already diverse social order. Previous chapters have analyzed the origin of the term *mulato* and the official regulation of individuals so labeled. This chapter, and the next, build on the previous discussion of *mestizos* and explore the social position of individuals labeled *mulatos*.

As was mentioned previously, the term *mulato* poses a problem in analysis as it covers a wide range of individuals with different ethnic ancestries. Although initially developed in Iberia to describe individuals of European-African ancestry, in early colonial New Spain it quickly came to include individuals of African-indigenous descent.[3] This breadth of usage complicates an analysis of early colonial *mulatos*. Even if colonial language homogenized these individuals of African descent, their range of lived experience differed wildly depending on parentage, residence, occupation, wealth, and legal status. Consequently, this analysis will explore the problem of early colonial *mulatos* from two perspectives. Firstly, this chapter will explore the diversity among all *mulatos*: their varied parentage, occupations, marriage choices, and the difference between Iberian- and American-born *mulatos*. Secondly, the next chapter will turn to the

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[3] In some areas, namely Peru, the term *zambaigo*, *zambo*, or *sambo*, was sometimes used for Afro-indigenous persons. In Mexico, no such alternate terminology existed in the sixteenth century.

interesting place of Afro-indigenous *mulatos* as bearers of multiple cultures and agents of increased ethnic diversity.

Birthplaces and Parentage

The records of the Mexican Inquisition contain numerous cases involving *mulatos* as defendants and witnesses. As with my analysis of *mestizos*, I sought out cases in which detailed descriptions of *mulatos* could be determined from the available testimony. Within those records I have identified sixty individuals about whom I have substantial personal information suitable for qualitative analysis.[4] The cases in which they appear were investigated between 1545 and 1599 with the bulk of the cases falling in the period between 1566 and 1599. Of the sixty individuals women predominated, with thirty-five compared to twenty-five men, or sixty percent of the sample. In thirty-nine cases, roughly two thirds, I was able to determine the birthplace of the individual. Importantly, American-born *mulatos* predominated with thirty individuals claiming to have been born in Mexico or Guatemala. Of those thirteen were men and seventeen women, twenty-six born in Mexico and four in Guatemala. Of the ten European born seven were men, three women, seven were born in the kingdoms of Castile and Aragon, three in the kingdom of Portugal.

From a demographic point of view, birthplace is an important factor which can help us understand the overall diversity within the category of *mulato*. Unlike American-born individuals, those born in the Iberian Peninsula have a smaller range of possible

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[4] Other *mulatos* appeared as witnesses, but could not be included in this analysis because their testimony did not provide any personal details.

parentage. Specifically, they could only be of African and European ancestry.[5] Of the ten Iberian-born *mulatos,* nine declared their parentage. In eight cases, the parents were *españoles* and *negras*. In one case the parents were an *español* and a *mulata.* These cases reinforce the typical understanding of how the *mulato* term came into existence, the European man fathering children with an enslaved or free African woman.

The case involving the *mulato* son of a *mulata* and an *español* is illuminating in that it demonstrates the use of *mulato* as a catch-all phrase denoting some African ancestry. In this case, the *mulato* child, Martín Jasso, could have been as much as three-quarters European.[6] Assuming that his mother, Gerónima de Angulo, was a 'typical' *mulata* born of a *negra* and *español*, Martín would have had three Spanish grandparents and only one African grandparent. If his mother had also been born of a *mulato-español* union he might have had even more European ancestry. Importantly, he was also a slave. His mother was a slave and following the 'law of the womb' he was born a slave as well. The application of *mulato* to Martín reflected two realities. First, he was a slave and consequently could not have been considered an *español* by virtue of that legal status. Second, he had some African ancestry which coupled with his slave status necessitated the ascription of a *genero* label. In his case, *mulato* was the only term which could fit. Although developed to describe individuals of equal European and African ancestry, multiple generations of ethnic mixing had subtly changed the meaning of *mulato* transforming it into the only phrase capable of describing partial African descent no matter how slight.

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[5] Some *indios* and *mestizos* did travel to Iberia during the sixteenth century; however, they represented a small fraction of the total population. Consequently, while African-indigenous unions could have happened in Iberia the absolute and relative number of such cases would have been very small.
[6] AGN, Inq., vol. 145, exp. 7. "Proceso contra Martin Jasso, mulato, esclavo de Martin de Jasso," 1596.

In contrast to their Iberian counterparts, American-born *mulatos* demonstrated greater variety in their parentage. Unfortunately, of the thirty known American-born *mulatos*, twelve did not declare their parentage. Nevertheless, the remaining eighteen show a significant trend. Thirteen of the *mulatos* were born of *negros* and *indias*. The remaining five were born of a variety of parent combinations involving one *mulato* parent and a parent from another *género*. Two individuals had a *mulato* father and an *india* mother. One individual each was born to the following parental combinations: *español-mulata*, *indio-mulata*, and *mulato-mulata*. While this is a small sample, I believe it does demonstrate some important trends concerning Africans and their descendents in the New World.

Firstly, in New Spain, Africans who gave birth to *mulatos* most frequently formed unions with Native Americans. In fact, this sample contains no examples of *español-negra* unions from Mexico. This absence certainly reflects the constraints of using Inquisition cases; however, as will be discussed below, I believe African-indigenous unions predominated over African-European ones. Secondly, in Mexico as in Spain, *mulato* was used to describe the unions between *mulatos* and any other *género*. In the American context, this contributed to an even greater range of variance among individuals labeled *mulato*. Specifically, in Europe it could apply to anyone with some presumed African ancestry. In the Americas, the same was true; however, the term spanned two major axes of possible ancestry: African-European and African-indigenous. In this context, two individuals labeled *mulato* could have widely different genealogies. For example, compare Martín Jasso, three-quarters Iberian European, to Juana Agustina a

mulata born of a *mulata* and a *india*.[7] In Juana's case we know that she is half indigenous by virtue of her father, Juan Martín, She also could be a quarter African from her mother's side, Catalina *mulata*. Sadly, we do not know the specifics of Catalina's parents, Juana's grandparents; nevertheless, the possibilities illustrate the variety contained within the term *mulato*. Catalina could have been Afro-indigneous like her daughter, in which case Juana would be three-quarters indigenous and only one quarter African. Conversely, Catalina could have been Afro-European, making Juana half indigenous, a quarter African and a quarter European.[8] Even if we only examine known relatives, Juana and Martín represent widely different genealogies. Martín is most likely three-quarters European and one quarter African. Juana in contrast is at least fifty percent indigenous but probably three-quarters indigenous.[9] Yet, the using the terminology of difference devised by colonial Spaniards both fell within the category of *mulato*. Thus, while *mulato* continued to denote partial African ancestry, it increasingly failed to encompass the progressively diverse genealogies created within the colonial context.

Mulato Occupations

Of the sixty *mulatos* only twenty-three declared an occupation. This represents just over one third of the sample and a lower rate than among *mestizos*. Importantly, based on Inquisition cases, *mulato* men held fewer occupations and more low status

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[7] AGN, Inq., vol. 185, exp. 6. "Proceso contra Juana Agustina," 1595.
[8] Of course that assumes that Catalina was not herself the daughter of a *mulato* and some other género. In that case, Juana would have less African ancestry and more European or indigenous ancestry respectively.
[9] Juana was born in a mining community to the northwest of Guadalajara, Guaxacatlan. Within this sample a large number of *mulatos* born to African and indigenous parents were born in similar communities. Mines frequently brought together Africans and native persons as laborers in Spanish enterprises. This made them an ideal location for unions between those groups and the rise of Afro-indigenous *mulatos*. Circumstantial evidence would suggest that Catalina was probably the daughter of such a union.

occupations than their *mestizo* counterparts (Figure 6.1). Like *mestizos*, women declared

an occupation rarely with only thirteen of thirty-five women claiming a job. However,

mulatas reported a wider range of occupations than *mestizas*. Sadly, given the small

sample size it is hard to determine any major difference between Iberian- and American

born *mulatos*, although some clues exist to suggest a slight difference in occupational

opportunities.
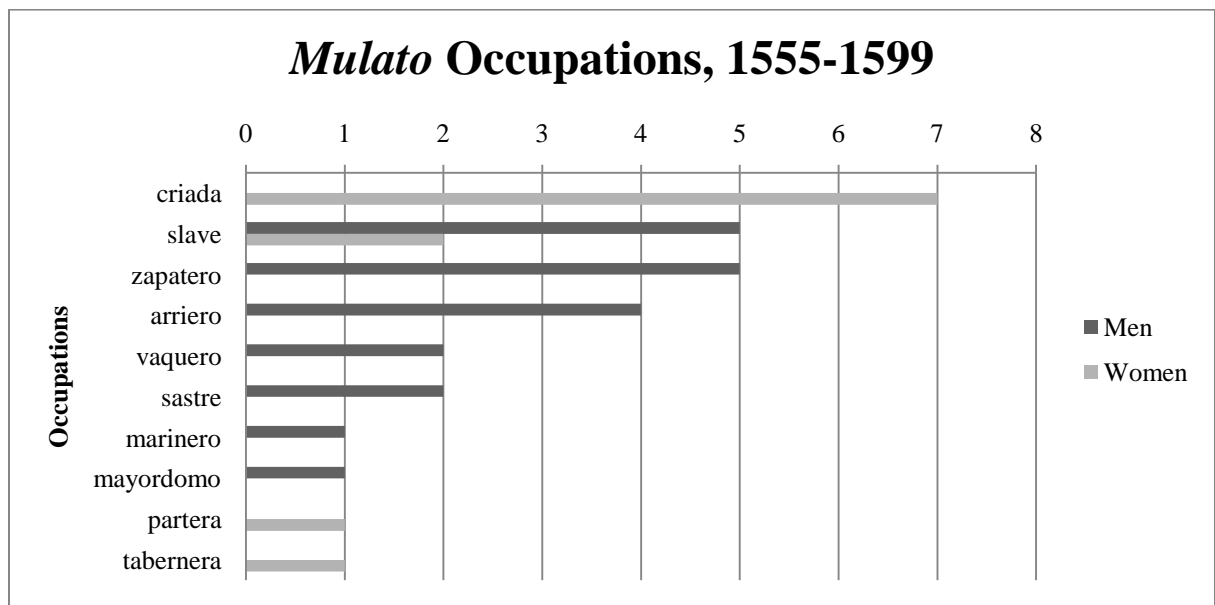
Figure 6.1[10]

Among *mulatos,* five men claimed to be shoemakers (*zapatero/chapinero*).[11] Four

worked as carters/muleteers (*arriero/chirrionero*).[12] Two men were tailors

[10] AGN, Inq., vols. 18, 25, 26, 29, 47, 38, 48, 70, 91, 94, 95, 101, 103, 104, 107, 108, 116, 134, 135, 137, 145, 148, 184, 185.

[11] AGN, Inq., vol. 70, exp. 15, "Proceso contra Luis García mulato, zapatero, por simple fornicación," 1577; AGN, Inq., vol. 101, exp. 8, fs. 308-41, "Proceso contra Isabel Díaz mulata por casada dos veces," 1574. Francisco Granados, *chirrionero*, was the second husband of Isabel Díaz. AGN, Inq., vol. 104, exp. 2, "Proceso contra Diego Jimenez, por otro nombre Diego Piloto, mulato," 1575; AGN, Inq., vol. 104 exp. 3, fs. 32-65, "Proceso contra Isabel de Vera por casada dos veces," 1575. Juan Lopez, *zapatero*, was Isabel de Vera's first husband. AGN, Inq., vol. 137, exp. 5, fs. 116-42, "Proceso contra María de Villagran, natural de Mexico, por casada dos veces," 1586. Domingo Hernández, *zapatero*, was the first husband of María de Villagran, *mestiza*.

[12] AGN, Inq., vol. 94, exp. 2, fs. 68-112, "Proceso contra Manuel Díaz vecino de Jalapa por casado dos veces," 1572; AGN, Inq., vol. 103, exp. 5, fs. 191-253, "Proceso contra Juan de Perales, mulato libre, por

(*sastre/sedero*)[13] or cowboys (*vaquero*).[14] There was also one sailor (*marinero*)[15] and a *mayordomo*.[16] Additionally, five men reported being slaves (*esclavo*).[17] This assortment of professions ranges from the skilled tradesmen to those in bondage. Importantly, even though the bulk of reported professions can be considered skilled trades, none of these *mulatos* owned their own shops nor did they work in prestigious trades such as gilders or silversmiths. In this respect, the overall occupational status of *mulatos* ranked slightly lower than *mestizos* even if there was some overlap, particularly in the occupations of shoemaker and muleteer.

As with *mestizos*, occupation tended to reflect the influence of family, birth and location. The overall lower social perception of *mulatos* coupled with the predominance of African-indigenous *mulatos* manifested itself in generally lower status occupations and occupations which required little investment, capital, or specialized training. Among *mulato* men, the top four occupations most clearly represent this trend. Of these four professions, that of cowboy probably represented the least costly or restrictive. Many

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casado dos veces," 1575; AGN, Inq., vol. 134, exp. 8, fs. 126-62, "Proceso contra Diego de Hojeda, arriero, por casado dos veces," 1580; AGN, Inq., vol. 185, exp. 2, fs. 11-69, "Proceso contra Maríana de la Cruz, mulata libre… y contra Antón Hernández…," 1593.

[13] AGN, Inq., vol. 95, exp. 4, fs. 155-217, "Proceso contra Luís Hernández por dos veces casado," 1572/1555. This case actually contains two investigations involving two distinct men both named Luís Hernández. AGN, Inq., vol. 134, exp. 8, fs. 126-62, "Proceso contra Diego de Hojeda, arriero, por casado dos veces," 1580. Diego de Hojeda also worked as a sedero.

[14] AGN, Inq., vol. 108, exp. 4, fs. 116-189, "Proceso contra Francisco Rodríguez por casado dos veces," 1579; AGN, Inq., vol. 184, exp. 9, fs. 210-228, "Proceso contra Pedro Gonzalez de Leon, mulato libre, por bígamo," 1590.

[15] AGN, Inq., vol. 107, exp. 4, fs. 187-255, "Proceso contra António de Arenas, mulato portugués, por casado dos veces," 1578.

[16] AGN, Inq., vol. 184, exp. 9, fs. 210-228, "Proceso contra Pedro Gonzalez de Leon, mulato libre, por bígamo," 1590.

[17] AGN, Inq., vol. 18, exp. 21, fs. 291-7, "Proceso contra Melchor, mulato, por palabras malsonantes y escandalosas," 1566; AGN, Inq., vol. 47, exp. 1, fs. 1-37, "Proceso contra Thomás de Contreras, mulato, esclavo… blasfemo," 1572; AGN, Inq., vol. 29, exp. 13, fs. 416-420, "Proceso contra Catalina, mulata, por bigamia," 1561. Catalina was accused of marrying an *indio* while still married to Miguel de Zuazo, *mulato esclavo*. AGN, Inq., vol. 145, exp. 7. "Proceso contra Martin Jasso, mulato, esclavo de Martin de Jasso," 1596. AGN, Inq. 148, exp. 6, fs. 202-241, "Proceso contra Joaquin de Santa Ana, mulato, esclavo… blasfemo," 1599.

American-born, African-indigneous *mulatos* had strong ties to the countryside through their indigenous family and relatives. Moreover, many African slaves and native laborers found themselves laboring side-by-side in mines and other rural estates. In this environment, their *mulato* children would have been able to learn the skills required to be a cowboy.

An example of this tendency can be seen in a 1581 murder case from the rural hinterland between Queretaro and Celaya.[18] In April of that year, the wealthy Spanish landowner, António de Espejo murdered two cowboys and injured a third during a one week period. At the core of this tragedy was a dispute between Espejo and his men over the proper time to brand sheep. When his men disagreed with the proposed outing and several ran away, Espejo's anger flared and he attacked several of his men. This case provides an intriguing look at life in a region largely inhabited by native communities and estancias populated by African slaves, *mulatos*, and *mestizos*. Although a fuller description of this case will be provided in the conclusion to this work, the most interesting aspect of the testimony provides is the very close association between Africans, their descendants, and indigenous residents. The vast bulk of the cowboys in this region were labeled *mulatos* and in some cases their ancestry led to highly variable ascriptions of *género* labels.[19] For these men, the profession of *vaquero* was a natural choice. They were born in a rural environment in which Spaniards were actively cultivating pastoralism.[20] The increasing need for labor on these estates helped provide these men with the skills necessary earn a living on the range.

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[18] AGI, Mexico vol. 109, Ramo 3, N. 18, fs. 282-602.
[19] I have not included the *mulato* cowboys from this case in the data set drawn from Inquisition records.
[20] Cheryl English Martin, *Rural Society in Colonial Morelos* (Albuquerque, 1985), Melville, *A Plague of Sheep*.

Unfortunately, few of the *mulato* cases provide detailed testimony about their

profession or how they came to it. In several cases, the individuals involved do provide a

declaration of their property which is useful in determining their overall wealth and

position. Of the cowboys, one man, Francisco Rodríguez, was asked to declare his

property.[21] Francisco was not American-born; rather, he had been born in Tavira,

Portugal, sometime around 1540 and immigrated to the Americas in the early 1560s.

Eventually, he settled in Coatzacoalcos and became the *mayoral* of an *estancia* owned by

Francisco Ortiz. In 1578, he was investigated for multiple marriages, the first to a

Portuguese woman and the second to an *india*. When asked to declare any goods and

propery he claimed:

> ~*Dos burras en la estancia de Francisco Hortiz [sic]*
> ~*Un burro en la estancia de Juan BeltránCota*
> ~*En la estancia de Francisco Hortiz cien reses vacunas y ciento e*
>   *cincuenta pesos en reales que prestó al dicho Francisco Hortiz*
>   *conformé a una cedula*
> ~*Cincuenta y tantos pesos que le debe a Alonso de Tapia*
> ~*Ochenta y seis pesos que cobró Juan BeltránCota por el*
> ~*Una escritura de compañía con Francisco Ortiz*[22]

Francisco's estate reflects a relatively sizable assortment of goods and property. He

claims three donkeys and a hundred head of cattle. In addition, he claims to have lent one

hundred and fifty pesos to his business partner Francisco Ortiz and owe a hundred and

thirty or so pesos to other individuals. This declaration suggests that Francisco was an

astute businessman who had entered into a partnership with a Spaniard and owned a

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[21] AGN, Inq., vol. 108, exp. 4, fs. 116-189, "Proceso contra Francisco Rodríguez por casado dos veces," 1579.

[22] "Two female burros on the *estancia* of Francisco Ortiz; a burro on the *estancia* of Juan BeltránCota; On the *estancia* of Francisco Ortiz one hundred cows and one hundred and fifty *pesos* in *reales* that I lent to Francisco Ortiz which can be verified by a receipt; fifty and some odd *pesos* that I owe to Alonso de Tapia; Eighty pesos that Juan BeltránCota collected for him [unclear]; and business partnership contract with Francisco Ortiz." Translation mine; I translated the third person record of the Inquisition as a first person statement.

sizable number of animals. He also would seem to have been wealthy enough to provide

loans to those around him. The fact that he had more credits than debts suggests that he

was solvent enough to provide cash to those who needed ready currency. Francisco's

wealth probably was atypical for *mulato* cowboys. Being European-born he may have

had some wealth prior to immigrating. In his testimony, he claimed to have immigrated

as a free-person with a royal license. That process would have cost money in royal fees as

well as transportation costs suggesting that he had reasonable means in Iberia. Moreover,

his position as *mayoral*, or head cowboy, set him apart from other hands. This position

coupled with his business partnership suggest that he had close ties to Francisco Ortiz and

was a major part of his rural estates. In contrast, the cowboys of Espejo only made fifty

pesos a year. Francisco's case, while probably exceptional, demonstrates the financial

possibilities available even to rural ranch hands.

Among the *mulatos* found in inquisition cases the most common rural occupation

was muleteer or carter. Like cowboys, muleteers probably did not require much capital or

professional training. Of the four *arrieros*, three of the men were American-born. The

fourth was born in Portugal. The testimony of the American-born *mulatos* suggests that

they did not own their own animals and entered the profession by finding work with other

arrieros. For example, Antón Hernández claimed to have been born in Mexico to Antón

negro, the slave of Juan de la Serna, and Lucía *india* from Coatitlan. After being raised in

the home of Juan de la Serna, he left at age fifteen and "*desde entonces hasta ahora ha*

sido harriero sirviendo a harriero por caminos de la Veracruz y Acapulco."[23] A similar

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[23] AGN, Inq., vol. 185, exp. 2, fs. 54. "Since then until now he has been a muleteer working for muleteers
on the roads to Veracruz and Acapulco." Translation mine

story was told by Juan de Perales.[24] Like Antón he was born in Mexico City, "*donde se*

crio y no ha salido de esta tierra porque siempre ha andado con carros de aquí a la

Veracruz y Zacatecas."[25] Juan added that he did not have any property of his own and

most recently he worked on the wagon train of a Spaniard named Hontiveros. Sadly, none

of the American-born *arrieros* had any goods to declare.

On the other hand Manuel Diaz, a Portuguese *mulato*, who worked as an *arriero*

declared a long list of goods when he was arrested for multiple marriages.[26] Like

Francisco Rodríguez, Manuel was accused of having been married in Portugal before

marrying again in New Spain. Prior to arriving in the New World, Manuel had lived in

Portugal and travelled to Naples and the 'east.'[27] When he arrived in New Spain, he

settled near Veracruz in the region around Jalapa. He did some work as a fisherman,

possibly drawing on skills he learned back in his native land.[28] Most witnesses referred to

him as an *arriero* but not one who owned his own animals or carts. Domingo Pérez , also

from Portugal, noted that in the past Manuel had been in charge of a mule train owned by

Pedro Gómez. Manuel's own declarations reinforce the fact he worked as an *arriero* but

did not have his own pack animals or wagons. He declared his property as follows:

> *Primeramente un caballo rucio*
> *Una silla jineta con estribos estradiotes*
> *Un freno jinete viejo y una espuelas*
> *Una frazada vieja*
> *Un pabellón de manta de la tierra*
> *Una ballesta con su carcax*
> *Un herramental, tenazas, martillo, pujavante*
> *Un sayo pardo viejo*

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[24] AGN, Inq., vol. 103, exp. 5, fs. 240-1.
[25] "Where he was raised and he has not left this land because he always travelled [worked] with wagon trains from here to Veracruz and Zacatecas." Translation mine.
[26] AGN, Inq., vol. 94, exp. 2, fs. 68-112, "Proceso contra Manuel Díaz vecino de Jalapa por casado dos veces," 1572.
[27] He used the phrase '*levante.*'
[28] He was born in Alvor, a port town of the Algarve region in southern Portugal.

Unos zaragüelles azules viejos
Una manta de la tierra
Un capote negro traído
Unos zaragüelles de manta de la tierra
Un machete bracamarte
Once reales en dineros[29]

This list of property represents the essentials of someone who lives on the road. Manuel had his own horse and tack. He owned a tent. He had several blankets to sleep on and all the clothing and apparel necessary for long trips. Moreover, he had a small tool kit to help him maintain his animals and property. Finally, he owned weapons to protect himself and his property from bandits and vagabonds. These goods represent the modest means of an *arriero* who owned the personal items necessary for a life on the road but lacked the means to own multiple animals.

The most common male occupation for *mulatos* was shoemaker. Five men claimed this profession; however, none of them clearly owned their own workshop or store. This suggests that while *mulatos* had access to skilled training they could not easily acquire the capital necessary to own their own operations. The only possible example of a *mulato* owning his own store can be found in the case of Luís García.[30] Sadly, the case is vague in details because Luís died before his testimony could be taken. According to witnesses in 1577, Luís made blasphemous statements concerning the sacrament of marriage. In particular, he was quoted as saying, "*más valía estar bien amancebada que mal casada.*"[31] While not an uncommon sentiment at the time, this statement depreciated the sacrament of marriage. Witnesses described Luís as a *mulato*, "*que tiene así tienda*

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[29] "Firstly, a grey horse; a *jineta* saddle and *estradiote* stirrups; an old *jinete* bridle and spurs; an old blanket; a tent made of local [Mexican-made] fabric; a crossbow with its quiver; a tool-bag with pliers, hammer, and butteris; an old black cloak; old blue breeches; a local blanket; a black raincoat which his carrying; breeches made of local cloth; a machete; eleven reales in cash." Translation mine.

[30] AGN, Inq., vol. 70, exp. 15, "Proceso contra Luis García mulato, zapatero, por simple fornicación," 1577.

[31] "It's better to be happy with your lover than in a bad marriage."

de zapatero"[32] in Guadalajara. Unfortunately, no one else clarifies this statement nor could Luís be interviewed due to his untimely death. The problem with this statement is that it does not clearly give Luís ownership of a store. He could simply have been running the store for someone else. This situation was common among tradesmen.

For example, another *mulato* shoemaker worked exactly in that capacity. Francisco Granados was a *mulato* born in Mexico City who worked as shoemaker and had lived in Puebla.[33] His case does not provide many details of his youth or his training; however, it does provide details about the operation of shops owned by shoemakers. In 1574, Francisco came before the Inquisition to denounce his wife for having married an *indio* shoemaker prior to marrying him. The investigation into this allegation successfully verified that his wife, a *mulata* named Isabel Díaz, had in fact married the *indio* and that the *indio* was still living. Unfortunately, for Francisco the investigation was too thorough and the Holy Office learned that Francisco himself was complicit in Isabel's heretical actions because he had known of her first marriage when they entered into her second. According to witnesses they had been living as *amancebados* in Puebla when he fell gravely ill. Instead of admitting her complex marital history they consented to be married in order to remove the sin of *amancebamiento* were Francisco to die of his illness. Once arrested for this crime, Francisco declared that he had no property but went on to describe the nature of his employment:

> *Dijo que no tiene cosa ninguna sino que Francisco Hernández zapatero*
> *que fue a Guadalajara le dejo encargada y encomendada su tienda y todo*
> *lo que en ella ay es del dicho Francisco Hernández y éste la dejo en*

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[32] "Who has a shoestore"
[33] AGN, Inq., vol. 101, exp. 8, fs. 308-41, "Proceso contra Isabel Díaz mulata por casada dos veces," 1574; AGN, Inq., vol. 102, exp. 2, fs. 34-65, "Proceso contra Francisco Granados, mulato chapinero, por casado dos veces," 1574.

> *comendada a Francisco García zapatero que mire por ella que éste no tiene nada en ella.*[34]

This statement provides a very close look at how tradesmen worked cooperatively to manage their businesses. Francisco Granados did not own his own store, nor did he own any property worth declaring; however, Francisco Hernández, probably a Spaniard, trusted him enough to manage his store and its operation while he was away. Likewise, when Francisco was arrested he entrusted the store to Francisco García, another Spaniard.

Another theme visible in this statement which appears in other cases involving *mulato* shoemakers is their frequent connection to and interaction with fellow tradesmen, irrespective of *género* label. Francisco was clearly on good terms with two Spanish shoemakers. They were close enough to entrust each other with their businesses. In other testimony from Granados' case, we see that he had frequent contact with several other shoemakers including Juan de Cabezas and a man known only as Perrales. This trend can also be seen in the life of Diego Ximénez, likewise a *mulato zapatero*.[35] He was born in Guatemala to a *negro* and an *india* but was raised in the home of a shoemaker named Juan Ximénez who taught him the trade. During his training in Guatemala, he had contact with Andrea Carnero, a Spanish shoemaker, who knew many details of his life and marriage. These cases suggest that training in the trades helped *mulatos* to forge social connections with their fellow tradesmen. These connections could reflect a large degree of trust particularly if they allowed *mulatos* to run businesses and shops. Consequently, although *mulato* tradesmen were probably less well-off than their *mestizo* counterparts,

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[34] "He said he has not a single thing except that Francisco Hernández, shoemaker, went to Guadalajara and left his store and its goods entrusted him. All of its contents are owned by Francisco Hernández and [Francisco Granados] left it entrusted to Francisco García, shoemaker, who is watching it. [Francisco Granados] owns nothing in it." Translation mine.

[35] AGN, Inq., vol. 104, exp. 2, fs. 16-32.

their training and the social networks afforded by their profession helped moderate the stigmatizing label of their *género*.

The lone sailor provides a tantalizing look at how some Iberian-born *mulatos* came to immigrate to New Spain. António de Arenas was born in Estremoz, in the Alentejo region of Portugal, sometime around 1550. His father, Gaspar de Arena, was an *escribano* and was married to his mother, Isabel de Correa, a *negra*. Although an inland settlement, António quickly found his way to the sea and worked in a variety of maritime positions. According to his statements, at age eight he signed on as a *paje* (page/cabin boy), later working up to serve as a *grumete* and then a *marinero*.[36] While in Cadiz, he married a *mulata* named Isabel. Eventually, he found his way to New Spain after working as crew on a slave ship which collected its human cargo at Cabo Verde. Once in New Spain he abandoned the maritime life and traveled to Mexico City, Zacatecas, and settled in Istlahuaca. There he married Catalina de Esquivel, also a *mulata*. Unfortunately, in 1578 he was denounced by individuals who, like him, entered New Spain from Cadiz and knew of his first marriage. The investigation discovered that he was guilty of double marriage and he was sentenced to public penance, two hundred lashes, and in a sadly ironic twist a four-year term as an unpaid oarsman of His Majesty's galleys.

Although, the outcome of António's case was unfortunate it does demonstrate an important means by which Iberian-born *mulatos* entered the colony. Most of the *mulatos* I have found who migrated to New Spain from the Old World were born in the Algarve of Portugal or Andalucía. Both regions were heavily oriented to maritime activities and

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[36] AGN, Inq., vol. 107, fs. 187-225. *Grumete* can also be translated as 'cabin boy,' but represents a position for slightly older youths.

many men had some experience with naval trades. In fact, most of the witnesses in the case against António, and the case against Manuel Diaz, were Portuguese or Castilian men who declared their professions as mariners or fishermen. Certainly, not all of these men continued those professions in New Spain. António abandoned the sea and worked inland. Nevertheless, these cases demonstrate that for many men born in the coastal regions of Iberia, *mulato* or otherwise, the maritime life and heavy commercial traffic between Iberia, Africa, and the Indies provided an ideal means of immigration. Moreover, the draw of the American colonies affected *mulatos*, *portugueses*, and *españoles* alike. In this respect, it is not surprising that some Iberian-born *mulatos* used maritime trades as a means to enter the Americas.

António's participation in the growing trans-Atlantic slave trade is also important. During his life, the Spanish crown authorized a trade in slaves via the *asiento* system which sold licenses in bulk primarily to Portuguese traders who had access to the Portuguese *entrepôts* of West Africa. Ships involved in the trade were required to present their licenses and register their voyages with the *Casa de Contratactión* in Seville before departing for Africa and then the Americas.[37] Consequently, sailors who signed on to ships in Cadiz or Sevilla could find themselves on such voyages. Other documentation from colonial Mexico suggests that António was not unique in being an individual of African descent who became involved in this maritime trade. In 1601, several decades after António's travels, Juan Sardina, a *mulato*, petitioned the viceroy of New Spain for the right to carry a sword and dagger. In his petition, he noted that he was the illegitimate

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[37] A detailed description of the *asiento* system and the complex legal and economic processes involved in the trade are beyond the scope of this work. For a more detailed description of the commerce between Iberia and the Americas see, Eufemio Lorenzo Sanz, *Comercio de España con America en la Epoca de Felipe II*, 2 vols. (Valladolid, 1979). Volume one contains a detailed history of the slave trade, its regulation, and procedures.

son of Captain Juan Alvares Sardina. His father captained a slave ship based out of the Portuguese kingdom of Angola and Juan Sardina had arrived in New Spain with a cargo of thirty slaves. Juan was entrusted by his father to sell those slaves in Mexico. Having been accustomed to adorn himself with a sword for his personal protection and honor, Juan was upset when the *justicias* in Mexico prevented him from carrying the weapons. Consequently, he petitioned the viceroy claiming that he had worn the weapon in the Canaries, Angola, and Cartagena and was a virtuous and quiet man worthy of the right. The viceroy agreed and Juan received his license. Like António, Juan was descended of Africans, yet had become involved in the trans-Atlantic slave trade. Their cases demonstrate that overseas maritime commerce was central to immigration to New Spain. Yet, more importantly, their cases suggest that individuals of African descent could and did become active agents in one of the most lucrative overseas exchanges – that of African slaves.

Just as some *mulatos* participated in the trans-Atlantic slave trade, so too were some born into bondage. In inquisition cases examined here, seven *mulatos* were known to be slaves. Since legal status followed the 'law of the womb,' all of these individuals, five men and two women, were born to enslaved women. Of the seven, three were known to have been born in Spain and two in Mexico while the others did not provide descriptions of their *naturaleza*. Given their slave status, it is doubtful that any were Afro-indigenous. Considering indigenous slavery occurred in the first decades after the conquest it would have been possible that the *mulato* child of a *negro* and an enslaved *india* could have been born enslaved. Nevertheless, none of the enslaved *mulatos* fit that mold. Although the parentage of three is unknown, two were born to *negras* and two to

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mulatas. Most of these *mulatos* worked as domestic slaves in their owner's homes. For

example, Joaquin de Santa Ana was the slave of don Carlos de Samano who worked as a

tailor.[38] Similarly, Isabel, *mulata*, was owned by Juan Ruiz and attended him and his

family on their trans-Atlantic journey.[39] All but two of these enslaved *mulatos* were

investigated by the tribunal for blasphemy. In particular, they renounced God

immediately before or during physical punishment by their masters. This phenomenon

has been noted by several scholars including Frank T. Proctor and Javier Villa-Flores.[40]

In blaspheming, these slaves hoped to undermine the power of their masters by bringing

the oversight of the Holy Office to bear on the disciplining practices they had suffered. In

some cases this could lead to their sale to new less harsh owners. Unfortunately, these

cases, unlike bigamy investigations, generally did not produce much testimony outside of

the particulars of the heretical statements of the slaves. Consequently, we know less

about the lives of these slaves, other than their poor treatment, than we do of free *mulatos*

investigated for other crimes.

The occupations of *mulatas* are also interesting. These women more frequently

reported occupations than *mestizas*. As with *mestizas*, most women reported being

criadas within Spanish households. This makes sense given that domestic service was

needed in most Spanish homes and that women of middle to low status could readily find

such employment. Interestingly, two *mulatas* reported more unique occupations that of

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[38] AGN, Inq., vol. 148, exp. 2, fs. 202-241 "Proceso Joaquin de Santa Ana, mulato esclavo de don Carlos Samano, residente en Xalapa, por blasfemo," 1599.
[39] AGN, Inq., 48, exp. 7, fs. 266-279. "Proceso contra Ysabel mulata esclava que vino de castilla en flota deste ano 1576."
[40] Frank T. Proctor, "Afro-Mexican Slave Labor in the Obrajes de Paños of New Spain, Seventeenth and Eighteenth Centuries," *The Americas* 60 (2003): 56, Javier Villa-Flores, *Dangerous Speech: A Social History of Blasphemy in Colonial Mexico* (Tucson, 2006), p. 130.

midwife (*partera*) and tavern-owner (*tabernera*).[41] Barbola de Zamora, a *mulata*, born in Spain was twice investigated for questionable practices bordering on witchcraft, *hechiceria*. In 1565, she was accused of being accustom to saying heretical and superstitious prayers and using questionable techniques to cure the 'evil eye.' She was married to a Spaniard, Urban de Balderas, and lived in the mines of Zacatecas. After a thorough investigation of how she treated newborn children, it was determined that she was not guilty of heretical crimes or witchcraft but was simply ill-versed in the proper technique for baptism *in extremis*.[42] She was ordered to refrain from using any non-sanctioned cures for illnesses and to learn the proper form for baptism from the local priest. Five years later, she was again investigated for practicing *hechiceria*. This time she was accused of soliciting *indios chichimecos* to use peyote in order to divine the location of lost objects. Witnesses also claimed that she said that one could pray to a spirit she called the "*anima sola*" in order to find missing persons or to win the heart of one they desired. This time the inquisitors found her guilty, ordered her to public penance, and mandated a four year exile from the mines. Her case is interesting in that it is clear that she found gainful occupation as a midwife but also practiced a variety of popular folk remedies. Even though she was Iberian-born, once in New Spain her practices reflect some syncretism with native belief as she accepted indigenous practices as efficacious.[43] While a full examination of *hechiceria* and cultural syncretism among

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[41] AGN, Inq., vol. 38, exp. 11, fs. 238-268. "Proceso contra Barbola de Zamora, supersticiones, 1565 Zacatecas." AGN, Inq., vol. 39, exp. 4, fs. 311-363. "Processo contra Barbola de Zamora, Minas de San Martin Nuevo Galicia, 1570." AGN, Inq., vol. 116, fs. 252-266. "Proceso contra Ana Cavallero mulata vezina de mexico, proposiciones, 1574."

[42] If a newborn was in danger of dying before he could be baptized by a priest, the child could be baptized by any layperson. In practice this duty often fell to midwives who were present at the birth. In this case, Barbola did not know the proper wording.

[43] Other scholars have investigated syncretism and folk practices. For longer descriptions of such practices see: Bristol, *Christians, Blasphemers, and Witches*, Lewis, *Hall of Mirrors*.

Africans and their descendents is beyond the scope of this work, Barbola represents an important example of how some marginal individuals found economic benefits through superstitious practices.

The other *mulata* to declare a profession other than *criada* was Ana Cavallero. Like Barbola, Ana was born in Iberia. In 1574, she was accused of heretical statements by several of her neighbors. She lived in the central part of Mexico City's *traza* near the Dominican monastery. She ran her own business by selling wine and bread out of her home. According to Juan Bautista Gallegos and his wife, doña Luisa de Villalobos, one day while they were walking by Ana was quoted as saying, "*Más vale estar bien amancebada que mal casada.*" [44] Although she denied the statement, her neighbors' testimony led to her being convicted and sentenced to penance and a fifty peso fine. This case is interesting in that two Spaniards, one a doña, chose to denounce their relatively successful *mulata* neighbor over an off-hand statement common at the time. The phrase she uttered was quite common and many individuals were investigated for having said it. Although certainly heretical in its rejection of sacramental marriage, it would seem to have been a minor matter. Nevertheless, Juan Bautista and doña Luisa chose to pursue a denunciation. While they may have been scandalized by hearing such a comment, it is certainly possible that they chose to use Ana's moral slip to their advantage. Given that Ana ran her own store which sold wine, it is certainly likely that they might have been upset over a *mulata* running an establishment which promoted drunkenness and public disorder in their block. As early as 1545, complaints from *vecinos* and prelates in Mexico City had resulted in royal *cedulas* seeking to restrict the sale of wine and prevent public

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[44] AGN, Inq., vol. 116, fs. 257. "It's better to be happy with your lover than unhappy in marriage."

drunkenness among *indios* and *negros*.[45] The spiritual complaint leveled against Ana

Cavallero very well might have reflected her Spanish neighbors' temporal concerns over

drunks on their street. In this respect, her denunciation may have been prompted more by

her financial acumen and success than by her irreverence.

The fact that the two most successful *mulata* business women came from Iberia is

telling, although not conclusive. Barbola and Ana may have had more experience with

the marketplace and the acquisition of marketable skills in Iberia than their American-

born counterparts. Both were born free and knew their Spanish fathers suggest a greater

degree of familial connection and support than some *mulatos* who only knew their

mothers. In the case of Barbola, we know she was married to a Spaniard which likewise

suggests better than average connections to Spanish society. While their cases are

probably idiosyncratic, they do suggest that in the early sixteenth century some *mulatas*

could find employment on their own as business women or skilled practitioners. These

possibilities probably depended on familial support or other connections to Spanish

society.

While the above findings of this chapter shed new light on the early history of

Afro-Mexicans in New Spain, many of the points made here have also been found to be

true for later periods. Occupational records from other areas and time periods suggests

similar patterns to those seen in this chapter. At the end of the seventeenth century,

Chance found that almost eighty percent of *mulatos* in Antequera worked predominately

as artisans of some type.[46] The remaining *mulatos* worked primarily in rural occupations

such as cowboys, millers and shepherds. In mid-eighteenth century Mexico City, Seed

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[45] Encinas, *Cedulario Indiano*, IV: 349.
[46] Chance, *Race and Class in Colonial Oaxaca*, p. 140, Table 11.

calculated figures which were slightly different given the economic niches available.

There most *mulatos* worked either as artisans, forty-three percent, or as servants, forty-nine percent.[47] In his study of free-colored militiamen, Vinson found that almost eighty-six percent of *mulatos* who served in the urban militia tended to work predominantly in middle-status occupations such as artisans a markedly higher number than the forty percent of other *mulatos* who worked in similar occupations.[48] Importantly, Vinson also found that in rural areas such as Orizaba or Tampico such a distinction did not appear and most free-colored militia men worked in lower status jobs like their non-militia counterparts.[49]

In a broader study of free-colored labor during the eighteenth century, Vinson found that most Afro-Mexicans worked in rural occupations with agriculture and mining accounting for almost seventy percent of all free-colored employment. About fourteen percent of free-coloreds labored in artisanal positions of varying degrees of status and another ten percent worked in the lower status occupations involving transporation and construction.[50] In late eighteenth century Veracruz, Carroll determined that almost three quarters of all *mulatos* living in the region worked in mid-level occupations such as small-scale artisans, regional merchants, rural agriculturalists and pastoralists.[51] The remaining quarter tended to work as servants or other low-skilled laborers. Concurrently, in Yucatan, Restall found that fourty percent of Afro-Yucatean men worked as farmers.[52] Eighteen percent of men worked in artisanal trades including: blacksmiths, silversmiths,

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[47] Seed, "The Social Dimensions of Race: Mexico City 1753," p. 583.
[48] Vinson III, *Bearing Arms for His Majesty,* p. 105, Tables 19 and 20.
[49] Ibid., pp. 118-121, Tables 29-32.
[50] Ben Vinson III, "From Dusk 'till Dawn: Black Labor in Late Colonial Mexico," in *Black Mexico: Race and Society from Colonial to Modern Times* (Albuquerque, 2009).
[51] Carroll, *Blacks in Colonial Veracruz,* p. 178, Table A.19.
[52] Restall, *The Black Middle,* Chapter Four, *Ways of Work*.

tanners, tailors, carpenters, among others. The remaining fourty percent of Afro-Yucatecan laborers worked in a variety of lower status occupations including: construction, transport, fishing or peddling.

These findings coupled with the findings of this chapter suggest that *mulatos* as a group occupied a range of professions which varied according to location. In general, they did not make inroads into the most elite occupations – even by the late colonial period such positions were rare among Afro-Mexicans. Nevertheless, many worked in skilled trades representing a middling level status in the economic order of the colony. In rural areas, *mulatos* engaged in vitally important occupations relating to the entrepreneurial development of the colony's resources. The raised livestock, grew crops, and facilitated trade and transport. Some, like Francisco Rodríguez, owned their own livestock and served as creditors to their neighbors. Their inability to penetrate elite occupations probably reflects a several factors. Firstly, especially in the sixteenth century, most were the descendents of slaves and entered their working lives with few resources. Any form of elite occupation whether in trade or the ownership of artisanal shops required capital. This in turn required time and very likely a multi-generational effort in order to improve the employment prospects of one's children and grandchildren. Secondly, although their *género* did not bar them from laboring in a diverse array of occupational niches, it did construct a 'glass ceiling' which would have made advancement into more elite jobs difficult if not impossible. The guilds which regulated artisanal work and the training and certification of artisans expressly prevented *mulatos*, along with *negros* and *indios* from entering the highest levels of skilled labor.[53] This

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[53] Miguel Carrera Stampa, *Los Gremios Mexicanos: La Organización Gremial en Nueva España, 1521-1861* (Mexico City, 1954), pp. 238-243.

created a complex problem. Artisans needed labor and *mulatos* could provide that labor, but *mulatos* could not easily advance in the trades because even with the required skills they could not reach the upper most echelons of those *oficios*. Nevertheless, the ability of sixteenth century *mulatos* to enter into skilled trades both set a precedent that *mulatos* were capable of performing those tasks and helped to perpetuate those skills within the Afro-Mexican population. As Herman Bennett has argued, the *mulatos* of the late sixteenth and seventeenth century helped forge community of Afro-Mexican individuals with deep ties to their locations of residence, family networks, and by extension occupational trades.[54] The *mulatos* examined here represent the early generations which helped create a creole Afro-Mexican population. Through their communities and their children their choices and success would be passed on and provide later *mulatos* with the skills and training to continue working within the artisanal trades.

Mulato Marriages

Of the sixty *mulatos* examined here forty-nine were married, with twenty of those marrying two or more times. This data set provides an excellent view into the dynamics of marriage among individuals of partial-African descent. In particular, the detailed biographical information contained in these cases makes comparisons possible between *mulatos* of varied ancestry. Among those that married there were five *mulatos*, four men and one woman, who were Iberian-born. Afro-indigenous *mulatos* accounted for fifteen individuals, four men and eleven women. Finally, twenty-nine cases involved individuals of uncertain parentage or birthplace, eleven men and eighteen women. The marriage data

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[54] Bennett, *Colonial Blackness*.

collected here suggests that *mulato* marriages varied by gender, birthplace and/or parentage.

One of the most striking trends among *mulato* marriages can be seen among Iberian-born individuals. Of the four *mulatos* born in the Old World, three were married to *espanolas* or *portuguesas* while only one was married to a *mulata portuguesa*. Interestingly, all four of these men were married prior to immigrating to the New World and later remarried while their first spouse remained alive. The lone Iberian-born *mulata*, Barbola de Zamora, had an *español* husband but it is unclear where that marriage occurred. The trend among Iberian-born *mulatos* suggests that their *género* was not unduly prejudicial to their marriage prospects in their birthplace (see, Figures 6.2 and 6.3). In all four cases, the men were born of unions between African women and European men. In two of the cases the mothers were called *negras* in the other two cases they were called *morenas*. The use of *moreno* a synonym for *negro* was not uncommon in the sixteenth century. In the context of labeling an individual's *género*, *moreno* served as a less depreciatory substitute for *negro*. Often the individual applying *moreno* to an African who might otherwise have been labeled *negro* did so to consciously moderate the prejudicial impact of the term. For example, among these Iberian-born *mulatos* both Manuel Diaz and Luis Hernández chose to describe their mothers as *morenas* rather than as *negras*.[55] Through this choice, the two men were probably trying to moderate the perception of their mothers and by extension themselves. Interestingly, the two men who described their mothers as *negras* chose to provide more details about their father. António de Arenas noted that his father was an *escribano* while Francisco Rodríguez

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[55] AGN, Inq., vol. 94, exp. 2, fs. 112; AGN, Inq., vol. 95, exp. 4, fs. 163.

mentioned that his father worked as an *arriero*.[56] In mentioning their father's profession, these two men probably hoped to improve their perceived position by noting that of their father. In this case, they did not seek to elevate or moderate their mother's *género* because they felt that a clear description of their father's occupation and status would better describe their status.

Mulato Marriages, 1555-1599

Category	Mulata	Española/Port.	Mestiza	India	Negra
European-Born	3	3	1	2	
Afro-Indigenous	4		2		1
Other	9		2	2	1
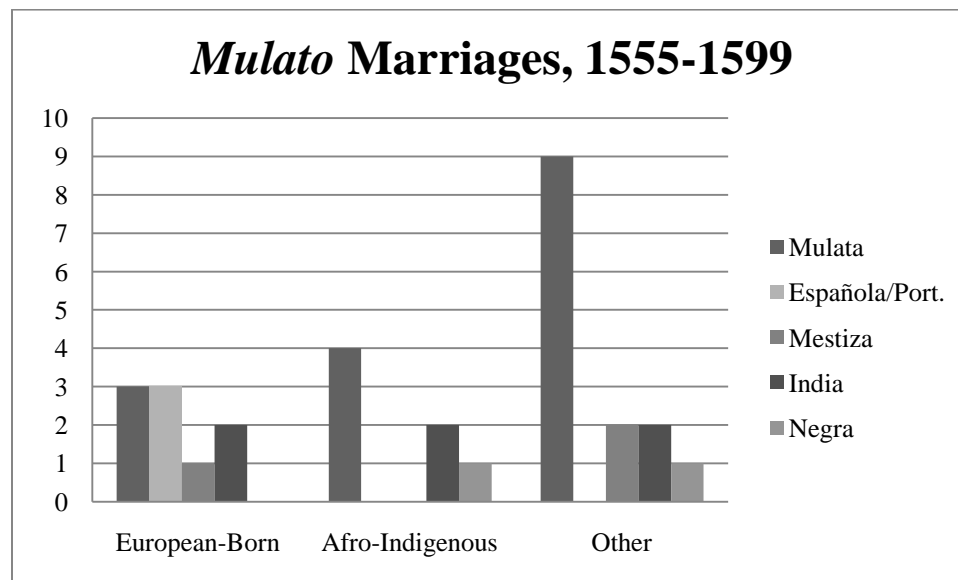
Figure 6.2[57]

[56] AGN, Inq., vol. 107, exp. 4, fs. 187-225; Inq., vol. 108, exp 4, fs. 116-187
[57] Sources: AGN, Inq., vols. 18, 25, 26, 29, 47, 38, 48, 70, 91, 94, 95, 101, 103, 104, 107, 108, 116, 134, 135, 137, 145, 148, 184, 185.

Mulata Marriages, 1555-1599

	Mulato	Español/Port.	Mestizo	Indio	Negro
European-Born		1			
Afro-Indigenous	8	1	1	3	5
Other	12	5	3	2	2
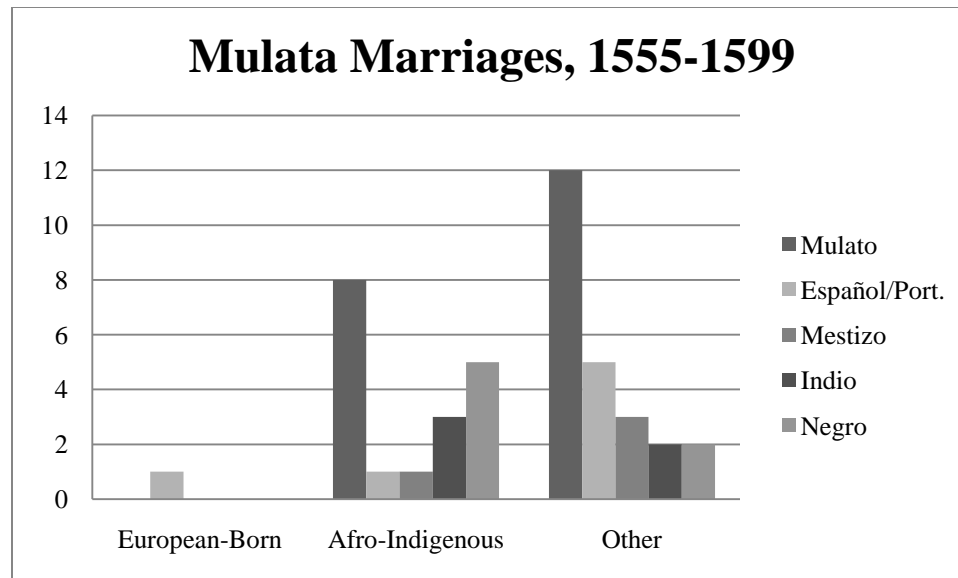
Figure 6.3[58]

Although these cases do not provide copious details of these men's Iberian marriages, they do provide important clues which can explain the context of these unions. Although three of the men's Iberian wives were of European descent, all four were of relatively low status. For example, Dominga Rodríguez, the first wife of Manuel Diaz, was not close to her family and probably supported herself at the time of their wedding. In his testimony, Manuel specifically noted that he never knew who her parents were.[59] Likewise, he did not remember the *padrinos* of the wedding. This suggests that they were not particularly important individuals. All told, the brief description of Manuel and Dominga's union suggests that they were two individuals of roughly equal status who decided that marriage was preferable to *amancebamiento*. Two other European-born *mulatos* were found themselves in similar positions.

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[58] Ibid.
[59] AGN, Inq., vol 94, exp. 2, fs. 100.

António de Arenas and his first wife Isabel Hernández, a *mulata*, came to know each other in Cadiz, although both had been born in Portugal.[60] They lived together for two years in *amancebamiento*. During this time, she worked as a dry goods vendor in the city while he worked in maritime occupations. Although António initially claimed to have simply lived with Isabel as *amancebados*, eventually he confessed that because of their life together they had been investigated by the *provisor* of Cadiz. As a result of that investigation, they exchanged vows and rings although the union was never blessed. Presumably, the *provisor* gave the couple the option of formalizing their union through the sacrament of marriage or facing harsher penalties for fornication. Similarly, Luis Hernández, another *mulato*, and his first wife Leonor de Azevedo may have entered into sacramental marriage as an alternative to *amancebamiento*. Although the case is incomplete, the investigation of Luis and Leonor's life suggests that they were *amancebado* for a considerable period of time in Triana.[61] Several witnesses including Luis' half brother Sebastian claimed that Luis had married Leonor and lived with her for a time in Triana. One of the witnesses, Juan de Madrid, claimed that he knew them to be married because they were not investigated for *amancebamiento*. This suggests that given the tendency to prosecute couples living in *amancebamiento* some chose sacramental marriage as a means to maintain a sexual relationship while avoiding spiritual taint or public derision. This case is complicated by the fact that Luis declared his half-sibling to be his mortal enemy and provided evidence that Sebastian held a grudge against him. Unfortunately, the case did not conclude so it is impossible to know if the inquisitors believed the marriage occurred. Nevertheless, the story described by Sebastian and other

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[60] AGN, Inq., vol 107, exp. 4, fs. 205-209v
[61] AGN, Inq., vol. 95, exp. 4, fs. 155-217.

witnesses, true or not, was constructed with verisimilitude in mind. In order to be used against Luis, it had to have the semblance of a real situation. Consquently, although we cannot be sure of the exact events it is presumable that Luis <u>could</u> have married Leonor in order to formalize *amancebamiento*.

In only one case involving a European born *mulato* was there evidence of conflict over the union itself. Francisco Rodríguez, mentioned above, was born in Tavira, Portugal. Before leaving his hometown, he became involved with a woman named Isabel Hernández.[62] Interestingly, this case is one of very few cases in which witnesses provided detailed descriptions of the individuals involved. These descriptions add to our understanding of possible conflict in the marriage. Juan López, a portuguese *mulato,* described Isabel as, "*mujer blanca y que es una mujer gruesa no muy alta de cuerpo… que no es muy blanca de rostro y que será de edad de más de treinta y seis anos.*"[63] López claimed that Francisco was, "*delgado de cuerpo y alto de poca barba de color oscuro.*"[64] Another Portuguese witness, Bartolomé Alfonso, provided more detail about Francisco saying he was, "*delgado pocas carnes y que en aquel tiempo que este testigo le visto seria de edad de veinte e dos anos a veinte y cinco anos muy prieto amulatado.*"[65] These descriptions are useful for understanding the conflict which arose between Francisco and his brother-in-law. They are also important because they also provide insight into the language of physical description used by Iberians in the late-sixteenth century. In making such descriptions there seems to be a difference between facial

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[62] AGN, Inq., vol. 108, exp 4, fs. 116-187.
[63] Ibid., fs. 155. A "white woman and she is a large woman but not tall… her face is not white and she is over thirty-six years old."
[64] Ibid., fs. 154v. "slender and tall with little beard growth, and dark in color."
[65] Ibid., fs. 149v. "slender with little muscle, and at the time that this witness saw him he was between twenty-one and twenty-five years old, [he is] very dark *amulatado*."

complexion and overall skin coloration. In this case, Isabel is a white woman meaning she is European with no African ancestry, but her face is tawny or tanned suggesting a woman who works outdoors. When referencing facial skin tone, '*moreno*' referred to a very different coloration than when being applied as a *género* epithet. As discussed above, in those cases *moreno* denoted very dark skin while when describing facial color of individuals known to be European it only implied slightly darker tones.[66] Additionally, witnesses describing Francisco only mention his overall skin tone, describing it as particularly dark for a *mulato*. There was no need for an additional reference to complexion because his skin tone alone could place him within a social context. The impression of these descriptions is that a *mulato* with relatively dark skin coloration married a Portuguese woman with only slightly tanned skin. This dramatic phenotypic juxtaposition may have caused social tensions.

The denunciation which prompted Francisco's investigation came from a man called Pedrianez, the brother of Isabel. According to the 1579 denunciation made by Pedrianez, Francisco married Isabel in Tavira, Portugal, around 1564. After traveling to New Spain, Pedrianez ran into his brother-in-law only to discover that Francisco had remarried. In his confession, Francisco provides a more detailed description of his relationship with Isabel and her family. According to those statements, Francisco and Isabel did have a sexual relationship and she bore him a child. Nevertheless, they did not enter into sacramental marriage because her relatives opposed the union and violently threatened him. As the investigation progressed, more evidence came to light which supported the denunciation while refuting Francisco's claims. Eventually, Francisco

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[66] Other examples of physical descriptions can readily be found in petitions to travel to the Americas. Some of these petitions can be found in AGI, Mexico 270, or in the volumes of AGI, Contratacion, S. 42 "Pasajeros a Indias."

admitted to having married Isabel but claimed he had received word that she died prior to remarrying. In light of the overwealming evidence against him, the inquisitors found Francisco guilty and ordered that he be given two hundered lashes and five years forced service on the king's galleys. While statements over the initial marriage to Isabel differed, the actions of Pedrianez and the claims made by Francisco suggest that the union was not amenable to her family. Although he initially denied a marriage, it is likely that he was not lying about the conflict with Isabel's family. The impression made by Pedrianez and Francisco's testimony suggests a profound animosity between the two men. Francisco may have hoped to use this conflict to support his claim that no marriage occurred. While witnesses did not specifically note phenotype as the reason Pedrianez opposed the marriage, the testimony provided did very clearly note the stark difference in skin color between Isabel and Francisco. This coupled with Pedrianez' vehemence suggests that Isabel's family were profoundly disturbed by her relationship to Francisco. In all likelihood, his abandonment of Isabel and eventual remarriage to an *india* probably further incensed Pedrianez and led to his denouncing his *mulato* brother-in-law. Ultimately, these cases suggest that although Iberian-born *mulatos* could marry European women in Iberia, these marriages most likely reflect the shared socio-economic position of the spouses and even still could result in conflict based in differences in the partners' *generos*.

Once in the Americas, Iberian-born *mulatos* marriages followed a slightly different pattern much more similar to other *mulatos*. In New Spain, the four men who in Iberia had been married to three European women and one *mulata* would later marry two *mulatas*, two *indias*, and a *mestiza.* If viewed solely on the basis of *género*, the Iberian-

born *mulatos'* second, and in one case third marriages, show downward movement from their first weddings. Nevertheless, this impression is distorted given the vastly different social order found in New Spain. As was discussed in the previous chapter, the gender ratio of *españoles* to *españolas* in the colony had a profound effect on the overall marriage prospects for men and women of various *generos*. The lack of *españolas* over the course of the century elevated the marriage prospects of *mestizas*. In turn, the increased marriage possibilities for *mestizas* skewed the prospects for *mestizos*. As more *mestizas* entered into unions with *españoles*, *mestizos* entered into more relationships with *indias* and *mulatas*. This same phenomenon affected *mulatos.* Limited in their ability to find spouses among *mestizas* or *españolas*, many men of this *género* found spouses among *mulatas* and *indias*. Although demographics can explain the general trend in marriages across *generos*, the choice of partner for *mulatos* in New Spain was probably also affected by similarities in their social and economic position just as it had been in Iberia.

Of the four Iberian-born *mulatos*, three found themselves in relatively rural areas involved in rural occupations. Manuel Diaz settled in the region around Veracruz and Jalapa where he worked as an *arriero*. Francisco Rodríguez lived father south in Cuatzacualcos where he worked as the *mayoral* of an *estancia*. Although we don't know his occupation, Antònio de Arenas lived in Ixtlahuaca. Given their rural locations, the choice of spouse would have differed from those in urban areas. As will be discussed further in the next chapter, rural areas tended to be predominantly indigenous and would have facilitated unions with native women. Of these three men, two found spouses among natives. Manuel Diaz first married a *mestiza*, Juana Diaz, in Puebla soon after arriving in

New Spain. After Juana died in childbirth, he married an *india*, Isabel Diaz, in Jalapa. Similarly, Francisco Rodríguez married Ana Hernández, an *india*. In both cases, when the men found themselves in largely indigenous areas occupied in rural trades they found partners among native women. Certainly, this trend was not absolute. António de Arenas who also lived in a rural region married a *mulata*, Leonor Ruiz, the daughter of Francisca *mulata*, a slave of Gonzalo Ruiz. In each of these cases, Iberian-born *mulatos* sought out a spouse from among the available women of similar socio-economic position. The major difference between New Spain and Iberia resided in the fact that in New Spain women of such status were found predominantly within the uniquely American *generos* of *mulata, india, negra*, and to a lesser degree *mestiza*. Consequently, in these second marriages, Iberian-born *mulatos* did not differ greatly from other *mulatos* of New Spain.

The most striking marriage pattern among *mulatos* in New Spain was their tendency to marry other *mulatos*. Regardless of gender or birthplace, *mulato-mulata* marriages predominated. Overall, these marriages accounted for almost half of all marriages and the plurality of marriages among Afro-indigenous men and women as well as all those of unknown parentage or birthplace. In those cases that involved bigamy, there was no clear tendency for *mulato-mulata* marriages taking preference as first or second marriages. In six cases, the *mulato-mulata* marriage was first and in eight it came second. Given the large number of endogamous marriages among *mulatos,* it is hard to determine unifying motivations among all individuals. In most cases, the unions appear to have occurred because of shared residence, status, and personal familiarity. In other cases, marriages were coerced. Overall, the endogamy suggests that *mulatos* favored

others within their *género* yet not to the exclusion of individuals from other *generos* (See,

Figures 6.3, 6.4).

Mulato Marriage Partners By Gender, 1555-1599

Mulato Marriage Partners, 1555-1599
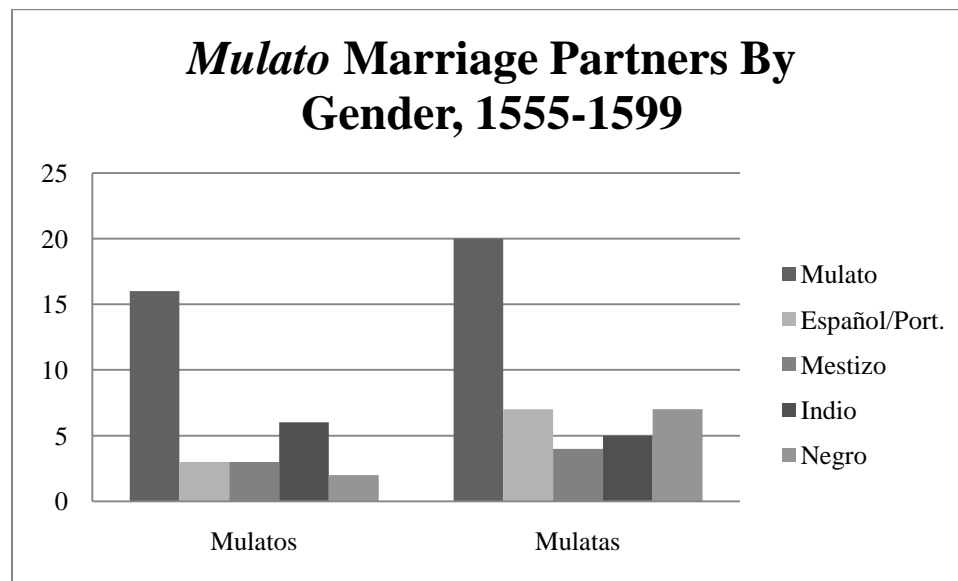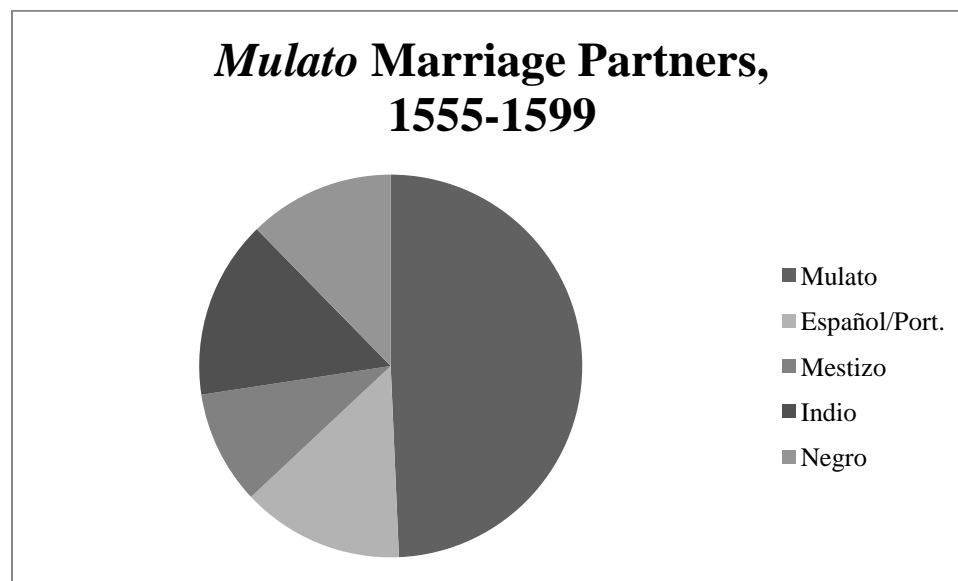
Several cases can help illuminate the complexity of *mulato* marriages and

highlight the multiplicity of factors which influenced spousal choice. In 1571, Juan de

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[67] See footnote 57
[68] Ibid.

Parales was tried by the inquisition for bigamy.[69] According to his denouncer, Juana, a *morena* slave, Juan married Luisa, a *mulata* slave and her daughter, in 1560 but had recently married a second time to Juana Hernández, a free *mulata*. During the 1571 investigation, the claims of Juana were supported by other *mulato* and *negro* slaves who likewise knew of Juan's marriage to Luisa. In response to statements of four such witnesses, Juan brought forward witnesses of his own: a *morena* slave, a *mulato*, and a *negro* slave. According to the testimony he produced, his legitimate wife Juana Hernández wished him ill and had committed adultery with the slave Nicolas *moreno,* both of whom had provided testimony supporting the denunciation. He further claimed that Juana *morena* wished him ill for declining to marry her daughter. Finally, he specifically sought to discredit Nicolas by calling him a "*mala cristiano de mala vida y fama, testimoñero… y se acostumbra de emborrachar de ordinario…*"[70] As a result of these claims, Juan de Perales was temporarily able to avoid a finding of guilt and was acquitted by the tribunal. However, after the formal establishment of the Mexican Inquisition in 1572 new evidence prompted renewed investigation.

In 1575, Cristobal de la Cerda, the *relator* of the *audiencia*, reported that he had seen Juan de Perales in the home of Licenciado Avalos and heard that Juan wanted to marry again. Cristobal was scandalized by the claim because he knew that Juan had previously been married to Luisa, the *mulata* slave of Gaspar de Miranda, and the couple had lived on Miranda's rural *estancia*. Renewed questioning of Luisa provided more details of their wedding. According to her statement, she had been held by the ecclesiastical authorities of Mexico and that she and Juan were married under orders from

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[69] AGN, Inq., vol. 103, exp. 5, fs. 191-254.
[70] Ibid., fs. 217v. "a bad Christian, of bad manners and repute, a perjurer… and he is regularly accustomed to getting drunk."

the *provisor* but against her wishes and those of her owner Following the wedding, they lived on one of Miranda's *estancias* before Juan fled and eventually years later married Juana Hernández. The new testimony from Luisa and the *relator* removed any doubt surrounding the first marriage. Although Juan continued to deny exchanging vows, he was found guilty and sentenced to three hundred lashes and five years at the oars of the king's galleys.

This case highlights several important factors concerning *mulato-mulata* marriages. Firstly, the witnesses in this case, both those called by the tribunal as well as those presented by Juan, were almost all *negros* and *mulatos*, most of whom were enslaved. The testimony they provided demonstrates that although a free person of color Juan was closely integrated into a social network of enslaved and free Africans and Afro-Mexicans which existed in Mexico City. The witness, many of whom had different owners and residences, were well versed in the events surrounding Juan and Luisa's marriage. Secondly, the case demonstrates the ecclesiastical oversight of Africans and their descendents. Although neither Juan nor Luisa wanted to marry the other, the *provisor* and archbishop of Mexico ordered them to enter into the sacrament. Sadly, none of the witnesses explain this fully. Most likely, Juan and Luisa had become involved in a sexual relationship. As part of the ordinary's duty to enforce morality among the laity, the ecclesiastical authorities regularly investigated cases of extra-marital sexual impropriety. When individuals were found to be involved in long-term sexual relationships, the ordinary could order that their relationship be normalized through the institution of marriage. Most likely, Juan and Luisa were investigated for *amancebamiento* and had been ordered to marry as part of their penance for their crime. Consequently, what began

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as a sexual liaison between two individuals within the same social circle eventually morphed into a sacramental bond by virtue of the ecclesiastical oversight. Finally, this case shows that *mulatos* may have been preferred free spouses over enslaved ones. Juan and Luisa had a sexual relationship, but not one that either believed warranted sacramental marriage. Juan may have not wished to marry an enslaved woman. By law, her legal status would be transferred to any offspring. Moreover, in marrying a slave he would sacrifice some of his own freedoms. Despite being free, he would be required to follow his enslaved wife wherever her master sent her. The burden of an enslaved spouse may have led Juan to initially avoid marriage and later abandon an enslaved spouse. Juan's eventual marriage to Juana suggests that it was not Luisa's *género* that he disliked in a spouse but it could have been her legal status.

The partial inquisition case against Pedro Gonzalez de Leon, a *mulato libre*, likewise provides further insights into *mulato-mulata* marriages as well as the difficulties involved in the application of *género* labels.[71] In 1590, Juan Gonzalez de Leon, a *mulato libre*, denounced his father Pedro for bigamy. According to the son, Pedro married Antónia Gonzalez, a *mulata libre*, in 1570. That union produced two children, Juan and Felipe. After a time and the death of Felipe, Pedro abandoned his wife and surviving child. Eventually, Juan heard that Pedro was living on an *estancia* in Oaxaca and had remarried as a widower. According to Juan, the second wife was an *india* named Madalena Osorio. After travelling to Cholula, Juan verified that his mother still lived before denouncing his father. As the case was investigated, evidence was presented that suggested that Pedro intentionally sought to obfuscate the past of his first wife. Cristobal Gil, a church canon in Antequera, presided over the second marriage to the *india* and

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[71] AGN, Inq., vol. 185, exp. 9, fs. 211-229.

reported that Pedro had provided a written and signed letter which stated that his first wife "Antónia de tal *mestiza*" had been killed when trampled by a horse.[72] Eventually, Gil discovered that he had been decieved and tried to separate Madalena and Pedro. Interestingly, although described by all witnesses as an *india*, Madalena Osorio was actually the child of Francsico Pulito *mulato* and Ana Diaz *india*. She was born in Mexico City in the barrio of San Juan, one of the most predominately indigenous parts of the city. According to her statements, she left Mexico at a young age and lived in the region between Oaxaca and Tehuantepec. After her first husband, an *arriero* died, she met Pedro on the *estancias* of Alonso de Loaysa where Pedro worked as the *mayordomo*. The lived together for two years but she had not seen him in over nine months. The case was never finished because Pedro could never be found. Many presumed that he had fled to Guatemala or even Peru.

Despite its incomplete investigation, the case provides a useful look at the marriages of Pedro. Although the *generos* of both wives varied according to witnesses, ultimately, both women were *mulatas*. The first wife was clearly identified as a *mulata* by her son and self-identified as such in her own testimony. Interestingly, when Pedro presented evidence concerning her 'death' her *género* changed to *mestiza*. This shift probably does not reflect confusion but rather obfuscation. In attempting to prove his ability to marry, Pedro chose to argue that he was a widower. Many bigamists attempted this strategy yet most failed to provide any proof of such a claim other than hearsay. In this case, Pedro probably fabricated a document which purported to record his first wife's death. Several witnesses agreed that Pedro knew how to read and write which suggests that he may have had sufficient skill to create a forged letter. In that letter, his wife's

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[72] Ibid., fs. 218. The priest could not remember her surname.

género was listed as a *mestiza* and it claimed she lived in Villa Rica rather than Cholua.[73]

By changing his first wife's *género* and the location in which she lived, he may have

hoped to create a sufficient discrepancy which would make any future verification

impossible. Nevertheless, to be a good forgery the letter had to be plausible which

suggests that a marriage to a *mestiza* would have been common enough not raise

questions. Thus, in claiming to have been married to a *mestiza* he sought to construct a

scenario of sufficient verisimilitude such that any investigation would be impossible.

More interesting than the obfuscation of Antónia's death are the very noticeable

discrepancies surrounding Madalena's *género*. Not one witness described Madalena as

anything other than an *india*. This choice suggests that to most observers she was

perceived to be indigenous. Even the notary recording her testimony choose to describe

her as an *india* in the introductory formulas which preceded her statements, "*el dicho*

dean don Sancho Alçorriz comissario del S^{to} Off^o envio parecer ante si a Madalena

Osorio, india, de la qual [sic] r^o juramento…"[74] When asked to state her name,

parentage, birthplace, and relatives she stated:

> *se llama Madalena Osorio y que es hija de Francisco Polito mulato y de*
> *Ana Diaz yndia [sic] muger del dicho Francisco Polito los quales son ya*
> *difuntos y heran vezinos y naturales de Mexico del barrio de San Juan y*
> *que alli [h]a de tener y tiene algunos del dos y parientes pero que como*
> *salio pequeña de aquella tierra no se acuerda dellos mas de sus*
> *nombres.*[75]

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[73] The testimony of Cristobal Gil mentions the contents of the letter; however, it is unclear where Villa Rica is located. Gil mentioned that the horseman who trampled Antónia was a ship's captain. This claim might suggest that it occurred in the original settlement of "la Villa Rica de la Veracruz" near the larger second Veracruz which was built around the port of San Juan de Ulúa.

[74] Ibid., fs. 228. "the dean don Sancho Alçorriz, *comissario*, of the Holy Office, ordered that Madalena Osorio, *india*, appear before him. The aforementioned took the oath…"

[75] Idem. "She is called Madalena Osorio and she is the daughter of Francisco Polito, *mulato*, and Ana Diaz, *india*, both of whom are now deceased. They were *vecinos* and natives of the *barrio* of San Juan and that there she probably has relatives of the two of them but because she left that land young she does not remember any of their names."

In this statement, she did not provide a *género* label for herself but clearly identified her parents' *generos* as *mulato* and *india*. This statement is interesting in that she was well acquainted with her parents and the fact that one of them was a *mulato*. She also knew where she was born and that she should have relatives still living there. Moreover, at the time of her birth, ca. 1570, her natal *barrio* was recorded as having the largest population of Mexico City's neighborhoods totaling over fifteen thousand native residents with no recorded Spanish inhabitants.[76] Consequently, although she had an Afro-Mexican father, much of her early life was probably grounded in urban indigenous society. This formative period probably affected her cultural development and later life. Although we don't know what she looked like, we do know that she was universally perceived to be an *india* an application which was probably based as much on her dress, speech, social connections as it was her phenotype.

Madalena's marriage to Pedro can be seen as a *mulato-mulata* union given her known parentage. Nevertheless, the collective ascription of *india* to her person suggests that her contemporaries did not see the union as such. Despite this discrepancy, this marriage does speak to the nature of many *mulato* marriages during the sixteenth century. Although *mulatos* tended to prefer those of their own *genero,* many unions began due to shared social circles and residences. We know this marriage came about due to the two spouses' shared residence. After abandoning his first wife and child, Pedro eventually settled in rural Oaxaca where be built a life for himself running an *estancia* of Alonso de Loaysa. Madalena likewise found herself living in the same region. Although the specifics of her life after leaving Mexico City are not clear, she ended up with her sister-in-law on a rural estancia near the pueblo of Cacahuatepec. Their respective *estancias*

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[76] AGI, Mexico 112, R. 3, "Tabla General…"

were separated by one league yet given the sparse population this made them neighbors. Eventually, they met and chose to enter into a marriage. The celebration of that union drew residents from several nearby *estancias* and pueblos and speaks to the bonds of community which facilitated their meeting and eventual marriage.

A third enlightening example of *mulato* marriage patterns can be found in the case against Ana de Azipita, a *mulata* native to Mexico City.[77] In 1582, her sister, María, denounced Ana for being married to two men concurrently.[78] María claimed that twenty years previous Ana had married an *espanol* by the name of Juan López de Azoca in the barrio of San Pablo. After several years, Juan left Ana and chose to travel on an expedition to the newly discovered Philippines. More recently, María heard that Ana had remarried in the pueblo of San Juan del Rio this time to a *mulato* named Diego Hernández. The case was investigated quickly during January and Feburary of 1582 and the other witnesses agreed on the basics of the story detailed by María. Nevertheless, at the time of her denunciation María lacked one important bit of information which would be the primary focus of the trial. Although Ana had remarried in San Juan del Rio, she did so as a widow. Diego Hernández, her second husband, noted that Ana had discovered that Juan died in the Philippines and in turn gone to the *provisor* in order to have herself declared free of marriage. When Ana and Diego sought to contract marriage in San Juan del Rio, she presented her license from the *provisor* and they were duly joined in the sacrament. In her testimony, Ana provided additional details concerning her first marriage. She noted that Juan López de Azoca was a tailor and a native of the Canaries. Their marriage had been celebrated in the *barrio* of San Pablo with Juana Rodríguez de

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[77] AGN, Inq., vol. 135, fs. 1-14.
[78] Interestingly, María a *mulata* herself was married to Mechior de Ayala, a *mulato*. Sadly, the case provides no details concerning their lives or marriage.

Bustamante and a weaver named Caravajal serving as witnesses. Nevertheless, Ana noted that the marriage had not been amorous or lasting. She specifically claimed that she and Juan never lived as man and wife, they never had children, and that for seven years after the wedding she knew nothing of him save that he had gone to 'China.' As a result of her honesty concerning her first marriage and the information she presented prior to the second marriage, she was declared innocent of any heretical crime and allowed to continue living with Diego.

This case reinforces several of the previous examples concerning *mulato* marriage patterns. Firstly, in both her marriages there seems to be evidence of shared residence and social connections facilitating the choice of spouse. In the 1560s, she was living in the barrio of San Pablo in Mexico City. San Pablo was relatively diverse. According to the 1571 Archdiocesan census this neighborhood was roughly twenty percent Spanish and eighty percent indigenous.[79] While the records neglect mentioning *mestizos*, *mulatos*, or *negros*, San Pablo along with the parishes of Santa Catarina and Veracruz were becoming the melting pots of the urban milieu. Given their mixed population, the possibility that a *mulata* could meet a *español* and marry him would be quite plausible. Moreover, the fact that he was from the Canaries probably suggests that he was considered relatively low status by Iberians and early *criollos*.[80] His residence in San Pablo rather than in the more central *traza* reinforces his middling to low status and lack of connections to the growing elite of the colony. Finally, his choice to seek fortune and success in the East implies a lack of connectedness to New Spain and a drive to seek a better life through continued

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[79] AGI, Mexico 112, R. 3, "Tabla General…"

[80] In 1620, Thomas de Rizzo a native of Tenerife complained to the viceroy that as a result of being born in the Canaries he had become more tanned in color. As a result of his complexion he was being discriminated against by the *justicia* who were preventing him from carrying a sword and dagger. AGN, Reales Cedulas Duplicadas (RCD), vol. 16, exp. 249, fs. 128v-129.

conquest. Nevertheless, the witnesses to the wedding an *española*, Juana de Bustamante, and a fellow tradesman suggest that Juan and Ana had connections to the Spanish population of their neighborhood and looked to their Spanish friends and neighbors to participate in their nuptials. Although the marriage failed, possibly due to Juan's desire for bigger and better opportunities outside the capital, its celebration suggests that for a time Ana and Juan found each other among the diverse residents of mid-century San Pablo.

Ana's second marriage provides even clearer evidence for the importance of shared residence and employment in the formation of *mulato* marriages. After Juan left New Spain, Ana travelled north towards the Chichimecas. When she heard that her husband had been lost in the Philippines, she promptly gathered information and had herself declared free of that marriage. Eventually, she came to settle on a rural *estancia* near San Juan de los Rios, a stop on the road to Queretaro. There she began working for don Juan de Guevara. In that rural landscape, she eventually met Diego Hernández a cowboy also employed by Guevara on the *estancias*. Although she did not provide the names of any witnesses, the documentation produced by the Inquisition's investigations included statements from several other residents of the area who had been present at the wedding and participated in the verification of Ana's claim to widowhood. The information provided suggests that Ana and Diego were well known around San Juan de los Rios and their wedding was noted by various members of that community.

One final point can be made concerning *mulato* marriage patterns. Firstly, known Afro-indigenous women followed a slightly different marriage pattern than other *mulatas*. In particular, they tended to marry *mulatos, negros*, or *indios* with only one

marriage occurring to a *mestizo* or *español*. On the other hand, other *mulatas* married *mulatos, españoles,* and *mestizos* with *indios* and *negros* accounting for only two marriages each. The stark contrast between Afro-indigenous *mulatas* and other *mulatas* suggests that certain aspects of their socio-economic position and cultural development tended to influence them to chose spouses from their own *género* or that of their African and native forbearers. Men seemed to follow a similar pattern although the smaller number of men in the sample and equivalently fewer marriages make this determination difficult. Nevertheless, no Afro-indigenous man in this sample married any *mestiza* or *española* with the order of preference descending from *mulatas* to *indias* to *negras*. The rationale for these trends relates to the unique place of Afro-indigenous *mulatos*, their original growth in the colony, and their cultural development. The next chapter will turn to these individuals specifically and argue that they formed a crucial part of the overall demographic breakdown of society. Moreover, as these marriage patterns suggest, a continuous process of inter-ethnic marriages between *negros*, *indios*, and *mulatos* constantly blurred the distinctions between *generos* and prevent the establishment of a ridged system of phenotypical distinction in the colony.

The marriage trends seen here can similarly be tracked over time and space. For example, during the last quarter of the seventeenth century, *mulatos* in Mexico City's Sagrario Metropolitan Parish married other *mulatas* over sixty percent of the time.[81] During that same period, marriages to *mestizas* and *castizas* accounted for just less than one quarter of *mulato* marriages while *mulato-india* unions represented five percent and *mulato-negra* unions four. The percentages for *mulatas* marrying those same groups were roughly the same. *Mulatas* married *mulatos* sixty-seven percent of the time and

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[81] Cope, *The Limits of Racial Domination,* p. 81, Table 4.9.

castizo/mestizos ten percent. *Mulatas* differed from *mulatos* in their marriages to *negros*

and *indios* representing seventeen and one percent respectively. Late-sixteenth and early-

seventeenth century Mexico City marriage petitions examined by Bennett provide even

greater figures of exogamy. In his sample, *mulato* spouses married other individuals of

African ancestry less than half of the time.[82] Nevertheless, the largest single marriage pair

was that of *mulato-mulata* spouses. The figures for the same period in Antequera, show

similar patterns.[83] There *mulato-mulata* marriages represented sixty percent of unions.

Marriages to *castiza/mestizas* accounted for sixteen percent while unions with *indias*

accounted for fourteen percent of free *mulatos* and over twenty percent of enslaved

mulatos. Fewer than ten percent of free *mulatos* married *españolas criollas*. Interestingly,

in Antequera only two free *mulatos* married *negra* women, one free woman and one

slave.

Free-colored militiamen in the eighteenth century demonstrated unique urban and

rural marriage patterns. In urban areas, free-colored men entered into exogamous

marriages over seventy percent of the time, most frequently to *mestizas* and *españolas*. In

rural areas, the pattern was reversed and militia men married *mulatas* at a higher rate than

their civilian counterparts, ninety-four versus ninety-one percent. Regional studies have

likewise shown similar patterns in *mulato* marriages. In his study of the Veracruz region,

Carroll found that from the late sixteenth century until the beginning of the eighteenth

century, *mulatos* of both genders married other *mulatos* about seventy-five percent of the

time.[84] In his recent study of Africans and their descendents in the Yucatan, Restall found

that from the sixteenth century until the end of the eighteenth century, *mulatos* – and

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[82] Bennett, *Colonial Blackness,* p. 107, Table 3.3.
[83] Chance, *Race and Class in Colonial Oaxaca*. pp. 136-7, Table 11.
[84] Carroll, *Blacks in Colonial Veracruz,* p. 173, Table A.14.

pardos – married other individuals of mixed African ancestry fifty-five percent of the time and individuals of indigenous or mixed-indigenous ancestry forty-five percent of the time.[85] The similarity between the marriages discussed in this chapter and other scholarship on *mulato* marriages suggests that the phenomenon of *mulato* endogamy was both long-standing in colonial New Spain and persistent across regions and urban-rural boundaries.

As I have argued above, this pattern stems from the realities of shared occupation and residential patterns. In his examination of seventeenth century Afro-Mexicans, Herman Bennett attests to these trends. He argues that unlike their colonial perception as rootless, vagabonds *mulatos* and other Afro-Mexicans forged strong ties to their local communities and shared residence served as a primary factor in spouse selection.[86] The persistence of this pattern over the course of the sixteenth can seventeenth century widespread nature also speaks to the possibility that although *mulatos* represented a diverse group of individuals there were enough commonalities in their life experiences, upbringing, and social and cultural development to favor individuals like themselves in marriage. Bennett argues that this pattern reflects a shared conception of 'blackness' which served as a "tenuous collective consciousness."[87] The evidence presented here shows that sixteenth century *mulatos* did tend to form families together. While this may be evidence for a shared concept of 'blackness' in the sixteenth centuy, the degree of exogamy seen in this study and those of other scholars – including Bennett– cannot be discounted. *Mulatos* did marry individuals of other *generos* and those exogamous

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[85] Restall, *The Black Middle,* p. 260, Table 7.2. Restall calculated his figures for *colored* men, a category which included both *pardos* and *mulatos*. The term *pardo* became popular later in the colonial period and in practical usage was synonymous with *mulato* in almost every instance.
[86] Bennett, *Colonial blackness,* pp. 150-2, 209.
[87] Ibid. p. 80.

marriages accounted for between twenty-five and forty percent of all unions involving a *mulato* spouse. This fact cannot be minimized because it suggests that *mulatos* did interact in a multitude of ways with those from other *generos* and that the label *mulato* did not serve to circumscribe their position or the possibility of exogamy. Vinson's examination of militiamen provides an interesting clue to this pattern. In rural areas, militiamen were highly endogamous partially because the militia provided fewer opportunities for social betterment and tended to mirror the civilian pattern, one of high endogamy. Yet, in urban areas militias attracted men of relatively high occupational status and those seeking social improvement. Their marriage pattern reflects this process and their ability to disproportionately find spouses of better *género*.[88] Although this pattern was not the norm, it suggests that *mulato* marriage choices were never uniform nor did they necessarily reflect a *género*-based identity. Rather marriages reflected the realities of local social and economic structures. Finally, given the nature of *género* ascription in the early colonial period *mulato* exogamy would have had the side-effect of increasing the number of individuals given the label. Since *mulato* served as a catchall for anyone with perceived African ancestry when a *mulato* married someone from another *género* their offspring would most likely be categorized as *mulato* regardless of the other parent's *género*. The catchall nature of *mulato* then served to insure that any *mulato* exogamy would serve to increase the total number of *mulato* individuals as a percentage of the population. The next chapter will continue this discussion by examining the factors which facilitated African and indigenous unions and examine the unique place of Afro-indigenous *mulatos* in New Spain.

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[88] Vinson III, *Bearing Arms for his Majesty,* pp. 125-130.

Conclusion

During the sixteenth century, the term '*mulato*' encompassed an amazing degree of diversity. Individuals to whom this term was ascribed varied greatly. It could be applied to individuals born in the Americas or those born in Iberia. Some *mulatos* could claim over half European ancestry while others were predominantly indigenous in their physical and cultural manifestations. The diversity in ancestry and parentage was mirrored in the diversity of their lived experiences. Some *mulatos* could be rather successful in business. They may not have owned as many workshops as contemporary *mestizos* but they did become integrated into the trades and held positions of responsibility and authority in their own right. Even those involved in more rural occupations could be successful entrepreneurs even becoming creditors to *españoles*. For their part, *mulatas* showed diversity in occupation. Many worked like other lower-status women by serving as domestics in large households. Others worked on their own as midwives or even ran their own businesses.

In marriage, *mulatos* also manifested a diversity of choice in marriage partners. Nevertheless, despite their differences most *mulatos* chose to marry other *mulatos*. Yet, this choice did not preclude marriages to those from other *generos*. Most interestingly, the diversity among *mulatos* correlated most heavily to their choice in spouse. Those of African and indigenous ancestry most frequently looked to *indios* and *negros* as spouses. Other mulatos also married *indios* and *negros* but more frequently married *mestizos* and occasionally *españoles*. This trend in marriage patterns among *mulatos* provides the clearest evidence for the existence of at least two general subdivisions within the *género* label. The first category involves *mulatos* of 'typical' ancestry of mixed European and

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African descent. These individuals tended to be more closely connected to the developing Spanish society and by virtue of their cultural heritage and social milieu married across all *generos*. Those of Afro-indigenous descent demonstrated a clear preference for *indios* and *negros*, after other *mulatos*. This suggests that unlike *mulatos* born of Europeans and Africans they may have lived in different social spaces and operated within and around indigenous culture more than Hispanic culture.

Chapter 7

Afro-Indigenous *Mulatos*

…lo que aquí es muy por ordinario decir mas veces que se levantan los indios otras
veces que ya se levantan los mestizos y mulatos y otros que ya se levantan los negros y
así ahora si dijo que los indios y mulatos y mestizos se querían levantar y fue cosa que no
tubo ningún fundamento y de haber se dicho esto echan otra fama diciendo que los
negros se querían levantar… Viceroy Martín Enríquez, 1574[1]

In July of 1574, a sandal maker named Francisco Granados denounced his wife, Isabel Díaz, for being married twice. In his statement, he described both himself and Isabel as *mulatos*. However, he qualified her description further by pointing out that she was the daughter of an *india*. According to his account, the couple had lived as unwed lovers for four years before a near-death illness induced them to marry in Puebla. After their formal marriage in 1572, the couple lived as man and wife for about a year, eventually moving Mexico City. There they lived together for four months before Francisco was arrested for a murder he had committed previously. When he was released, they resumed married life for a few more months in the barrio of San Sebastian. Eventually, another shoemaker, named Parrales, told Francisco that Isabel had another husband. According to Parrales, many years before Isabel had been married to an *indio* named Pedro.[2] This may or may not have been news to Francisco. According to Isabel's statements, she was reticent to marry Francisco even as he lay in his deathbed because

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[1] AGI, Mexico 19, N. 82. "It is normal to hear many times that 'the *indios* are rebelling' other times that 'now the *mestizos* rebel' and then the *mulatos* and other times 'the *negros* rebel*'* and now they say that the *indios* and *mulatos* and *mestizos* all want to rebel and it was a thing that had no foundation [in truth] and having said that they added that it was the *negros* who wanted to rebel." Translation mine.
[2] AGN, Inq. vol. 101, exp. 8, fs. 309.

she did not know if her previous husband was still alive. She claimed that Francisco told

her that he had heard from a man in Mexico that Pedro had died and that she could freely

marry him. Unfortunately for Francisco, other witnesses provided testimony proving

Pedro was still alive and that Francisco knew about the prior marriage when he proposed

to Isabel. Ultimately, Isabel was convicted of bigamy and Francisco was tried as an

accomplice for willfully leading Isabel into heresy.

This case provides some tantalizing and unique perspectives on inter-ethnic

relationships in colonial Mexico. Most notably, Isabel Díaz is both described as a *mulata*

and the daughter of an *india*, a description which would appear contradictory given the

general definition of *mulato*. In most official documentation of the colonial period and in

present-day definitions, *mulato* described an individual born to one African and one

European parent. [3] In other parts of Latin America and in some official documents, the

category of '*zambaigo*' or '*zambo*' was used to describe individuals of mixed African and

indigenous descent.[4] Yet as has been discussed previously, this appellation was not

incorporated into common usage in Mexico.[5] Nevertheless, Francisco made no mistake

in describing his wife as both the daughter of an *india* and as a *mulata*; rather, he was

using the contemporary definition of *mulato* which placed individuals of European-

African descent and African-indigenous descent within the same socio-racial category.

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[3] Or someone of equal parts European and African descent.

[4] See: Berta Ares Queija, "Mestizos, Mulatos, y Zambaigos (Virreinato del Perú, siglo XVI)," in *Negros Mulatos Zambaigos: Derroteros Africanos en los Mundos Ibéricos*, ed. Berta and Alessandro Stella Ares Queija (Sevilla, 2000), p. 78, Diggs, "Color in Colonial Spanish America," p. 424, Michael D. Olien, "Black and Part-Black Populations in Colonial Costa Rica: Ethnohistorical Resources and Problems," *Ethnohistory* 27 (Winter, 1980): 22., and *La Recopilacion de Leyes de Las Indias*, Libro 7, Titulo 5, Ley xiiii, "Que los Mulatos, y Zambaygos no traygan armas, y los Mestizos pueden traer con licencia." This law reflects two *Reales Cedulas* issued by Phillip II on Dec. 19, 1568 and Dec. 1, 1573.

[5] '*Zambaigo*' and '*zambo*' were used in the famous 'casta paintings' of the late colonial period. Yet, these and others, such as '*salta atrás*' and '*tente al aire,*' are not found in quotidian colonial documentation of the sixteenth century.

Although scholars have noted the occasional usage of *mulato* to describe individuals of African-Indian descent, few scholars have investigated how this usage might complicate our understanding of the term '*mulatos,*' the body of individuals so labeled, or what this might suggest for an understanding of race and *casta* in the colonial period. Moreover, as the previous chapter discussed, such an analytical distinction can highlight the diversity found among colonial Afro-Mexicans.

The general tendency in scholarship has been to recognize that some *mulatos* were of African-indigenous descent while paying little or no attention to how these individuals may have differed from their Afro-European counterparts.[6] Aguirre Beltrán's *La Población Negra de México* was one of the first scholarly works to examine Mexico's African population. While this work notes the presence of Afro-indigenous individuals within the category of '*mulato,*' he did not examine the social or cultural context of these individuals nor the exact relationship between Afro-indigenous and Afro-Hispanic *mulatos*.[7] In *Medicina y Magia*, Aguirre Beltránplaced emphasis on *mulatos* and *mestizos* as agents of acculturation between African, indigenous, and European systems of medicine and magic. Yet in this work, his analysis focused more on the exchange and transculturation of medicinal practices rather than the social dynamics which underlay African and indigenous interaction during the colonial period.[8] Even in *Race Mixture in the History of Latin America,* Mangus Mörner devoted few pages to the discussion of colonial African-indigenous unions. Of the contexts which produced such paring he only

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[6] For example: Laura A. Lewis, *Hall of Mirrors,* pp. 75-6, Magnus Mörner, *Race Mixture,* pp. 30-1.
[7] Aguirre Beltrán, *La población negra de México: estudio etnohistórico*. Although he does not dissect the complex socio-racial connotations contained within the term 'mulato' or cultural variability among these individuals, he did recognize their ethnic breadth.
[8] Aguirre Beltrán, *Medicina y Magia*, pp. 73-76, 275-277.

noted that they "almost always took place outside of wedlock, being usually of a casual character."[9]

In their regional studies, James Lockhart and John Chance provided slightly more detail concerning the interaction of Africans and native peoples. In his examination of sixteenth century Peru, Lockhart was one of the first to note that those born to Africans and native women were given the label of "*mulato*" because no other term such as "*zambo*" or "*zambaigo*" had yet developed.[10] For his part Chance did an excellent job noting the vagaries between an official-administrative racial hierarchy and a "folk" model operating in colonial Oaxaca.[11] This finding is crucially important to the overall argument made here because it highlights that for the bureaucracy one *mulato* was the same as the next even though to a colonial individual an Afro-Hispanic *mulato* might be very different than a "*mulato medio indio*."[12] One of the first scholars to directly tackle the issue of African-indigenous unions was Patrick Carroll in his work on colonial Veracruz. He found that although marriages between Africans and native people were never the most numerous for either group significant numbers of Africans married native peoples during the seventeenth century. This trend contributed to the increasing ethnic and racial variability in seventeenth and eighteenth century Veracruz.[13] This chapter adds to the

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[9] Mörner, *Race Mixture,* p. 31.
[10] Lockhart, *Spanish Peru,* p. 176.
[11] Chance, *Race and Class in Colonial Oaxaca*, pp. 126-7. Chance used the example of a "*mulato achinado*" or "*indio amestizado*."
[12] I have found the example of "*mulato medio indio*" in documents from colonial New Spain. See, AGI, Mexico, Vol. 109, Ramo 3, N. 18, fs. 282-602. This phrase was used to describe an Afro-Mexican cowboy living near the Chichimec frontier in 1581.
[13] Patrick Carroll, "Los Mexicanos Negros, el Mestizaje y los Fundamentos Olvidados de la "Raza Cosmica:" Una perspective regional," *Historia Mexicana* 44 (1995), Patrick James Carroll, *Blacks in Colonial Veracruz*, pp. 88-89.

work of Carroll and others by delineating the factors which facilitated this process across most of sixteenth century New Spain.

Most importantly, this chapter highlights diversity within the term '*mulato*' by tracing the development of Afro-indigenous *mulatos* and exploring their place in sixteenth century New Spain. This analysis will take a two-fold approach to exploring the historical development of Afro-indigenous *mulatos*.[14] Firstly, it will provide an analytical explanation of how Africans and native peoples found themselves in locations in which facilitated unions between the two groups. This section will re-evaluate the relative size of Afro-indigenous *mulatos* within colonial Mexican society. Secondly, this work will examine several inquisition cases involving Afro-indigenous defendants in order to explore their unique lifestyle and place within colonial society. This analysis seeks to go beyond a simple delineation of the lives and experiences of individual *mulatos* by refocusing scholarly attention on the colonial meaning of *mulato*. By doings so, this research highlights the ways in which the colonial categorization of difference continues to homogenize individuals and minimize the perception of diversity among colonial subjects.

The Early Colonial Crucible

The growth of an Afro-indigenous *mulato* population can be correlated in large part with the economic and political development of New Spain during the early sixteenth century. While Spaniards did not attempt to foster African-indigenous unions

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[14] The testimonies preserved in criminal cases, both secular and ecclesiastical, provide rich details about those accused and their contemporaries. Sadly, few secular cases from sixteenth century Mexico survive. However, Inquisition documentation is plentiful and provides a valuable source of information for exploring the lives of colonial subjects.

(in fact they sought much the opposite),[15] the means by which Spaniards chose to develop their American colonies placed Africans and indigenous people into close proximity. This spatial proximity and the economic niches occupied by both groups insured that cross-cultural unions could occur. While the urban and rural settings of the colony developed differently, in both areas Africans and natives found themselves side-by-side as Spanish entrepreneurs and officials sought to mobilize their labor. Unions brought about by this Spanish colonial development would lead to the rapid growth of an Afro-indigenous population by mid-century.

In his article "Black Conquistadors," Matthew Restall examines the multiple ways in which Africans were incorporated into the process of conquest from the sixteenth century until the eighteenth century.[16] In particular he noted that early Africans brought into the colonies can be placed into three overlapping categories: mass slave, unarmed auxiliary, and armed auxiliary. Although more typical of the African experience in later periods, mass slave importation began relatively quickly as Spaniards began importing Africans to replace native labor in the Caribbean.[17] Nevertheless, during the conquest era, many Africans aided the Spanish by taking up arms in the campaigns. Certainly, for many Africans this decision was based in self-preservation. As forced immigrants these early Africans did not generally have the choice of avoiding combat, by taking up arms they probably hoped to improve their own chances of survival and possibly improve their position through service to their masters and the crown. Restall also notes that the use of

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[15] See: Patrick Carroll, "Black-Native Relations and the Historical Record in Colonial Mexico," Jonathan I. Israel, *Race, Class, and Politics in Colonial Mexico* (Oxford, 1975), pp. 67-75, Edgar F. Love, "Legal Restrictions on Afro-Indian Relations in Colonial Mexico," *The Journal of Negro History* 55 (1970), Mörner, *Race Mixture,* pp. 35-48.

[16] Restall, "Black Conquistadors," p. 173.

[17] For a recent study of early mass slave importation and use on Hispaniola, see: Guitar, "Boiling it down: Slavery on the First Commercial Sugarcane Ingenios in the Americas (Hispaniola, 1530-45)."

Africans began in the Caribbean context and like many other Spanish conquest tactics was transferred and expanded upon with the move from the Caribbean to the mainland.[18] James Lockhart and Stuart Schwartz also described this trend and noted that in general the Caribbean served as an area of experimentation for patterns of conquest and settlement.[19] These findings are essential for understanding the African contribution to conquest and settlement. The use of African slaves and freemen in the earliest efforts to control and govern the Indies insured that Africans would continue to be used in a myriad of environments and contexts during the colonial period.

While most Spanish chronicles of conquest exploits rarely mention African auxiliaries, several of these African men were successful enough to be noted by their Spanish counterparts. Prominent 'black conquistadors' include: Juan Garrido in Mexico, Sebastian Toral in Yucatan, and Juan Valiente in Chile. In general, African conquistadors were born in Africa but spent some time in Iberia or the Caribbean before becoming members of conquest expeditions. They also tended to be young men, usually around thirty, and most began fighting while enslaved.[20] Some of these black conquistadors were exceptionally successful even by Spanish standards. The most well known black conquistador, Juan Garrido received his freedom, was appointed to several minor posts, and was recognized formally as a *vecino* of early Mexico City.[21] Another African in early colonial New Spain, Juan Valiente received permission from his owner to participate in the campaigns of conquest in South America. He eventually became a

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[18] Restall, *The Black Middle*, Restall, *Seven Myths*. Restall's argument builds upon the earlier examination of early conquest and colonization made by James Lockhart and Stuart Schwartz.

[19] James Lockhart and Stuart B. Schwartz, *Early Latin America: a Short History of Colonial Spanish America and Brazil*, Cambridge Latin American studies; 46 (Cambridge [Cambridgeshire]; New York, 1983), pp. 61-85.

[20] Restall, "Black Conquistadors," 188-190.

[21] For a detailed history of Garrido's life see: Gerhard, "A Black Conquistador in Mexico."

captain of an expedition into Chile where he was rewarded with an estate and given an *encomienda*.[22]

Throughout the sixteenth century, Africans found themselves part of continued conquests and expansions. Just as the members of Cortés' 1519 company had sought to better themselves financially and expand beyond the conquered areas of the Caribbean, so too did poorer, less rewarded Spaniards seek new conquests beyond central Mexico. At almost any point in the century, an interested Spaniard would have been able to participate in a conquest campaign aimed at expanding Spanish dominion. In the 1520s and 30s, Spaniards like Pedro de Alvarado and Cortés himself sought to expand south into Central America and west to the Pacific Ocean. During the 1530s and 40s the Montejo clan made repeated attempts to conquer the Yucatan, finally 'succeeding' in 1541. The 1530s through the 1550s saw expansion to the north into the mining regions of Guanajuato and Zacatecas. Continued conflicts with *indios chichimecos* persisted throughout the 1570s and 80s. As in previous conquest attempts, Spaniards brought their African slaves and servants on these campaigns. Moreover, following the example of Cortés, and others, these campaigns used extensive numbers of native allies. Throughout these extended conquests, Africans and natives found themselves side-by-side fighting and surviving in new and dangerous landscapes. While Afro-indigenous families may not have been formed on these expeditions, both sides would have participated in cultural exchange. Ultimately, when both native allies and African auxiliaries settled in newly founded towns mixed families developed over time.

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[22] Restall, *Seven Myths*, pp. 53-63.

One important means of African-indigenous interaction during the conquest era was sexual violence. As in most other violent encounters, one of the more frequent spoils of war was women. Consequently, the early history of African-indigenous unions cannot be divorced from the sexual violence which was perpetrated against native women by Iberians and their African auxiliaries. In his examination of the later conquest and colonization of New Mexico, Ramón Gutiérrez vividly describes the variety of sexual violence committed against native women and the resulting children born of such unions.[23] Moreover, he notes that on the northern border of the viceroyalty, even the term '*mulato*' differed in its application. Although Afro-indigenous persons were born from sexual violence and other unions, in seventeenth-century New Mexico '*mulato*' more frequently described the offspring of Spanish-indigenous unions. This usage suggests a concerted effort to further depreciate 'half-breed' individuals through the use of a term more commonly associated with African descent. Moreover, James Brooks noted that frequent practice of abduction and captive exchange played a key role in the development of colonial relationships in the northern part of New Spain. While a detailed examination of sexual violence against indigenous women by African slaves is lacking for the early conquest period, evidence suggests it did occur.

Early royal decrees directed to the Caribbean and later decrees made for the mainland, noted that Africans could and did harm native women and in some cases rape or abduct *indias.* For example, in 1526 the crown sought to restrict the importation of African slaves from Iberia to the Caribbean because of fears that they would cause

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[23] Ramón A. Gutiérrez, *When Jesus came, the Corn Mothers went away: marriage, sexuality, and power in New Mexico, 1500-1846* (Stanford, Calif., 1991), pp. 195-6.

violence, flee, and disrupt the developing colony.[24] Although the order did not mention

possible sexual violence against native women, the crown was concerned that they would

flee to the mountains and commit other crimes. This order, like those that followed,

probably reflected both preconceptions of African behavior and the complaints of

colonial subjects against their slaves. The wording alluded to any variety of crimes

against the Spanish and *indio* population. In later decades, officials made more open

claims to violence between slaves and native women. In a *cedula* directed to Peru in

1541, the Council of the Indies ordered that no *negro* be allowed to have authority over

indios because of the frequent crimes they perpetrated against natives.[25] The bureaucratic

concern over African violence against native peoples represents an effort to insure

continued revenue from native tribute and labor. The frequency of such decrees suggests

that sexual violence was probably the one of the first means by which Afro-indigenous

individuals came into the colonial system just as it also begat the first *mestizos*.

Although sexual violence may have characterized the first African-indigenous

unions it probably did not represent the norm after the conquest era. Nevertheless, the

problem of African and Spanish violence against natives in the Caribbean led the crown

to physically and politically separate their indigenous subjects from Spaniards and

Africans.[26] Theoretically the "*república de indios*" existed separately from the "*república

de españoles*" in law. Yet, in practice urban environments made such separation

impossible.[27] The largest early colonial cities were built on major pre-Columbian centers

such as Tenochtitlan-Mexico or Tiho (Merida). In these cities, both indigenous and

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[24] Konetzke, *Documentos para la Formación Social*, vol. 1, #40, p. 80.
[25] Ibid., vol. 1, #131, p. 206.
[26] The crown regularly issued cedulas to this effect. See: Encinas, *Cedulario Indiano*, IV: 340-1, 343. Similar cedulas were issued in 1550, 1558, 1563, 1578, 1580, 1581.
[27] See: Cope, *The Limits of Racial Domination*.

Spanish residents convened their own *cabildos* to govern their respective *repúblicas*. All major Spanish settlements contained native peoples even if they lacked an official native *cabildo*. Regardless of the governing bodies presiding within a given city, Spaniards, native peoples, and Africans found themselves side by side sometimes separated by city blocks but more frequently simply by walls within a home.

As the single largest group of colonial subjects, native peoples provided the bulk of the colony's labor. In urban areas, the native population tended to provide unskilled, manual labor. In the immediate post-conquest period, native labor was used to transform ruined pre-Columbian centers into Spanish cities. *Encomienda* grants also allowed Spaniards to use native labor and goods to supply and maintain their new urban homes.[28] Natives tended to produce and supply urban centers with their necessary food products. Indigenous vendors sold fruits, vegetables, fish, and game to urban residents. In fact, colonial ordinances granted indigenous entrepreneurs a monopoly on commerce in food products.[29] Some natives learned trades and worked alongside Spanish craftsmen.[30] In order to meet the major labor needs of Spanish colonizers, native labor was mobilized in almost every sector of the urban economy.

The multiplicity of labor needs in early colonial cities insured that Africans found themselves working next to and with indigenous people. Robinson Herrera's excellent study of Santiago de Guatemala provides valuable insights into the place of Africans in

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[28] Ruiz Medrano, *Reshaping New Spain.*
[29] See: AGN, Reales Cedulas Duplicadas, vol. 3, exp. 11 and 24. Both of these orders by Don Martin Enriquez uphold existing ordinances which prohibited "*españoles, mestizos, mulatos y negros*" from selling most locally produced foods.
[30] Carrera Stampa, *Los Gremios Mexicanos.*

early colonial cities.[31] He found that African slaves primarily worked in Spanish homes in domestic service and often there was a sexual division of labor. African women worked in homes as domestics and cooks while African men often worked in trades outside the home. For example, in sixteenth century Santiago, African slaves worked as carpenters, locksmiths, tanners, and even barbers. In sixteenth-century Mexico, Africans slaves very often held skilled positions in textile *obrajes*, while natives provided simple manual labor.[32] In the market, African and indigenous vendors competed for sales. In *Nahuas After the Conquest*, James Lockhart noted that indigenous control over the marketplace, a legacy of the pre-Columbian era, became much more tenuous in areas of high Spanish settlement.[33] In such communities, Africans, *mulatos*, and *mestizos* began to compete within the physical and economic space of the market. Finally, colonial Spanish homes provided yet another area in which Africans and native peoples interacted. As in trades, Africans probably represented a more permanent part of Spanish households while individual native laborers rotated through homes and trade shops based on the vagaries of *encomienda* grants, *repartimiento* labor, or free-wage arrangements.

The constant presence of Africans and natives in so many aspects of urban life led to increased personal connections and a broader cultural awareness of the other. While person-to-person interaction could be fleeting and vary depending on employment and residence, the urban setting placed Africans and natives in almost constant contact. This contact would have allowed individuals to gain increased fluency in the cultural norms of those with whom they worked and interacted. These factors insured that the possibility

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[31] Robinson A. Herrera, *Natives, Europeans, and Africans in Sixteenth-century Santiago de Guatemala* (Austin, 2003), pp. 122-123.
[32] Palmer, *Slaves of the White God*, Proctor, "Slavery, Identity, and Culture: An Afro-Mexican Counterpoint, 1640-1763," Ph.D. dissertation, Emory University, 2003.
[33] Lockhart, *The Nahuas After the Conquest,* p. 191.

for formal and informal African-indigenous unions existed in urban areas. Work for

Spanish households would have placed African and indigenous servants in a position to

begin and maintain long-term relationships. Ultimately, the varied labor needs of the city

and a multiplicity of possible forms of interaction insured that Africans and native

peoples would form relationships some of which would produce Afro-indigenous

mulatos.

Unlike urban areas during the sixteenth century, the rural countryside remained

largely indigenous; however, Spanish economic interests insured Africans labor was also

present in most areas. In fact, scholars of indigenous communities have long noted the

frequent and sustained presence of Africans in *pueblos de indios*. In *Nahuas and*

Spaniards, James Lockhart traced the advancement of Spanish economic interests into

the Valley of Toluca during the sixteenth century.[34] He noted that Africans, and later

mulatos, were frequently employed as intermediaries who oversaw rural Spanish estates.

A particularly illuminating example from this study is that of Agustina Sánchez, a

mulata, who was married to Juan Zape, a *negro* slave. This couple worked for Juan's

owner and oversaw the agricultural production of their rural estate. Both Agustina and

Juan had extensive personal connections to nearby native communities and probably

were both fluent in Spanish, Nahuatl, and possibly Otomi. In some areas, indigenous

elites may have even owned African slaves. In his study of the Mixtec, Kevin Terraciano

noted several fleeting examples of Ñudzahui households owning African slaves in the

1540s.[35] Despite this oddity, most African slaves in the Mixtec region worked for

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[34] Lockhart, *Nahuas and Spaniards,* pp. 230-232.
[35] Terraciano, *The Mixtecs of Colonial* Oaxaca, p. 340.

Spanish owners. In general, Africans entered the rural area as part of Spanish entrepreneurial development of rural industry.

The single most important industry outside of the cities was mining. The search for precious metals to fund further expansion, economic development, and debt repayment drove many Spaniards to find and claim mining property. The major physical demands of mining led many mine owners to favor African slaves over native labor as workers in the mines. They believed natives to be frail and easily susceptible to overwork. In contrast, Africans were seen as hardy, durable laborers capable of far greater exertion. During the sixteenth century the demand for slaves was so great that every viceroy asked the crown to send slaves to the colony solely for work in the mines.[36] Despite prohibitions to the contrary, almost all major mining regions of Mexico used a mixed African and indigenous workforce to extract ore. Skilled slaves would also have provided the mining settlements with the tradesmen required for specialized goods and services. Even with African slaves, native labor was invaluable to the running of the mine. In 1597, the Zacatecas labor force consisted of nearly seventy percent free-wage native labor and another eighteen percent indigenous forced-labor.[37] Nearby native communities helped provide food and supplies for the miners. As outlined in the rarely-followed mining ordinances of Viceroy António de Mendoza,[38] native labor was used for transport and light duties befitting their perceived frailty. Natives collected and transported firewood and other raw materials required for mining operations. Nearby communities helped supply food and other supplies. The shared work and social space of

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[36] See: AGI, Mexico, vols. 19-24. "Cartas y expedientes de los Virreyes"

[37] Kris Lane, "Africans and Natives in the Mines of Spanish America," in *Beyond Black and Red: African-Native Relations in Colonial Latin America*, ed. Matthew Restall (Albuquerque, 2005), pp. 174-175.

[38] A copy of these ordinances can be found in the documentation concerning Mendoza's *residencia*. See: AGI, Justicia 259, "*Hordenanças de mynas e otras cosas.*"

Africans and native peoples in the mines allowed for increased cultural awareness of both sides and eventually the growth of Afro-indigenous *mulatos*.

After mining, initial Spanish rural development focused on ranching. Throughout the century, Spaniards received land grants to develop cattle and sheep ranches.[39] Few land grantees sought to work these ranches themselves. Instead they used African slave labor, or hired a mixed work force of Spanish, *mulato, mestizo* and *negro* laborers.[40] Some Africans and Afro-Hispanics had previous experience in ranching in Iberia or in the Caribbean. Rural ranch hands generally lived on the land with the livestock. However, very often these *estancias* bordered native settlements and mendicant missions. On the edge of the empire and often surrounded by *indios de guerra*, African and Afro-Hispanics would have had close contact with the local indigenous population who would have helped supply them with provisions. Both ranchers and *indios de paz* banded together to protect themselves during Chichimec raids. The isolation of their environment and the presence of native settlements would have led many African ranchers to form close relationships with native peoples.

In general, rural areas probably represented the most important venue for the formation of African-indigenous unions. While Africans were frequently employed as overseers or managers of native labor, the harsher rural environment necessitated a greater degree of mutual cooperation and friendship. Sadly, documentation of such relationships is difficult to find as conflict more often than cooperation tended to produce

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[39] Melville, *A Plague of Sheep*.

[40] François Chevalier, *La Formación de Los Latifundios en México: Haciendas y Sociedad en los Siglos XVI, XVII, y XVIII* (1956, repr. ed. México, 1999), p. 202. In passing Chevalier also noted that on rural *estancias* the term "*mulato*" more often referred to the children of *negros* and *indias*.

documentation in the historical record.[41] Consequently, scholars are more apt to see African-indigenous interactions as negative and conflicting than mutually beneficial.

One way to examine the extent of African-indigenous interaction and the relationship between African-indigenous *mulatos* and their Afro-Hispanic counterparts is to examine the number of individuals born of such unions. Although demographic sources for the sixteenth century are sparse, data does exist to approximate the sizes of Mexico's various sub-populations and suggests the rapid growth of an Afro-indigenous population. As early as 1553, Viceroy Velasco warned that Africans and individuals of mixed-descent greatly outnumbered Spaniards and that there could be a danger of insurrection.[42] In that same letter Velasco suggested that the crown begin to limit African slave imports because the African slave population for the viceroyalty was over 20,000 and growing.[43]

In 1571, a census was conducted of the Archdiocese of Mexico.[44] According to the figures, Spaniards numbered almost twelve thousand with over ten thousand of those living within Mexico City. Natives numbered over seven hundred thousand and Africans almost five thousand with over three thousand living in the capital. Sadly, the census does not contain any account or estimate of individuals of mixed ancestry or those without fixed residences.[45] More data can be found in an undated, late-sixteenth century census of the dioceses of Mexico, Michuacan, Nueva Galicia, Tlaxcala, Yucatan, Oaxaca, and

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[41] Carroll, "Black-Native Relations and the Historical Record in Colonial Mexico."

[42] *Cartas de Indias*, pp. 263-6. "*Carta de don Luis de Velasco, virrey de Nueva España, al Emperador Don Cárlos...*" (5-4-1553).

[43] Ibid., p. 265. This number was clearly exaggerated for effect. By this date, there were certainly fewer than 20,000 African slaves. Philip Curtin places the total imports to all of Spanish America prior to 1550 at ~15,000 slaves. Philip Curtin, *The Atlantic Slave Trade: A Census* (Madison, WI, 1969), pp. 21-25.

[44] AGI, Mexico 112, "*Tabla general en que van las provincias del Arcobispado de Mexico...*"

[45] *Idem.* "*Ay otra muncha gente assi de espanoles mestizos como negros mulatos e yndios que por andar vagando y no tener ciertos asientos y abitaciones no se puede hazer padron ni numero dellos.*"

Chiapa which tallied almost 15,000 Spaniards, 17,000 *negro* slaves, 2,445 *mestizos* and 1,465 *mulatos*.[46] Although this document does record some *mulatos* and *mestizos*, there is reason to believe that it greatly underestimates the actual sizes of these demographic groups.[47]

Anecdotal evidence from roughly the same period as the above records suggests a *mulato* population much greater than the mere 1,465 individuals recorded across the whole of the viceroyalty. In 1568, Juan Bautista, a *mulato* tailor, petitioned the crown for permission to build a *mulato* hospital in Mexico City. This request, made on behalf of all *mulatos*, noted that there were over six thousand *mulatos*, "the children of black men and Indian women and children of Spanish men and black women" in desperate need of their own medical establishment.[48] While this number may have been slightly exaggerated for the purposes of their petition, this claim clearly contradicts the meager numbers recorded by the census.[49] More importantly, Bautista places African-indigenous unions before African-European unions suggesting more *mulatos* were born of *negros* and *indias* than *espanoles* and *negras*.

Further anecdotal evidence for the size of the *mulato* population can be found in the correspondence of Viceroy Martín Enríquez. In 1574, the viceroy warned the crown:

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[46] AGI, Indiferente General 1529, N.41, summation of totals mine. Also found in Germán Latorre, *Relaciones Geográficas de Indias. La Hispano-America del Siglo XVI: Virreinato de Nueva España (Mexico - Censos de Población)* (Sevilla, 1920). References to relocating the see of Michuacan from Patzcuaro to Valladolid (called *Guayangareo*) suggest that the document was made very soon after 1580.
[47] Both the censuses cited stated that individuals without permanent residences or living in rural areas could not be fully enumerated. Since *mulatos* and other individuals of mixed-ancestry generally fell into one or both of these categories, these omissions probably mask the true size of these groups.
[48] AGI, Mexico 98, "*Los vecinos mulatos de la Nueva España en solicitud de licencia para hacer un hospital donde curase de sus enfermedades*" (1568). The description of their parentage reads, "*mulatos hijos de negros y yndias e de españoles e negras.*"
[49] The contradiction is greater because this petition was put forward the *mulatos* of Mexico City suggesting they were only counting those individuals who lived close enough to the capital to benefit from a hospital.

Sola una cosa va cada dia poniendose en peor estado y si Dios y V.M. no lo remedian temo que no uenga a ser la perdicion desta tierra y es el crecimiento grande en que van los mulatos, que de los mestizos no hago tanto caudal aunque ay muchos entre ellos de muy ruyn biuienda y de ruynes costumbres mas al fin son hijos despañoles y todos se crian con sus padres que como de quatro o cinco anos salen de poder de las indias y siempre an de seguir el vando de los spanoles como la parte de que ellos mas se honrran mas los mulato que son hijos de negros crianse siempre con las madres y dellas ni de los padres no pueden tomar muy buenas costumbres y como personas libres haze de si lo que quieren y muy pocos se aplican a officios y casi ninguno a cultivar la tierra sino a guardar ganados y otros officios adonde anden con libertad.[50]

Although Martín Enríquez does not enumerate the population, the vehemence of his opposition to the growth of the *mulato* population suggests that these individuals had begun to constitute a segment of society much larger than that suggested by the censuses of the same period. Like Juan Bautista, the viceroy views most *mulatos* as being the children of African and indigenous unions. The letter goes on to make another very important observation about the 'plague' of *mulatos*. The viceroy claimed that enslaved African men may have been preferentially choosing to have children with *indias* and free *mulatas* in order to insure their offspring would be born free. In order to slow the growth of these freeborn, Afro-indigenous *mulatos*, Martín Enríquez suggested that the Crown order that <u>any</u> child born to a *negro* slave be considered a slave. This would lead *indias* and free *mulatas* to reconsider having children with enslaved men and place the

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[50] *Cartas de Indias*, p. 299. "*Carta del Virey de la Nueva Espana, Don Martin Enriquez al Rey Don Felipe II, dandole cuenta de varios asuntos de las islas Filipinas y de aquel Reino. – Mexico, 9 de enero de 1574.*" "Only one thing continues worsening day by day and if God and Your Majesty do not rectify [the problem] I fear that it will be the downfall of this land. [The crisis] is the tremendous growth of *mulatos*. Of *mestizos* I do not have such fears even though there are many with ruinous lives and base behavior. At the end of the day they are the sons of *españoles* and they are all raised by their fathers and by age four or five have left the care of the *indias* and have begun to follow their fathers, who they honor greatly. Worse are the *mulatos* who are children of *negros* and who are raised by their mothers [*indias*] and who cannot be taught good customs from either parent. Yet, as free persons they do what they wish, very few applying themselves to trades and none cultivating the land. Instead, they go to work as ranch hands and in other jobs where they can travel as they wish." Translation mine.

troublesome *mulatos* under greater control. The suggestion was ignored by the crown but nonetheless reinforces the numerical danger as seen by Viceroy Martín Enríquez.

One final aspect of note in this account is the emphasis paid to the gender of the Africans involved in these unions. Martín Enríquez speaks almost exclusively of male Africans with little attention paid to enslaved women. This may be due to the fact that any child born to an enslaved *negra* would be born a slave and by his own logic less likely to be born of an African-indigenous union. However, the viceroy's focus on *negro-india* relationships suggests that this was the most common parental coupling for *mulatos* of the sixteenth century. Viceroy Enríquez was not the first or the last to warn the crown of *negro-india* unions. In 1552, the Augustinian friar, Nicolas de Witte wrote to the crown complaining of all the new 'mixtures' arising from the unions of Africans, Europeans, and native peoples.[51] According to his observations all *mulatos* descended from *negros* and *indias*.[52] In 1582, Archibishop Moya de Contreras, cautioned the crown that continued slave importations would directly lead to many more *mulatos* who would invariably band together with *mestizos* and cause unrest.[53] In general during the sixteenth-century, observers tended to mention African-indigenous unions over African-European ones when describing the growing *mulato* population of the colony.

Sadly, systematic data does not exist for the gender ratio of slaves brought to into sixteenth century Spanish America. The crown favored a ratio of two male slaves to one

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[51] AGI, Mexico 280, N. 57. "Fray Nicolas de Witte a S.M." Jan. 8, 1552.
[52] Idem. "…*que esta llena de negros que se casan con las indias de donde proceden los mulatos…*"
[53] AGI, Mexico 336B, N. 160. "Arzobispo Moya de Contreras a S.M." Nov. 20, 1582. Although Moya de Contreras did not mention *negro-india* unions explicitly the close associations between *mulatos* and *mestizos* suggests shared cultural understandings which probably resulted from indigenous parents.

female slave.[54] This preference for men reflected the underlying economic demand for labor.[55] A survey of African slaves living in Puebla suggests that the African population may have approximated this mandated gender ratio during the mid-sixteenth century. Between 1540 and 1556, 221 slaves appeared in notarial documents, of these 170 were men and 51 women, a ratio greater than 3:1.[56] A sex imbalance of this size would certainly steer African men to search out non-African partners. The obvious choice for numerical and status considerations would be native women or freed African or Afro-Mexican women.[57] Taken together the demographics of slave imports and the desire to bear free children may have led many enslaved *negros* to form unions with *indias*. While, the resulting *mulato* children may have been overlooked in census documentation, by the 1570s they were numerous enough to unsettle the viceroy and to believe themselves deserving of royal aid.

Cultural Fluency

In most cases involving Afro-indigenous *mulatos*, one can detect a great degree of cross-cultural awareness on the part of indigenous people as well as among Africans and

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[54] Aguirre Beltrán, *La población negra de México: estudio etnohistórico*, pp. 30, 236.

[55] While large slave importers were regulated by royal *asientos* and should have followed this gender ratio, the crown frequently granted individuals immigrating to the colony the right to import slaves as part of their households. This type of importation did not necessarily follow the prescribed gender ratio, and may have led to a less drastic gender disparity overall. For examples of private importation, see: *Catálogo de Pasajeros a Indias: durante los siglos XVI, XVII, Y XVIII*, ed. Consejo Superior de Investigaciones Científicas, 4+ vols. (Sevilla, 1940 (and later)). For a concise summary of royal slave trade policy and the use of asientos, see Sanz, *Comercio de Espana con America en la epoca de Felipe II*, I: pp. 511-542.

[56] Peter Boyd-Bowman, "Negro Slaves in Early Colonial Mexico," *The Americas* 26 (Oct., 1969): p. 145. While suggestive, notarial documents generally record slave sales, bequests, and emancipations. This ratio could be skewed by factors which caused slave owners to sell, buy, free, trade, etc. male rather than female slaves.

[57] For data on seventeenth century rates of marriage endogamy for individuals from various socio-racial groups see: Carroll, "Los Mexicanos negros, el mestizaje y los fundamentos olvidados de la "raza cosmica:" Una perspective regional.", Cope, *The Limits of Racial Domination,* pp. 80-81, Edgar F. Love, "Marriage Patterns of Persons of African Descent in a Colonial Mexico City Parish," *The Hispanic American Historical Review* 51 (1971).

their descendents. In particular the documentation surrounding Africans and their descendents suggests that their contact with native persons led them to become fluent in native culture. Certainly if each group saw the other as totally foreign, one would not expect to see many cross-cultural unions. This was clearly not the case. I have found no extensive evidence of Africans or their descendents living native lifestyles in the sixteenth century; however, many Africans were aware of native culture and often operated within or alongside it. Conversely, native peoples did not live in a cultural vacuum.

In 1574, Antón Yaruniga a *negro* slave denounced his wife Juana Ramírez, a *mulata*, for remarrying.[58] According to Antón's initial statement to the tribunal, he and Juana, who was then called María, had married twenty-three years before. However, he lamented that for most of that period Juana had not lived with him. Like Francisco Granados, Antón said that he heard from a third party that his wife had remarried. Juana's second husband was supposedly another *negro* slave named Antón owned by don Francisco Velasco. Initially, Juana denied any marriage to Antón Yaruniga; however, in later testimony she reconsidered the effectiveness of this strategy and presented her recollection of the marriage.[59] She claimed that being very young she was forced to marry Antón. The *mayordomo* of Antón's owner bound her in irons and whipped her until she consented to the marriage. She said that she did not want to marry Antón because he was older and entirely too tall. After one month of marriage in which they

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[58] AGN, Inq vol. 101, exp. 7, fs. 277.
[59] Many defendants chose to initially deny any knowledge or recollection of the crime(s) for which they were under investigation. This strategy could lead to a suspension of the case if the tribunal felt they lacked adequate evidence to pursue the matter further. Unfortunately, defendants could never be sure of how much testimony the inquisitors had gathered. In this case, a friend of Juana had suggested that she simply deny all charges. This friend, Beatriz Ramírez, another *mulata*, claimed that she had used this strategy to effectively avoid prosecution.

slept in the same bed and had sexual relations, she fled and did not see Antón again until she was arrested decades later.

Witnesses tended to side with her recollection. Thomás Portugués said that she was very quarrelsome and often fled from Antón. He recalled Juana complaining that Antón was big and ugly and also reported one particular incident in which Antón tried to punish her by forcing her to breathe chili smoke and in the process burned her face. Another sixty year-old slave named María also remembered that as young girl Juana was very mischievous, and had a tendency to run away from Antón. However, she testified that Juana was burned by chilies as a result of a punishment given by her mother. For all the discrepancies between different recollections, the testimony on the whole clearly describes a very unhappy marriage.

Yet despite the couple's differences, Juana Ramírez's case is demonstrative of this cross-cultural awareness. Her mother, Francisca, an *india*, was born in the predominantly indigenous community of Texcoco sometime in the late 1520s or 1530s.[60] Although Spaniards would have been present throughout her life, one can safely assume that during her formative years Spanish cultural influence would have been quite minimal.[61] At some point in her life Francisca left Texcoco and ended up in the silver mining region of Taxco. She and her family may have been sent to the region as *repartimiento* labor or she may have chosen to move there as a means of supporting herself during the difficult decades following the conquest. Whatever the case, when she

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[60] Based on the approximate ages and times given for Juana's marriage, she was most likely born sometime between 1545 and 1550. Even if she gave birth to Juana at a young age, Francisca could not have been born much later than 1530. She may well have been born at the time of the conquest or immediately afterwards.
[61] Although she was certainly baptized and would have had encounters with mendicant missionaries, neither the early conquistadors nor the missionaries wished to Hispanize the native population.

arrived in Taxco she entered a very different cultural milieu than that of her native Texcoco. Populated by Europeans of diverse nationalities, Africans from various ethnic and language groups, and rotating native labor from nearby *altepetl*, cultural adaptability would have been necessary to survive.[62] Francisca clearly survived and we know she became involved with two African men, eventually marrying one of them. We do not know if Jorge or Francisco were *bozales,* new arrivals from Africa, or if they were *ladinos*, fluent in Spanish language and culture. Either way, Francisca and her suitors shared neither the same culture nor the same language. After arriving in Taxco, Francisca learned to communicate with and understand the cultural framework of her diverse, new neighbors.

Her daughter, Juana, would have had the benefit of being raised in this multi-cultural environment. The documents do not indicate Juana's level of competence in native languages, but she most likely had at least a passing understanding of Nahuatl through her mother. Further, we see a level of multicultural fluency among her immediate family. We know that at the time of her trial she had two sisters. In 1574, one still resided in Taxco and the other had moved to Tenancingo, a town within the *encomienda* of Pedro de Salzedo. Her sister in Tenancingo, a rural, largely indigenous *pueblo*, would have been culturally fluent, and perhaps highly acculturated to native language and practice.[63] The sister's willingness to move to, and live in, a predominantly indigenous town indicates considerable comfort among the native population that was likely a product of her early life. It is safe to assume Juana felt a similar comfort.

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[62] José Enciso Contreras, *Taxco en el Siglo XVI: Sociedad y Normatividad en un Real de Minas Novohispano* (Zacatecas, México, 1999).
[63] Gerhard, *A Guide to the Historical Geography of New Spain*, pp. 170-2.

According to his testimony Antón Yaruniga arrived from Africa as a young man and came to know Juana when she was a child.[64] Upon arriving, Antón certainly had very little if any cultural awareness of European or indigenous culture. However, by the time of his denunciation to the Inquisition it is clear that eventually he learned to operate well within the multi-cultural environment of the mining town and the colony. The accusation that he forced Juana to breathe chili smoke suggests he had learned traditional Nahua disciplinary techniques.[65] His Hispanic acculturation can clearly be seen in actions before the Inquisition. In the years between when Juana fled and his denunciation, Antón became aware of the canon law relevant to an estranged husband and the proper manner in which he should contact the authorities and present his case. Being a slave in Taxco, he would not have been able to easily travel to make a denunciation. Instead he sought out a scribe and had a letter written to the inquisitors in Mexico City. Additionally, when ordered to testify before the court the scribe recording the interview did not note his skill in language or that an interpreter was used. This lack of notation generally implied that the individual testifying spoke fluent *castellano*. Taken as a whole, in denouncing his wife Antón demonstrated that he had not only become fluent in Spanish but had acquired the cultural knowledge necessary to advance his claims before the Holy Office.

However, Juana and Antón's unhappy marriage suggests that there were considerable cultural differences between them at least initially. Certainly, Juana may simply have been rebelling against outside pressure to marry so young to a man she disliked. But it is also quite possible that she and Antón simply could not communicate

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[64] AGN, Inq. 101, exp. 7, fs. 280v, "dijo que cuando este vino de guinea la hallo en Taxco chiquita…"
[65] Frances Berdan and Patricia Rieff Anawalt, eds., *The essential Codex Mendoza* (Berkeley, 1997), pp. 124-5.

or understand one another. Unfortunately, we do not know how many years elapsed between Antón's arrival and his marriage to Juana. If the period were short, he may have been accustomed to a very different set of cultural assumptions than that of his new community. And while we can assume that Juana was culturally prepared to operate among native peoples, ladino Africans, and Spaniards, she may not have had very much experience with *bozales*.[66] Between outside pressure and possible cultural confusion, Juana's desire to escape matrimony is understandable. Ultimately, this case provides a window into the extent and limits of acculturation among Africans and Afro-Mexicans.

The 1559 Inquisition case against Francisca de Acosta provides even clearer evidence of a *mulata*'s understanding of native culture. Although tantalizing in what it contains, the case is unfortunately sparse in its biographical information. However, it does suggest that Francisca, a *mulata* living on an estancia in rural Oaxaca, was fluent in Nahuatl.[67] According to the testimony, Francisca initially married a man named Antón Sánchez, a slave described as *negro* or *moreno*. Witnesses claim they were married in 1558, and then went to live in Tehuantepec. Sometime after that, she was seen living on a different estancia with a second husband, a *mulato* slave named Juan.

Most of the case testimony surrounds the initial marriage to Antón Sánchez . It is this testimony which suggests that Francisca spoke Nahuatl. Martín de San Miguel, a *mulato* servant, stated that one day Antón Sánchez arrived on the estancia with Francisca. At some point during that stay, Antón took Francisca by the hand and asked if she would

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[66] Direct importation from Africa was never very common in Spanish America during the early 16th c. Although a *Real Cedula* from 1526 mandated the exclusive importation of *bozales*, this was rarely possible and most slaves were resold as ladinos into New Spain from Iberia or the Caribbean (see: AGI, Indiferente General 420, l. 10, fs. 342-342v).

[67] AGN, Inq. Vol 91, exp. 2, fs. 14.

marry him. Martín says that Francisca responded to the proposal by saying yes in Nahuatl. Another witness, Martín Ximénez, a *moreno* slave, recalls that having recently returned from the Mixteca he ran into Antón, Francisca, and Martín de San Miguel. Immediately, Antón asked him to be a witness to their exchange of vows. According to his statement:

> *dixo a la dicha francisca mulata senora quereys os casar conmigo y ella callo y segunda vez se lo ynterrogo y dixo senora days os por mi muger y ella le respondio en la lengua mexicana quema que quiere dezir si…*[68]

Sadly, the case contains no more testimony about this exchange. Both witnesses say that Antón and Francisca lived as man and wife after this exchange of vows. Neither witness offers any suggestions as to why Francisca may have responded in Nahuatl. The confession of Francisca de Acosta is likewise silent on her knowledge of Nahuatl and her genealogy. She gave her statement in Spanish, and inquisitors did not note that she spoke poorly, suggesting fluency in that language.[69] Unfortunately, the inquisitors did not ask any biographical details other than her name and age, fifteen.

Without more biographical detail about Francisca it is impossible to determine if she was the daughter of an African-indigenous couple. Nonetheless, she demonstrates the acculturation that occurred when Africans and native peoples lived and worked in close proximity. The country-side in which she lived was almost entirely populated by native peoples. In the 1540s and -50s, very few Spaniards, other than clergy, would have lived near the estancias in-between the Mixteca and Tehuantepec. She was undoubtedly raised

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[68] Ibid., fs. 14v. [Antón] asked Francisca, "Señora would you like to marry me." At this Francisca was silent and a second time he asked, "Would you be my wife?" She responded to him in the Mexican language, "*Quema*." This means 'yes.'" Translation mine.

[69] In general, if indigenous or *negro* witnesses were fluent in Spanish they were labeled ladinos. In contrast, *mulatos* and *mestizos* were assumed to be fluent and comments would only be made if they could not speak Spanish well.

in a community consisting of multi-ethnic cowboys and local native peoples. Her use of Nahuatl suggests that not only was she in contact with native peoples but that that contact was prolonged enough for her to learn a native language. Additionally, the other two witnesses, both of African-descent, demonstrated a familiarity with Nahuatl as they recognized what she had said and knew it to be a native tongue. This awareness could only have been acquired through interaction with nearby indigenous residents.

African-indigenous families were not limited to the rural areas of colonial Mexico. In 1555, a *mulato* named Luis Hernández was arrested for bigamy in Mexico City. He was accused of exchanging vows in that city with a *mulata* named Agustina then later marrying a woman named Madalena de la Cruz, also a *mulata*, in Atlixco.[70] According to statements by Luis and Agustina, they had been in a relationship for several months during which time she lost her virginity to him and they had intercourse many times. Luis only asked Agustina to marry him after her parents ordered him to propose. Agustina claimed that he asked her to marry him many times, but after exchanging vows and living together for a time he left her. In his first statements, Luis did not deny this and even admitted to his second marriage in Atlisco to Madalena de la Cruz.

The legal strategies in this case suggest that all the *mulatos* involved had a reasonable understanding of the tribunal and the relevant canon law. Initially Luis tried to suggest that the first marriage was coerced and therefore invalid. Agustina took the opposite tack by insisting that the marriage to her was entered into openly and should be considered valid. Madalena sided with Agustina's position by petitioning to be declared

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[70] AGN Inq. vol. 95, fs. 200-217. At this time, prior to the Tridentine redefinition of marriage, the exchange of vows before witnesses constituted a marriage even in the absence of a clerical blessing.

free of the second, illegitimate marriage and awarded financial damages. In an attempt to counter these strategies, Luis changed his position, denied the marriages, and attempted to preclude his previous statements by arguing that he was too young, without sufficient reason, and incapable understanding his own legal situation.[71] Despite his attempt, Agustina provided even more damning evidence by soliciting the testimony of her mother and Luis' mother.

These two women were called simply "Isabel y Madalena, *indias*." Their testimony was taken through a court appointed interpreter. Although the case only records their testimony as a Spanish translation, these two indigenous women would have provided their official testimony in Nahautl.[72] According to Isabel:

> *podia aber tres anos poco mas o menos que el dicho luis mulato hijo desta testiga le dixo yo he avido su verginidad a agustina mulata hija de madalena y me queiro casar con ella.*[73]

Isabel told him that he should marry Agustina. Madalena told a very similar story. Interestingly, her statement did not describe her own daughter as a *mulata*. More importantly, the case does not contain any statements concerning the fathers of either Luis or Agustina. The lack of any mention of their fathers and the statements of these to Indian women suggests that these two *mulatos* primarily resided with their mothers in the *barrio* of San Pablo. They might not have had any contact with, or even any knowledge of, their fathers.

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[71] Ibid., fs. 209. Specifically he called himself, a "muchacho de poca edad y falto de juicio y tonto y incapaz."

[72] Isabel and Madalena did not speak Spanish. If they had spoken with any fluency they would have been labeled *ladinas* and would have provided testimony in Spanish.

[73] Ibid., fs. 213. "About three or so years ago Luis *mulato*, my son, told me, "I have taken the virginity of Agustina *mulata*, Madalena's daughter, and I want to marry her." Translation mine.

The close association between these two *mulatos* and their mothers suggests that they were highly acculturated to native society. Based on their testimony, Luis and Agustina did speak Spanish. Yet, we must assume that these two *mulatos* were fluent in Nahuatl, or at least had a passing understanding of the language. They would have learned Spanish and Nahuatl as children. Luis was a tailor and needed Spanish to function within his work environment. Although we know nothing of his father, it is very likely that he was an African or *mulato* servant or slave in the city and may have helped prepare young Luis to work as a tailor. Either under the tutelage of his father or a Spanish tailor, Luis would have begun his working life young and become fluent in Spanish as a result.

Both Luis and Agustina were exposed to Nahuatl with their mothers and in their neighborhood. The fact that their indigenous mothers were involved in their decision to marry suggests that they may have lived in their mothers' homes. Agustina certainly lived with Madalena *india* as it was in her home that many of Luis' advances occurred. Luis may or may not have lived at home. As a tailor, he probably worked in a shop owned by a Spaniard. He may have lived in his employer's shop. Nonetheless, Luis clearly had frequent contact with his mother suggesting that even if he did not reside with her he frequented her home and neighborhood. San Pablo was probably the most diverse of Mexico City's neighborhoods. In 1571, almost one thousand Spaniards and four thousand natives lived together with an unknown number of *mestizos*, *mulatos*, and *negros*.[74] Within this cultural milieu Luis and Agustina would certainly have been exposed to and befitted from learning both Spanish and Nahuatl.

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[74] AGI, Mexico 112, "*Tabla general en que van las provincias del Arcobispado de Mexico...*"

This case does suggest some important differences between urban and rural Afro-indigenous *mulatos*. Even though this case is one of the earliest in the documentation, the *mulatos* involved in the investigation show a very highly developed understanding of the legal system. Agustina and Madalena both presented petitions to the court in order to sway the ruling. Agustina's claim that her marriage should be considered valid based on the exchange of vows and consummation had legal basis in the canon law of the time. Likewise, Madalena's claim to an annulment and financial restitution for being made an unwitting accomplice to the sin of multiple matrimony had legal basis. Luis, however, did not demonstrate the same degree of legal knowledge. His initial candid confession of his two relationships would have represented a possible strategy for minimizing the possible punishment meted out by the court. However, his confession did not contain notations suggesting contrition or an appeal to the mercy of the court.[75] The alternate strategy taken by many Inquisition suspects and witnesses was a complete denial of any wrong doing.[76] Rather than follow either of these two common strategies, he was initially too open to obfuscate or shade his past but not contrite enough to try to curry sympathy from the court. Nevertheless, when he came to recognize that some of his statements may have been self-incriminating, he tried to have them precluded or at least qualified through a claim of ignorance and lack of reason.[77]

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[75] This strategy was not unheard of. Often when moved by contrition, or fear, accused did breakdown and place themselves at the mercy of the court. In these cases, their testimony included the phrase, "on their knees with tears in their eyes...." (*hincado de rodillas con lagrimas*). For examples, see: AGN, Inq, 1495, exp. 4 (1608); or AGN, Inq. 145, exp. 11, fs. 270 (1596).

[76] This strategy, although more risky, tended to force the court to be more specific in their questioning which could often provide clues to the witness/defendant about what information the court already possessed. See: AGN, Inq 94, exp. 1, fs. 47 (1572).

[77] In this claim he was clearly playing into the prevailing opinion of Afro-Mexicans as well as suggesting that as a minor he could not possess the same mental faculties or reasoned judgment as an adult.

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Unfortunately for both women, the court chose to recognize the second marriage as valid and ordered Luis to take up married life with Madalena while providing some financial support for Agustina. In ruling this way the court clearly favored the marriage which they knew had been contracted through and blessed by a cleric. Even though pre-Tridentine canon law recognized marriage as the simple exchange of vows, the court may have had their doubts as to the exact verbal exchange between Luis and Agustina. A lack of witnesses would have negated the validity of the first marriage.[78] Nonetheless, through their attempts to sway the court these urban *mulatos* demonstrate a relatively advanced understanding of the court system and their legal positions.

Multi-generational African-Indigenous Families

Frequently, families containing Afro-indigneous *mulatos* show evidence of continued African-indigenous pairings over multiple generations. This tendancy can be seen as an extension of the cultural fluency described above. Once acculturated to indigenous norms, Africans and their descendents demonstrated continued connections to indigenous persons over multiple generations. The life of Isabel Díaz, the bigamist wife of Francisco Granados, presents an excellent example of a family with multiple generations of African-indigenous unions. Sadly, we know little of Isabel's parents other than their names and *castas*. Her father was a *mulato* named Francisco Díaz and her mother was an *india* largely unknown to Isabel. As the daughter of an Afro-Mexican and an *india*, Isabel represents at least the second generation of an African-indigenous family.

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[78] Allyson M. Poska, "When Love Goes Wrong: Getting out of Marriage in Seventeenth-Century Spain," *Journal of Social History* 29 (1996): p. 872.

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Her own marriages continued this trend. Sometime around 1560 she married her first husband, Pedro García, the *indio* shoemaker. They had one child, a daughter. Although unnamed in the documents, this daughter was also described as a *mulata* despite her known bilateral indigenous heritage. Isabel's second marriage was to another shoemaker, the *mulato* Francisco Granados. Unfortunately, the case records nothing of his genealogy so we cannot know if he had any indigenous ancestry. Nonetheless, even our slight knowledge of Isabel's family demonstrates several generations of African-indigenous unions.

Diego Piloto provides another example of one of these multi-generational families.[79] Like Isabel, Diego was denounced to the Inquisition for being married twice. Born in Guatemala, Diego described his parents as a *moreno*[80] named Diego and an *india* named María Inés. Diego, the father, was also described by witnesses in Honduras as a *negro*. Most likely, Diego, the son, represents the first generation of an African-indigenous family. According to his confession he was thirty-nine years old in 1575. Even if his age was only an approximation, we can assume he was born sometime between 1535 and 1540. Consequently, it is most likely that Diego, the father, participated in the conquest or early settlement of the region and, like many Spaniards and Africans, subsequently formed a family with an indigenous woman.

Sometime around 1560, Diego Piloto married an indigenous woman named Inés in Honduras. They lived as a couple for over ten years in San Pedro and in the province

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[79] AGN, Inq vol. 104, exp. 2, fs. 18.

[80] During the sixteenth century throughout the viceroyalty of New Spain, *moreno* was very often a synonym for *negro*. However, unlike *negro* which was itself often synonymous with 'slave,' *moreno* may have been used as a qualifier to suggest someone of African descent with a dark complexion but without reference to legal status. In this case, Diego referred to his father as a *moreno* while others chose to use *negro*. This suggests that Diego was attempting to place his heritage in a slightly more favorable light.

of Comayagua. However, Diego's work as a muleteer often took him away from home for extended periods of time. On one of these journeys he heard that Inés had died. Three years after the death of Inés, around 1570, Diego moved to Antequera (Oaxaca) where he married an enslaved *negra* named María Sape.[81] Although he was denounced for being married twice, the thorough investigation conducted by the Inquisition ultimately determined that Inés had died prior to Diego's second marriage.

In his choosing his first wife, Diego formed the second generation of an African-indigenous family. The Inquisition case records no children for either of Diego's marriages. However, the investigation only occurred a few months after his second marriage, and he may have had children with María Sape after the case was suspended. Ultimately, his own mixed African-indigenous heritage would insure that any child he had with either wife would have represented another generation of African-indigenous family.

One final example of these families can be found in the Inquisition case against Gonzalo Hernández.[82] Gonzalo was born sometime around 1526 to Juan, a *negro* slave of Alonso Avalos, and María, an *india* from Mexico. In 1584, Gonzalo, then almost sixty years old, wrote a letter to the *comissario* of the Holy Office in Guadalaxara denouncing himself for being married to two women at the same time. He claimed that around 1550 he had married a *mulata* named Francisca Rangel in her home town of Amatitlan.[83] After two years of marriage and the birth of a child, Francisca suddenly left her husband and disappeared. For twenty-eight years, Gonzalo sought word of his wife to no avail. In

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[81] AGN, Inq vol. 104, exp. 2, fs. 18-9.
[82] AGN, Inq. vol. 137, exp. 6, fs. 142-186.
[83] Amatitlan was part of the *Provincia de Avalos*, part of modern Jalisco.

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1579, he found witnesses who could attest to the death of Francisca. After being declared free of matrimony by virtue of Francisca's death, he married Catalina García, *india*, in the pueblo of Maquilí. According to the *indio* witnesses to this second wedding, Gonzalo specifically asked permission of the villagers to marry Catalina.

After four years of marriage to Catalina, Gonzalo received word that Francisca was still alive living on an estancia in Michuacan *amancebada* to a *negro*.[84] When he approached her she rebuffed him and the *negro* and several *mulatos* prevented him from bringing her back with him. Gonzalo's self-denunciation represented the only possible means by which he could extricate himself from his circumstance and normalize his marital situation. In his statement, he expressed a desire to return to a married life with Francisca since – still alive – theirs was the only valid marriage. After its investigation, the inquisition determined that Gonzalo had presented valid – if erroneous – evidence of Francisca's death and had been dually granted permission to remarry. Consequently, Gonzalo did not commit a heretical crime; his case was remitted to the ordinary for final determination.[85]

This case is interesting in that both of Gonzalo's marriages reflect multi-generational African-indigenous ties. His first wife, Francisca was an Afro-indigenous *mulata*. According to her statements, her mother was an *india* from the pueblo of Içatlan. Sadly, she did not mention her father directly. Given her age of fifty in 1586, her father was probably an African sent to work in the burgeoning mines of the region or as an overseer for some Spaniards rural estate.[86] In marrying, Gonzalo and Francisca continued

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[84] In the sixteenth century, a*mancebamiento* refered to sexual relationships out of wedlock.
[85] Presumably, the ordinary would have ordered Francisca and Gonzalo to re-establish marital cohabitation.
[86] Gerhard, *A Guide to the Historical Geography of New Spain*, pp. 156-157.

the African-indigenous connection as both were equally African and indigenous. Their life experiences demonstrate a familiarity with native culture. When she left Gonzalo, Francisca returned to her mother and lived in that *pueblo* until her mother's death. This suggests a strong attachment to and comfort with indigenous culture. Likewise, after being declared free of his first marriage, Gonzalo turned to an indigenous woman to be his second spouse. More importantly, he demonstrated an understanding of communal norms and a fluency in native language when he asked Catalina's community of Maquilí for permission to marry. In the testimony gathered by the Inquisition, all of the native witnesses to this marriage spoke Nahuatl through interpreters. This fact suggests that Gonzalo's communication with them took place in Nahuatl and not Spanish.

Ultimately, Gonzalo's case serves as a vivid demonstration of the frequency of African-indigenous ties. He married a *mulata* and an *india* yet in either case he perpetuated African-indigenous ties. This multigenerational trend most likely reflects the fact that the contexts in which Africans and natives first came into contact helped foster a shared understanding of native culture. Over time this sustained cultural awareness helped facilitate multiple unions between Africans – or their descendants – and native people.

Conclusion

This chapter explored the importance of Afro-indigenous *mulatos* in two ways. Firstly, it constructed a framework for understanding how Africans and native people came to find themselves in similar physical and occupational spaces. Although geared towards understanding colonial Mexico, these findings hold true generally for all of

Spanish America given that the processes which facilitated these interaction represent typical patterns of Spanish conquest and colonialism which developed in the Caribbean and spread outward over time and space. Secondly, this chapter examined Inquisition cases in order to better flesh out the actual lived experiences of Afro-indigenous *mulatos*. This discussion demonstrates several important aspects of African-indigenous interactions. Namely the close proximity of Africans and native persons facilitated acculturation on both sides and long-term cultural fluency lead to multiple generations of unions between the two groups and their descendents.

These findings provide some important insights into the broader historiography of race and ethnicity in Latin America. Most notably they substantially challenge our understanding of the term '*mulato.*' This term originally developed for describing African-European mixture expanded in the context of early Spanish American conquest and colonization. In the sixteenth century, '*mulato*' came to subsume any person of known African ancestry. Consequently, it homogenized a vast group within one sole term. While scholars have noted this trend, few have investigated it. This work provides an illuminating, if brief, discussion of these individuals and in so doing argues that further examination of the term '*mulato*' is needed. Scholarship must not further the stereotyping of the colonial period but seek to find the contradictions and contingencies which ultimately made such terms legal fictions.

These findings also speak for the need to engage in broader comparative studies of terminology in Spanish America. Although beyond the scope of this work, such explorations can help examine how socio-racial terminology sought to describe the ever-shifting colonial population. As Lockhart pointed out for Peru, the term '*zambo*' or

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'*zambaigo*' eventually came to define Afro-indigenous persons in some areas. Such terms were rare in Mexico. Nevertheless, scholars like Ben Vinson and Matthew Restall have noted that terms such as '*pardo*,' '*lobo*,' and '*coyote*' were adopted to describe a variety of ethnic backgrounds over the course of the colonial period.[87] Scholarship must continue to address the factors which led to the creation and adoption of socio-racial labels. These terms were not static and their use could vary over time and space. The usage of *mulato* in the sixteenth century does not necessarily reflect its usage in later centuries.

Finally, these findings add to our understanding of socio-racial terms as a reflection on the social order in Spanish America. Scholars such as Magali Marie Carrera and Ilona Katzew have argued that inter-ethnic unions led to the creation of a phenotypically and culturally diverse population which by the eighteenth century caused an elite pre-occupation with racial categories and taxonomies.[88] Such taxonomies and their complex explanation of physical difference sought to order a highly variable population no longer reflective of earlier categories of difference. Douglas Cope's pioneering study of these terms and their relevance in seventeenth century Mexico City, suggests that inter-ethnic unions were pervasive enough negate the effectiveness of terminology as a means to divide the urban population.[89] This study provides an explanation of how exogamous unions began to crumble the tenuous socio-racial barriers created by Spanish categories of difference. In particular it has shown that Africans and native peoples formed a large number of unions over the course of the sixteenth century. Moreover, these unions often continued over multiple generations. As Africans and

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[87] Matthew Restall, *The Black Middle*, Vinson III, *Bearing Arms for His Majesty*, Vinson III, "Studying Race from the Margins."
[88] Carrera, *Imagining Identity in New Spain* , Katzew, *Casta Painting.*
[89] Cope, *The Limits of Racial Domination*.

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native people inter-married and formed unions the stark dividing line between *negro* and *indio* blurred. Moreover the breadth of the term *mulato* further weakened its value as a marker of difference. By the end of the sixteenth century, it was being used to describe persons with three *indio* grandparents and only one *negro* just as it could be applied to individuals equivalent Iberian-African ancestry. The process briefly described here would continue over the course of the centuries and whittle away the utility of such terms. In this regard, this study represents the first detailed analysis of the sixteenth century which seeks to explain how later seventeenth and eighteenth century processes came into being and how socio-racial terminology came to represent highly variable and contextual markers of difference for colonial individuals.

Conclusion

In 1582, a wealthy Spaniard named António de Espejo led a small expedition
from the Kingdom of New Spain north into what is now the Southwest United States.
This expedition followed in the footsteps of Coronado's earlier explorations. The modest
results of this expedition are known and have been studied by various scholars.[1] What
few know is that one of the principal factors leading Espejo to venture into the unknown
was a run-in with the law. In April of 1581, António de Espejo killed two of his
employees and seriously wounded a third, all cowboys. These crimes were investigated
by the *alcalde mayor* of Celaya and provide a unique picture of life on the edge of
Spanish dominion. In particular, this case and its copious testimony can help us
understand the highly contextual nature of *género* ascription in everyday life and provide
a window into a multi-ethnic community – one in which *negros, mestizos, mulatos*, and
indios lived together as families, friends, and neighbors.

After celebrating Easter in Zacatecas during the final days of March, António de
Espejo ventured out to his sheep estancias between Querétaro and Celaya.[2] His intention
was to gather his cowboys and go brand livestock out on the range. Espejo arrived at an
estancia named La Barranca on the first of April. He ordered his cowboys ahead to
another estancia, Aguas Calientes, and then on to the Valle de San Francisco. Espejo
stayed behind and planned a rendezvous with the men two days later. While the cowboys

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[1] Robert McGeagh, *Juan de Oñate's colony in the wilderness: an early history of the American Southwest*,
1st ed. (Santa Fe, N.M., 1990). pp. 22-23.
[2] Archivo General de Indias, Mexico vol. 109, Ramo 3, N. 18, fs. 282-602. This account is a composite
based on the various accounts within the case record.

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traveled ahead, Espejo and a small retinue made their way by a different route. On the night of the third of April, one of his men fled, probably out of fear that Espejo's plan would leave the party vulnerable to Chichimeca raids. Upon waking, Espejo became irate. He proceeded to interrogate another cowboy, Andrés Gutiérrez, an *indio*, about the whereabouts of the missing man. When Andrés failed to answer adequately, Espejo stabbed him in the chest, and left him for dead. With Andrés bleeding on the ground, Espejo and his retinue proceeded to their rendezvous. Local residents of San Francisco de Chamaquero witnessed the stabbing and quickly collected Andrés, carrying him into town for treatment.

While Andrés was being tended to in Chamaquero, Espejo reunited with his cowboys. The following day, he told the men that they would be going out to brand in the morning. When everyone awoke, one of his cowboys, Sebastian López, a *mulato*, complained that he was too ill to work. This angered Espejo who ordered Sebastian to be bled. In the outburst, Espejo ranted that he was the only authority (*justicia*) around and that if anyone questioned him they were liable to be run through as he already had done to another of his cowboys. Sebastian refused to be bled but acquiesced to working. Espejo's hot temper and confessed stabbing sat poorly with the men and the prospect of an attack by Chichimecos increased with every step. As the main group was riding to the livestock, four men, Sebastian López, Marcos Ramos, Alonso Hernández, and Diego Ramírez stole away and headed to their wives at the estancia of Aguas Calientes. When Espejo realized four of his cowboys had left, he became even more enraged. Along with his brother Pedro Muñoz and a *mestizo* named Juan Rodiriguez, Espejo rode in pursuit.

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The following morning, the fifth of April, both sets of men neared Aguas Calientes. The cowboys arrived first. Alonso Hernández and Marcos Ramos entered the estancia while Sebastian López and Diego Ramírez stayed behind. Within moments of their entrance Espejo and his companions arrived. While Alonso Hernández was inside one of the residences talking to his wife, he heard shouts as Espejo confronted Marcos Ramos. Marcos began to flee on foot. Espejo raised his arcabuz and fired; Marcos was struck in the head and fell dead. Alonso now began to flee in fear of his life. Juan Rodríguez, still on horseback, set after him and tried to slow him down. Pedro Muñoz raised his harquebus and told Alonso to stop. When he did not Pedro fired, at the same moment Alonso threw himself to the ground saving his life but exposing his upraised hand to the shot. Wounded, Alonso was quickly captured by Espejo and tied up.

Espejo and Muñoz wanted to know where the other men had gone. Confessing he did not know, they threatened to hang Alonso. As tempers cooled and the reality of the bloodbath set in, Espejo asked Alonso to talk to Marcos' wife and offered to pay her one hundred pesos for her husband's death. Within hours, Alonso managed to elude his captors. After his escape, Alonso traveled directly to Querétaro to report the crime to the *teniente alcalde mayor*. As the investigation unfolded, Espejo and his brother fled and hid from the authorities. During this period, Espejo developed his plan to escape or avoid punishment through service to the crown and an *entrada* to the north. As the case proceeded against him, he was tried, convicted in absentia, and sentenced to death. The documentation of this case is preserved as part of his appeal to the crown for a pardon in light of his service in discovering New Mexico.

The copious testimony recorded by the *justicias* opens for us a window into the every day life of these cowboys. Although the events are unique and terrifying, the personal relationships and descriptions of life on the estancia can allow us to better understand this rural part of the empire. The first important aspect that can be drawn from this case concerns the nature of community in this remote region. At this same time in other parts of New Spain local communities tended to be spatially small and geographically distinct. In urban areas like Mexico City, Puebla de los Angeles, or Merida, neighborhoods and parishes served as the most salient level of community with many residents working and living within those boundaries.[3] In smaller yet still sizable places like Cuernavaca, community was still bounded within the physical space corresponding to the corporate community and its affiliated lands. Nevertheless, the northern frontier and other largely rural areas present a wholly different situation.

The men and women living on these estancias could not define community narrowly. Each *estancia* had only a limited number of residents. For example, Aguas Calientes probably had a resident population of four or five couples with miscellaneous family members and other single individuals. We know that Alonso Hernández and his wife, Leonor, lived on the estancia. Leonor was the sister of Marcos Ramos who also lived on the estancia with his wife, Graciana de Oviedo. Also resident were Melchior Vásquez, the *caporal* of the estancia, and his wife Gracia, who were *compadres* with Alonso and Leonor. Sebastian López and Diego Ramírez may have spent considerable time at the *estancia* but their wives lived in the nearby pueblo of Aguas Calientes. Other residents included Baltasar, an *indio labrador* from Mexico City, Baltasarillo, an *indio*

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[3] Chance, *Race and Class in Colonial Oaxaca*, Cope, *The Limits of Racial Domination*, Love, "Marriage Patterns of Persons of African Descent in a Colonial Mexico City Parish.", Restall, *The Black Middle.*

native of Toluca, Lucia, an *india* and mother of Melchior, Luisa *india*, and an *indio labrador* named Lucas and his wife Ana. Many statements also include references to *indizuelos* which seems to be a reference to young children, presumably *indios* but possibly also *mulatos*. All told the *estancia* held somewhere between fifteen and twenty residents; however, at any given time the men working as cowboys may not have been in residence. At other times, the population of the *estancia* may have been much greater if other cowboys had been called in to work the livestock nearby.

The high degree of mobility required of these cowboys fostered a broader sense of community in the region. As the details of this case make clear, these cowboys were part of a diffuse but widespread network of *estancias*. In the days leading up to the murder of Marcos Ramos, the cowboys of Espejo had spent time at three or four different estancias, and presumably had some degree of familiarity with their cowboys and residents. These estates included: La Barranca, Aguas Calientes, San Antón, an estancia of Diego Ruiz, and an estancia of the *secretario* Juan de Cuevas. Also, within this broadly defined community can be included the pueblos of Aguas Calientes and La Barranca, the towns of Queretaro, Apaseo, and Celaya, as well as the estancia and pueblo of Chamaquero. The testimony of the witnesses suggests that the residents of each of these small settlements shared friendships and at times familial ties with others across this broad area. Given the small size of any one of these estancias or pueblos, this diffuse sense of community would have been necessary. For those of Aguas Calientes the closest ties seem to have been with the estancia of La Barranca and that of Juan de Cuevas. After the murder of Marcos Ramos, news of the bloody events traveled quickly from Aguas Calientes to both other estancias. From there, the residents, many friends and family,

quickly ventured back to Aguas Calientes to comfort the grieving and bear witness to the scene.

The widespread community of these *estancias* contributed to ethnically heterogeneous families. For example, the family of Alonso Hernández shows the diversity of relationships across this broad landscape. Alonso Hernández, generally called a *mulato*, was married to Leonor Hernández, an *india*. His brother-in-law, the brother of Leonor, was Marcos Ramos, a *mestizo*. Presumably, Marcos and Leonor were only half-siblings given that he was generally referred to as a *mestizo* and she an *india*. Marcos was married to Graciana de Oviedo, a *mestiza*. Even though the relationship was distant, both Graciana and Alonso referred to each other as brother- and sister-in-law. However, the interconnections did not end there. Alonso was an uncle to the wife of Miguel Hernández, a *mulato* cowboy at Aguas Calientes. Additionally, Alonso's own uncle also lived in the vicinity. Pedro Cortés, a *negro*, was a slave of Pedro de Salazar and worked on the *estancia* of Aguas Calientes. Pedro was also the father of Graciana de Oviedo, making Alonso and Graciana first cousins as well as distant in-laws.

There existed other familial connections within this broad community. The two of the fugitive *mulatos* who stayed in the Pueblo of Aguas Calientes, Sebastian López and Diego Ramírez were brothers-in-law. Both had chosen to go to their wives in the pueblo rather than enter the estancia. Domingo was the brother of Sebastian's wife, an *mulata* named Ana Davalos. On the estancia itself, Melchior Vásquez, a *mulato* and *caporal*, was married to Gracia, an *india*. Also living with them was Lucia, an *india*, who was Melchior's mother. Melchior's father, Lucia's late husband was António *negro* who had been a slave of Alonso Davalos and had died on the estancia. Melchior was also a

compadre with Alonso Hernández. The testimony did not include references to their children so it is impossible to determine if Melchior was the godfather of Alonso's children or vice-versa. Similarly, ties of godparentage connected María Vásquez, a *mulata*, and her husband Gerónimo López, *mestizo* cowboy, to Alonso Hernández. On the whole the testimony suggests that familial and kinship ties crisscrossed the various estancias and pueblos and helped solidify and interconnect a geographically disparate rural community.

The complex familial ties also highlight another important aspect of this community, ethnic heterogeneity. While *género* labels abounded, such ascriptions did not seemingly serve to circumscribe social or familial ties. In this region, most families were heterogenous bringing together *indios* and *negros*, *mulatos* and *mestizos.* Again, the family of Alonso Hernández is a good example. He, a *mulato,* was married to an *india*. His cousin was called a *mestiza*. Presumably, one of his parents was a *negro*; certainly his uncle Pedro was considered a *negro*. He shared ties of godparentage with a *mulato* and an *india* as well as with a *mestizo* and a *mulata*. The widespread practice of intermarriage across these *generos de gente* and equally diverse kinship ties suggests that for non-Spaniards terms such as *indio*, *negro*, *mulato*, *mestizo* had little relevance in the formation of relationships within this region. Instead, these relationships and the general portrayal of friendship, family, and community within the testimony suggest that these terms did not function as markers of inclusion or exclusion. Certainly, these labels had some social value and significance, but they did not work to order or structure this community into separate socio-racial communities. Rather, a shared community existed above and beyond these categories and not through them or because of them.

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The heterogeneity of families and kin also contributed to a relatively high degree of variability in the application of *género* labels to particular individuals. Ideally, *indios* were the children of *indios*, likewise, *negros* were the children of other *negros*. The term *mulato* has traditionally been seen as applying to the offspring of Spaniards and *negros*, but as these families demonstrate it could also be used to refer to the children of *indios* and *negros*. Finally, *mestizos* were the children of Spaniards and *indios* and *castizos* the children of *mestizos* and Spaniards. Since these families often included *indios, negros,* and *mulatos* in various familial ties, the idealized system could not apply in practice. For example, many *mulatos* in this rural area were not the children of *indios* and *negros* but were also the children of *mulatos* and *indios*. The divergence between actual lived familial ties and idealized parentage for different *género* categories led to variability in the ascription of a particular label to a particular individual.

Two cases can help demonstrate the variety of *género* ascriptions generated within such a diverse community. Alonso Hernández the injured cowboy who first reported the crimes was described as being a *mulato*, a *mestizo*, a *morisco*, a "*mulato u morisco,*" or a "*morisco, hijo de morisco y india.*" The vast majority of witnesses described Alonso as a *mulato*. The reference to his being a *mestizo* may be a transcription error by a notary as it appears in one of the questions of an *interrogatorio* by the *fiscal*. None of the actual witnesses described him as such with some clarifying in their statements that he was a *mulato*. The usage of the term *morisco* is interesting. *Morisco* was the label applied to formerly-Muslim converts to Christianity. We know that Alonso was born in the region and was never a Muslim. The one reference to his being a "*morisco, hijo de morisco y india*" is suggestive in that he could have been the

descendent of a *morisco* born in the colonies. This claim is dubious in that the immigration of *moriscos* had been prohibited by the crown since at least 1543.[4] An alternate possibility is that the term "*morisco*" was being used in a uniquely American manner. By the seventeenth century, "*morisco*" would be used to describe the offspring of a *mulato* with a Spaniard. Nevertheless, it is doubtful that Alonso was being described as such. This usage would represent a very early example of this categorization. Moreover, in the late sixteenth century, formerly-Muslim, Iberian '*moriscos'* were well known in the colonies and Iberia. Consequently, the term probably retained its religious connotations in this time period.[5]

In Alonso's case, the usage of *morisco* may have been an attempt to sully his reputation by imputing his character. The first mention of his being a *morisco* was made by Pedro Muñoz de Espejo. In his response to the accusations of the *fiscal*, Pedro described Alonso as a "*morisco, hijo de morisco y india.*" Likewise, Pedro continued this reference by calling Alonso a *morisco* in the questions of the *interrogatorio* he put forth as part of his defense. In using this *género* label, Pedro may have been attempting to cast aspersions on Alonso in the hopes that it would undercut the *fiscal*'s case and help him avoid punishment for the crimes he and his brother committed. Many of the witnesses who provided testimony on Pedro's behalf likewise supported the categorization of Alonso as a *morisco*. Although we do not know what Alonso looked like, this attempt to categorize him as a *morisco* may have been plausible to contemporaries if Alonso appeared phenotypically similar to the *morisco* stereotype.

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[4] *Recopilación de Leyes de las Indias*. Lib. VII, tit. IX, ley XXIX.
[5] Less that fifteen years earlier in 1568 *moriscos* in the Alpujarras of Andalucía rebelled against Phillip II. The memory of this revolt would have still been fresh in the minds of colonial subjects.

A second example of variability in *género* labeling can be found in the

descriptions of Andrés Vásquez, the first man murdered by Espejo. He was described as

being an *indio*, "*indio mexicano*," "*indio ladino*," "*indio amulatado*," "*indio como*

mulato," "*indio que parecía mulato*," "*mulato medio indio*," *mulato*, and "*mulato, hijo de*

mulato e india." In most of the early testimony from Aguas Calientes, he was described

as simply an *indio*. Melchior Vásquez called him an *indio mexicano* suggesting he was

descendent from Nahua communities in central Mexico. This has some basis in that other

testimony mentioned that he was originally from Toluca, a Nahuatl speaking community

in central Mexico. Those who called him an *indio ladino* were noting the fact that he

spoke fluent Spanish. We also know that he spoke fluent Nahuatl to the *indios* who

attempted to care for him after his being stabbed.

More interesting are the references to him being an "*indio amulatado*," "*indio*

como mulato," "*indio que parecía mulato*," and a "*mulato medio indio*."[6] Most of these

references were made by *indio* witnesses questioned by the *fiscal* in his case against

Espejo and his brother. The *interrogatorio* put together by the *fiscal* described Andes as a

mulato. In the testimony generated by that document, most of the cowboys – often

labeled *mulatos* – chose to call Andrés a *mulato*. On the other hand, the *indios* questioned

for the fiscal generally qualified the *fiscal*'s use of *mulato* by using one of the above

phrases combining *indio* and *mulato*. The *indio* witnesses gave their testimony in

Nahuatl or Otomi.[7] Several were from the pueblo of Acambaro. Others were residents of

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[6] A "*mulato*-like *indio*," "an *indio* like a *mulato*," "an *indio* who appears like a *mulato*," and a "*mulato* who is half *indio*." Translations mine.

[7] The translators used to collect testimony were Juan de Torres, Juan Mexicano *indio*, Juan Yucua *indio*, and Juan de la Cruz *fiscal* of the pueblo of Aguas Calientes. Three of these men were clearly indigenous; however, Juan de Torres may have been a *negro* slave and friend of Pedro Cortés. The case includes no other Juan de Torres, and it is quite possible that as a slave on a rural *estancia* Juan may have become

the pueblo of Chamaquero. All of these *indio* witnesses had been in Chamaquero when the stabbing occurred. Diego Dachi, Pedro Coatl, Pablo Tari, and Luis Atapo all described Andrés as an "*indio como mulato*." Martín Oripanduta and Juan Bueno called Andrés "*mulato medio indio*." Martín also used "*indio que parecía mulato*." In these cases, *indio* witnesses chose to qualify the *interrogatorio*'s use of *mulato* to describe Andrés; however, they did not feel that he was just another *indio*. Instead, they described him as being a bit of both; either he was a *mulato* who looked a little like an *indio* or an *indio* similar to a *mulato*.

The different perceptions of Andrés may have been due to the relative differences between subject and viewer. For the largely *mulato* cowboys, Andrés looked and acted similarly to them. He was fluent in Spanish and living and working alongside them as a cowboy. On the other hand, for the *indios* in Chamaquero, Andrés seemed largely similar to them but with some differences. He spoke Nahuatl fluently, but no longer lived in a pueblo de indios. His primary occupation was one that had him working with Spaniards and Hispanized individuals. Yet, at the same time, he clearly had physical characteristics and cultural connections which led them to argue that he was somewhat *indio*. By qualifying his description they were commenting on the perceived cultural and ethnic difference between Andrés and themselves. A difference which was present but not pronounced; he was an *indio como mulato*. That is to say someone with clear ties to an indigenous culture and heritage but someone who no longer acted as an *indio*.

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fluent in Nahuatl. Certainly, Pedro Cortés would have had reason to be fluent as he had fathered a daughter with a native woman and his nephew was married to one.

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In its wealth of detail, this case serves as an excellent example of many of the arguments made throughout this work. Most importantly, it highlights the pervasiveness of *género* labels in sixteenth century New Spain while simultaneously demonstrating their highly contextual nature. Terms such as *mestizo* and *mulato* had relevance for colonial subjects. These terms entered the lexicon as epithets designed to differentiate the variability which came into being with through unions between *españoles, indios*, and *negros*. For individuals in early New Spain, these terms served as shorthand markers of difference which could quickly place a person into a known category of being. Nevertheless, the process by which labels were applied was not uniform.

Although Spanish colonial development enshrined *generos de gente* in a legal landscape, there was no means to perfectly determine their application in practice. As Chapters One and Two noted these terms were solidly grounded in Old World conceptual categories. In the New World, observers – conquistadors, clerics, bureaucrats, and colonizers – constructed and created categories to define the triad of the founding population and their mixed offspring. Consequently, the labels of *español, indio, negro, mestizo,* and *mulato* initially represented commonly accepted ascriptions which could be used to define any indiviudal's place within an increasingly heterogeneous society. Overtime, these popular categories became part of the language of empire as the crown and the bureaucracy adopted them and perpetuated their use in the legal and juridical realms. Nevertheless, although the crown and its councils accepted these linguistic categories as useful tools for enacting legislation, the nature of colonial legislation – particularly its tendancy towards casuist application– prevented the construction of rigid legal definitions for each category. The colonial bureaucracy simultaneously replicated

and perpetuated the terms which had already gained popularity and utility in quotidian parlance. Consequently, the terms *español, indio, negro, mulato,* and *mestizo* were readily acknowledged *generos de gente* yet the application of such terms remained grounded in the specific particularities and vagaries of the moment of ascription. In other words, these terms existed at two levels: the level of general understanding and stereotypic meaning; and at the level of a particular person being described in a particular moment.

As the case against António de Espejo demonstrates clearly, this could result in slippages and differences in application as individuals sought to apply the generalized meaning of a *género* label to complex and multivalent nature of a particular person. While Espejo could rant about the incorrigible and willful nature of '*mulatos*' in general, witnesses could equally be confounded in trying to ascribe a *género* label to Alonso Hernández or Marcos Ramos. As living breathing people, the viewer had to measure their dress, speech, appearance, occupation, residence, and known family against an abstract standard. The fact that individuals could be labeled differently reflects the impossibility of such a task. Consequently, although colonial subjects collectively believed in a framework of difference articulated by and through *género* labels, those labels did not unto themselves constitute a rigid 'system' of racial classification.

This finding, that the early colonial period lacked such a system, reflects the most important conclusion of this work. Scholarship of the later colonial period has sought to understand how socio-racial terms represented a 'system' of classification. Whether Aguirre Beltrán's "*sociedad de castas,*" or the estate versus class models debated by scholars like Chance and Taylor, McAlister, or McCaa *et al.*, such endeavors attempted

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to place a rigid uniform system on what can only be described as a general framework. In his recent study of Africans and their descendents in colonial Yucatan, Restall came to a similar conclusion to the one presented here. He noted that "without concrete, consistent categories there could be no real system – nor a coherent ideology of social rank that placed 'race' at its core."[8] The thesis presented here differs slightly from Restall's argument. Overall this study has shown that the *género* categories, which overtime would become *casta* groups, did exist as coherent – if not always consistent – concepts within the ideological realm. Yet, in those moments when individuals were required to convert theory – and ideology – into praxis, the vagaries of everyday life often resulted in variability, inconsistency, and mutability.

Following Vinson's call explore the "space in-between, among, and through various racial existences,"[9] this work has sought to understand the place of their descendents, those labeled "*mulatos*." Most notably, Chapters Six and Seven highlighted the important position of *mulatos*. They were not a uniform group. Differences in birthplace, parentage, and social networks led to a wide range of lived experience for those individuals of African descent collectively termed '*mulato*.' Additionally, Chapter Seven highlighted the very important connections between native persons and Africans which lead to the rise of Afro-indigenous *mulatos*. Although subsumed within the *género* of *mulato,* these individuals had strong connections to native culture and forged lasting and long term bonds to indigenous persons and communities. Their actions and those of their descendents speak to the complexity of African and Afro-Mexican experiences in

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[8] Restall, *The Black Middle*, p. 109
[9] Vinson III, "Introduction: African (Black) Diaspora History, Latin American History," p. 9.

the Americas and suggest one important vector by which abstract categories of difference became increasingly divorced from reality through inter-ethnic unions.

Although Vinson's critique was centered on those scholars working to find and explore the African Diaspora in Latin America, I feel that the goal that he articulated can be generalized towards the study of all "racial existences" in the colonial context. Consequently, this work's analysis of the term *mestizo* reflects this more general application. The term *mestizo* is important for understanding those individuals categorized by their contemporaries as such as well as for those individuals who escaped such a label. Chapters Four and Five speak to this complex problem. In the early decades of New Spain's existence, the term *mestizo* began to function as a category of being describing the offspring of Spaniards and native peoples. Yet, precisely as the term developed, an entire subset of individuals born of those unions was exempt from such an articulation. These 'elite *mestizos*' expressly demonstrate the contextuality of *género* ascription and the mutability of these categories in general.

The examination of the terms *mestizo* and *mulato* also highlighted the different factors which influenced the ascription of such terms to a specific person. Most notably, *mestizo* functioned as a relatively variable marker of European-indigenous ancestry. Especially in the sixteenth century, an individual's social or cultural traits could mitigate the ascription of the *mestizo* label. Consequently, many biological *mestizos* were actually perceived by their contemporaries as *españoles* or at times *indios*. On the other hand, *mulato* tended to be applied to anyone of perceived African ancestry. Consequently, it was a label which could not be as easily mitigated. Instead, it served to mark the perception of African ancestry. This tendency ensured that overall number individuals so

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labeled would grow rapidly as any offspring of unions between Africans or Afro-Mexicans and other *generos* would be labeled *mulato*. This very general basis for application further resulted in a wide degree of social, cultural, and ethnic variability among *mulatos* themselves. In this regard, the application of the label *mestizo* was highly contingent on various aspects of an individual's public perception, while the application of *mulato* was expansive and relied primarily on the belief that an individual was of African descent. Nevertheless, the broad basis the label *mulato* did not prevent public contestation or variability in ascription, as can be seen in the cases of Marcos Ramos and Alonso Hernández.

This work began by noting that in the mid-sixteenth century, an Augustinian friar was fearful of the 'mixtures' arising in New Spain. He saw the unions between Spaniards, native persons, and Africans as the cause of disorder, degeneration, and danger. Fears like those expressed in his letter factored into the creation of a linguistic system of differentiation designed to separate subjects from each other for the purposes of imperial hegemony and bureaucratic oversight. Nevertheless, the history of Mexico's *generos de gente* cannot solely be reduced to fear of social discord and the need to control subjects. Rather, these terms and their concomitant stereotypes evolved out of preexisting modes of thinking and seeing. From the outset they were based in the language of privilege, power, place, and religion. As Europeans began to construct an understanding of the New World and its people, those older modes of thinking changed and adapted to new realities. The terminology which resulted maintained its connection to relations of power and oversight but came to reflect the complexities of a colony populated by diverse subjects descended from a triad of founding groups. This new framework created discreet

ideological categories which could be applied to any colonial subject and help define

their place in society. Yet, in the act of ascription this framework, like stereotypes in

general, could not always reconcile the abstract category defined by a *género* label to the

specific individual being described. Ultimately, in early colonial New Spain difference

was defined, but it could also be hidden, mitigated, lost, or confused.

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Recent Papers and Presentations

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Awards

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