

IDOLATRY AS AN ONTOLOGICAL QUESTION: NATIVE CONSCIOUSNESS AND JURIDICAL PROOF IN COLONIAL MEXICO

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ABSTRACT

Is it possible to regard idolatry as an epistemically objective notion in colonial Spanish America? In order to address this question, this essay will adopt two separate strategies: a traditional narrative historiography, and a conceptual stance inspired by contemporary Anglo-American analytical philosophy. In historiographical terms, this essay will present two case studies: the successful prosecution of Zapotec ritual specialist Diego Luis by an ecclesiastical judge in 1654, and the unsuccessful prosecution of several Zapotec idolatry suspects by a civil judge in 1666. These two case studies illustrate two antipodal native responses to idolatry extirpation: a full confession of idolatry, and the systematic denial of allegations of idolatry. It will be argued here that native consciousness of certain practices as idolatry was the one cognitive phenomenon that enabled the emergence of a *collective intentionality* that rendered idolatry into an epistemically objective fact. In other words, colonial idolatry emerged as a coherent category only when both native and ecclesiastical minds willed it into existence.

Introduction

In principle, the legal category of idolatry that was deployed by ecclesiastical judges in New Spain from the sixteenth until the nineteenth century was patterned after a simple proposition that had remained constant in Judeo-Christian thought ever since Moses descended from Mount Sinai to confront the worshippers of the golden calf: only God may receive rightful worship (*latria*), and the unwarranted, misguided, or rebellious worship directed toward an entity other than God could be regarded,

Abbreviations

- AGEO: Archivo General del Estado de Oaxaca (Mexico)
AGI: Archivo General de Indias (Spain)
AGN: Archivo General de la Nación (Mexico)
AHAO: Archivo Histórico del Arzobispado de Oaxaca (Mexico)
ALC: Archivo del Lic. Luis Castañeda (Mexico)
ATEP: Archivo Judicial de Teposcolula (Mexico)
AVA: Archivo Judicial de Villa Alta (Mexico)

depending on the intentions of the worshipper and the harshness of the judge, as *idolatria*. Nevertheless, as suggested by Bernand and Gruzinski in their comprehensive review of the intellectual history of idolatry in colonial Spanish America, in spite of the apparent ontological transparency of idolatry, the prosecution of native ritual specialists was not necessarily governed by a systematic determination of idolatry as a coherent category:

... if idolatry is nothing but a religion similar to Christianity that rests on false premises, in theory it should be possible to define everything that belongs within its domain, and everything that is foreign to it. Nevertheless, this is an impossible operation, given that one may discover some idolatrous features on the ground, in all indigenous activities, however trivial. Under the weight of facts, idolatry then becomes a way of life radically different to that of Europeans, rather than the falsified reflection of religion.¹

In other words, the casting and recasting into an ocean of native practices² of a “Lascasian net”³—an ideological framework that portrayed idolatry as a parallel but inverted reflection of Christian beliefs, institutions and ritual actions—resulted in an unsystematic, idiosyncratic

¹ Carmen Bernand and Serge Gruzinski, *De la idolatria: Una arqueología de las ciencias religiosas* (Mexico City, 1992), 209-210.

² A crucial analytical distinction between early modern European witchcraft and Mesoamerican ritual practices resides in the fact that the historicity and ontology of Mesoamerican ritual practices is beyond question. While there is a longstanding debate between historians who emphasize the deep shamanistic roots of early modern European witchcraft—such as M. A. Murray, *The Witch-Cult in Western Europe* (Oxford, 1962); and Carlo Ginzburg, *Ecstasies: Deciphering the Witches' Sabbath* (New York, 1992)—and analysts who stress the legal construction of pagan cults in inquisitorial courtrooms—such as Gustav Henningsen, *The Witches' Advocate: Basque Witchcraft and the Spanish Inquisition, 1609-1614* (Reno, 1980) or Richard Kieckhefer, *European Witch Trials: Their Foundations in Popular and Learned Culture, 1300-1500* (Berkeley, CA, 1976)—the existence of coherent collective and individual native ritual practices of Postclassic origin independent of the extirpator's glance cannot be doubted.

³ In this essay, the term “Lascasian net”—derived from Chapter 2 of Bernand and Gruzinski's *De la idolatria*—refers to the influential theological position articulated and developed by Friar Bartolomé de las Casas in his *Apologética historia sumaria*. According to Bernand and Gruzinski, Las Casas begins with the Thomist argument that humans have a natural tendency to seek and worship God, but that the store of knowledge that natural law affords them is confusing and incomplete by definition. Moreover, since humankind cannot live without worshipping gods, the Devil is able to exploit the essentially human drive to believe and worship by attracting people to false cults and propositions. Therefore, each form of worship developed by human beings can be assigned to the categories of *latria* or *idolatria* through a close examination of its origins and principles. In general terms, “Lascasian net” refers to the widespread Counter-Reformation definition of idolatry as the inversion of Christianity promoted through the cunning and envy of the Devil. The “casting” of such a net refers to the classification of the devotional acts performed by colonial indigenous subjects into *latria* and *idolatria* according to the Lascasian model.

yield. A corollary to this position is that, unless one is fully prepared to wear the robes of a theologian and assume that notions such as *latria*, idolatry, and sorcery *must* refer to discrete beliefs and actions both in the seventeenth century and in the present, the theological models used by succeeding generations of extirpators will not provide us with a systematic frame of reference for understanding colonial idolatry; rather, it gives us a heuristic guide to ecclesiastical reactions to native social and cultural practices.

One could be tempted to approach this difficulty simply by assuming a relativistic stance: from a contemporary perspective, idolatry would appear as an inherently flexible category whose contents are determined in praxis. If one were to choose this path, the ethnohistorian's role would be limited to providing an account of the expansions and contractions of this category through time. But an ontological question lurks beneath such a placid arrangement: if instances of native idolatry existed only in the eye of the beholder, to what extent could one argue that idolatry was an epistemically objective notion in New Spain? Through which legal and linguistic operations did ecclesiastical judges and alleged idolaters subsume—or refuse to place—a certain series of events within the category of idolatry?

In an attempt to seek a response to these questions, this essay will adopt two separate strategies: a traditional narrative historiography, and a conceptual stance inspired by contemporary Anglo-American analytical philosophy. In historiographical terms, after the briefest review of the legal dynamics of idolatry trials in the dioceses of Mexico and Oaxaca in seventeenth-century New Spain, this essay will present two case studies: the successful prosecution of Zapotec ritual specialist Diego Luis by the secular priest Gonzalo de Balsalobre in 1654, and the unsuccessful prosecution of several idolatry suspects in the Zapotec town of Lachirioag by the *alcalde mayor* (district governor) Villegas y Sandoval in 1666. These episodes illustrate two antipodal native responses to idolatry extirpation: a full confession of idolatry, and the systematic denial of allegations of idolatry by a group of defendants.

It will be argued here that native consciousness of certain practices as idolatry was the one cognitive phenomenon that enabled the emergence of a *collective intentionality*⁴ and thus rendered idolatry an epistemically objective fact. In other words, colonial idolatry emerged as a coherent category, but only when both native and ecclesiastical minds

⁴ See John Searle, *The Construction of Social Reality* (New York, 1995).

willed it into existence. This reading of colonial idolatry trials suggests that, two or three generations after the introduction of Christianity in Central Mexico, native characterizations of their own progress as novices shifted from a state of *nepantla*⁵—literally “in the middle” with respect to both native practices and Christian indoctrination—to a more pragmatic resolve to continue engaging in certain traditional ritual practices while professing to be good Christians in a variety of private and public social contexts. Ultimately, it will be argued here that idolatry was coaxed into being only when a confession or a cogent narrative elicited by ecclesiastical or civil judges emerged in a courtroom setting. To a greater degree than in witchcraft or blasphemy cases, it would seem that idolatry trials placed a particular burden on the production and examination of *narratives* about alleged acts of idolatry: the strength and coherence of these narratives were the *sine qua non* purveyors of the juridical proof required by the ecclesiastical or civil judge in question in order to pronounce a sentence.

Idolatry extirpation in seventeenth-century New Spain

While the attempts to eradicate certain native ritual practices in New Spain between 1524 and 1571 have received a notable degree of scholarly attention,⁶ regular and secular measures against idolatry in New

⁵ See Jorge Klor de Alva, “Spiritual conflict and accommodation in New Spain: Towards a typology of Aztec responses to Christianity,” in *The Inca and Aztec States*, ed. George Collier et al. (New York, 1982), 345-366. *Nepantlism* is derived from a famous observation made to Diego Durán by a Nahua nobleman as Durán chided him for organizing a lavish public ritual celebration: “Father, do not be astonished; we are still *nepantla* [in the middle].” Diego Durán, *Book of the Gods and Rites and the Ancient Calendar*, trans. F. Horcasitas and D. Heyden (Norman, 1971), 410.

⁶ See Inga Clendinnen, *Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570* (Cambridge, 1987); Joaquín García Icazbalceta, *Don Fray Juan de Zumárraga, primer obispo y arzobispo de México* (Mexico, 1947); Richard E. Greenleaf, *Zumárraga and the Mexican Inquisition, 1536-1543* (Washington, D.C., 1962), *ibid.*, “The Inquisition and the Indians of New Spain: A Study in Jurisdictional Confusion,” *The Americas* 22/2 (1965): 138-166, *ibid.*, *The Mexican Inquisition of the Sixteenth Century* (Albuquerque, 1969), *ibid.*, *Inquisición y sociedad en el México colonial* (Madrid, 1985), and *ibid.*, “Historiography of the Mexican Inquisition: Evolution of Interpretations and Methodologies,” in *Cultural Encounters*, ed. M. Perry and A. Cruz (Berkeley, 1991), 248-276; Bernard Grunberg, *L’Inquisition apostolique au Mexique* (Paris, 1998); Wigberto Jiménez Moreno and Salvador Mateos, *Códice Yanhuítlan* (Mexico, 1940); J. Jorge Klor de Alva, “Martín Ocelot: Clandestine Cult Leader,” in *Struggle and Survival in Colonial America*, ed. D. Sweet and G. Nash (Berkeley, 1981), 128-141, *ibid.*, “Spiritual conflict and accommodation in New Spain: Towards a typology of Aztec responses to Christianity,” in *The Inca and Aztec States*, ed. George Collier et al. (New York, 1982), 345-366, and *ibid.*, “Colonizing souls: The failure of

Spain between 1585 and the mid-eighteenth century have been analyzed in substantial historiographical detail by a modest number of studies.⁷ This lack of attention belies the remarkable breadth and complexity of mid-colonial extirpation campaigns in the dioceses of Mexico and Oaxaca. As a response to the theological and praxiological shortcomings of the Indians, and probably influenced by the campaigns against local Christian devotions and agrarian cults that were conducted in Spain, France and Italy in the late sixteenth and early seventeenth century,⁸ a number of parish priests, both secular and regular, conducted local and regional campaigns against what they designated as native "idolatries" and "superstitions" in Central Mexico. Unlike the idolatry campaigns in the archbishopric of Lima in the seventeenth century, which were conducted through a partnership of sorts among seculars, bishops and Jesuits in a relatively compact region,⁹ the enemies of idolatry in New Spain orches-

the Indian Inquisition and the rise of penitential discipline," in *Cultural Encounters*, ed. M. Perry and A. Cruz, 3-22; José Toribio Medina, *Historia del tribunal del Santo oficio de la inquisición en México* (Santiago de Chile, 1905); Amos Megged, *Exporting the Catholic Reformation: Local Religion in Early Colonial Mexico* (Leiden, 1996); Roberto Moreno de los Arcos, "New Spain's Inquisition for Indians from the Sixteenth to the Nineteenth Century," in *Cultural Encounters*, ed. M. Perry and A. Cruz, 23-36; Robert C. Padden, *The Hummingbird and the Hawk: Conquest and Sovereignty in the Valley of Mexico, 1503-1541* (New York, 1970); Robert Ricard, *The Spiritual Conquest of Mexico* (Berkeley, 1966); France Scholes and Eleanore Adams, *Proceso contra Tzinticha Tangaxoan, el Caltzontzin, formado por Nuño de Guzmán, año de 1530* (Mexico, 1952); France Scholes and Ralph Roys, *Fray Diego de Landa and the Problem of Idolatry in Yucatán* (Washington, 1938); María Teresa Sepúlveda y Herrera, *Proceso por idolatría al cacique, gobernadores y sacerdotes de Yanhuítlán, 1544-1546* (Mexico, 1999).

⁷ See José Alcina Franch, *Calendario y religión entre los zapotecos* (Mexico, 1993); J. Richard Andrews and Ross Hassig, *Treatise on the Heathen Institutions that Today Live Among the Indians Native to this New Spain (1629)* (Norman, 1984); Dolores Aramoni, *Los refugios de lo sagrado* (Mexico, 1992); Heinrich Berlin Neubart, *Idolatría y superstición entre los indios de Oaxaca* (Mexico, 1988); John K. Chance, *The Conquest of the Sierra* (Norman, 1989); John Chuchiak, "Pre-Conquest Ah Kinob in a Colonial World: The Extirpation of Idolatry and the Survival of the Maya Priesthood in Colonial Yucatán, 1563-1697" in *Maya Survivalism: Acta Mesoamericana*, Vol. 12, ed. U. Hostettler and M. Restall (Munich, 2001), 135-157, and Chuchiak, *The Indian Inquisition and the Extirpation of Idolatry: The Process of Punishment in the Ecclesiastical Courts of the Provisorato de Indios in Yucatán, 1563-1812* (Ph.D. Thesis, Tulane University, 2000); Michael Coe and R. Whittaker, *Aztec Sorcerers in Seventeenth-Century Mexico* (Albany, 1982); Serge Gruzinski, *Man-Gods in the Mexican Highlands* (Stanford, 1988).

⁸ See Michel de Certeau, *La fable mystique. XVI-XVII^e siècle* (Paris, 1982), and *ibid.*, *The Writing of History* (New York, 1988); William A. Christian Jr., *Local Religion in Sixteenth-Century Spain* (Princeton, 1981); Carlo Ginzburg, *The Cheese and the Worms* (Baltimore, 1980), and *ibid.*, *The Night Battles. Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries* (New York, 1985).

⁹ See Pierre Duviols, *La lutte contre les religions autochtones dans le Pérou colonial: l'extirpation de l'idolâtrie entre 1532 et 1660* (Lima, 1971); Nicholas Griffiths, *The Cross and the Serpent* (Norman, 1995), *ibid.*, "Andean Curanderos and their Repressors: The Persecution of

trated their campaigns in a rather *ad hoc* and isolated manner in several regions that encompassed a substantial number of ethnic and linguistic communities. From an institutional perspective, one could divide extirpation attempts in the ecclesiastical jurisdictions of Mexico, Tlaxcala and Oaxaca into four cycles: a first period of “apostolic” extirpation, led primarily by Franciscans and Dominicans between 1527 and 1571; a second period between the early seventeenth century and the 1660s, characterized by extirpation attempts led by secular ecclesiastical judges; a third period between the 1660s and the 1720s, characterized by a more systematic application of extirpation policies and by the emergence of unique punitive institutions such as the “perpetual prison of idolaters” in Oaxaca;¹⁰ and a fourth and final stage that begins in the 1720s, converges with the execution of Bourbon political reforms in Spanish America, and probably extends into the early nineteenth century.

In New Spain, the exclusion of natives from the jurisdiction of the Inquisition tribunal after its creation in Mexico in 1571 highlighted two crucial juridical and procedural problems in ecclesiastical legislation. First, how should the Church proceed in punishing specific instances of idolatry, and which authorities possessed this mandate? Second, what was the juridical definition of an idolater, and which criteria could be used to test this definition in individual cases? Throughout the seventeenth century, extirpators of idolatry seemed to focus on a proper resolution of the first question, and as a rule addressed the second question only through a routine recasting of the Lascasian net.

After 1571, the prosecution of natives for crimes against the Christian faith was, in principle, a task reserved for bishops and *provisores*¹¹ in each

Native Healing in Late 17th- and Early 18th-Century Peru,” in *Spiritual Encounters*, ed. Nicolas Griffiths and Fernando Cervantes (Lincoln, 1999), 185-197; Sabine MacCormack, *Religion in the Andes: Vision and Imagination in Early Colonial Peru* (Princeton, 1991); Luis Millones, “Religion and power in the Andes: Idolatrous curacas of the Central Sierra,” *Ethnohistory* 26/3 (1979): 143-263; Kenneth Mills, *An Evil Lost to View? An Investigation of Post-evangelisation Andean Religion in Mid-Colonial Peru* (Liverpool, 1994), and *ibid.*, *Idolatry and its Enemies* (Princeton, 1997).

¹⁰ The increase of institutional attempts to mete out exemplary public punishment to natives convicted of idolatry or sorcery, from the early seventeenth century onwards in the jurisdictions of Mexico and Oaxaca, contradicts Klor de Alva’s assertion that ecclesiastical authorities sought to replace the public and direct disciplining of native transgressors with internalized self-discipline after the early 1540s. See Klor de Alva, “Colonizing Souls,” 15-18.

¹¹ After the (arch)bishop, *provisores* were the most prominent executors of ecclesiastical juridical matters in the diocese. Their mandate encompassed all matters pertaining to the ecclesiastical jurisdiction: in the legal sphere of the “republic of Indians,” this mandate included, in a relative order of priority, tithes and contributions to the Church,

ecclesiastical jurisdiction. Nevertheless, the Inquisition often received accusations against native ritual specialists collected by local priests or even inquisitorial commissioners, which were hastily turned over to local episcopal jurisdiction once it had been determined that the transgressors should be regarded as natives from a legal standpoint.¹² As a rule, local ecclesiastical judges treated idolatry and superstition as *casos reservados* (restricted cases) that could not be authorized without the consent of a bishop or *provisor*. In fact, after 1571, the archbishops of Mexico and the bishops of Oaxaca began delegating the faculty of authorizing idolatry and sorcery proceedings against natives to a select group of secular priests—who usually received the title of *jueces de comisión* (judges subject to a temporary appointment) or *jueces de visita* (judges appointed in connection with a particular inspection)—whose experience and linguistic aptitudes rendered them especially suited to the task. If the priest in question had already been appointed as *vicario y juez eclesiástico* (vicar and ecclesiastical judge), the episcopal authorities usually provided him with additional faculties that specified the permission to proceed against idolaters.¹³

Although native idolatrous and superstitious practices were regarded in principle as the exclusive province of ecclesiastical jurisdiction, a small but significant number of *alcaldes mayores* and *corregidores* (district governors) presided over native idolatry trials in the dioceses of Mexico and Oaxaca as early as the 1530s, and continued to intervene in idolatry cases until the end of the eighteenth century.¹⁴ Under the provisions of

marriage dispensations, bigamy accusations, pious works, and idolatry and sorcery accusations. Towards the end of the seventeenth century, some dioceses attempted to appoint two *provisores*, due to case volume: a *provisor de indios* and a *provisor de españoles*.

¹² See Solange Alberro, *Inquisición y sociedad en México, 1571-1700* (Mexico City, 1988); and Richard Greenleaf, *Inquisición y sociedad en el México colonial*. But the appropriation by some bishops of titles regarded as inalienable by the Holy Office led to acrimonious litigation between inquisitorial and episcopal authorities, as discussed in Heinrich Berlin, *Idolatría y superstición entre los indios de Oaxaca*, and shown in the writings of Pedro Sánchez de Aguilar, "Informe contra Idolorum Cultores," *Anales del Museo Nacional de México, Primera época* 6 (1892): 17-122. The most common transgression occurred when bishops or other seculars referred to themselves as officials of the *inquisición ordinaria*. Although this term was a legal fiction—there was only one legitimate inquisitorial tribunal—its usage by Hernando Ruiz de Alarcón, Gonzalo de Balsalobre, and other extirpators referred to the *de facto* practice of patterning legal procedures and public punishments against natives after the practices of the Holy Office.

¹³ See David Tavárez, "La idolatría letrada: Un análisis comparativo de textos clandestinos rituales y devocionales en comunidades nahuas y zapotecas, 1613-1654," *Historia Mexicana* 194, 49/2 (1999): 197-252.

¹⁴ To confirm the boundaries of such a wide chronological range for civil idolatry and native sorcery trials in the diocese of Mexico, one may consult Scholes and Adams, *Proceso contra Tzinticha Tangaxoan, el Caltzontzin, formado por Nuño de Guzmán, año de 1530*

Law 35, Title V, Book VI of the *Recopilación de Leyes de Indias*, royal justice was allowed to intervene in cases of sorcery, if they involved *maleficio*—damages attributable to a pact between a sorcerer and the Devil. In a development that seems to confirm Carmagnani's observations about the expanding powers of *alcaldes mayores* in Oaxaca throughout the seventeenth century, between 1665 and 1736 the *alcaldes mayores* and *tenientes de alcalde* of Villa Alta presided over at least a dozen trials against Indians accused of engaging in idolatry or sorcery.¹⁵

How did secular priests and civil judges confront the issue of defining idolatry and superstition? Since the first half of the sixteenth century, efforts had been made to render early modern theological notions of sorcery, heresy, and idolatry meaningful in the context of the native ritual practices of New Spain. Native ritual practitioners were absorbed into a Christian classificatory scheme,¹⁶ and received the terse designations of "idolaters," "sorcerers," or "superstitious healers," which covered a rather large and pragmatically differentiated sphere of collective and individual ritual practices. As the two case studies presented here will demonstrate, there is a curious but crucial disjunction between the realm of theological and moral disquisitions on native idolatry authored by Durán, Las Casas, Molina, Noboa, Olmos, Sahagún, and others, and the actual praxiological operation of identifying, classifying, and elucidating different forms of idolatry in an actual civil or ecclesiastical trial in seventeenth-century New Spain.¹⁷

for Nuño de Guzmán v. Caltzontzin, 1530, and AGN Inquisición 862, no. 36 for Barrios v. Chilpancingo sorcerers, 1737. For the diocese of Oaxaca, see AGI Justicia 191, no. 2 for López Tenorio v. Yagacche, 1537, and ATEP Criminal 1285 for Pimentel v. Jiménez, 1800.

¹⁵ See Marcelo Carmagnani, *El regreso de los dioses: El proceso de reconstitución de la identidad étnica en Oaxaca, siglos XVII y XVIII* (Mexico City, 1988). Under other circumstances, trying native defendants for crimes against the faith in civil courts would have been regarded as a violation of the ecclesiastical jurisdiction. However, extant trials housed in the judicial archives of two *alcaldías mayores* in Oaxaca—Villa Alta and Teposcolula—support the argument that ecclesiastical authorities either invited or tolerated the intervention of *alcaldes mayores* in certain idolatry cases, as shown in David Tavárez, "Invisible Wars: Idolatry Extirpation Projects and Native Responses in Nahua and Zapotec Communities, 1536-1728" (Ph.D. thesis, University of Chicago, 2000).

¹⁶ For example, the Franciscan author Sahagún rearranged the taxonomy of ritual specialists by splitting the Nahua term *ticitl* (healer) into two categories: he characterized the "good" *ticitl* as the one who performed healing activities that seemed to parallel European healing practices; on the other hand, the "bad" *ticitl*, besides infringing Hippocratic mandates by giving overdoses and worsening ailments, was also "a shape-changing sorcerer, a diviner." See *The Florentine Codex, Book Ten: The People*, ed. Arthur J. O. Anderson and Charles E. Dibble (Salt Lake City, 1961).

¹⁷ Given the limitations of space and scope in this essay, I will not rehearse the major

The major intellectual statements on the theological status of New World idolatry and sorcery produced in the sixteenth century are well known to historians. In 1553, the Franciscan doctrinal author Andrés de Olmos took Martín de Castañega's influential *Tratado de las supersticiones y hechizeries y de la posibilidad y remedio dellas* (1529), and transposed its conceptual frame into Nahuatl. According to the view of sorcery embraced by Olmos, the rapport between pagan deities and ritual specialists had its origins in a deliberate pact with the Devil, rather than in mere ignorance of Christian truths—an argument that resembled the assessment of the most dangerous forms of sorcery, as espoused by Castañega and Pedro Ciruelo.¹⁸ This view was inspired by an emerging theological consensus that gradually replaced the Thomistic view of evil as the simple absence of divine grace—still present in the *Malleus*—with a dichotomous notion of absolute good or evil inspired by Franciscan nominalism,¹⁹ which regarded evil as a principle independent from Christian grace. Therefore, Olmos's treatise depicted Nahua ritual practices as the polar opposite of Christian religion: the Nahua had "exsacraments" instead of "sacraments," and the Devil was reported to have appeared to Olmos in the guise of a native lord in full ritual regalia.²⁰

While Zumárraga, Tello de Sandoval, Albuquerque, and other sixteenth-century extirpators focused on ritual practices that offered broad parallels with classical antiquity—concealment of idols in caves and houses, offerings to idols, human sacrifice, cannibalism—the secular clergy and civil officials who began conducting inquiries into Nahua and Zapotec ritual practices in Central Mexico after 1571 focused on more discrete units of behavior—specific utterances, ritual practices tied to specific social contexts, or fabrication of ritual implements. In other words, the extirpators were beginning to leave behind the Lascasian net as the sole point of reference for interpreting specific practices as instances of idolatry or superstition. What remained to be done, as the first

trends in the intellectual history of the notion of idolatry in sixteenth-century Spanish America, which are aptly and brilliantly summarized in Bernard and Gruzinski, *De la idolatría*, and in MacCormack, *Religion in the Andes*.

¹⁸ Friar Pedro Ciruelo was the author of a treatise on sorcery (published as *Reprobación de las supersticiones y hechizeries* and as *Tratado en el qual se repreben todas las supersticiones y hechizeries* . . .) that enjoyed a wide circulation in the sixteenth and seventeenth centuries. There is an English translation: Pedro Ciruelo, *A Treatise Reproving All Superstitions and Forms of Witchcraft*, trans. E. Maio and D. Pearson (Cranbury, 1977).

¹⁹ For a summary of this argument see Fernando Cervantes, *The Devil in the New World* (New Haven, 1994).

²⁰ See Andrés de Olmos, *Tratado de hechizeries y sortilegios*, ed. Georges Baudot (Mexico City, 1990), 42-43.

generation of secular extirpators soon realized, was to make detailed inquiries into the dynamics and meaning of these unfamiliar practices. This approach—as tempting as it was potentially misleading—would reach its apex with the diligent inquiries of Hernando Ruiz de Alarcón (1614-1630s) and Gonzalo de Balsalobre (1635-1658).

In spite of a standing theological debate about New World idolatry, and a pragmatic focus on diverse ritual practices, most seventeenth-century extirpators in the dioceses of Mexico and Oaxaca appeared to be blissfully unaware of the existence of some of the earlier debates. Even though Ruiz de Alarcón and De la Serna quoted selected dicta from the Old Testament and from influential ecclesiastical authors, none of them appear to have benefited from serious consideration of the arguments on witchcraft and sorcery presented by Castañega, Olmos, or Ciruelo. Two of the most procedurally-oriented extirpators—Pedro Sánchez de Aguilar and Gonzalo Balsalobre—cited specific Laws of the Indies, orders from the Mexican church councils, royal orders outlining idolatry extirpation policies, and a smattering of respected juridical authorities—such as Barbosa, Ioannes Vela, and Villadiego—to justify their *modus operandi*.²¹ In an exceptional case, the ecclesiastical judge, Diego Jaimes Ricardo Villavicencio, contrasted a narrative about idolatry among the Greeks and Romans with accounts about Mexican ritual practices drawn from Torquemada and other sources available in the late seventeenth century.²² But for many of the secular extirpators, “idolatry” seemed to be a self-evident juridical category requiring minimal explicit elucidation, and maximal procedural clarity. To draw a parallel with some contemporary definitions of pornography, it would not be hyperbole to state that some of these extirpators may have believed that they could recognize idolatry when they saw it.

²¹ See Gonzalo Balsalobre, “Relación auténtica de las idolatrías, supersticiones, vanas observancias de los indios del obispado de Oaxaca,” *Anales del Museo Nacional de México, Primera época* 6 (1892): 251-260, and Sánchez de Aguilar, *Informe*, 31-74. Some doctrinal authors turned to language itself in an attempt to eliminate any implicit traces of idolatry or heresy. An unusual but richly illustrative case is the attempt made in a manual for confessors of Indians—published as Juan Bautista Viseo, *Advertencias para los confesores de los naturales* (Tlatelolco, 1600)—to propose a revised translation into Nahuatl of the notion of the Holy Trinity on the grounds that earlier translations could be read by natives in a heretical manner. The controversy about the translation of the notion of the Holy Trinity into Nahuatl is analyzed in David Tavárez, “Naming the Trinity: From Ideologies of Translation to Dialectics of Reception in Colonial Nahua Texts, 1547-1771,” *Colonial Latin American Review* 9/1 (2000): 21-47.

²² Luis Diego Jaimes Ricardo Villavicencio, *Luz y método para extirpar idolatrías* (Puebla, 1692).

Therefore, in seventeenth-century idolatry proceedings, native ritual practices were cast as crimes against the Christian faith in a pragmatic manner that eschewed substantial theological debate, and focused instead on observations and *ad hoc* hypotheses about the meaning of these practices. In spite of an inquisitorial style that often betrayed an unusual degree of intellectual curiosity, many extirpators took for granted similarities between native practices and the aberrant categories of classical antiquity: idolatry, superstition, and sorcery. Just as Italian inquisitors regarded peasant Friulian folk ideology as an organized witch cult,²³ extirpators commonly perceived native ritual practices as a unified antithesis of Christianity.²⁴

Since this essay focuses on the dynamics of confession, the use of physical force and torture to extract confessions from natives is a relevant issue. In fact, however, the available data on juridical torture applied to native defendants accused of idolatry, sorcery or superstition in New Spain between the 1520s and the early nineteenth century indicates that physical coercion and torture were highly unusual inquisitorial tools that were used in exceptional cases by a handful of ruthless or desperate inquisitors. If one excludes from consideration the draconian inquiry into Maya ritual practices conducted by Friar Diego de Landa in Yucatan in 1562,²⁵ one finds that, in central Mexico, juridical torture was applied to native idolatry or sorcery suspects only during the following seven trials: the trial against the Phurépecha ruler Tzintzicha Tangaxoan by Nuño de Guzmán in 1530,²⁶ the trial of the

²³ See Ginzburg, *The Night Battles. Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries* (New York, 1985).

²⁴ A compelling argument for this perception is presented in Bernard and Gruzinski, *De la idolatría*.

²⁵ In 1562, Landa and his associates confiscated and destroyed a large number of idols in Hocobá, Homún, Maní and Sotuta, submitting specialists to water and rack tortures. Sebastián Vázquez, an Audiencia member commissioned to investigate the abuses, reported in 1565 that 157 natives had died as a result of the tortures, and that "a great amount of Indians were left greatly handicapped, armless and sick" (Scholes and Roys, *Fray Diego de Landa*, lii); several defendants even committed suicide to avoid torture. An investigation of these events began shortly after the August 1562 arrival in Mérida of Francisco de Toral. Landa was recalled to Spain for questioning between 1565 and 1569; in the end, he successfully argued that his actions were justified by *Exponi Nobis* and two other papal bulls, and canonical experts decreed that his use of force had not been excessive. By 1572, Landa was appointed as second Bishop of Yucatán, thus replacing his former accuser Toral (Scholes and Roys, *Fray Diego de Landa*, ci-civ).

²⁶ On February 5 and 6, 1530, Tzintzicha Tangaxoan, Caltzontzin of the Phurépecha, and Don Pedro Panza, Don Alonso Vise, and Gonzalo Xuárez were submitted to water and/or binding tortures in Paso del Río, and confessed to killing several Christians and

former Nahua priest Alonso Tilanci by Friar Hernando de Oviedo in 1539,²⁷ the trial of Miguel Pochtecatlaylotlac by Bishop Juan de Zumárraga in 1540,²⁸ the trial of Nahua ritual specialist Tomás Tunalt by Gerónimo Flores in 1545,²⁹ the trial of four Zapotec residents of Teiticipac by Friar Domingo Grijelmo in 1560,³⁰ the investigations on Zapotec idolatry in Villa Alta conducted by Friar Pedro Guerrero in 1560,³¹ and the trial of 34 residents of the Cajonos region in Villa Alta for rioting, murder, idolatry, and insubordination by *alcalde mayor* Mier y Tojo between 1700 and 1702.³²

drying their skins in order to wear them during ritual practices. Nuño de Guzmán, who benefited personally from the confiscation of the riches of the Caltzontzin, had him executed a few days later. Scholes and Adams, *Proceso contra Tzintzicha Tangaxoan*, 43-68.

²⁷ On September 16, 1539, Alonso Tilanci, a former native priest and keeper of cult effigies, was sentenced to water torture by vicar and inquisitorial judge Friar Hernando de Oviedo in Izúcar. He was accused of hiding his town's tutelary cult effigies, including the *Altepell Iyollo* (Heart of the Town); but since he refused to incriminate himself during torture, and since the evidence against him was not regarded as particularly strong, he was absolved. Luis González Obregón, *Procesos de indios idólatras y hechiceros* (Mexico, 1912), 189-190.

²⁸ On May 21, 1540, Miguel Pochtecatlaylotlac was submitted to water and garrotting torture in Mexico City. Miguel admitted to having kept five bundled effigies in his home that were reputed to be the main effigies at the Templo Mayor in Tenochtitlan; however, he denied knowing what the bundles were, and argued that he had no knowledge about their current location. After he refused to make any further declarations under torture, Zumárraga decided to release him in view of his advanced age. González Obregón, *Procesos*, 138-139.

²⁹ In October 1545, after Izúcar *corregidor* Gerónimo Flores imprisoned and tortured Nahua specialist Tomás Tunalt, the defendant confessed to having made ritual offerings to Titlacahuan (a common Tezcatlipoca epithet). Subsequently, some residents of Izúcar freed Tunalt from jail, and he fled the area along with his family (AGN Inquisición 42, no. 20).

³⁰ On Sunday, August 4, 1560, Grijelmo, the vicar of Teiticipac, decided to stage a simulated *auto de fe* with four Zapotec ritual specialists accused of using young assistants (*vijanas*) to perform sacrifices before cult effigies. These defendants were brought out, tied to stakes placed in the local market, and a large bonfire was started in the space between the stakes. However, a breeze fanned the flames, and the fire enveloped the defendants. One of them died from the burns the following day, but the three others, though badly burned, eventually recovered. See AGI Mexico 358, no. 7; also Francisco Burgoa, *Geográfica descripción* (Mexico, [1674] 1989), 88-92, and Tavárez, *Invisible Wars*, 133-135.

³¹ According to an *información* collected in July 1560 by Diego Trujillo, newly appointed vicar and *visitador* of Villa Alta, some Dominicans had whipped and tortured natives in an attempt to locate and confiscate cult effigies. Foremost among them was Friar Pedro Guerrero, who was accused of having whipped a pregnant woman, who, as a consequence, lost her fetus; Guerrero had also driven a certain Don Pedro of Yojovi to suicide after substantial whippings. When Don Pedro hanged himself, Guerrero had the body incinerated at night to avoid a scandal (AGI Mexico 358, no. 3 bis).

³² This trial followed a rebellion in the Zapotec town of San Francisco Cajonos in September 1700 that resulted in the murder of two native informants. In an authoritarian display, Villa Alta *alcalde mayor* Juan de Mier y Tojo took the unusual step of

Could physical coercion be regarded as an important factor in the extraction of confessions from native suspects of idolatry and sorcery? A tentative answer to this question would be that torture was extremely infrequent, and that psychological coercion, public shame, fear of colonial authorities, and interpersonal conflict were much more likely to play a role in the extraction of confessions. In purely quantitative terms, if one takes into account a recent estimate of the number of alleged native ritual specialists who were investigated in the dioceses of Mexico, Tlaxcala, and Oaxaca between 1527 and 1759—about 750—the number of defendants who were subject to juridical torture in these two jurisdictions during that time period—47 individuals, or 6.2% of that estimate—appears to be relatively small.³³ Furthermore, except for the 1700 Cajonos trial, all of the cases listed above are associated with an early phase of idolatry extirpation attempts in the archbishopric of Mexico—the period 1537 to 1545—and the bishopric of Oaxaca—the early 1560s. It could thus be argued that juridical torture was used infrequently—in cases when ecclesiastical and civil authorities decided that the possibility of obtaining incriminatory statements through torture outweighed the possibility of scandal or outrage due to the application of torture to indigenous people—who were, after all, recent converts to Christianity.

The extirpation campaigns of Balsalobre in Sola, 1635-1658

The idolatry extirpation campaigns carried out by the secular priest Gonzalo de Balsalobre in the Zapotec township of Sola between 1653 and 1658 constitute the apex of the first period of secular extirpation campaigns in the diocese of Oaxaca (roughly 1609 to 1658). Balsalobre's campaign was greatly facilitated by the brief episcopal administration of the Benedictine monk Francisco Diego de Hevia y Valdés, which

placing all 34 defendants on a torture rack and applying a turn of the screw to each of them before ratifying their earlier depositions (ALC 1270-3, 58-110; AHAO Mártires de Cajonos S-4, 550-603). Mier y Tojo sentenced 15 of the Cajonos rebels to be hanged and quartered; two rebels were punished in an *auto de fe*, and the remaining 17 defendants received suspended death sentences, which were changed to lesser penalties through the intervention of Bishop Maldonado. Tavárez, *Invisible Wars*, 378-395.

³³ Tavárez, *Invisible Wars*, 483-490. These numbers refer to individually identifiable natives with known proper names characterized as native ritual specialists or as owners of ritual texts in a number of sources—trials, letters, reports, confessions, fragmentary depositions, and chronicles.

began in 1654 and ended in 1656.³⁴ Whereas Hevia y Valdés seems to refer to a substantial number of extirpators in his preface to Balsalobre's 1656 *Relación auténtica*,³⁵ the extant records provide evidence about the activities of only four of them: Balsalobre, the Mercedarian friar Pedro de Trujillo—who assisted Balsalobre in Sola—and the secular priests Pedro de Torres Cortés and Bartolomé de Benavides. The activities of Balsalobre³⁶ as an extirpator between 1653 and 1658—first as *vicario foráneo* (visiting ecclesiastical judge), and then as Commissioner General against idolatries—focused primarily on the seven *sujetos* in the parish of Sola, which was the main *doctrina* in the jurisdiction of the Mines of Cimatlán and Chichicapa—although they also concerned the actions of ritual specialists in the neighboring parishes of Lachixio and Ejutla.³⁷

The Balsalobre trial transcripts force the contemporary analyst to assume, at least initially, the analytical position occupied by the ecclesiastical judge. This situation emerges from a simple and unavoidable parallel: just as Balsalobre's prosecutorial efforts rested to an unusual degree on the bare assertions of a single witness, so our understanding of Balsalobre's campaigns depends on our assessment of the very same witness, who, in person or through quoted excerpts from his depositions, always stood at the epicenter of Balsalobre's Sola trials. This man

³⁴ AHAO Libros de Cabildo, 1653-1656.

³⁵ In 1656, Balsalobre obtained the support of Hevia y Valdés in order to print his *Relación auténtica*. This twenty-two folio publication included a laudatory preface by Hevia y Valdés, a summary of the trials authorized in Sola by Balsalobre, a transcription of favorable decisions regarding Balsalobre's campaign issued by the Audiencia of Mexico, and an outline of the legal procedures to be followed by *vicarios foráneos* and *juces de comisión* when presiding over native idolatry or superstition trials.

³⁶ Balsalobre, a descendant of the conquerors Francisco de Almaraz and Pedro de Paredes, was born in Oaxaca City in the early seventeenth century, and was ordained circa 1630 (Cuevas 1921-28 II: 112-114). In the early 1630s, he became the *beneficiado* of San Miguel Sola—a post he occupied until circa 1657. In September 1642, the cathedral council offered to Balsalobre the post of Provisor and Vicar General, but Balsalobre declined this post, alleging he was too ill to take it (see AHAO Libros de Cabildo 1642). Balsalobre accepted an offer from Bishop Cueva y Dávalos to become Provisor and Vicar General, and occupied this post from November 1659 until September 1664, thus ending a moderately successful ecclesiastical career in the relative comfort of the episcopal palace of Oaxaca City. See AHAO Diocesano/Gobierno/Religiosos, Box 3; AGN Inquisición 442, no. 2.

³⁷ Balsalobre's campaigns were the second act in a cycle of extirpation attempts in the Sola region. According to some testimonies collected in 1654-56, about nine local ritual specialists were tried and punished in *autos de fe* by a secular priest who probably was Balsalobre's predecessor as *beneficiado* of San Miguel Sola: the *bachiller* Martín Fernández de Córdoba. See AGN Inquisición 437-I, no. 3; Inquisición 438, no. 2; Inquisición 456; Inquisición 573.

was Diego Luis, a native of the neighborhood of Santa Ana in the township of San Miguel Sola who claimed to be 88 years old. According to the testimony he gave in 1653 and 1654 through interpreters before Balsalobre, Diego Luis was as educated a man as the local parameters of Sola allowed a native to be: he claimed to have been brought up in the Sola church, and had been a church singer, the town's notary, and an alderman in San Miguel Sola. Furthermore, he was fully literate, and, like many other local native officials, he spoke Nahuatl as well as Zapotec, and in fact addressed some of Balsalobre's queries in Nahuatl. Diego Luis, however, had followed a rather unorthodox parallel career path: besides serving Sola as a civil and church official, he admitted to being a *maestro de idolatrías*³⁸ in Sola at least since 1632, a claim that designated him as one of the oldest surviving specialist in the region.

How was Balsalobre able to identify Diego Luis as an idolater, and to subsume the broad range of ritual activities in which he engaged under the legal category of idolatry? In order to gain an understanding of the dynamics of the legal confrontations between Balsalobre and Diego Luis, one must begin by taking a look at their first confrontation, which took place in November 1635. At that time, Balsalobre was a novice parish priest with no apparent knowledge of Zapotec—a language that he may never have mastered, as suggested by the fact that his interrogations were always conducted through interpreters who spoke either Nahuatl or Zapotec. Diego Luis, on the other hand, was a respected 70-year-old resident of San Miguel Sola, and a *regidor* (alderman).³⁹ On November 21, 1635, after securing the judicial assistance of the *corregidor* of Sola, Balsalobre—who held the title of *vicario foráneo*—asked two Sola town officials to assess the contents of a manuscript booklet that had been taken away from Diego Luis. They asserted that the booklet was “from ancient times,” that it contained “the names of the devil, stone idols, sorcerers and sorceresses, and other things that they could not comprehend because the language in which it was written

³⁸ The very use of the term *maestro de idolatrías* (teacher of idolatries) implied that the idolatry suspect was not only fully conscious of being a participant in idolatrous acts, but also that he sought to spread a forbidden form of idolatrous knowledge to his fellow natives.

³⁹ Diego Luis' 1635 trial was not the first time that he had been an idolatry suspect. In 1632, while Diego Luis was absent from town, the Vicar of Sola—probably Sola *beneficario* Fernández de Córdoba—found a manuscript containing calendrical information as he looked among Diego Luis' papers for a recent *tasación de sujetos*. The vicar confiscated this booklet, and it remained in Sola's church archive until 1654. See AGN Inquisición 437-I. no. 3.

was mixed with the Chatino language,⁴⁰ and that it could be employed for making divinations about illnesses. When he was brought before Balsalobre, Diego Luis admitted that this booklet contained “the days of the year distributed into thirteen times,” each of which was governed by a deity, and then gave Balsalobre a list of these deities. One unspoken assumption dominated this and all other interrogations of Diego Luis by Balsalobre: that it was unnecessary to determine whether these booklets were anything other than instruments of idolatry. On December 17, 1635, Balsalobre handed down a particularly lenient sentence: Diego Luis would make profession of his penitence in a public procession on December 21, 1635, without corporal punishment, and he would then work as a servant for six months at the Franciscan convent at Oaxaca City, after which time he could return to Sola.⁴¹ But after his return to Sola in late 1636, Diego Luis continued to exercise his faculties as a *maestro* for a period of fifteen years.⁴²

In December 1653, alleging that the natives of Sola were making widespread use of “spells and many other rites and superstitions,” Balsalobre singled out Diego Luis as one of several potential culprits, initiated trial proceedings, secured the cooperation of the local *corregidor*, and ordered the arrest of Diego Luis and other *maestros* who had been identified by local witnesses. Nowhere in this trial did Balsalobre seem to threaten Diego Luis with corporal punishment or torture in an effort to extract a confession. It is likely that when Diego Luis assessed his status as a previously convicted idolater, and the incriminating testimony of several witnesses, he decided to make a full confession in order to plead for leniency—not for himself, but for the sake of his inheritable property⁴³ and two of his sons, who were also tried for idolatry in 1654.

⁴⁰ See AGN Inquisición 437-I-3, 74r.

⁴¹ See AGN Inquisición 437-I-3, 74r.

⁴² Like most established local specialists, Diego Luis was approached by individuals seeking ritual intervention in a range of pragmatic domains: life cycle events (birth, baptism, marriage, and death), sustenance activities (primarily deer hunting, fishing, and household-scale agriculture), healing activities, and the propitiation of Christian and non-Christian entities for specific objectives. Moreover, Diego Luis occasionally handed out transcriptions of his calendrical texts to interested parties. In fact, the clandestine circulation of ritual and calendrical texts was a common occurrence in other parts of Oaxaca—such as Villa Alta—until the early eighteenth century. See David Tavárez, “De cantares zapotecos a ‘libros del demonio’: La extirpación de discursos doctrinales híbridos en Villa Alta,” *Acervos: Boletín de los Archivos y Bibliotecas de Oaxaca* 17 (2000): 19-27.

⁴³ As a cautionary measure, Balsalobre confiscated all of Diego Luis’ earthly possessions before he began his interrogation—three small land plots, twenty-two maguety plants,

In any case, Diego Luis decided to make two substantial confessions early on in his trial. In the first one, given on February 4, 1654, he admitted to being a *maestro*, provided a sketch of his activities and divination practices, and gave the names of several specialists and clients. Diego Luis' second deposition is best characterized as the breaking of an inner dam: during this declaration of February 22, 1654, he recited the names of no less than seventy-three clients who had consulted him on different occasions during his tenure as the leading *maestro* in San Miguel Sola, excused himself for not providing more names due to memory constraints, and provided the names of all the other specialists in neighboring communities he had heard about, both dead and alive.⁴⁴ Furthermore, in his declaration of July 6, 1654, Diego Luis identified the origin of the five calendrical booklets that Balsalobre had confiscated, and provided a detailed list of the thirteen Zapotec deities who presided over the 260-day Zapotec ritual calendar (*piye*).

Without hyperbole, it could be stated that Diego Luis' two confessions resulted in enough incriminating information to warrant the conducting of at least twenty separate idolatry and superstition trials by Balsalobre and his assistant Friar Pedro Trujillo against ritual text owners, and other *maestros* and their clients in the Sola region between 1653 and 1658. The most multitudinous case involved 36 town officials of San Miguel and Santa María Sola, who were punished for performing propitiatory ritual practices for the goddess Nohuichana before fishing for trout in a nearby river.⁴⁵ Moreover, armed with Diego Luis' list of former clients, the Sola extirpators unabashedly employed the sacrament of extreme unction as a snare in order to extract confessions *in articulo mortis* from as many residents of Sola as possible. Trujillo obtained confessions from 44 clients of at least four local specialists in 1654 (AGN Inquisición 573, 155r-173v, 212v-250v), and from 22 other clients of eight local *maestros* in 1656 (AGN Inquisición 573, 285r-316r); Balsalobre secured the confessions of 32 native clients of 16 local specialists in 1657-1658 (AGN Inquisición 571, 361r-405r). In other words, the success

a small box with a lock whose contents were never disclosed in the trial, two load-bearing horses, and three small wattle-and-daub dwellings.

⁴⁴ Unfortunately, the absence of an extant copy of Balsalobre's sentence against Diego Luis—excluding Balsalobre's brief reference in his 1656 *Relación auténtica* to an *auto de fe* that may have included Diego Luis and several ritual text owners—does not allow one to assess whether Balsalobre offered the elderly specialist a promise of leniency in return for his full cooperation.

⁴⁵ Balsalobre. *Relación*. 243.

of Balsalobre's campaign rested squarely on the shoulders of a single confessing subject: Diego Luis.

Defining idolatry in the courtroom: The deer eaters of Lachirioag

The trial of eleven idolatry suspects from Lachirioag between late February and mid-April 1666 by the *alcalde mayor* of Villa Alta,⁴⁶ Diego de Villegas y Sandoval Castro,⁴⁷ provides a lucid and revealing glimpse at the dynamics of proof in an idolatry trial.⁴⁸ As one would expect, this is a rather complex case that involved at least two local factions, ethnic tensions between an African slave and Zapotec Indians, and nagging questions about credibility that poisoned what initially sounded like an exemplary narrative about nocturnal acts of idolatry. Pursuing the apparently common policy of employing informants, the *alcalde mayor* asked Antonio de Cabrera—a black slave belonging to Don Gaspar Calderón, *encomendero* of Lachirioag⁴⁹—to keep a watchful eye on any suspicious local activities as he and his owner visited Lachirioag in April and May 1665 to collect local taxes. On May 2, 1665, Cabrera provided the *alcalde mayor* with a detailed narrative of two strange events he had witnessed. On April 18, Cabrera had seen some natives enter the house of Gerónimo López late at night; they came in, went past two women who stood guard at the door, placed a coin of moderate

⁴⁶ Villa Alta was an *alcaldía mayor* located to the northeast of the Valley of Oaxaca. The town of Villa Alta de San Ildefonso was the administrative center for more than 100 Zapotec, Mixe, and Chinantec communities in the Sierra Zapoteca. See Peter Gerhard, *A guide to the historical geography of New Spain* (Norman, 1972), 369. The Zapotec towns of Villa Alta—which may be divided using linguistic criteria into Cajonos, Nexitzo, and Bijanos speakers of Zapotec—constituted a loose group of communities whose interdependence hinged on their subordination to *cabeceras de doctrina*, their commercial links, and on the status of sociopolitical tension due to competing claims about the usufruct of neighboring lands and forests. The town of Lachirioag is located in the Cajonos Zapotec region, not far from San Ildefonso, and about 60 kilometers from Oaxaca City.

⁴⁷ Villegas y Sandoval served as *alcalde mayor* of Villa Alta for the first time in 1653–1655. Various court records—such as AVA Criminal 19, 20, 22, and 23—indicate that he served a second term in 1666–1667. For information about Villegas and many other seventeenth-century Villa Alta *alcaldes mayores*, see Chance, *Conquest of the Sierra*.

⁴⁸ AVA Criminal 23.

⁴⁹ It is unusual to find an existing *encomienda*—an arrangement that allowed a former conqueror and his heirs to collect tributary obligations in a territorial unit in exchange for the religious and political stewardship of its native inhabitants—as late as the 1660's in Villa Alta. By the end of the sixteenth century, most *encomiendas* had reverted to the Spanish crown. However, the fact that at least one other *encomienda* lasted into the eighteenth century in southern Villa Alta suggests that Lachirioag was not an isolated survival. See Gerhard, *A Guide*, 372.

value—a half *real*—on the ground, and sat around two large pots in which deer meat was being boiled as an Indian stood nearby with a tube crowned with a bloody rag, and another illuminated the scene with a torch. As Cabrera drew closer to the house, one of the women warned the people inside, and everyone left López's house in haste. A week later, Cabrera came across López and most of the adult residents of Lachirioag as they were coming down Yaguisi Hill and toward the town center early at night. When he checked on López's house a few hours later, Cabrera saw that some natives were cooking deer meat in two large pots. Around four in the morning, Cabrera returned to López's house, and saw that the people inside were once again dividing up the deer meat. An Indian whistled, warning others about Cabrera's approach, and everyone left the house again. However, Cabrera saw them return to the house later as they took away the deer meat in small containers.⁵⁰

Neither Cabrera nor the civil authorities had a clear idea about the purpose or significance of these gatherings, but they seemed suspiciously similar to received narratives about nocturnal idolatrous sacrifices. Both Villegas y Sandoval and the local constable expected to gather further evidence over the next several months, and asked Lachirioag resident Diego de Alcántara to spy on his neighbors, but he returned to them empty-handed. Therefore, it was not until February 23, 1666, that they arrested six of the presumed idolaters in one fell swoop—former catechism teacher Gerónimo López, Lachirioag's *cacique*⁵¹ and governor Don Juan Martín and his wife María Ana, town mayor Juan González, local constable Joseph Gonzalo, and alderman Juan Contreras. Later, four other presumed idolaters would be imprisoned along with the six main defendants. As the trial began, a striking development occurred: none of the defendants admitted to having participated in the meetings described by Cabrera. In fact, they only admitted to encountering Cabrera by chance near Lachirioag, but never under suspicious circumstances. Some even admitted that parceling out deer meat after a hunt was a common practice, but they stressed that this was always done in full daylight.

At this point in the trial, informant Diego de Alcántara brought to the court's attention the involvement of two men who belonged to a

⁵⁰ AVA Criminal 23, 42v-44r.

⁵¹ *Cacique* was a term used in colonial Spanish America to designate a native lineage ruler and his descendants. By the mid-seventeenth century, this term primarily indicated a claim to being descended from an indigenous ruling lineage, rather than political office, unless the title was "*cacique* and governor."

rival political faction. One of them was the *cacique* Don Diego Martín, a prominent Lachirioag resident who had kinship ties to two of the arrested officials: he was Gerónimo López's nephew, and a second cousin to Don Juan Martín. Don Diego Martín declared that the slave Cabrera had come to his house after midnight on two separate occasions in April 1665 to warn him that the townspeople were holding suspicious gatherings. He also stated that he and the *cacique* Don Francisco Gutiérrez were despised by the commoners, "because they take away their fermented beverage (*pulque*) and their drunkenness."⁵² In other words, Lachirioag was riven into two political factions: one led by Gerónimo López and Don Juan Martín, who stood accused of organizing suspicious gatherings at night in which most of the town's adult males took part, and another led by Don Francisco Gutiérrez and Don Diego Martín, who were opposed to drunkenness and "idolatry."

This rivalry was confirmed by a breakthrough in incriminatory information. About two weeks after Don Diego Martín's first deposition, Luis de la Cruz—the native mayor of the native neighborhood of Analco in San Ildefonso Villa Alta—reported a confidential conversation he had with Don Diego Martín, triggering a second summons before the *alcalde mayor*. During what was his second deposition on the case, Don Diego provided a number of details he had not included previously, fearing local reprisals. First, Don Diego asserted that it was he who had led the slave Cabrera to spy on the two nocturnal meetings in Lachirioag. Secondly, he reported that Juan Bautista—Gerónimo López's son and his own cousin—had told him that López was an idolater who "beheaded the deer, poured their blood in a tube, took it to the hill of Yaguisi, and poured it into a hole by a cross atop the hill in order to summon the Devil."⁵³ Finally, Don Diego also declared he had confronted López directly about these customs:

About a year ago, [Don Diego] told Gerónimo López: "Turn away from those fiendish things that belong to the Devil! Your son has told me about them," and López answered him by saying: "Go away, you who go around licking the Spaniards' plates [*lambeplatos de los españoles*]; you are no longer my nephew!"⁵⁴

When Juan Bautista was brought in to respond to these accusations, he denied everything, and demanded a confrontation with his accuser in

⁵² AVA Criminal 23, 14 r.

⁵³ AVA Criminal 23, 37v-38r. Bautista also told him that López was a *maestro de idolatrias* who heard confessions and baptized newborns with names such as *tie* (Deer), *tio* (Lion), *beag* (Squirrel), or *bayo* (Wild Boar) before they received Christian names.

⁵⁴ AVA Criminal 23, 38v.

court (*careo*). But an unpleasant surprise awaited the court officials: a day after his second deposition, Don Diego took his horse and galloped away from Lachirioag. Some Zoogocho residents claimed Don Diego had told them that he was going to Oaxaca because of the ongoing dispute. Justly afraid of local retribution, Don Diego disappeared from the region—and from the trial records—at this point. In fact, the prosecution had lost its most valuable witness.

A week after Don Diego's flight, the slave Cabrera, who was an old man in poor health, was carried on a hammock from Oaxaca to San Ildefonso in order to face the defendants. Cabrera finally had his first confrontation in court with Don Juan Martín. As Cabrera reiterated the narrative about the two nighttime meetings, Don Juan interrupted by repeating "it was not so" time after time. Furthermore, Don Juan endeavored to question Cabrera's credibility by invoking the specter of uncontrollable African sexual lust:

... Sir, I will say how it happened; I scolded you [Cabrera] because you used to let yourself into the houses of the *macehuales* (commoners). There are some women who came to me asking for justice because you forced them into fornication: Pedro Sánchez's wife, Simón Bautista's wife, and Juan Aldas' widow, whom you also assaulted; there is also the wife of the *cacique* Mateo Martín, from whom you stole a chicken. You also left your trousers in town so they would keep quiet, so they would not tell your owner about it.⁵¹

The *alcalde mayor* dealt with this impasse by summoning character witnesses. On behalf of the defendants, Simón Bautista—the husband of one of Cabrera's purported victims—Cristóbal de Mereles, and Juan Mateo declared that Cabrera, who drank *pulque* often, attempted to rape several indigenous women; on the side of the absent Don Diego, two non-Indian residents of San Ildefonso came forward to attest to his reputation as a good Christian. On April 15, 1666, Villegas y Sandoval handed down a sentence that reflected the misgivings he held about a narrative of idolatry that had failed to crystallize during the proceedings:

⁵¹ AVA Criminal 23: 43 r-v. It is difficult to assess the credibility of native claims about Cabrera's sexual drive. On the one hand, their accusations cast a pall over Cabrera's motivations: almost every defendant who was confronted with Cabrera repeated the accusations, reiterating some of the names of the assaulted women, and stating that Cabrera had left his trousers behind; some even stated that Cabrera had avoided receiving fifty lashes as punishment for his assaults after he dropped to his knees and begged Don Juan Martín for mercy. Moreover, Cabrera never attempted to deny these accusations, and therefore raised questions about his credibility. On the other hand, no one offered to present in court Cabrera's trousers, and no woman came forward to accuse him of assault or robbery.

Bearing in mind that, in spite of the exacting proceedings made in behalf of this case, *it has not been possible to prove and examine the contents of the initial accusation*—and even this accusation was not legitimate and truthful as far as it involved the deposition of Don Diego Martín, now absent—I must absolve, and I do absolve all the defendants in this trial, reserving to the Royal Justice the right to initiate further proceedings against them, and to continue to search for Don Diego Martín, so he may ratify his deposition [. . .]. I also order that the defendants are freed from prison with the admonition that they must frequently partake of the Christian doctrine, and the divine cult in church, *avoiding any ceremony that may be suspected to be idolatrous*, with the warning that, if they practice any [ceremony] that is not Catholic, they will be imprisoned and punished with great rigor; [the defendants] will also pay all legal costs.⁵⁶

Conclusions

Was it ever possible to implement a test—either in the seventeenth century or in the present—that would investigate allegations of idolatry in an empirically objective manner? To most historians, this question may seem absurd and anachronistic, since we are accustomed to assuming that certain notions from which we are greatly distanced in the present—such as heresy, blasphemy, or idolatry—had internal consistency in the historical periods when they were employed as legal categories.⁵⁷ I would like to suggest, however, that the internal consistency of idolatry as a category is open to question, and that we run the risk of assuming a position on the ontological status of idolatry accusations without meaning to do so. In effect, each of two possible (and antipodal) approaches to the legal conceptualization of idolatry in New Spain conceals an assumption of this kind. From an essentialist viewpoint, it could be argued that there was some systematic correspondence between the category of idolatry and actual native practices that were designated as idolatrous: therefore, it should be possible, in virtually every case, to conclude whether idolatry had taken place, and the task of an historian would then be to monitor the success that ecclesiastical authorities achieved in their attempts to eradicate idolatry. From a relativistic viewpoint, idolatry was whatever ecclesiastical and civil authorities chose to designate as such; therefore, no systematic test for idolatry ever existed,

⁵⁶ AVA Criminal 23, 71r; my emphases.

⁵⁷ The analytical reappraisal of these categories from an anthropological and linguistic viewpoint—rather than from an exclusively theological viewpoint—has already produced some interesting results. An analytically rigorous consideration of the medieval notion of heresy appeared in Talal Asad, “Medieval heresy: an anthropological view,” *Social History* 11/3 (1986): 345-362.

idolatry had no fixed ontological status, and ecclesiastical authorities enjoyed absolute control over the legal definition of idolatry.

There is, however, a third possibility: that idolatry was an unstable category that only came into being as an empirically objective proposition in colonial times when it was backed by the *collective intentionality* of two subjects, a confessing subject, and a confessor or confidant. In other words, in the absence of a systematic or universally valid test for idolatry, one must consider the following proposition: that an act of idolatry could only be committed by native subjects who were *willing* to confess to someone—a native or *mestizo* informant, or a judge—that they had set out to commit an act of idolatry. This may seem tautological, but it is not: the ontology of idolatry depended not only on the intentions and beliefs of an individual extirpator, but on a collective belief held by both the confessing subject and the confessor that could not be reduced to purely individual intentions or beliefs.

The notion of collective intentionality that is employed here to account for the viability of idolatry as a category in colonial times is derived from John Searle (1995), who defines it in the following manner:

In addition to singular intentionality, there is also collective intentionality. [...] Even most forms of human conflict require collective intentionality. In order that two men should engage in a prizefight, for example, there has to be collective intentionality at the highest level. They have to be cooperating in having a fight in order for each of them to try to beat the other up. In this respect, prizefighting differs from simply beating up someone in an alley. [...] There is a deep reason why collective intentionality cannot be reduced to individual intentionality. The problem with believing that you believe that I believe, etc., and you believing that I believe that you believe, etc., is that it does not add up to a sense of *collectivity*. No set of "I Consciousness," even supplemented with beliefs, adds up to a "We Consciousness." The crucial element in collective intentionality is a sense of doing (wanting, believing, etc.) something together, and the individual intentionality that each person has is derived *from* the collective intentionality that they share.⁵⁸

In other words, it could be said that Diego Luis engaged in idolatrous acts in Sola not because he believed that Balsalobre believed that he had engaged in idolatry when he transcribed the 260-day Zapotec ritual calendar (or because Balsalobre believed that Diego Luis believed that he was defining certain Zapotec practices as idolatrous), but because *both* Diego Luis and Balsalobre agreed that, in transcribing the *piyè* and in performing divinations for his clients, Diego Luis *intended* to commit acts that were regarded as idolatrous by the Catholic Church. When Diego Luis avowed that he and other local ritual specialists could be

⁵⁸ Searle, *Construction*, 23-25.

labeled as *maestros de idolatrías*, he was conceding to Balsalobre that a certain set of ritual practices, that were motivated by a rather diverse set of pragmatic intentions, also constituted a collective intention to defy an explicit ban of such practices by the Church.

This view of idolatry contrasts with Klor de Alva's notion of *nepantlism* as a state of conceptual confusion in which Nahua neophytes found themselves when they neither relinquished Postclassic beliefs and practices nor fully embraced Christian forms of devotion. Although *nepantlism* may be a useful model for understanding the first decades of evangelization attempts in New Spain, it is problematic to assume that, five generations after the arrival of the mendicant orders, Nahua and Zapotec ritual specialists were still mired in a conceptual limbo in which they were not fully conscious of the fact that certain traditional ritual practices could no longer be practiced in public social spheres. To do so would be to occupy once again—as we did at the beginning of our analysis of Diego Luis' confession—the same analytical position occupied by the typical idolatry extirpator, who insisted that a) natives could not comprehend the fact that certain practices were not tolerated by the church, and b) that Indians persisted in their idolatries “as dogs go back to their vomit”⁵⁹ due to deep-seated, cognitive deficiencies. Instead, one may assign the characterization of native consciousness as *nepantla* to the first or second generations that followed the introduction of Christianity in native Mesoamerican communities, while investigating the possibility that succeeding generations of native Christians had a much more complex, variable, and compartmentalized awareness of the way in which traditional ritual practices and public and private forms of Christian devotion could coexist in their communities.

Such an awareness probably featured a peculiar recognition by the practitioners themselves that ritual practices were potentially idolatrous. What I would like to propose here is that, for idolatry to have any internal coherence, a collective intention to engage in (and identify) acts of idolatry had to be shared by both a defendant and an interrogator. When such an acknowledgment by a native ritual practitioner emerged in the trial transcripts through narratives and confessions, it had to be a fully conscious operation—as it seemed to have been in Diego Luis' confession—rather than a muddled cognitive process. *Ya me cogiste en el*

⁵⁹ This simile, which occasionally resurfaces elsewhere, was employed by Oaxaca bishop Bernardo de Albuquerque in a letter to the Crown, dated on January 2, 1577; see AGI Mexico 357.

pecado (“You have caught me in the act of sinning”) was the routine avowal made by alleged idolaters to an informant when caught in the middle of the night sacrificing newborn puppies, or on a desolate road with a load of ritually slaughtered turkeys.⁶²

On the other hand, when one or more alleged idolaters refused to acknowledge that they shared with a confessor the collective opinion that a particular act constituted an instance of idolatry, the juridical process of adjudicating an accusation of idolatry broke down. The Lachirioag case outlined above provides us with a richly detailed illustration of how this may have occurred. The crux of the issue here is not whether the African slave Cabrera or other parties constitute credible witnesses—this is a matter that could be addressed using seventeenth-century criteria—but whether the alleged idolaters shared among themselves and with the ecclesiastical authorities the collective belief that parceling out and cooking deer at night constituted an act of idolatry. After reviewing the various narrative strands, one comes to the uncanny realization that it is absolutely impossible to determine in any meaningful way whether the deer eaters of Lachirioag had engaged in idolatry. Their stance—a collective refusal to regard their actions as idolatrous—is more ambiguous and inconclusive than what it appears to be—an obstinate act of denial. Although their stance could be motivated by either a collective design—the refusal to acknowledge that eating deer at night was part of an idolatrous ritual celebration—or earnest sincerity—it may not have occurred to them that eating deer at night could be regarded as idolatry—the outcome is the same: the defendants are unwilling or unable to regard their actions as collective intention to engage in idolatry, and therefore the prosecution’s case meets with utter failure.

⁶² For examples of avowals made by Zapotec ritual practitioners caught *in flagrante delicto* by native and mestizo informants, see the discussion of AVA Criminal 19 and AVA Criminal 22 in Tavárez, *Invisible Wars*, 350-356. The notion of confession that is sketched here is much broader than the Foucauldian idea of the confessional self that has been applied to the context of colonial Spanish America in three influential articles. See Serge Gruzinski, “Individuation and Acculturation: Confession Among the Nahuas of Mexico from the 16th to the 18th Century,” in *Sexuality & Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln, 1989), 96-117; Klor de Alva, “Colonizing souls,” and “‘Telling lives’: confessional autobiography and the reconstruction of the Nahua self,” in *Spiritual Encounters*, ed. Nicolas Griffiths and Fernando Cervantes (Lincoln, 1999), 136-162.

In both civil and ecclesiastic courts,⁶¹ the architecture of an idolatry trial depended on a keystone that held the entire procedure in place: the assumption that a series of acts, or a string of words, constituted an act of devotion or propitiation directed toward a non-Christian entity. If the judge was particularly knowledgeable about certain practices, this assumption was relatively easy to uphold: as long as witnesses provided the court with a credible narrative—or even better, with physical evidence regarding a set of suspect actions or objects—such as sacrificed animals, censers, or even food offerings—an idolatry conviction could be handed down. Legal narratives about idolatry thus called for a received *dénouement*: the defendants' acknowledgment that the suspect acts they had engaged in were part of a *deliberate* act of idolatry.

At what point could one establish that a given action, as recounted in court by a third party with complex and poorly known motivations, constituted the crime of thought that idolatry essentially was? After all, the transgression resided not in the mere act of beheading animals or setting food offerings before an effigy, but in the belief that moved a native colonial subject to engage in such an action. The single most important device employed by idolatry extirpators was confession: the defendants' conscious avowal that, regardless of the actual set of practices that they had engaged in, they had engaged in idolatry. Such a confession was the necessary conclusion of the elicitation of a systematic narrative about idolatrous acts by a confessor in a courtroom. In the absence of such a scripted *dénouement*, the efforts to adjudicate allegations of idolatry could collapse, as demonstrated by the development and sentence of the Lachirioag trial. In other words, alleged idolaters convicted themselves through acts of confession and narration that hinged on their willing and conscious intention to participate in practices that they themselves could regard as clandestine and forbidden. It was only through the tacit acceptance of such clandestinity that idolatry could exist as a systematic category in the minds of its practitioners and eradicators.

⁶¹ Although one may be tempted to argue that the differences between Balsalobre's and Villegas y Sandoval's trials may be accounted for through an analysis of procedural differences in ecclesiastical and civil courts, it will be assumed here that, unless further evidence to the contrary surfaces for seventeenth-century New Spain, the dynamics of proof for idolatry in either judicial sphere followed similar patterns.

