

PROOF

Imperial Subjects

A book in the series

LATIN AMERICA OTHERWISE:
LANGUAGES, EMPIRES, NATIONS

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ABOUT THE SERIES

Latin America Otherwise: Languages, Empires, Nations is a critical series. It aims to explore the emergence and consequences of concepts used to define “Latin America” while at the same time exploring the broad interplay of political, economic, and cultural practices that have shaped Latin American worlds. Latin America, at the crossroads of competing imperial designs and local responses, has been construed as a geocultural and geopolitical entity since the nineteenth century. This series provides a starting point to redefine Latin America as a configuration of political, linguistic, cultural, and economic intersections that demands a continuous reappraisal of the role of the Americas in history, and of the ongoing process of globalization and the relocation of people and cultures that have characterized Latin America’s experience. *Latin America Otherwise: Languages, Empires, Nations* is a forum that confronts established geocultural constructions, rethinks area studies and disciplinary boundaries, assesses convictions of the academy and of public policy, and correspondingly demands that the practices through which we produce knowledge and understanding about and from Latin America be subject to rigorous and critical scrutiny.

When can a subject be described as imperial and when as colonial? Imperial subjects seem to emerge from imperial identifications, such as the Spanish use of “Indian” to label the diverse people of Anahuac, Tawantinsuyu, and Abya-Yala. Descriptions of subjects as colonial imply new conditions of existence for people under imperial rule. In the sixteenth century, new identities emerged as traditional subjects, changing geo-political demarcations, and racism in the form of imperial hierarchies imposed over ethnic formations, came together.

This collection of essays offers a splendid map of identity formation at the intersection of imperial rule, colonial administration, the invention of “Indians,” and the emergence of a new ethno-class, the Creole. The foreword by Irene Silverblatt and the introduction by Andrew B. Fisher and Matthew D. O’Hara lay the foundation for this exploration of the interconnected subjects of race and identity in colonial Latin America.

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Imperial Subjects



RACE AND IDENTITY IN
COLONIAL LATIN AMERICA

Andrew B. Fisher and Matthew D. O'Hara, eds.

Foreword by Irene Silverblatt

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Legally Indian

Inquisitorial Readings of Indigenous Identity in New Spain

In Spanish America, the colonial lexicon of what may be designated, using contemporary terms, as “race” or “ethnicity” was both ambivalent and highly diversified.¹ Both the primordial categories in colonial classification systems—*español*, *indio*, and *negro*—and the ensemble of identities resulting from mixed descent involving any of these categories were referred to as *castas* or “castes,” a highly pliable word. As labels, “castas” indicated membership in collective identities based on terms that denoted biological descent—*sangre* (blood) and *origen* (origin)—reinforced by a particular *crianza* (upbringing) and rooted in one or more *lenguajes* (languages or dialects) and geographical localities with particular characteristics linked to *tierra* (land) and *clima* (climate). A broader reading of an individual’s *casta*, which could index both putative ethnic category and perceived socioeconomic status, was indicated by terms like *naturaleza* or *calidad*. Even the more recurrent labels—such as *criollo*, *mestizo*, *castizo*, *mulato*, *lobo*, or *pardo*—defined by the three basic categories listed above refer to a number of traits whose capacity to define a category varied widely, according to the eye of the beholder and the context of the identification.² The constant deployment of these *casta* terms in institutional discourses, a subset of the broader definition of social hierarchies through descent that Irene Silverblatt has called “race thinking,”³ could be designated as “*casta* identification.”

Casta labels, thus, were based on a variety of early-modern discourses about nature, society, and language and referred to social identities that were negotiable under certain circumstances. When these labels were assigned to colonial subjects at baptism in parishes where this practice

was common, they could be modified by design, customary practice, or accident. As shown by Patricia Seed's and R. Douglas Cope's quantitative studies, urban plebeians completed with relative ease transitions from one category recorded at birth to a different one recorded on marriage, census, or burial records. Furthermore, Ann Twinam has discussed legal mechanisms that allowed individuals of illegitimate birth or low ethnic status to claim membership in more socially advantageous categories.⁴ In fact, upon noting the shifts triggered by marriage and social relations, Cope astutely noted that "a person's race might be described as a shorthand summation of his social network."⁵

This chapter will highlight the difficulties that colonial institutions faced in terms of their discursive and procedural practices when confronted by a protean landscape of social arrangements and cultural practices. Through an engagement with three case studies—a man with a disappearing hometown, a man with no known parents, and a woman whose *casta* self-adscription was refuted by local officials—I will discuss inquisitorial adjudications of *casta* identity for jurisdictional purposes and note the relation between individual economic and social survival strategies and public *casta* identification. I will also show how institutional *casta* identification seized on discrete traits that may be regarded as stereotypical—such as complexion, hair, linguistic competence, clothing items, or shoes—but yielded to a pragmatic consideration of these traits within a contextualized interpretation of both identity claims and socio-cultural practices. Moreover, the extent to which contingency played a role in *casta* identifications will be highlighted here: in these cases, plebeian self-identification seemed to hinge on who was doing the asking, and why.

Although *casta* identification was undoubtedly a highly pragmatic process that relied on beliefs and practices that may not be directly reflected by the historical record, I wish to underline three identification processes that remain accessible to us. The first—visual and contextual readings of ethnic identity—was certainly the currency of the realm, as it was the most widespread process, involving both well-formed and contingent subjectivities. Such readings were as anecdotal as a quick reading of someone's face, skin color, and clothing in a crowded street,⁶ but they could inform substantial decisions, such as a parish priest's visual corroboration of the *casta* label claimed during baptism, marriage, or death.

A second one—institutional readings and adjudications of ethnic identity, particularly within legal proceedings—is perhaps the best understood process, and it lends itself to comparative analyses that employ quantitative tools: such institutional adjudications have produced records that suggest a permeability between categories—Indian and mestizo, or African and mulatto—and indicate trends in endogamy that vary by ethnic group.⁷ The third one—individual strategies that sought to embrace or elude a particular *casta* identification—was perhaps the most complex, unyielding, and unpredictable of these three phenomena.⁸ This chapter contains a heuristic account of how these three processes intersected each other in seventeenth-century central Mexico. It should be noted that these processes should not be confused with the empirical correlates of identity they deployed: in other words, these discourses sought to uphold or contest a legal construction of identity that was quite separate from any local or contextual ways of determining colonial identities.

Bigamy and Plebeian Life Trajectories:

Francisco Rojas and Francisco Hernández

The two cases this section addresses have been mentioned or summarized by two other scholars,⁹ but they have never been the subject of a substantial comparison. Since these cases are quite similar structurally and involve the imprisonment of the defendants—as well as inquiries into their identity—during the same period in 1610, a comparative glance at these proceedings will shed light on both procedural issues and the social meanings of the default *casta* category these defendants occupied and then contested. In both cases, these individuals traversed the permeable line between Indian and mestizo—canonically defined as the descendant of a Spaniard and an Indian. As was the case with many bigamists in New Spain, the status of these two defendants as migrants was a factor in their establishment of bigamous relations; as Richard Boyer has observed, their life paths displayed the disparities “between society’s labels and life.”¹⁰ The trajectories of Francisco Rojas and Francisco Hernández reflect marriage calculations made at different life stages; while Rojas deserted his first wife in his early twenties after a five-year cohabitation and married a socially prominent native woman, Hernández wedded his second wife twenty years after his first marriage, as he approached the age of forty, and only after a seemingly plausible notification of his first wife’s death. On

the other hand, these two cases present one crucial similarity: they exemplify the various itinerant possibilities that may have followed after a young man with weak family links left his town of origin to seek a means of subsistence elsewhere. These divergences and similarities can be better understood through a comparative glance at the lives of Rojas and Hernández.

According to his own testimony, Francisco Rojas was born circa 1582 in the *sujeto* of Guayangáreo, located near Pátzcuaro in the province of Michoacán, left his hometown around age thirteen, and claimed to be twenty-eight years old when he was interrogated by the inquisitors in February 1610. Hernández's first wife, an indigenous woman called María Mónica who was born in San Juan Teotihuacan, testified having met Rojas when he was reputed to be an itinerant mestizo. She married him at the Mines of Xichú in 1597; at this time, this region—located about seventeen leagues to the northeast of the city of Querétaro—was a multi-ethnic enclave where newly established mining camps had begun to attract an influx of Spanish, Otomis, Nahuas, and people of various castas.¹¹ The newlyweds lived together in three different locations within a five-year span, before entering the service of Luis de Soto Cabeçón, *encomendero* of Tezcatepec, a town located a few leagues west of Tula.¹² María Mónica's brief account of her married life with Rojas summarizes in a deceptively flat and unemotional tone the uncertainty that plagued a young, uprooted plebeian couple: "After [their] marriage took place, they lived for two years in the said mines of Xichú, living in public as husband and wife . . . and then they moved as a couple to the mines of Pachuca, where they lived for one year, and then they came to live at a *sujeto* of this town of Tezcatepec, and they remained there for a few days, and then they moved into the estate of Luis de Soto Cabeçón. Having borne to the said Francisco Rojas a daughter called Juana—who is still alive and is eight years old now—he [Rojas] ran away and deserted them, and she had no tidings about him until she was told he lived near Tulancingo and had married an Indian noblewoman [*yndia principal*] there."¹³ Family ties appear to have been a weak element in the life of Rojas and his first wife; thirteen years after her marriage to Rojas, María Mónica did not know whether her own parents—who served as witnesses at her wedding—were alive or dead. On the other hand, Rojas's marriage witnesses were the Spanish man in whose household the couple worked as servants and

another fellow servant, rather than family members. Even after five years of marriage, Rojas's first wife believed he had been born south of Mexico City in Coyoacan, rather than in Michoacán.

After leaving his first wife to fend for herself with a newborn child circa 1602, Rojas surfaced eighteen leagues east of his former residence at Tezcatepec in Xaltepec, a town near the district head town of Tulancingo, where he married Doña Clara Xocoiotl in 1604. Undoubtedly, Doña Clara could be regarded as a more desirable marriage partner than Rojas's first wife from a social and economic standpoint; her father had been the *alcalde* (one of two indigenous mayors in the local town council) of Xaltepec, and the use of the honorific "Don" and "Doña" by members of her family suggests they were still regarded as leading citizens in the Tulancingo region. Rojas's in-laws did not appear to dwell on his origin or ethnicity; his mother-in-law believed him to be a mestizo from Coyoacan and voiced no complaints about him. It is only through the testimony of a resident of Tulancingo, who identified Rojas as a previously married man after hearing rumors about his first wife at the household of the *encomendero* who employed her, that Rojas's new life as the husband of a socially prominent Indian woman was thwarted by an inquisitorial inquiry six years after his second wedding.¹⁴

Unlike Rojas, Francisco Hernández did not derive social dividends from his second marriage. Hernández declared himself to be "under age forty" in 1610, which would place his birth in the early 1570s. According to his own testimony and that of his first master, he began serving Baltazar Hernández, a native of the island of Terceira in the Azores, at the tender age of ten in Tecamachalco, a town a dozen leagues to the southwest of Puebla. Since Baltazar Hernández was an *escudero* (equerry) in the service of Rodrigo de Vivero the Younger—the son of Tecamachalco's second *encomendero*¹⁵—in the 1580s he and Francisco followed Vivero from Tecamachalco to his two separate appointments as *alcalde mayor*—one in Cholula, and the second one in Pátzcuaro. In fact, Baltazar was regarded as an adoptive father of sorts by Francisco, who began to use his master's last name as his own and who later would identify himself as the son of a "Portuguese man" when an employer inquired about his family. It was in Pátzcuaro that Francisco Hernández, circa 1588, married a Phurépecha woman known both as Matachi and as Magdalena, who was a servant of the wife of Spanish merchant Juan Gómez de Tagli.¹⁶ At some

point under the employ of Gómez, Hernández's public identity was given a permanent mark: for reasons not addressed in his trial records, a man scarred the left side of his face with a knife during a fight. No account exists of his activities in the last decade of the sixteenth century. Around 1603, he surfaced without his first wife at an *obraje* (workshop) in the city of Puebla, where he worked as a wool carder to the entire satisfaction of Lope de Carrera, the enterprise's owner.¹⁷

It is hard to ascertain whether Hernández simply deserted his first wife, as Rojas clearly did; for a number of years, Hernández repeatedly begged Carrera "for the love of God" to allow him to bring his wife from Michoacán, or to send someone to bring her. Nevertheless, given the distance, the decision to bring her was postponed, and Carrera eventually heard tidings about her death in May 1608 from a "mestizo" who identified himself as Hernández's brother. Only three months later, Hernández claimed that his wife had been dead for about a year and married an Indian woman called María Isabel. As in Rojas's case, hearsay would reveal evidence of Hernández's first union. Only two months after Hernández's second marriage, a Spaniard reported to the Holy Office that his first wife was still among the living, and an inquiry into the matter began. In what can only be seen as a coincidence, the Holy Office soon learned that Hernández's first wife had indeed passed away—not in 1607 or 1608, but at a hospital in Pátzcuaro on a December day in 1609.¹⁸

Casta Identification and Institutional Readings

Judging from the legal inquiries that preceded the arrest of Rojas and Hernández by the Inquisition, a visual and contextual consensus coalesced in terms of their public *casta* identification: both were identified as mestizos, either without qualifications or with the addition of the hedge "It is said he is mestizo." The only notable exception in this pattern is the registry itself of Hernández's second marriage, which identifies him unambiguously as an "Indian from Tecamachalco." In spite of this record—which may reflect Hernández's self-adscription of *casta* identity—his own employer identified him as a "mestizo" on the basis of his "appearance, and since he is so fluent in Castilian." Nevertheless, in February 1610, first Rojas and then Hernández were able to redirect the tide of bigamy accusations that had been collected against them by claiming, as soon as they were ushered in to be questioned by the inquisitors, that they

were Indians rather than mestizos, and that their newly reaffirmed *casta* identity prevented them from falling under the redoubtable jurisdiction of the Holy Office.

Rojas's and Hernández's expedient claims rested on a relatively recent change in jurisdiction. Between the 1520s and 1571, the investigation of crimes against the Christian faith committed by members of any *casta*, including Indians, fell under inquisitorial jurisdiction, which was represented in New Spain by either an appointed inquisitorial judge called "apostolic inquisitor" or a specially appointed commissioner. In several cases, members of the regular orders in isolated regions exercised faculties very similar to those of an inquisitor, claiming the precedent of a papal bull issued in 1522 that granted them episcopal faculties if they resided beyond a two-day journey from the nearest bishop's seat. After the formal establishment of separate inquisitorial tribunals in Mexico City and Lima in 1571, the investigation of faith crimes by Indians—which included bigamy, failure to pay tithes, idolatry, and superstition, among other common transgressions—was transferred from the inquisitorial to the episcopal jurisdiction, which presided over ecclesiastical tribunals whose staffing and structure varied from one diocese to another.¹⁹ To complicate matters, civil judges claimed jurisdiction over natives accused of sorcery and idolatry both before and after 1571, and in certain dioceses such as Oaxaca bishops allowed *alcaldes mayores* to assist them by staging civil trials against idolaters.²⁰

Therefore, Rojas's and Hernández's claims forced the inquisitors to begin a set of inquiries whose objective no longer was to establish whether bigamy had been committed but to adjudicate the defendants' *casta* identification. In order to determine the truthfulness of the defendants' claims, the inquisitors sent instructions to their agents located in the defendants' towns of origin, so that testimony from neighbors and relatives with knowledge of their genealogy and *casta* identification could be entered into the legal record. The preponderance of documentary proof—in baptismal, marriage, or burial records—complemented by testimony offered by the defendants' neighbors and acquaintances served as the most common inquisitorial strategy to adjudicate the ethnic identity of defendants.²¹

However, as it occurred in both Rojas's and Hernández's cases, this strategy faltered when the visual and contextual criteria for calling someone a mestizo was corroborated neither by parish records nor by the

testimony of casta identification witnesses. Thus, when Rojas declared himself a son of “Juan Martín and his wife Catalina, both *yndios naturales* (Indians born or raised in) the Phurépecha town of Guayangáreo in Michoacán,²² he offered several details to assist in the corroboration of this claim: he mentioned the name of two town residents who, if found, may corroborate his claim, and identified a Spaniard named Márquez as the man who raised him after his parents died, leaving him an orphan at an early age. Rojas’s contention was met with great skepticism by Don Diego de Orduña, Holy Office commissary in Valladolid, who noted that most of the residents of a town he calls Guayangáreo in his correspondence—which used to have about sixty households—are now dead, and that not one current resident, or even the Franciscans at a nearby convent, had heard about the two residents or the Spaniard substitute father cited by Rojas, which forced Orduña to conclude that “it is impossible for me to inquire into anything.”²³ In spite of Orduña’s assertion, an episcopal report from Valladolid indicates that by 1619 twenty household heads resided in a locality by the name of Guayangáreo, which suggests either a confusion about the locality’s name or its sudden repopulation during the second decade of the seventeenth century.²⁴

In any case, Orduña’s testimony left the inquisitors in possession of few adjudication elements. The original certificate of Rojas’s first marriage—a copy of which was submitted by a priest at the Mines of Xichú—listed him as a “native of Coyoacan” without specifying ethnicity, suggesting a default adscription as “Indian”; however, there is a clear contradiction between this claim and Rojas’s later claim of being a native of Guayangáreo.²⁵ The two witnesses who had more detailed knowledge of Rojas’s provenance—his first wife and the mother of his second wife—regarded him, puzzlingly, as a “native of Coyoacan” who may or may not have been a mestizo. On the other hand, any attempts to investigate Rojas’s statements about his parents seemed futile, since no one alive was able to corroborate or disprove his claims in Guayangáreo. Notably, the inquisitors cut this Gordian knot with a pragmatic decision that combined both a relinquishment of their jurisdiction and a *de facto* finding of bigamy; only four months after beginning their inquiries, Rojas was released from custody “for being an Indian” and admonished not to return to his second wife, lest he be punished with excommunication and two hundred lashes.

Hernández’s case also features several systematic but futile attempts to

find witnesses who may have a memory about the early years of an uprooted plebeian. In February 1610, Hernández claimed during his first interrogation that he was the son of Gaspar del Castillo, a prominent indigenous resident of Tecamachalco, gave precise details about the location of Castillo's house and about his neighbors, and suggested the names of some witnesses that could confirm his statements. The first of these witnesses remembered Castillo but did not know whether he was Hernández's father. The second witness—a former African slave called Juan de Murcia—confirmed some key points of Hernández's story, such as his service under Vivero's Portuguese equerry, and lent a rather subjective tone to the proceedings by recalling an earlier encounter with Hernández at the prison in Puebla, where he recognized his boyhood acquaintance in spite of the knife scar that now marred his face. Murcia could not attest to the identity of Hernández's father: although he confirmed that the defendant had told him twenty-three years earlier that Castillo was his father, he never witnessed them behaving as father and son in public. Furthermore, a publicly acknowledged son of Castillo—the Tecamachalco native nobleman Don Felipe del Castillo—denied any knowledge of Hernández and repeatedly refuted Hernández's claims of having being sired by his own father.

The inquisitors' last resort turned out to be the only parental figure Hernández had ever had: his former master, the Portuguese Baltazar Hernández. Baltazar, who was sixty-four years old in 1610 and a resident of Cuauhtitlan—a town located about five miles to the north of Mexico City—confirmed having taken Hernández into his service as a young boy and bestowed his own last name upon him. Moreover, he directly acknowledged the futility of establishing the genealogy of an itinerant, uprooted plebeian in colonial Mexico. When asked if he knew of any person who could have any information about the identity of Hernández's parents, Baltazar answered that no one could possibly have an answer for such a question, for even he, who had been Francisco's master and surrogate father from a very early age, did not know the answer, and "he believes it rather difficult that some one else may, since this affair belongs in the distant past."²⁶ Therefore, although witnesses corroborated the main points in Hernández's account about his early years—and while he could not be publicly regarded as a legitimate son of the man he identified as his father, according to the witnesses who came forward—the inquisi-

tors failed to produce any strong oral or documentary evidence to confirm or disprove Hernández's genealogical claims. The inquisitors resolved this procedural cul-de-sac in a manner similar to their handling of Rojas's impasse: four and a half months after Hernández's first interrogation, they freed him after instructing him not to return to his second wife, upon pain of two hundred lashes.

Private Indian, Public Mulatta: The Case of Nicolasa Juana

A third case features quite a different dynamic of public casta identification: the attempts by Nicolasa Juana, a woman married to an Indian man, to be regarded as Indian against the testimony of the local officials in her hometown. As in the previous two cases, the adjudication process was triggered by suspicions of a crime against the faith—in this case, idolatry. The driving force behind Nicolasa Juana's trial was Diego Xaimes Ricardo Villavicencio, author of the most widely circulated idolatry extirpation manual printed in New Spain—*Luz y methodo de confesar idolatras* (Guide and Method for Confessing Idolaters), printed in 1692.²⁷ Villavicencio was a curate and ecclesiastical judge fluent in Mazatec and Chocho who made idolatry extirpation a priority in the two parishes he occupied—Teotitlán del Camino, a Mazatec-speaking parish in the diocese of Oaxaca in the 1670s and 1680s, and Santa Cruz Tlacotepec, a Chocho-speaking parish in the diocese of Tlaxcala, sixteen leagues to the southeast of Puebla, starting in 1688.²⁸

In August 1688, as he investigated the ritual activities of Diego Hernández, an elder Chocho ritual specialist, Villavicencio learned that one of Hernández's main clients was Nicolasa Juana, a woman publicly identified as a mulatta, about thirty-nine years old, who had married Juan Mateo, a Chocho Indian, and had borne him two children, Pedro Hernández and Pascuala María. In order to prevent Nicolasa from fleeing, Villavicencio had her incarcerated in the Tlacotepec jail in September 1688. A special commission against idolatry that the bishop of Tlaxcala granted Villavicencio allowed him to try natives, but he had no jurisdiction over a nonindigenous woman reputed to be a mulatta, since the Holy Office had not given him a permanent inquisitorial commission. Therefore, his report on Nicolasa Juana's activities to the Holy Office agents in Puebla yielded a commission to investigate the ceremonies that Hernández performed on Nicolasa's behalf. This procedural solution was

repeated in 1689, when Villavicencio began investigating the ritual practices of a couple identified as mestizo; in order to preserve inquisitorial jurisdiction, Villavicencio was granted a commission to record his interrogation of these suspects.²⁹ According to a native specialist, Nicolasa and this mestizo couple were actively engaged in unorthodox ritual practices. They possessed their own effigies and ritual implements and some basic notions of Chochon-Popoloca ritual practices. What they lacked was specialized knowledge of ritual practices and appropriate incantations, which were provided them by a series of local specialists they hired at various times.

In December 1688, Villavicencio rendered explicit his visual and contextual identification of Nicolasa's *casta* to the Holy Office by noting that she was "a white mulata with curly hair, because she is the daughter of a dark-skinned mulata and a Spaniard, and for her manner of dress she has flannel petticoats and a native blouse [*huipil*], sometimes silken, sometimes woolen. She wears shoes, and her natural and common language is not Spanish, but Chocho, as she was brought up among Indians with her mother, from which she contracted the vice of drunkenness, to which she often succumbs, as Indians do, and from them she has also received the crime of [idolatry]."³⁰ However, four months after having been imprisoned by Villavicencio, the illiterate Nicolasa had an unnamed scribe draft a petition in which she disputed the judge's identification by insisting on two points: first, she asserted she was a "legitimate and natural Indian on all parentage lines," gave the names of her parents—Lucas Hernández, deceased, and Gerónima María—and grandparents—Sisilia María and Joseph Juan; second, she asked to be placed under detention by payment of a bail (*depósito*) at a local residence, since her public reputation as a married woman was imperiled by continuous imprisonment. As a result, the Holy Office in Puebla instructed Villavicencio to record the testimony of local residents regarding Nicolasa's "*casta* and *naturaleza*."

It was at this point that three influential men in Tlacotepec with facility in both Chocho and Spanish—principal and *cacique* Don Bernabé de Luna, principal Nicolás Bautista, and Villavicencio's very own court interpreter, Don Luis Cortés de las Nieves—stepped forward to deny that Nicolasa could be regarded in public as an Indian in the town of Tlacotepec. The first point in their argument echoed Villavicencio's visual identification—the interpreter confirmed that Nicolasa wore "flannel

petticoats, a scarlet blouse, and shoes, and it cannot be denied she is a mulata, since she has very wavy hair, and is light-skinned.³¹ Second, Luna revealed that some residents of Tlacotepec obtained an order to banish Gerónima, Nicolasa's mother, from the town, as she was a troublesome mulatta, and since crown regulations forbade non-Indians to live in *pueblos de indios*—in fact, Gerónima was forced to move to nearby Tehuacan. Third, all witnesses noted that Nicolasa's father was regarded as a mestizo, and that as such he was allowed to bear a sword, a dagger, and an arquebus.³² Fourth, the interpreter noted that Nicolasa was addressed and recognized publicly as a mulatta in Tlacotepec. The striking similarities among these three testimonies, which were all recorded on the same day, suggests that these officials shared the intention of calling into question Nicolasa's claim. Enmity or resentment toward Nicolasa and her family appear as distinct possibilities: her own mother was forced into exile by some residents of Tlacotepec, one of her maternal uncles was later murdered in Tehuacan under unspecified circumstances, and the *fiscal mayor* of Tlacotepec—an official who supervised the participation of local residents in Christian observances—took a leading role in confirming Nicolasa's engagement in Chocho ritual practices.

Regardless of her parents' *casta* identification, Nicolasa seems to have built strong family ties with some of the indigenous residents of Tlacotepec. There is some evidence that, on occasion, residents of an indigenous community could shift between an indigenous and a mestizo public identity as a response to expedient concerns.³³ However, it should be noted that, despite the expediency of her claims, Nicolasa's life was firmly rooted in a domestic indigenous household. In 1667, she married a widower—Juan Matheo, a Chocho Indian—becoming stepmother to at least one of his sons and bearing him at least two more children. In passing, it should be noted that her *casta* identification was not entered into her marriage certificate—only her age and marital status were recorded.³⁴ Even ritual practices seemed to belong within Nicolasa's family sphere: the ritual specialist whom Nicolasa had hired was in fact her husband's brother-in-law; her own eight-year-old daughter served as an assistant; and Nicolasa used two cult effigies she had inherited from her own mother, a woman regarded by the town as a mulatta. Given that her first and only language was Chocho, even Villavicencio's visual reckoning of

Nicolasa’s ethnicity contrasted with her deep social and cultural integration within an indigenous extended family in Tlacotepec.

In the end, if Nicolasa’s ethnic identity was indeed a summation of her social network, the testimony about this network painted a fragmented portrait. On the one hand, Nicolasa’s familial sphere seemed congruent with that of a Chocho Indian, while public perceptions—even if driven by enmity—were based on commonly accepted visual criteria, and on strong counterclaims regarding the *casta* identification of Nicolasa’s parents. Faced with this quandary, the inquisitors issued an eminently pragmatic decision”: “[The defendants’] *crianza*, *lenguaje*, and other items relating to the *calidad* and *lenguaje* they had and do have are solely and purely those of Indians; we refer to Nicolasa, wife of Mateo, Indian, and their two sons. Since they possess little fluency in Spanish [*bozalidad*] and employ exclusively the Chocho Indian language, it seems that the Holy Office is not capable of holding a trial against them, even if in some regard they may have blood that is not of an Indian; in consequence, [the inquisitors] did and do declare that the inquiry into the crimes of idolatry for which testimony exists, along with their punishment and censure, must belong to the ordinary ecclesiastical judge of Indians in the bishopric of Puebla.”³⁵ This decision, it should be noted, did not hinge on linguistic expediency.³⁶ While the inquisitors ruled that, “in some regard,” a primeval form of classification by descent based on *sangre* (blood) could have been used to adjudicate Nicolasa’s identity, their words drew a clear distinction between *sangre* and three other terms that indexed social and cultural traits—*crianza* (upbringing), *calidad* (social condition), and *lenguaje* (language). This legal decision, in fact, introduces a turn toward a more relativistic form of ethnic classification whose implications are discussed below.

Conclusions: Indigenous Identity and Subjecthood

What made a colonial subject an Indian, from a legal standpoint? Why would a colonial subject insist on being regarded as an Indian? These three cases suggest that one potential answer is that the adjudication of one’s identity as an Indian always implied what could be termed “double subjecthood”—the acknowledgment that an Indian was both a colonial subject and a member of a rigidly defined legal construct; thus, an Indian was twice a person and twice a legal entity. This may be seen as a more

precise formulation of Frederik Barth's well-known assertion that, among subaltern populations, ethnic identity should be seen as an "imperative," or necessary condition; in other words, institutional practices emphasized the ethnicity of subaltern colonial subjects as a primary marker of identity, rather than class, gender, or occupation.³⁷ It is no mystery that Rojas, Hernández, and Nicolasa of Tlacotepec wanted to avoid being tried by the Holy Office;³⁸ nevertheless, it is plausible that had none of them been accused of a crime against the faith, they would not have had any reason to make a public or legal pronouncement that clarified their *casta* identification in their towns of residence. In any case, all three defendants successfully moved from one form of subjecthood to a more restrictive and peculiar one: that of having their *casta* identification adjudicated by the Holy Office, which regarded them as Indians.

Although one may use "ethnic passing" or "racial variability" to describe the colonial cases discussed here, it is difficult to argue that a single mimetic gesture captures the ethnic and social identity of these three colonial subjects. During most of their adult lives, all three of them inhabited a public *casta* identification that was seldom defined as a discrete category. Moreover, both Rojas and Hernández, as plebeian migrants with uncertain parentage and places of origin, inhabited a social world in which constant interactions between Indians and non-Indians meant that daily survival was not directly tied to one's public *casta* identification. If this was a species of "passing," then one must clearly separate this process in a colonial context from contemporary instances of ethnic "passing," in which individuals perceive their responses to external *casta* identification as a direct expression of inner subjectivities and pursue systematically a particular form of ethnic identification.³⁹ This is not to suggest that the defendants in these cases lacked subjectivities—they possessed them in the form of memories about their birthplace, families, and parental figures—but, in the absence of an inquisitorial inquiry, these subjects' *naturaleza* and *calidad* were more closely linked to patterns of marriage and socialization.

Rojas and Hernández possessed an unverifiable familial and social context of origin; their claims to public *casta* identification rested solely on their own recollections, which proved extremely difficult to corroborate or disprove. This is why we still lack—as the inquisitors did—a decisive empirical purchase on the identity of these two subjects: we truly

cannot—and should not—adjudicate in our thoughts whether these two enigmatic men were mestizos who successfully passed as Indians, or Indians who unwittingly passed as mestizos. For Rojas and Hernández, the label “mestizo” did not designate a concrete ethnic category but an externally driven shorthand for a highly pliable category: that of the migrant plebeian whose lineage and place of origin consisted of a few fleeting personal remembrances. On the other hand, Nicolasa’s case suggests a higher degree of intentionality: as a resident of Tlacotepec with kinship ties to a traditional ritual specialist, she appeared willing to engage in clandestine ritual practices that were tied to the Chocho ritual calendar and to Chocho life cycle observances. Although reports about her physical appearance suggest that she may have had a parent or grandparent who would not have easily passed as an Indian outside their place of residence, her private, familial claims to identity trumped her public *casta* identification by influential members of her community.

Some contemporary cases that result from the conflict in legal competences between autonomous indigenous municipalities and constitutional law in Latin American nation-states bear a strong resemblance to the colonial dynamic of indigenous double subjecthood. For example, in 1996, the indigenous political activist Francisco Gembuel—a former president of the Indigenous Regional Council of Cauca (CRIC)—was convicted of being an accomplice in the murder of the mayor of Jambaló, a Nasa village in southwestern Colombia, and sentenced to receive sixty lashes. Gembuel appealed to a lower court, which found that his constitutional rights had been violated. However, Colombia’s Constitutional Court, citing Gembuel’s residence and political career, decreed that he was “a person with all the status and qualities of a [Nasa] Indian, and in consequence . . . the former should accept and obey” the jurisdiction of Jambaló’s authorities, which had issued a sentence based on *usos y costumbres* (usage and customs) guaranteed to indigenous municipalities by the Colombian constitution of 1991. Although this adjudication of ethnic identity has an inclusive rather than exclusive jurisdictional effect, its motivation and dynamics mirror the three cases discussed here: in adjudicating the indigenous component of a Colombian citizen’s split personhood, Colombia’s constitutional court was in fact mimicking the procedural steps of Mexico’s Holy Office.⁴⁰

It may be striking for contemporary observers to regard the Mexican

Inquisition as an institution with the capacity to limit its own jurisdictional procedures in a way that almost appears to be self-reflective. However, a necessary corrective to this initial impression must emphasize two points that contextualize the apparent flexibility of the Mexican inquisitors within their own bureaucratic practices. First, it bears noting that the number of cases in New Spain during which inquisitorial adjudications of *casta* become a central procedural issue is quite limited—about a dozen or less known cases in my reckoning.⁴¹ This fact suggests that challenging one’s legal *casta* identification was a strategy that was neither pursued successfully by a large number of defendants nor questioned by inquisitors as a common maneuver to escape from prosecution.

Second, in all of these three cases, both inquisitors and their commissioners scrupulously followed established procedures for collecting testimony about a subject’s public identity and were in full control of both the evidence and the conceptual assertions that rendered it coherent as a legal construct. As noted by Henry Kamen, the men behind inquisitorial procedures were a group of elite bureaucrats who excelled at following established procedure and collecting testimony—including the screams of those subjected to juridical torture.⁴² Such exercises took social constructions of identity and transformed them into legal assertions in the courtroom through the application of bureaucratic procedure. In turn, inquisitors were the most powerful members in a group of colonial subjects subdued by the logic of procedure and were hostages to it. This is why the adjudication of Rojas’s, Hernández’s, and Nicolasa’s public identity as indigenous is not a direct institutional acknowledgment of their ability to define themselves but a logical corollary to bureaucratic thinking. Since their arguments could not be contradicted by testimony procedurally determined to be credible, they gained salience by default and were subject to further juridical review, as hinted by the inquisitors’ admonition to the two bigamists to relinquish their second marriages and return to the monogamous model, on pain of becoming once again a prosecutorial target.

Thus, these cases suggest that the Holy Office was prepared to issue—on a case-by-case basis—a *de facto* recognition that, as a result of the intermarriage of Indians with castas in both *pueblos de indios* and urban or work settings, their offspring were quickly acculturated into the predominant social and linguistic norms of their community of residence.⁴³

In such cases, the institutional understanding of *sangre*—an early modern notion of biological descent expressed through the language of kinship—was modified by the contextual use of *lenguaje* and *calidad* and allowed to reflect a default reading proposed by the colonial subject under scrutiny. This is not to say that the Inquisition employed a full-fledged sociocultural definition of identity *avant la lettre*. As Irene Silverblatt has argued, the Holy Office embraced the momentous task of passing judgment on “the nature of human personhood” through a set of practices that were highly rationalized and bureaucratized, perhaps to an extent that may call to mind the workings of modern institutions.⁴⁴ In the three cases discussed here, the traits that colonial subjects frequently used as yardsticks for determining ethnic identity in the fluid social world of central Mexican cities, mining camps, and *obrajes* gave way to what amounted to a tentative institutional recognition of the complex nature of colonial identities. In these three fleeting moments, both institutions and colonial subjects converged in their acknowledgment of the complex social and cultural practices that were both concealed and rendered manageable by the discourse of *casta* identities.

Notes

1. In this chapter, instead of “race”—a term with a checkered history in terms of its rhetorical use and the popular assumptions it awakens—the term “ethnicity” will be employed to refer to contemporary notions of differentiation based on descent criteria, and “caste” will be used to refer to colonial categories that may coincide with—but also differ from—contemporary notions of ethnic identity. This is not to say that ethnicity itself is an impartial designation; its use here simply highlights a distinction between colonial and contemporary lexicons of difference. For a poignant critique of race as an analytical category, see Loveman, “Is ‘Race’ Essential?”
2. For four influential summaries, see Aguirre Beltrán, *La población negra de México*; García Martínez, *Los pueblos de la Sierra de Puebla*; Israel, *Race, Class and Politics in Colonial Mexico*; Mörner, *La corona española y los foráneos en los pueblos de indios de América*.
3. Irene Silverblatt’s innovative reading of inquisitorial practices in colonial Peru (*Modern Inquisitions*, 17–18) uses the term “race thinking” to denote “any mode of construing and engaging social hierarchies through the lens of descent.” Given the broad scope of this definition, *casta* identification would refer to a more circumscribed set of practices that resulted in the public adjudication of *casta* identity to a colonial subject.
4. See Cope, *The Limits of Racial Domination*; Seed, “Social Dimensions of Race”; Seed and Rust, “Estate and Class in Colonial Oaxaca”; Twinam, *Public Lives, Private Secrets*; and chapter 7 in this volume.

5. Cope, *The Limits of Racial Domination*, 83.

6. Hasty contextual readings could carry immediate legal consequences. For example, a woman who denounced herself in 1713 for using the services of Micaela, a healer from Toluca, described her after one meeting as having the “face and appearance of a Spanish woman, since she is white” and contrasted this swift visual reading with the fact that Micaela wears “Indian dress” (Archivo General de la Nación (hereafter AGN) Inquisición 753, 624r—627v). Henceforth, the inquisitors refer to Micaela—whom they did not necessarily arrest or investigate—as a woman “said to be Spaniard, who wears Indian dress.”

7. Cope, *The Limits of Racial Domination*, 82–83.

8. Beyond the inquisitorial context analyzed in this essay, self-identification strategies varied considerably. See Althouse, “Contested Mestizos, Alleged Mulattos,” for a recent study that examines self-identification dynamics employed in early-eighteenth-century Pátzcuaro in western Mexico by men suspected of being mulatto who claimed to be mestizo in order to embrace a more desirable public identity.

9. Richard Greenleaf cites Rojas’s case in his bibliographical essay “The Mexican Inquisition and the Indians.” Cope cites Francisco Hernández’s case to illustrate his observation that those plebeians without strong links to their parents often received second names only after marriage or through association with their masters; Cope, *The Limits of Racial Domination*, 59.

10. Boyer, *Lives of the Bigamists*, 55, 156.

11. Gerhard, *A Guide to the Historical Geography of New Spain*, 233. For a broad discussion of settlements and sociopolitical dynamics in Xichú de Indios, see Lara Cisneros, *El cristianismo en el espejo indígena*, 61–92.

12. The original Tezcatepec *encomienda* had been granted to Francisco de Estrada, who managed to transfer it in the 1540s to Cristóbal Cabeçón—see Gerhard, *A Guide to the Historical Geography of New Spain*, 297. Luis de Soto Cabeçón was in all likelihood Cristóbal’s son.

13. AGN Inquisición 287, no. 8, pp. 42–43. Some of the AGN Inquisición cases cited in this essay do not have numbered folios, so the author has provided page numbers, counting from the title page forward.

14. *Ibid.*, pp. 11–12.

15. The Tecamachalco *encomienda* was originally granted by Cortés to his secretary, Alonso Valiente; in the early 1560s Melchora Pellicel Aberrucia, Valiente’s widow, married Rodrigo de Vivero the Elder; see Gerhard, *A Guide to the Historical Geography of New Spain*, 278.

16. In fact, Tagli’s wife asserts in 1610 that Francisco “stole said Indian woman from me, taking her to Tzipimeo, where he married her” (AGN Inquisición 287, no. 7, p. 81). Gaspar Tzitziqui and Cristina López, “Indians from the Cheuén barrio,” served as the couples’ godparents.

17. AGN Inquisición 287, no. 7, p. 108. In New Spain, *obrajes* were labor-intensive workshops specializing in a particular product that were usually administered by Span-

ish or creole owners. Itinerant laborers could receive a salary by working at an obraje, and the labor of convicts sentenced to work at an obraje could be sold to the highest bidder.

18. *Ibid.*, p. 79.

19. This bull was known as *Exponi nobis* in Latin and *Omnímoda* in Spanish. For synoptic discussions of these procedural issues, see Greenleaf, “The Inquisition and the Indians of New Spain,” *The Mexican Inquisition of the Sixteenth Century, Inquisición y sociedad en el México colonial*, “Historiography of the Mexican Inquisition”; Moreno de los Arcos, “New Spain’s Inquisition for Indians from the Sixteenth to the Nineteenth Century”; Viqueira, “Una fuente olvidada.”

20. See Tavárez, “La idolatría letrada,” “Idolatry as an Ontological Question.”

21. That was the procedure followed in the cases that Cope notes in his work—Francisco Cano Moctezuma, Bernabé de la Cruz, Felipe García or Pérez, and Micaela Francisca; see Cope, *The Limits of Racial Domination*, 53–55. In respective order, these cases are found in AGN Inquisición 680, no. 34; 677, no. 4; 667, no. 2; and 667, no. 3.

22. AGN Inquisición 287, no. 8, p. 72.

23. *Ibid.*, p. 76.

24. Uayangareo or Guayangareo probably existed as a settlement before the arrival of the Spanish, and Viceroy Mendoza promoted the establishment of a Spanish township and a barrio populated by Nahuatl-speaking settlers near the original Guayangáreo in 1541. In 1601, 1,000 natives were ordered to settle in the area as part of a *congregación* order. A barrio called “Guayangáreo el viejo” existed by 1580; by 1619, an episcopal report states the twenty families in Guayangareo received sacraments from seculars. See Paredes Martínez, “Grupos étnicos y conflictividad social en Guayangareo-Valladolid, al inicio de la época colonial.” For the 1619 report, see Lemoine, *Valladolid-Morelia 450 años*.

25. AGN Inquisición 287, no. 8, p. 70. Could “Coyoacan” be an erroneous rendering of “Guayangareo”? This is only a weak conjecture; however, the notary did manage to enter Rojas’s first wife’s name and place of birth incorrectly—she became as “Mónica Juana, native of San Juan Teguacan,” rather than María Mónica from San Juan Teotihuacan.

26. AGN Inquisición 287, no. 7, p. 134.

27. This work was printed in Puebla in 1692 at the workshop of Diego Fernández de León. Villavicencio dedicates the book to Isidro Sariñana, bishop of Oaxaca, who devoted a large amount of resources to the extirpation of idolatries in Oaxaca and who built the first prison for idolaters in Oaxaca City in 1688–92. See Tavárez, “The Passion According to the Wooden Drum.”

28. It should be noted that, while colonial records and Villavicencio’s legal proceedings designate the language of this parish as “Chocho,” they were probably referring to a seventeenth-century variant of a language that contemporary linguists now designate as “Popoloca,” in contrast to other closely related language variants now known as “Chocho” or “Chocholteco” (Michael Swanton, personal communication, 2006).

In 1674, as *juez eclesiástico de idolatrías* under Bishop Tomás de Monterroso, Villavicencio confiscated several idols in San Francisco de la Sierra and forwarded them to the

bishop (AGN Bienes Nacionales 1076, no. 10). It was during this period that Villavicencio acquired a good knowledge of Popoloca language variants—a skill that he would put to use during his interrogation of Chocho and Mazatec native specialists. By 1688, Villavicencio had been named *beneficiado* and ecclesiastic judge of Santa Cruz Tlacotepec, a Chocho-speaking parish about sixteen leagues to the southeast of Puebla.

29. Villavicencio received a commission against native idolaters from the provisor of Indians of the bishopric of Tlaxcala in July 1688 (AGN Inquisición 674, no. 26).

30. AGN Inquisición 669, no. 10, 481r–v.

31. *Ibid.*, 499v.

32. *Ibid.*, 498r.

33. For instance, in her discussion of AGN Civil 270, no. 1, Laura Lewis notes that the residents of an indigenous community near Mexico City conducted a public feud with the Rosas family, regarded as mestizo, in the early 1680s. The sons of Lorenzo Rosas, who had married a native noblewoman and inherited her land, could claim indigenous identity but shifted to being regarded as mestizos during their conflict against local residents, whom they accused of being idolaters. See Lewis, *Hall of Mirrors*, 86–88.

34. AGN Civil 270, no. 1, 508r–508v.

35. *Ibid.*, 511v; my emphasis.

36. Using a Chocho interpreter in an inquisitorial court was not an impossibility, given that Indian testimony with or without interpreters in inquisitorial cases was not unusual, and that Villavicencio already had designated a Tlacotepec resident as his Chocho interpreter. However, after 1571, indicting an individual known to be indigenous as a defendant in an inquisitorial trial would have been a violation of the bishop's jurisdiction over natives.

37. See Barth, Introduction to *Ethnic Groups and Boundaries*

38. One could even conjecture that Rojas had an opportunity to give some strategic suggestions to Hernández before the latter was questioned; after all, Rojas was interrogated on February 5, and Hernández arrived in prison on February 12 and was questioned three days later.

39. For a discussion of subjectivity in ethnic and linguistic passing in the United States, see Bucholtz, "From Mulatta to Mestiza."

40. Rappaport and Gow, "The Indigenous Public Voice."

41. This tentative figure includes the cases discussed by Cope in *The Limits*, Althouse in "Contested Mestizos," and the three cases in this article.

42. Kamen, *The Spanish Inquisition*, 144; Silverblatt, *Modern Inquisitions*, 59.

43. For a detailed discussion of an unusual case of casta acculturation within the legal framework of pueblos de indios, see García Martínez, *Los pueblos de la Sierra de Puebla*, 106–8.

44. Silverblatt, *Modern Inquisitions*, 218.