

## A Modest Proposal for a Moratorium on Grand Generalizations: Some Thoughts on the Black Legend

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BENJAMIN KEEN'S STIMULATING CONTRIBUTION on the Black Legend illustrates how almost inexhaustibly the colonial period provides challenging controversies that lead us to re-examine basic views on the history of Spain in America. Though this is not the place to discuss all the questions he raised the time may have arrived for writers on the Spanish Conquest to declare a moratorium on the striking off of generalizations and judgments and to enter the archives for further research. The purpose of this note is to indicate why a moratorium is needed. Let us begin with one of the more obvious simplicities.

Keen analyzes the development of Charles Gibson's thought on

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1. In preparing this note, I have had the benefit of the advice of Charles Julian Bishko and Lucretia Bishko, who for longer than I care to admit have improved the content and the style of my writings. Valuable suggestions were also made by James Cummins, John H. Elliott, John Lynch, and Stafford Poole, C. M., and Milton Vanger. Because of the controversial nature of this material, I wish to make it clear that the conclusions presented are my sole responsibility.

The Keen article to which my comments are directed is "The Black Legend Revisited: Assumptions and Realities," *HAHR*, XLIX:4 (November, 1969), 703-721. It may be pertinent to mention here that anyone desirous of knowing fully about my views on Spanish action in America should consult my publications on the Villa Imperial de Potosí as well as those on Las Casas and the struggle for justice. Keen and other *HAHR* readers, however, would have found it difficult to discover much about the nature of my works on Potosí from the "Review Article" (*HAHR*, XLVII:4 (November, 1967), 532-536), ostensibly reporting on my Colver Lectures, *Bartolomé Arzáns de Orsúa y Vela's History of Potosí*, and on the three volume edition of the Arzáns *Historia* edited by Cunmar Mendoza and myself. The Colver Lectures were not referred to in the "Review Article," and a few sentences of a general character were devoted to the editorial work of the other volumes. As an example of the reviewer's approach, he provided a footnote on Colonel George Earl Church, without mentioning that one of the seven appendices in Volume III (none of them noted in the "Review Article") was on the life of Church, based upon material in Bolivia, Brazil, England, and the United States.

the Black Legend and refers, among other points, to his "sombre picture of an Indian population . . . so demoralized that it found relief from its misery in drinking on a scale rarely seen in history."<sup>2</sup> What Gibson actually wrote, in that dramatic last sentence of his solid work on *Aztecs under Spanish Rule*, was: "If our sources may be believed, few peoples in the whole of history were more prone to drunkenness than the Indians of the Spanish colony."<sup>3</sup> Now even such an energetic and competent scholar as Gibson would find it an impossible task to go through all the sources available on drunkenness "in the whole of history" so thoroughly as to write that last sentence with complete justification.

Undeniably there was much drunkenness among Indians under Spanish rule in America. The reasons for this, however, may not be as simple as Keen and Gibson suggest. The eighteenth-century Mexican Jesuit Francisco Javier Clavigero explained Indian addiction to liquor in this way: "Actualmente y siempre han sido sobrios en el comer: pero es veheméntísima su afición a los licores fuertes. En otros tiempos la severidad de las leyes impedía abandonarse a esta propensión: hoy la abundancia de licores y la impunidad de la embriaguez trastornan el sentido a la mitad de la nación."<sup>4</sup> The latest study on the condition of Indians before and after the conquest in Peru by Nathan Wachtel makes additional points relevant to this question.<sup>5</sup> Under Inca rule neither wine nor coca was permitted to the ordinary Indian; a consumer society developed after Spaniards came. The activity of merchants and work in the mines created conditions which promoted greater Indian consumption of food, even meat, than before.<sup>6</sup> Coca became a highly valued and widely sold product, and wine drinking reached such proportions that Fray Benito de Peñalosa declared in 1629: "Todos los males de la América española procedían de haber plantado viñas en el Perú."<sup>7</sup> While this seventeenth-century

2. Keen, 709.

3. Charles Gibson, *The Aztecs under Spanish Rule* (Stanford, 1964), p. 409. Gibson now has in press in the Borzoi Books on Latin America series a volume of readings on The Black Legend.

4. As quoted by Gabriel Méndez Plancarte, ed., *Humanistas del siglo XVIII* (México, 1962), p. 5.

5. Nathan Wachtel, "La Vision des Vaincus. Recherches sur les sociétés indigènes d'Amérique (particulièrement du Pérou) au temps de la conquête espagnole et au début de la période coloniale (1520-1570/1580)." Paris, 1968. Thesis. L'Ecole Pratique des Hautes Etudes. 2 vols., continuously paged. This valuable monograph is scheduled for publication soon.

6. *Ibid.*, 184-185, 254-265.

7. As quoted by Fernando de Armas Medina, *Cristianización del Perú* (Seville, 1953), p. 577.

generalization may not be wholly true, the taverns of such mining centers as the Villa Imperial de Potosí did in fact become famous on account of the amount of liquor consumed in them as well as for large fortunes made by their owners.<sup>8</sup>

An argument may be made, therefore, that greater access to hitherto denied goods was at least in part responsible for the Indians' addiction to drink under Spanish rule. But alcoholism remains one of the important relatively unstudied topics in Spanish colonial history.<sup>9</sup> The causes of this phenomenon are complex matters which cannot be adequately explained by sweeping pronouncements.

Keen's own attempt to clarify and resolve the issues relating to the Black Legend introduces a number of doubtful generalizations of the "Let the laws be obeyed, but not enforced" interpretation which I thought had been decently interred long ago. He condemns the White Legend for substituting "the texts of laws and pious expressions of goodwill, *generally unimplemented*, for the reality of Indian-Spanish relations."<sup>10</sup> How does anyone know that the laws were "generally unimplemented"? Or to cite other expressions Keen employs, the laws were "on paper";<sup>11</sup> the general ordinances of 1573 were given merely "lip service."<sup>12</sup> Keen also holds that "the essence of Philip's Indian policy was profoundly anti-Lascasian. During his reign Indian tribute and labor burdens increased and Indian living standards declined."<sup>13</sup> Was it royal *policy* to aim at despoiling the Indians, even if Philip's practice did in fact cause some of these results?

Let us analyze this simplistic view of Philip II's Indian policy, in the light of what actually happened in northern Mexico, an example Keen gives to support his interpretation. He states that "the period

8. Luis Capoche, *Relación general de la Villa Imperial de Potosí*, Lewis Hanke, ed. (Madrid, 1959), 140-141.

9. For a good summary of the problem, see Armas Medina, *Cristianización del Perú*, pp. 577-581. Other material of value may be found in Fidel de Lejarza, O.F.M., "Las borracheras y el problema de las conversiones en Indias," *Archivo Ibero-Americano* (Madrid, 1941), 111-269; Antonio Piga Pascual, "La lucha antialcohólica de los españoles de la época colonial," *Revista de Indias*, III (1942), 711-724; Ulises Rojas, "La lucha contra bebidas alcohólicas en la época colonial," *Repertorio Boyacense*, XLVI (Bogotá, 1960), núm. 208-210, 877-883; Anibal Ruiz Moreno, "La lucha antialcohólica de los jesuitas en la época colonial," *Estudios*, LXII (Buenos Aires, 1939), 339-352; 423-446. For a convenient summary of legislation on the subject, see the section on "Bebidas alcohólicas" in *Disposiciones complementarias de las leyes de Indias*, (Madrid, 1930), II, 305-315.

10. Keen, 719. Italics added.

11. *Ibid.*, 704, note 2.

12. *Ibid.*

13. *Ibid.*

after 1573, the year of the promulgation by the Council of Indies of the general ordinance which, according to Hanke, put the ideas of Las Casas on the law books, saw no cessation of 'war by fire and sword' and slavehunting against the Indians.<sup>14</sup> Evidence for this, we are told, may be found in Philip W. Powell's monograph.<sup>15</sup> But the facts brought out in this volume on Indian-Spanish relations in northern New Spain emphatically do not support Keen's view; rather they reveal a long battle over whether war should be used, a battle the "hawks" eventually lost.

When Viceroy Martín Enríquez de Almanza arrived in 1568 he, according to Powell, "was virtually forced by prior circumstances to pursue a policy of 'war by the sword';" but, even so, debate continued on the justice of the policy.<sup>16</sup> On May 20, 1578, Philip II ordered Viceroy Enríquez to study the minutes of the 1546 meetings of the Council of the Indies and of the Bishops of New Spain to discover how to encourage the formation of congregations of Indians by rewarding those who entered such congregations voluntarily with remission of their labor services. Philip also instructed the viceroy to prevent violence and to work with such patience, though with all deliberate speed, as to attract the Indians to the royal plan of resettlement.<sup>17</sup> But not until 1585 did the efforts of those who insisted on peaceful persuasion rather than the sword triumph.<sup>18</sup> As Stafford Poole demonstrates, in his detailed and substantial study of the dispute, the ecclesiastics at the Third Mexican Provincial Council in 1585 strongly condemned war, even against the wild Indians in northern Mexico: "We do not find nor do we feel any justification for making war by fire and blood."<sup>19</sup>

14. *Ibid.*

15. Philip W. Powell, *Soldiers, Indians, and Silver. The Northward Advance of New Spain, 1550-1660* (Berkeley, 1952).

16. *Ibid.*, pp. 105-106.

17. Philip II to Viceroy Martín Enríquez, May 20, 1578, in Hans P. Kraus Collection, Library of Congress.

18. Powell, *Soldiers, Indians, and Silver*, p. 106.

19. Stafford Poole, C.M., "'War by Fire and Sword'. The Church and the Chichemecas, 1585," *The Americas*, XXII:2 (October, 1965), 137. See also the other related studies by Dr. Poole: "The Church and the Repartimientos in the Light of the Third Mexican Council, 1585," *Ibid.*, XX:2 (October, 1963), 115-137; "Opposition to the Third Mexican Council," *Ibid.*, XXV:2 (October, 1968), 111-159; "The Franciscan Attack on the Repartimiento System (1585)," in John Francis Bannon, S.J., ed., *Indian Labor in the Spanish Indies* (Boston, 1966), pp. 66-75.

It must not be assumed that peaceful preaching was the only element in the complex of forces pushing the frontier ever northwards. There were also economic incentives represented by the hope of finding minerals, desire for social improvement, political pressures to expand, fabulous legends to attract, etc.

During the period 1585-1600, as Powell relates, Viceroy Manrique de Zúñiga and others finally worked out a basic pattern of pacification. Powell calls it a "peace by purchase" (supplies of food, clothing, and all the paraphernalia of sedentary living) and "peace by persuasion" (diplomacy and missionary effort). Henceforth the crown increased its efforts to bring together Indians and to organize a mission system.<sup>20</sup> And these peaceful efforts did not remain a pious program, talk without action. The pacification policy took effect; most of the hitherto warlike Chichimecas settled down. To make certain that the official policy had been carried out, Viceroy Conde de Monterrey named two capable officers—the royal accountant Diego Infante del Aguilar and Captain Juan de Vergara Osorio—to conduct a careful and systematic inspection of results accomplished. The 3,300 page manuscript record of their *visita* in 1601-1602 still exists in the Archivo General de Indias. Powell has studied this report in detail, in a substantial article<sup>21</sup> published after his monograph.

To summarize on this point, Philip II supported peaceful persuasion, not force, after 1585, even on the warlike Chichimecas in northern Mexico, as Powell's monograph conclusively proves. Philip II also supported programs to civilize the Indians by urbanizing them, both in Peru and Mexico.<sup>22</sup> The crown policy does not seem unreasonable, difficult as it was to enforce in America.<sup>23</sup> After all, Spaniards wanted

20. Powell, *Soldiers, Indians, and Silver*, pp. 181-187. Another example of the post-1573 policy on peaceful conquest may be seen in Eugene H. Korth, S.J., *Spanish Policy in Colonial Chile* (Stanford, 1968). The crown permitted active warfare only after much discussion of the issues, and after a more peaceful "defensive warfare" had failed over a period of years. Neither policy served to conquer the Araucanians.

21. Philip W. Powell, "Peacemaking on North America's First Frontier," *The Americas*, XVI:3 (January, 1960), 221-250. The manuscript report is in the Archivo General de Indias, Contaduría 851. See the detailed description on pp. 247-250 of Powell's article.

22. Howard F. Cline, "Civil Congregations of the Indians in New Spain, 1598-1606," *HAHR*, XXIX:3 (August, 1949), 349.

23. Perhaps the best single example of the problem of peaceful preaching was the history of Vera Paz, where Las Casas and his colleagues first applied the idea. As André Saint-Lu has stated (in a letter to the writer): "L'exemple de la Vera Paz, que j'ai étudiée jusqu'à la fin de l'époque coloniale, montre bien que si l'idéal pacifique a subi des vicissitudes, y compris chez les missionnaires, il n'en a pas moins survécu pendant toute la durée de la domination espagnole." For a detailed list of the impressive documents supporting this view, see his substantial volume *La Vera Paz. Esprit Evangélique et Colonisation* (Paris, 1968), pp. 553-630.

Similar documentation also exists for other parts of the Indies, because war against the Indians required special approval and justificatory statements had to be drawn up. When Diego de Vera Ordóñez de Villaquirán proposed war against the Lacandonés, he enlisted the aid of the experienced and respected

both to Christianize and to profit from the Indians, and they could do neither if the Indians were dead, which would have been the case if "war by fire and sword" had been generally used. The epidemics of the early 1570s, which inaugurated the "century of depression," made a peaceful policy particularly attractive to Spaniards dependent on Indian labor.

Moreover, laws are worthy of study whether always enforced or not, for they reveal the psychology of a people.<sup>24</sup> Sixteenth-century Spaniards were a legalistic and moralistic people whose laws and polemics tell us what they thought life ideally should be. One of the best ways to find out what evils the Spanish crown was attempting to abolish is by studying the laws themselves. Some of the most telling descriptions of Spanish cruelty to Indians, for example, appear in the texts of royal orders—so much so that the seventeenth-century jurist Juan Solórzano y Pereira was ordered to remove from the manuscript of his *Política Indiana* some of the ordinances designed to prevent mistreatment of Indians so that notice of these incidents would not reach foreigners. Historians will have much less material to work with if they ignore the traditions and attitudes imbedded in sixteenth-century Spanish law. They also will be ignoring one of the fundamental aspects of the intellectual history of Spain. The result will be a homogenized product, not history, for the "in-dwelling spirit" of Spanish society, to borrow one of Américo Castro's eloquent phrases, cannot be understood if the Spanish sense of law is disregarded.

Questions of fact are also involved in any serious consideration of the general role of Indian law. If Spaniards in America were so ready to disregard the law, why did so many of them dread it? Those who rebelled against the New Laws of 1542 designed to protect the Indians did so because they feared their enforcement, and they did not rest

Antonio de León Pinelo to prepare the justification, *Relación sobre la pacificación y población de las provincias del Manché y Lacandón*, second ed., with introduction by Jaime Delgado (Madrid, 1958). In the same period peaceful projects were reported on from other regions of New Spain: Ernesto Lemoine Villicaña, "Proyecto para la colonización de Tamaulipas en 1616," *Boletín del Archivo General de la Nación*, Seg. Ser., II, núm. 4 (México, 1961), 569-582; "Carta de Don Fernando Maldonado al rey," Yucatán, 8-XI-1632, with accompanying "Autos y testimonios hechos sobre la pacificación de algunos indios taraxidos (?)." *Archivo General de Indias*, México 31, ramo 1.

24. *Obras de Ricardo Levene*, III (Buenos Aires, 1962), 29. See also Javier Malagón Barceló, *La literatura jurídica española del Siglo de Oro en la Nueva España* (México, 1959). For information on the strength of Spanish juridical influence in colonial Argentina, as reflected in books in seventeenth-century Buenos Aires libraries, see Vicente Osvaldo Cutolo, "Bibliotecas jurídicas en el Buenos Aires del siglo XVII," *Universidad*, no. 30 (Santa Fe, Argentina, 1955), 105-182.

until they managed to get some of the more stringent ones watered down. Those who opposed Bartolomé de Las Casas and even threatened him with physical violence while he was bishop in Chiapa feared the laws he proposed. Those who tried to suppress the Third Mexican Council opposed its conclusions on laws respecting Indians.<sup>25</sup> Obviously some Spaniards in America considered the laws a genuine threat to their interests. There would have been no need to fight “generally unimplemented” laws which were “pious expressions of good will.”

The answer to the question of the enforcement of Indian law must be sought in the archives. Here we are all indebted to the pioneering investigation of Woodrow Borah. His contribution on “Social Welfare and Social Obligation in New Spain: A Tentative Assessment” leads the way to a field of research all too often underrated in the past.<sup>26</sup> His remarks on the positive acts of the Spanish regime in setting up hospitals and in establishing the *Cajas de Comunidad* must be taken into account in any judgment on Spanish action in America. His observations on the General Indian Court, which handled Indian law suits in New Spain, are particularly pertinent:

For the period the court was an innovation that looks bold even today. Although there were special provisions for hearing Indian cases in other parts of the Indies, nowhere else did they reach such full development or come to a system of tax-supported legal aid. In Mexico the General Indian Court operated as a genuinely country-wide institution that once called to jurisdiction of a case could not be disregarded. The voluminous records surviving in Mexico City indicate that its services were used extensively. It was active to the end of the Spanish regime.<sup>27</sup>

Whether Borah’s forthcoming history of the General Indian Court will show that the laws designed to protect the Indians were generally ignored remains to be seen. But whatever conclusions he reaches, they will be based on archival research rather than upon undocumented generalizations.

My principal question, however, concerning Keen’s position has to do with his assumption that the seriousness of the effort Spain actually made on behalf of her Indian subjects should be measured “not by the volume of legislation or of debate on the subject, but by such pragmatic criteria as Indian population trends and living stand-

25. Poole, *Opposition to the Third Mexican Council*.

26. XXXVI *Congreso Internacional de Americanistas, España 1964* (Seville, 1966), IV, 45-57.

27. *Ibid.*, p. 55.

ards.”<sup>28</sup> These “pragmatic” standards may seem appropriate to us today, with medicare and other social security measures being extended to larger and larger segments of our society, but should historians always put on twentieth-century spectacles to look at the sixteenth century? And if we are going to include population trends, should we not recognize that behind those seemingly “hard” facts on population trends expressed in stark mathematical terms there often has lurked many a prejudice? In a review of the considerable literature that has developed on the subject since the sixteenth century, Rolando Mellafe recently wrote: “Sobre pocos temas de historia colonial hispanoamericana se ha opinado con más libertad e irresponsabilidad que sobre los de población, y no es corriente que un problema histórico se cargue de tanto sentido polémico e intencionalidad ideológica.”<sup>29</sup> Even today, when methods have improved, does not the recent Woodrow Borah-Ángel Rosenblat exchange on this controversial subject suggest caution rather than confidence when it comes to calculating how many Indians were in America in 1492 or 1519?

The reasons advanced for the decline of Indian populations are also contradictory and controversial. Generalizations flourish here with tropical luxuriance. Juan Friede recently provided historical documentation to prove that epidemics caused great loss of life among the Indians in two mining communities in New Granada in 1629, but then seems to contradict himself by delivering this generalization: “There are numberless documents which definitely attribute the decrease of the Indian population to excessive work, malnutrition, flight, segregation of the sexes, ill-treatment, cruelty, conscription for expeditions, enslavement, the *mita*, etc. Hundreds of archival documents refer to these factors rather than the plague as the cause of the de-

28. Keen, 704, note 2.

29. Rolando Mellafe, *Temas de historia económica hispanoamericana* (Paris-The Hague, 1965), 45. Another Latin American scholar who warned against generalizations on Indian affairs was Luis Aznar. See his valuable, but not sufficiently well-known, study “Legislación sobre indios en la América Hispano-Colonial. Cuestiones de criterio. Períodos legislativos,” *Humanidades*, XXV, Primera Parte (Buenos Aires, 1936), 233-274. On the question of the kind of government developed for Indians, he stated: “Nudo de la interminable polémica sobre las virtudes y los vicios de la política colonizadora de España, ha sufrido las mismas aberraciones que la polémica misma. En la generalidad de los casos se ha emprendido su estudio con intención alegativa, escogiendo aquellas disposiciones favorables a la tesis preferida. Más grave aún es el error de generalización, tan común en la historiografía americanista, y del que fue iniciador y pontífice aquel complicado personaje que se llamó Bartolomé de Las Casas” (234).



cline."<sup>30</sup> Friede makes no attempt to document this opinion, which can only be held by those who are willing to ignore the known information on epidemics and disease.<sup>31</sup> Mellafe warns that this problem, too, is a complicated one, with various kinds of questionable interpretations at large: "Al respecto hay ficciones y malos entendidos, se repiten conceptos sin valor científico alguno."<sup>32</sup> He emphasizes that one must distinguish between periods and that conditions differed from area to area. Even the size of an Indian family varied substantially, and the growth of mestizos helps to explain the decline of Indian population, for Spanish males preempted Indian women who therefore bore fewer Indian children.<sup>33</sup> The "pragmatic criteria" of population statistics, by which Keen wishes to measure Spain's effort, must be studied with a full knowledge of the variations, subtleties, and undetermined quantities involved.

"Living standards" are tricky as population trends. Would such standards be the same for Spaniards as Indians?<sup>34</sup> If different, in what

30. Juan Friede, "Demographic Changes in the Mining Communities after the Plague of 1629," *HAHR*, XLVII:3 (August, 1967), 339.

31. For representative documentation, see Alfred W. Crosby, "Conquistador y Pestilencia: The First New World Pandemic and the Fall of the Great Indian Empires," *HAHR*, XLVII:3 (August, 1967), 321-337; Henry F. Dobyns, "An Outline of Andean Epidemic History to 1720," *Bulletin of the History of Medicine*, XXVII (1963), 493-515.

32. Mellafe, *Temas de historia económica hispanoamericana*, p. 49.

33. *Ibid.*, pp. 51, 54. Mellafe gives his own analysis of the causes for the decline on pp. 49-50. Splendid opportunities exist, in parish and municipal and other archives, for analysis of the results of mestizaje which are only beginning to be studied. Magnus Mörner's pioneering contributions are indispensable on this subject, especially his *Race Mixture in the History of Latin America* (Boston, 1967), but much remains to be done. Dr. William Taylor has pointed out, for example, in a communication to the author, the material to be found in the wills of numerous sixteenth-century Spaniards in the "bienes de difuntos" section of the Casa de Contratación records in Sevilla. For example, see the will of Alonso Serrano (22-X-1543), a vecino of Antequera (Oaxaca), which shows that he had three children by his legal Spanish wife and three "hijos naturales" by his Indian slave Catalina. Serrano provided 100 *pesos de oro* for their sustenance, appointed two Spaniards as their "tutores y curadores," and released Catalina from bondage. His reasons: "por descargo de mi conciencia y primeramente por servicio de Dios con que estos muchachos sean doctrinados . . . y por servicios que su madre me ha hecho en mis enfermedades." Archivo General de Indias, Contratación 197, ramo 21, expediente 15, fol. 3v-4v. The process of mestizaje was well advanced early in the history of Potosí, as was attested by various wills in which miners provided for their children by Indian women. See the author's study, "The Social History of Peru," in *La minería hispana e iberoamericana. Estudios*, I (León, 1970), 451-465. Some day there should be a good book written on the basis of wills, similar to José de Alcántara Machado's work *Vida e morte do bandeirante* (São Paulo, 1930).

34. Luis J. Basto Girón points out that seventeenth-century Indians and Spaniards held different opinions on what constituted health and disease, *Salud*

way? Indians may have held different opinions on what constituted a desirable living standard. The royal chronicler Antonio de Herrera solemnly reported what one "indio discreto" is said to have responded when a sixteenth-century Spaniard asked what were the greatest benefits brought the Indians. The answer must have surprised the Spaniards, for the Indian praised these Spanish contributions: the egg, because it could be eaten cooked or raw and by the young as well as the old; the horse, because it increased their mobility and relieved them of burden bearing; and the candle, because it prolonged day into night.<sup>35</sup> Thus living standards depend to some extent on what one values in life. Does Keen mean housing conditions, medical assistance, calories per person per day, or something else? Whatever criteria are adopted, how did living standards under Spanish rule compare with those of the Indians before the conquest? Did these living conditions improve by the end of Spanish rule as some historians claim?

If possession of land becomes a basic factor in assessing "living standards"—an element which as Gibson remarks Las Casas largely left unmentioned in his catalog of Spanish abuses of Indians—present generalizations may be misleading. Keen depends upon Gibson's documentation from the Valley of Mexico to show that Indians did lose much land. But they lost little in Oaxaca, as has recently been demonstrated by the patient work in local archives there of William B. Taylor, one of Gibson's students: "The Valley's pueblos and caciques generally retained sizeable holdings, certainly more than sufficient to meet basic needs and escape dependence upon an alien landholder."<sup>36</sup>

*y enfermedad en el campesino peruano del siglo XVII* (Lima, 1957). How little we know about agriculture, upon which largely depended the living standards of both Indians and Spaniards, may be seen in the study with valuable bibliography by Demetrio Ramos, "Notas sobre historia de la economía agrícola de Hispanoamérica," *Revista de Indias*, núm. 103-104 (1966), 79-106.

35. Antonio de Herrera, *Historia general de los hechos de los castellanos en las islas y tierra firme del mar océano*. Antonio de Ballesteros and Ángel Altouguirre, eds., (Madrid, 1934-1935), II, 34-35.

36. William Berley Taylor, "The Valley of Oaxaca: A Study of Colonial Land Distribution" (Dissertation. University of Michigan, 1969), pp. 373-374, 377. Dr. Taylor's monograph tends to show that the generalizations on the hacienda in the writings of François Chevalier and others must be revised to indicate that their conclusions are based largely on landholdings in northern Mexico. The Czech scholar Bohumil Badura, using copious documentation in Mexico City and in the family papers of Prince Max Egon von Hohenlohe-Langenburg now in the State Archive in the city of Zitenice (Czechoslovakia), has demonstrated another variation from the usual picture given of the hacienda. His researches on the history of the hacienda of San Nicolás de Ulapa show that the *hacendados* at times owed more to their peons than their peons were in debt to them. See Badura's article, now in press, "Biografía de la hacienda de San Nicolás de Ulapa," which will be published in *Historica* (Prague). Dr. Badura also shows

Taylor also finds that Indian lands were not reduced to isolated or mountainous regions, as Frank Tannenbaum once suggested; and that land holdings of Spaniards in Oaxaca were generally small and highly fragmented. We need more studies of this kind before we can appreciate the variety of landholding arrangements in effect throughout the empire. The idea that conditions, practices, and laws varied throughout the empire is a concept at least as old as Rafael Altamira's *Autonomía y descentralización legislativa en el régimen colonial español, siglo XVI a XVIII* (Coimbra, 1945), which is a restatement of his earlier studies on the subject, to which Silvo Zavala has also made important contributions. All these questions, and perhaps others too, must be confronted if the "population trends and living standards" argument is brought forward, and much research will be required if they are to be adequately answered.

For sixteenth-century Spaniards, certainly for Philip II and his advisors, the standards would have been different, to some extent at least, from those applied by Keen, as we can see by the section in the 1573 law in which they justified the conquest by ticking off the various benefits, including material ones, the Indians would enjoy under Spanish rule:

The Indians should be brought to an understanding of the position and authority which God has given us and of our zeal in serving Him by bringing to His Holy Catholic Faith all the Western Indies. They should also learn of the fleets and armies that we have sent and still send for this purpose, as well as of the many provinces and nations that have rendered us obedience and of the many benefits which they have received and are receiving as a result, especially that we have sent ecclesiastics who have taught them the Christian doctrine and faith by which they could be saved. Moreover, we have established justice in such a way that no one may aggravate another. We have maintained the peace so that there are no killings, or sacrifices, as was the custom in some parts. We have made it possible for the Indians to go safely by all roads and to peacefully carry on their civil pursuits. We have taught them good habits and the custom of wearing clothes and shoes. We have freed them from burdens and servitude; we have made known to them the use of bread, wine, oil, and many other foods, woollen cloth, silk, linen, horses, cows, tools, arms, and many other things from Spain; we have instructed them in crafts by which they live excellently. All these advan-

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that the Indians whose lands bordered the hacienda received much support from the audiencia when various owners of the hacienda attempted to acquire the Indian lands.

tages will those Indians enjoy who embrace our Holy Faith and render obedience to us.<sup>37</sup>

Those who today judge the conquest solely from the material viewpoint—population trends and standards of living—and who dismiss as rhetoric the other Spanish justifications set forth in the 1573 law, may find themselves in the position of the *indigenistas* so mordantly described by the Mexican painter José Clemente Orozco:

In their opinion the conquest was not as it ought to have been. Instead of sending cruel, ambitious captains, Spain should have sent a numerous delegation of ethnologists, anthropologists, civil engineers, dental surgeons, veterinarians, doctors, rural school teachers, agronomists, Red Cross nurses, philosophers, philologists, biologists, art critics, muralists, and learned historians. . . .

Upon arriving in Veracruz Spaniards in allegorical carts decorated with flowers would debark from the caravels, and in one of them Cortés and his captains, each carrying a little basket of Easter lilies, a great quantity of flowers, confetti and streamers for use along the road to Tlaxcala and the great Tenochtitlán; the conquistadores would then pay homage to the powerful Moctezuma, establish bacteriological, urological, x-ray and ultraviolet ray laboratories, a Department of Public Assistance, universities, kindergartens, libraries, and savings and loan associations. The Spaniards, instead of accepting the frequent gifts of Aztec and Toltec maidens, should have brought handsome girls from Andalucia and Galicia to be offered to Moctezuma and Cuauhtémoc. Alvarado, Ordaz, Sandoval and the other heroes of the conquest should have been assigned the task of guarding the cities in ruins so that nothing would be lost of the tremendous pre-Columbian art. The Spaniards should have learned the seven hundred eighty-two different languages then in use here; respected the indigenous religion and left Huitzilopochtli in his place; given free handouts of seeds, agricultural machinery and livestock; constructed houses and given them to the peasants; organized the *ejidos* and cooperatives; built highways and bridges; taught new industries and sports, all in a nice way, gently and with affection.<sup>38</sup>

Orozco omitted only one point. He did not include the idea, advanced by some writers, that the Indians would have been better off

37. As quoted in the author's *History of Latin American Civilization: Sources and Interpretations*, (Boston, 1967), I, 150.

38. As quoted in the author's *Contemporary Latin America*, (Princeton, 1968), pp. 358-359.

if Spain had never established her empire in America. Even Las Casas once declared that, if force had to be used to convert the Indians, it would have been better to leave them unChristianized.

These quotations illustrate some of the unsolved problems involved in attempts to understand the Black Legend. As students of history, do we not need to view the Spanish conquest in a somewhat different perspective from that of either Philip II or the present-day "pragmatic" writers? As France V. Scholes has written, in one of the soundest and most concise interpretations on the subject: "The attempt to combine the economic and the ecclesiastico-humanitarian motives of empire created problems of tremendous historical significance."<sup>39</sup> Whether the attempt to convert the Indians to Christianity was "good" for the Indians or not, these efforts influenced Spanish action in America to a remarkable degree.

This attempt led to the struggle for justice which was, it seems to me, unique to Spain in the early modern period. (Here is an example of how hard it is to abandon one's own generalizations!) These struggles were vigorously fought, in Spain and in America, and by no means always resulted in benefits for the Indians. But the real effects of those struggles on New World society in many cases remain to be studied. For those who believe that the struggle for justice ended by the time Philip II began his rule, it may come as a surprise that one of the most bitter and prolonged battles to protect the Indians was fought in Potosí at the end of the eighteenth century, between the criollo Pedro Vicente Cañete who defended the *mita* vigorously and learnedly, and the peninsular Victorián de Villava who with passion and erudition attacked it mercilessly.<sup>40</sup> This event has been studied, but many other subjects await historians. For example, the *audiencia*, which Clarence H. Haring judged to be "the most important and interesting institution in the government of the Spanish Indies," has received little attention.<sup>41</sup> The few monographs pub-

39. France V. Scholes, "The Beginnings of Hispano-Indian Society in Yucatán," *Scientific Monthly*, v. 44 (1937), 530.

40. For references on the *mita* struggle, see the author's "The Social History of Potosí," 463. For a penetrating analysis of other struggles for justice, see Juan Pérez de Tudela, "El problema moral en el trabajo minero del indio (siglos XVI y XVII)," in *La minería hispana e iberoamericana. Estudios*, I (León, 1970), pp. 355-371.

41. C. H. Haring, *The Spanish Empire in America* (New York, 1963), p. 126. One careful study has been made by Jean-Pierre Berthe, using *audiencia* and other records, to determine how many Indian slaves there really were in New Spain in the early years. See his "Aspects de l'esclavage des indiens en Nouvelle-Espagne pendant la première moitié du XVI<sup>e</sup> siècle," *Journal de la Société des Américanistes*, t. LIV-2 (1965), p. 189-209.

lished thus far do not fully utilize the copious archival material available, though detailed study of its labors in various parts of the empire and over a considerable span of time would perhaps be the best single method to determine whether or not royal laws were given merely "lip service." Ernst Schäfer, whose fundamental researches on the workings of the Council of the Indies required years of labor in the Archivo General de Indias, believed that the high quality of the audiencia judges was responsible for the effective administration of justice: "De los muchos centenares de letrados españoles en las Indias, al final, muy pocos fueron los que se mostraron indignos de su clase."<sup>42</sup> Las Casas recognized the key role the audiencia played in protecting the Indians. In 1566, in the last year of his long life, he successfully argued against the abolition of the audiencia in Guatemala.

Some of the laws undoubtedly were not enforced or only partially enforced, for the King's justice was applied with varying success according to the period and the particular region concerned. One of the best ways to learn about such matters would be to examine the residencias of the audiencia judges. As the Peruvian historian Raúl Porras Barrenechea remarked, unless one studies these documents "no se puede escribir fundadamente la historia colonial."<sup>43</sup> Such an investigation would above all make clear to what extent royal policy laid down in Spain was actually implemented in America, at times in the face of the powerful opposed interests of the Spanish colonists and church officials.

Even after archival investigations a variety of interpretations is bound to appear, depending upon which aspect the historian chooses to emphasize. Two significant recent contributions—the volumes by Pál Kelemen, and by Stanley and Barbara Stein—almost seem to treat different parts of the world and different ages, though both focus on the Latin American colonial period.<sup>44</sup>

42. Ernst Schäfer, *El Consejo real y supremo de las Indias*, (Seville, 1947), II, 156-157. See also Javier Malagón Barceló, "The Role of the Letrado in the Colonization of America," *The Americas*, XVIII:1 (July, 1961), 1-17.

43. Raúl Porras Barrenechea, *Fuentes históricas peruanas* (Lima, 1954), p. 217. Divergent opinions have been expressed concerning the value of the residencias as historical sources, particularly of those on viceroys, as José María Mariluz Urquijo points out, *Ensayo sobre los juicios de residencia indios* (Seville, 1952), pp. 283-296. Those of lesser officials "resultaron más efectivas y durante los tres siglos de la época colonial sirvieron como un formidable instrumento de dominación real" (287). See also the articles by Luis Durand Flores, "Consideraciones sobre la efectividad del juicio de residencia," *Historia*, II (Lima, 1944), 50-57; "El juicio de residencia y el gobierno democrático," *ibid.*, 342-349.

44. Pál Kelemen, *Art of the Americas. Ancient and Hispanic* (New York,

Latin America has become in recent years the patient on the psychiatrist's couch; we may expect, therefore, to see more interpretations appear as historians with one eye on the present or on the future contemplate the past. As Luiz Aguiar Costa Pinto observed: "What is under debate is the whole heritage of the archaic society—the economic, political, and intellectual heritage—its structures, its values, its prospects."<sup>45</sup> As this debate proceeds, we shall be fortunate if we escape a grossly anachronistic "presentism" with everything in the past irrelevant and unforgivable if it does not measure up to our noblest ideals today or if it can in any way be connected with Western civilization, the only fomentor of war, imperialism, disease, cruelty, superstition, and hypocrisy. We may be entering a period similar to that following the early nineteenth-century revolutions when the Spanish colonial period was considered by many historians in the newly emancipated nations to have been wholly bad: "Consumada la Emancipación, padecemos por explicable enojo y con eco que resona por décadas, un afán de borrar, casi diría de aniquilar, el ciclo histórico que a esas luchas había antecedido."<sup>46</sup>

In the end, an overall interpretation of Spain's work in America usually leads to large, general questions. We may agree, at least certainly do, with Juan Friede when he makes clear that the "reality in America," rather than the mere enunciation of laws and theories is the stuff of history.<sup>47</sup> But ultimately we return to the essential nature of colonial rule in America, and to a judgment on how Spain handled those problems created when she attempted to combine the "economic and ecclesiastico-humanitarian motives of empire."

These judgments lead to generalizations, and so long as they are not expressed in simplistic "Black Legend" or "White Legend" terms they can be helpful in understanding the complex history of the Spanish conquest. For example, it would be difficult to find a juster

1969); Stanley J. and Barbara Stein, *The Colonial Heritage of Latin America, Essays on Economic Dependence in Perspective* (New York, 1970).

45. As quoted in Charles Wagley, ed., *Social Science Research in Latin America* (New York, 1964), p. 244.

46. Manuel Moreyra Paz Soldán and Guillermo Céspedes, eds., *Virreinato peruano. Documentos para su historia. Colección de cartas de virreyes. Conde de la Monclova*, I (Lima, 1954), vi. The negative attitude towards the colonial period was so strong in Colombia that a number of convent buildings were destroyed there. See Carlos Arbeláez Camacho, "El vandalismo monumental del siglo XIX en Colombia. Intento de interpretación histórica," *Boletín de Historia y Antigüedades*, LV (Bogotá, 1968), 411-437.

47. For a description and analysis of Friede's views, see the author's "More Heat and Some Light on the Spanish Struggle for Justice in the Conquest of America," *HAHR*, XLIV:3 (August, 1964), 297-308.

balance than that of Edward G. Bourne, whom Keen and others rightly praise:

What, in fact, did Spain attempt in the New World and what did she accomplish? She undertook the magnificent if impossible task of lifting a whole race numbering millions into the sphere of European thought, life, and religion. . . . Even if the attempt was in some degree a failure, it was a failure after the fashion of failure of Alexander the Great to establish a permanent Asiatic Empire, a failure that has left an ineffaceable impress on succeeding ages. . . .

Yet the conception was grand, and the effort to realize it called forth the best that was in the men who labored either consciously or unconsciously for its accomplishment. Like all great events in human history it has its dark sides, and unfortunately these dark sides, through the influence of national jealousy and religious prejudice, have commonly been thrust into the foreground by non-Spanish writers.

The great permanent fact remains, however, after all qualifications, that during the colonial period the language, the religion, the culture, and the political institutions of Castile were transplanted over an area twenty times as great as that of the parent state. . . .

The work of Spain in the New World, defective as it was and adulterated with selfish aims, offered an extraordinary field for the display of national and individual character. . . . The colonial legislation of Philip II's reign, whatever its defects, reveals a profound and humane interest in the civilization of his over-sea dominions. . . . The long arm of the king was stretched out to protect the weak and the helpless from oppression and error. It did not always do it, but the honor of the effort should not be withheld.<sup>48</sup>

Many historians today will accept Bourne's conclusions as essentially sound, and some will also agree that our field needs more theoretical approaches—more imaginative speculations on Spanish American history. But would it not be well for us now to concentrate for a while on particular historical problems, such as the activities of the audiencias in their attempts to enforce the multitude of royal laws in the various regions of the Indies or the landholding arrangements in various parts of the empire? Has the moment not arrived for a temporary moratorium on questionable generalizations presented as historical fact?

48. As quoted by Howard F. Cline, ed., *Latin American History*, (Austin and London, 1968), I, 50-51. Bourne's remarks originally appeared in his article on "The Relation of American History to Other Fields of History," which was an address delivered at the St. Louis Exposition in 1904.