

A Thousand Invisible Architects: Vassals, the Petition and Response System, and the Creation of Spanish Imperial Caste Legislation

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Abstract This article explains two unique aspects of the New World Spanish empire: its production of hundreds of thousands of royal decrees, and the unique categories that these edicts contained, such as *mestizo* and *mulato*. I outline the petition and response system, through which vassals of all social backgrounds constantly suggested new laws to the ruling Council of the Indies. Pressed for time, the council's overwhelmed ministers often transplanted petitions' vocabulary verbatim into decrees. This meant that subjects often phrased imperial laws minor and major, regional and Indies-wide. Using a four-step archival methodology, this article demonstrates how scholars can match vassals' petitions to decrees. This essay then shows how legal categories such as *mestizo* and *mulato* came about through the petitions of not only Spaniards but also Indians, mestizos, and *mulatos* themselves. Subjects of any social background could therefore introduce and shape Indies legal constructs, and the empire's agenda, from the ground up.

In 1578, Friar Rodrigo de Loaysa traveled to Madrid as the representative of Peru's Augustinian order. He was on official business—to petition the Council of the Indies, the Spanish monarchy's supreme legislative and judicial body for its New World dominions. Loaysa warned the council's ministers that vassals of part-Indian origin, whom he called “mestizos,” should not be priests; in his view, they needed further evangelization before they could assume such a responsibility. The council agreed and issued a decree for Peru's bishoprics ordering prelates to be extremely cautious when ordaining mestizos.¹

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1. The December 13, 1577, decree is located in Archivo General de Indias, Seville (hereafter cited as AGI), Lima 570, leg. 14, fols. 174r–75r. Unlike a number of other

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This edict joined dozens of laws that had gradually limited the rights and privileges of Spanish-Indian offspring beginning in the mid-1500s. By 1580, the situation had reached its nadir: the council no longer allowed them to bear arms, inherit their Spanish conquistador fathers' Indian tribute, or enjoy a number of other royal prerogatives. Part-Indian individuals would experience tangible and increasing social discrimination. Due to Loaysa's efforts, bishops began turning away part-Indian priests who were on the verge of taking vows. The edict did not mention women, but in Lima's convents abbesses were nonetheless using the measure to justify barring mestizas from becoming nuns of the black veil, the highest rank within these cloisters.²

Peru's Spanish-Indian offspring did not resign themselves to a campaign of passive resistance, nor did they reach for their swords. Instead, a group of highly organized mestizo priests throughout the viceroyalty plotted to persuade the king and the council that these measures were in grave error. They mobilized two religious brotherhoods in Cuzco and Arequipa, gathered 150 mestizos' signatures from regions as distant as Loja and Chile, and secured the explicit support of Peru's bishops and other elite Spaniards. They sent the humble half-Indian Pedro Rengifo of La Paz to lobby the council in Madrid in 1584 with a large dossier of complaints and testimonies in hand.

Rengifo sought to persuade the council that Peru's "family of 10,000 mestizos" deserved the same privileges as Spaniards.³ He implored the king to allow "mestizos" to carry weapons and become full-status nuns and priests. Rengifo's letters portrayed him as the "voice of all the sons of Spaniards and Indians whom they call mestizos" and pleaded that "said decree . . . be annulled."⁴ After multiple delays, Rengifo won a resounding victory in 1588. The council overturned the 1578 ban on mestizo priests throughout Peru with a new edict in which the crown mandated that mestizos and mestizas were now fully equal to Spanish men and women.

The text of the 1588 decree features several verbatim phrases of Rengifo's petition. The decree states that "I the King . . . was given notice by Pedro Rengifo . . . in the name of all the sons of Spaniards and Indians whom they call mestizos" and concludes that "said decrees . . . must be annulled."⁵ Numerous

instances that I discuss in this essay, in which the council's phrasing of decrees owed directly to a petition's text, Loaysa prompted the council to reissue an earlier decree of uncertain provenance.

2. Cover letter, AGI, Lima 126, n.p.

3. *Ibid.*

4. AGI, Lima 126, leg. 3, fol. 115v.

5. AGI, Lima 580, leg. 9, fols. 8v-10r.

other passages of the law's text were nearly identical to those in Rengifo's cover letter. Not only did a marginalized mestizo persuade the council to honor mestizos and Spaniards equally, but his petition even phrased a key piece of royal law. Rengifo's case was not an exception. On the contrary, as this article will demonstrate, during the sixteenth century the council issued in response to petitions over 100,000 royal decrees, many of which featured passages that exactly match the letters that inspired them. This petition and response system allowed successful proposals from a wide range of Indies vassals to set the agenda of the empire from the bottom up and even phrase most of its legislation.

Early Modern Petitioning and New World Adaptations

Scholars of early modern Europe are increasingly rejecting "extremely state-centered" accounts of state formation and proposing instead that "popular claims and initiatives could force public authorities in Europe to develop new institutional structures."⁶ Some have called for a new focus on the dialogue between rulers and ruled and on how this process allowed a wide range of individuals and groups to design fundamental aspects of these polities.⁷ In this view, "the state was the outcome of communicative processes" that rendered "both parties . . . more powerful."⁸

Vassals in overseas territories may have used early modern European traditions of petitioning to even greater effect. There the ravages of settler colonialism, the collapse of many indigenous polities and social structures, the fraught nature of cultural encounters, and central governments' inability to unilaterally influence conditions on the ground would have given petitioners the power to enact profound social, legal, and conceptual transformations. Jack P. Greene noted over two decades ago that European settlements in the New World brought about situations in which the center could not govern the periphery without consent and negotiation.⁹ As Lauren Benton further notes, these problems affected all Atlantic powers to varying extents, creating common issues in the development of local and royal legislation.¹⁰

Richard Ross has noted that even in the context of these widespread Atlantic practices, the Spanish monarchs were particularly eager to seek

6. Quotes from, respectively, Blicke, "Concepts and Approaches," 293; Blockmans, Holenstein, and Mathieu, "Preface," xxxiii.

7. Blockmans, Holenstein, and Mathieu, "Preface," xxxiv.

8. Holenstein, "Introduction," xxv-xxvi.

9. Greene, *Negotiated Authorities*, 3-19, 23-24.

10. Benton, *Law and Colonial Cultures*, 7-15.

solutions through massive quantities of vassals' correspondence.¹¹ Arndt Brendecke adds that while the council did indeed seek information on the Indies, subjects provided reports inflected with their own needs, frustrating ministers' quest for objective accounts. While Brendecke's focus is the nature of knowledge gathering, not the advent of Indies legislation specifically, his work has prompted scholars to rethink this empire's ability to gather and utilize reports from the Indies and the nature of these crown-vassal communications.¹²

Spain not only was eager to collect information but also seemed determined to issue countless decrees for its dominions. By the time of King Philip II's 1598 death, the Council of the Indies had issued well over 110,000 pages of decrees, which it archived in 300 massive hidebound tomes, on sweeping state policies, personal minutiae, and everything in between.¹³ In 1624, legal scholar don Rodrigo de Aguiar de Acuña counted some 500 volumes comprised of roughly 300,000 individual decrees.¹⁴ Five years later, his successor Antonio de León Pinelo increased the estimate to 600 books, 150,000 pages, and 400,000 individual rulings.¹⁵

These abundant legislative documents, and the empire's legal institutions more generally, have received intense scholarly scrutiny in past decades. Historian Lyle McAlister noted that "historians have devoted more pages to the government of the Indies than any other aspect of Spain's presence in the New World," mainly focusing on its "laws and institutions."¹⁶ Nonetheless, this extensive historiography has not directly explained why these decrees were so numerous, on whose initiative they were born, or why council ministers utilized specific categories and phrasing in their edicts.

The historiography on *derecho indiano*, the overall body of Indies juridical law, has long contested the myth of the Spanish empire's ostensibly "absolutist, interventionist, centralist, statist, bureaucratic," top-down style of governance.¹⁷ Especially influenced by historian Víctor Tau Anzoátegui's trailblazing

11. Ross, "Legal Communications."

12. Brendecke, *Imperio e información*.

13. I have made this very rough calculation by adding the folios of each register (*registro*) for 1492–1598, using Rubio y Moreno, *Inventario general*, 103–60. Fifteen massive registers of laws are missing, so this count is quite likely several thousand pages too low: see *ibid.*, 43–44. In 1597, council scribes possessed at least 300 register books, according to a notary's inventory: AGI, Contaduría 7A–7B.

14. Andrés Santos, "Los proyectos de recopilación," 57, 60.

15. *Ibid.*, 63.

16. McAlister, *Spain and Portugal*, 526.

17. Irigoín and Grafe, "Bargaining for Absolutism," 173–74. For a historiography of the long-standing scholarly view of Spanish imperial history as absolutist, see Espinosa, *Empire of the Cities*, 1–5.

1992 work *Casuismo y sistema*, scholars have emphasized the crown's sensitivity to local issues and customs and its casuistic, case-by-case juridical reasoning. However, the historiography on derecho indiano remains closely attached to Indies juridical treatises and rather distant from the archive, which means that scholars have not forcefully linked vassals' letters to crown legislation.¹⁸ Moreover, these works generally have obscured the important differences between court cases, privilege decrees, and legislation proper, creating confusion about the empire's different types of justice and the origins of royal administrative laws.

This article begins by establishing a major distinction between these types of Indies law and paperwork by dividing them into *justicia*, *gracia*, and *gobierno*.¹⁹ Whereas scholars have generally analyzed Spanish law as the sum of various overlapping juridical traditions—such as Roman, Castilian, papal, church, local, customary, civil, and penal law—these pertained primarily to one branch of legal reasoning: the judicial, or *justicia*. One of the council's three primordial bureaucratic tasks, *justicia* involved the resolution of appellate court cases that

18. Certain scholars have timidly gestured to certain correspondences arriving to the council. For instance, Góngora, *El estado en el derecho indiano*, 245, notes that vassals could “sometimes” have “some influence over royal decisions.” More recently, Díaz Rementería, “La formación y el concepto,” 83, has briefly observed that “memorials, petitions, or allegations” might be responsible for Indies legislation. The scholar who has paid most heed to the link between petitions and legislation is José Joaquín Real Díaz, who gestures toward the petition and response system briefly on several occasions: Real Díaz, *Estudio diplomático*, x, 6, 70, 74–80, 94. He suggests that these letters could leave textual “footprints” within decrees: *ibid.*, 74. He does not elaborate, however. A notable exception to this trend is Caroline Cunill's research on the institution of the protector of the Indians in Yucatan, which traces how specific vassals persuaded King Philip II to abolish this type of field justice through new legislation. Cunill, “Philip II.” Another work that strongly alludes to this process is the excellent new book Puente Luna, *Andean Cosmopolitans*.

19. Other scholars have seized on a binary distinction while studying medieval and early modern divisions of powers. McIlwain, *Constitutionalism*, 77–99, 113–16, 147–48, noted a similar dichotomy arising in late medieval Britain. For Spain, mainly in the late 1700s and early 1800s, see Gallego Anabitarte, *Poder y derecho*, 11, 18–19, 31–35, 43–46, 333–48, 349–54, 358. Alfredo Gallego Anabitarte uses the term *gubernativo* to mean “administrative procedures” and the term *contentioso* to refer to “civil and criminal” court cases: *ibid.*, 97–98. Germanic and French law also made this distinction, as, respectively, *Justizsachen/Polizeisachen* and *jurisdiction contentieuse / police générale*: see *ibid.*, 120. Gallego Anabitarte has, without much avail, critiqued the pervasive scholarly confusion regarding these categories: see *ibid.*, 124. For a clear demonstration that the Spanish king and the Council of the Indies understood its government structure through these terms, see the 1543 ordinances, AGI, Patronato 170, ramo 47. For the 1571 ordinances, see “Código de leyes.”

local Indies officials could not resolve. In the Archivo General de Indias (AGI) these cases are classified as *procesos*, and while these produced judicial determinations, or *sentencias*, they did not yield legislation or establish precedent.

Tau Anzoátegui's works on the empire's casuistic style, in which judges referred not to precedent alone but to countless other considerations from the entire field of legal reasoning and beyond, apply very well to *justicia*. The *derecho indiano* historiography's vision of casuism does not perfectly characterize crown legislation. The second and third types of royal paperwork, *gracia* and *gobierno*, produced enduring, precedent-forming decrees. Vassals could submit *gracia* petitions, which often appear in the AGI as *informaciones de méritos y servicios*. When successful, these yielded edicts of privilege that included grants of Indian tribute, pensions, preeminences, pardons, crown offices, and other royal prerogatives. These were not fundamentally casuistic; while ministers had no strict system for judging *gracia* petitions, those who received *gracia* decrees passed down these privileges to their families for centuries and expected officials to honor them in perpetuity.

Gobierno, the third and most important type of royal law according to the council itself, is the focus of this essay. Council ministers devoted much time to petitions of *gracia* and *justicia*, but their highest-priority documents were those of *gobierno*, which consisted of matters of government administration.²⁰ These included the letters of "particular and public persons"—that is, Indies officials and ordinary vassals alike.²¹ Unlike *justicia* cases, which came to the council only through an appellate system, *gracia* and *gobierno* cases could be sent by vassals straight to the metropole, without first attempting to petition local authorities.²² More importantly, royal administrative decrees (*decretos reales*)

20. Here I follow Lex Heerma van Voss's etic definition of *petitions* as "demands for a favour, or for the redressing of an injustice, directed to some established authority": Heerma van Voss, "Introduction," 1. His definition matches the usage of sixteenth-century writers, who employed *petición*, *carta*, *información*, *memorial*, *súplica*, *pliego*, and *escrito* interchangeably. The council generally used *petición* but did not state a preference for any one term. *Gobierno* petitions were those that ministers felt contained proposals of administrative interest. Some contained both *gobierno* proposals and supplications for *gracia* privilege, and others still might seek to circuitously influence a *justicia* court case. I will discuss these overlaps in future research.

21. "Códice de leyes," 414.

22. Though this article is concerned with the royal decree, vassals could also seek local legislation in the Indies. Indians petitioned for and won tens of thousands of viceregal-level edicts in sixteenth-century Mexico: see Archivo General de la Nación, Mexico City, Indios 1–6. For excellent analyses of Indian petitions to Mexico's viceroys and high court, see Owensby, "Pacto entre rey lejano"; Owensby, *Empire of Law*. The historiography on local petitioning and administrative policies is in its infancy.

arose only through proper gobierno petitions, which generally appear in the AGI as *cartas y expedientes* or simply *peticiones*.

The resulting gobierno edicts were abundant and diverse, sometimes highly local, sometimes Indies-wide. Some were particularistic and minor, others sweeping and authoritative. They also might be occasionally contradictory and varied frequently from place to place and era to era. In many ways, then, Tau Anzoátegui's description of Indies law as nonsystematic and flexible holds true for gobierno paperwork. However, these were precedent-forming rules, not ministers' casuistic, one-off adjudications between rival parties in court.

The derecho indiano historiography has neglected to closely study the mechanism through which the empire's abundant administrative legislation arose. Its immediate origins were the many letters that vassals of all social backgrounds submitted to the council, which ministers then transformed into royal decrees in what I call the petition and response system.²³ My research in the AGI has revealed that subjects did more than merely propose crown policies. They could even phrase policy through gobierno petitions. Ministers, always pressed for time, would quickly extract a successful petition's language and transplant it directly, often verbatim, into the resulting decree.

This bottom-up petition and response system not only accounts for the council's massive legislative output but also explains a second major Spanish imperial idiosyncrasy: the emergence of novel legal categories for humankind that either did not exist in the peninsula or transformed upon arrival in the New World.²⁴ These included terms for individuals born of genealogical crosses between parents whom vassals considered to be Spaniards, Indians, or Africans.²⁵ Scholars call this array of endemic discriminatory social and legal categories the caste system.²⁶

Many scholars attributed the rise of Indies caste categories to top-down forces: the monarchy's ruling circle, local Spanish elites, market forces, or mechanistic cultural processes of colonial domination and exploitation.²⁷ None

23. Tau Anzoátegui does briefly note that decrees in Spain might come from petitions but does not elaborate: see Tau Anzoátegui, *La ley en América hispánica*, 35.

24. Olaechea Labayen, "El vocabulario racial," 121.

25. *Ibid.*, 122.

26. It is important to note that sixteenth-century vassals did not use the terms *caste* and *race* often. I will use the terms in an etic sense, in reference to today's scholarship. For an in-depth discussion of this issue, see Rappaport, *Disappearing Mestizo*; Gonzalbo Aizpuru, "La trampa de las castas."

27. Loveman, *National Colors*, 43–44, argues that colonial "racial classification . . . was integral to a system of imperial rule designed . . . to facilitate orderly extraction of agricultural, mineral, and fiscal resources from the colonial domains." Cope, *Limits of*

has proven a direct, absolute, causal connection between these phenomena and the rise of caste legislation. Indeed, as Yanna Yannakakis notes, “The exact origins of the caste system remain shadowy.”²⁸ Moreover, these laws seem to lack a consistent structure across time and space. Recently, Joanne Rappaport has critiqued scholars’ “propensity to envision caste as part of a coherent ‘system’ that subsists across the entire colonial period.”²⁹ Karen Graubart has also described laws on mestizos, *mulatos*, and *zambaigos* (African-Indian offspring) as “piecemeal.”³⁰

This is where Brendecke’s insistence on the council’s limited and passive knowledge-gathering capacity becomes crucial. How could ministers issue decrees *sui generis* on caste categories? Robert Schwaller recently noted in passing that the crown “relied on colonial subjects’ complaints” to learn the Indies’ “language of difference.”³¹ I further Schwaller’s argument by demonstrating that petitions from vassals with diverse backgrounds, not a unitary cabal of Spanish elites or socioeconomic forces, produced these legislative measures. By comparing caste petitions’ language to specific decrees, this article argues that vassals’ petitions prompted, and often phrased, royal decrees. I will not discuss the social and cultural issues behind these petitions, the implementation of royal decrees in general, or the impact of caste edicts in particular, leaving these complex themes for another moment.

Racial Domination, 24, states that Spanish elites in seventeenth-century Mexico City created and sought in vain to superimpose caste categories on the “plebe.” According to Sue, *Land of the Cosmic Race*, 11, “In an attempt to maintain social order . . . colonial authorities developed an elaborate caste system.” Aníbal Quijano presents colonial categorization as the centerpiece of colonial domination, claiming that “*colonialidad* [coloniality] is founded on the imposition of a racial/ethnic classification . . . as a cornerstone of said power”: Quijano, “Colonialidad del poder,” 342. He and Immanuel Wallerstein also made this point in Quijano and Wallerstein, “Americanness as a Concept.” Carrera, *Imagining Identity*, 21, 135, depicts *casta* portraiture as a “perfect tool of the late-colonial discourse” vital to “Spaniards [who] needed to look, see, gaze at, and observe” the colonial other “as part of a comprehensive attempt to know, manage, and dominate them.” Hering Torres, “Purity of Blood,” 25, also states that “colonial authorities created [these] social and phenotypic nomenclatures.” Bonfil Batalla, “Sobre la ideología,” 83, asserts that the mestizo category “was necessary for the functioning of the structure of colonial domination and exploitation.”

28. Yannakakis, *Art of Being In-between*, 15.

29. Rappaport, *Disappearing Mestizo*, 4–5.

30. Graubart, “Hybrid Thinking,” 222. Ben Vinson III has similarly noted the “jumbled nature of caste regulation.” Vinson, *Before Mestizaje*, 41.

31. Schwaller, *Géneros de Gente*, 224.

Petitioning the Council: The Sources and Procedures of Crown Legislation

The council responded to and produced massive volumes of *justicia*, *gracia*, and *gobierno* paperwork. The AGI's current cataloging and organization conceals this original system within a voluminous and often-opaque organizational arrangement. Many petitions sit in the massive *Gobierno* section, others in the *Patronato* papers.³² The *Gobierno* section also features hundreds of surviving royal decree registers, but unfortunately they are spatially divorced from the petitions that produced them. Because of this, historians face the daunting task of painstakingly locating and matching these letters to their respective edicts. There are four ways to do this: looking for decrees' references to petitioners, examining ministers' marginal comments in petitions, checking Secretary Juan de Ledesma's petition registers, or reading the *consultas* that ministers produced for the king's consultation.

The council perpetually struggled to finish responding to box after box of incoming paperwork. They wrote their decisions on petitions or, for longer texts, on summaries (*relaciones*). If ministers decided that a measure would need to go to the king's desk, they would also produce a similar summary in advance, called the *consulta*. Once the ministers and the king agreed on a measure, the secretary would immediately write up a decree with his chamber scribes that adhered closely to the phrasing of the petition, *memorial*, or *consulta*. He would read the council's brief instruction, normally in the margin of the text.³³ As a result of this quick procedure, each edict's phrasing generally consisted of a combination of a successful petition, the ministers' very brief ruling, and the minor syntactic modifications that the secretary and his assistants inserted during his final redaction of the law.³⁴

For speed and consistency, ministers followed a loose but reliable formula when composing decrees. Each law began with a brief ceremonial introduction from the king (what scholars today call the *intitulación*), followed by an address

32. For a brief explanation of the *Patronato* section, see Aiton and Mecham, "Archivo General de Indias," 558. *Gobierno* petitions are also dispersed throughout other AGI sections. Additionally, hundreds more original manuscripts are scattered in various archives, including the Archivo General de Simancas (hereafter cited as AGS), the Archivo Histórico Nacional in Madrid, Spain (hereafter cited as AHN), and the Nettie Lee Benson Latin American Collection in Austin, Texas.

33. "Código de leyes," 435–36.

34. One important exception to this process occurred when ministers seeking to respond to a petitioner located an earlier decree on the same matter in their archives. In this case, they often simply reissued the older ruling for the new context, phrasing and all, albeit with a new address and date.

to the relevant authorities or persons (the *dirección*), a phrase acknowledging and sampling the petition in the body of the text (the *exposición*), a verdict or ruling that the secretary formed from the council's marginal comments (the *disposición*), the date of the law, and the place from where the secretary issued it.³⁵ At the bottom was the king's sacred signature.

The structure and phrasing of each decree can offer major hints that allow us to connect it back to a petition. The first strategy to do so hides in plain sight, in the body of each law. Nearly every edict includes an *exposición* stating that the council was responding to some kind of petition (or, rarely, multiple petitions).³⁶ Sometimes, the measure even directly cited a petitioner's initiative in the second half of the opening statement, or *dirección*. For instance, ministers addressed the 1588 mestizo decree to the "bishops of the church cathedrals of Cuzco, La Plata, San Francisco de Quito, and Tucumán" and then stated that "Pedro Rengifo . . . has informed me."³⁷

More often, ministers left the identity of the letter writer anonymous in the decree's *exposición*, with a simple "I have been informed" or similar statement. Brendecke notes that this segment served an ideological purpose—to emphasize the monarchy's responsiveness to vassals, stressing to subjects that the council had done due diligence in seeking subjects' reports—but also that these communications might be faulty and could be invalidated in light of new evidence.³⁸ In these cases, historians seeking to identify an edict's petition must scan the archives and match a letter to the decree's *exposición* and *disposición*, hoping for the texts to coincide. This is often painstaking work.

Fortunately, there are three other ways to identify petitioners behind a decree. One option emerges from the telltale scrawls that ministers left in the margins of successful petitions or on the back folios of each letter.³⁹ These ministers sometimes also wrote their conclusions next to the *relación*.⁴⁰ If they approved of a subject's suggestion, they might scribble something to the effect of "fiat," "it is good" (*está bien*), or "as is" (*así*).⁴¹ This meant that a decree would soon be born. Ministers might also reject a vassal's suggestion with a phrase such as "no ha lugar" (roughly, "it has no place"). In other cases, surviving petitions

35. Lorenzo Cadarso, *El documento real*, 44.

36. For example, see AGI, México 1064, leg. 2, fol. 76r.

37. AGI, Lima 580, leg. 9, fols. 8v–10r.

38. Brendecke, *Imperio e información*, 112–18.

39. "Códice de leyes," 414, 427, 432.

40. For more information on the sixteenth-century sense of the term *relación*, see Escudero, *Felipe II*, 26–28.

41. *Ibid.*, 33.

contain no ruling at all.⁴² Unfortunately, these brief marginalia appear somewhat inconsistently.

Yet even when they do appear, marginal comments rarely reveal which minister had made a given decision or what had motivated him to do so.⁴³ Very seldom, the council would cite Castilian legal texts and traditions—*derecho*—in justifying their decision. In response to a Peruvian viceroy's 1586 report about a forged decree, the ministers commanded "that the decrees be obeyed in conformity with *derecho*."⁴⁴ Ministers were slightly more inclined to cite Castilian precedents in their decisions if vassals took the initiative of mentioning them first.⁴⁵ Ministers might also point to several fundamental Indies laws and ordinances, especially the 1542–43 New Laws.⁴⁶

Curiously, ministers' marginal decisions never referred to *uso y costumbre*, or local custom, to which the crown gave great juridical deference.⁴⁷ This is partly because ministers assumed that vassals had expertise regarding their local *uso y costumbre* traditions; even subjects themselves did not frequently allude to this field of unwritten law.⁴⁸ Nor did ministers need to exhaustively cross-reference petitions' claims with all available sources of legal grounding. Even if ministers did consider customs, they never put such glosses or justifications on paper.

42. This often occurred if a minister ruled on a copy of a petition that has since gone missing or drew up a *memorial* that no longer exists in the AGI.

43. Ministers occasionally identified themselves through a small rubric. For a guide to match rubrics to their respective ministers, see Schäfer, *Las rúbricas del consejo*.

44. "De lo que tengo," 1586, AGI, Lima 31, n.p. (For this and subsequent documents from the AGI lacking specific archival location indicators, I have quoted the first words of the document and provided a date when available to aid identification.)

45. See, for instance, the response to a high judge of Peru in "Estando en el gobierno," 30 Apr. 1563, AGI, Lima 92.

46. AGI, Lima 92, ramo 17, no. 104.

47. See the classic work Tau Anzoátegui, *El poder de la costumbre*, esp. 89–91, 143–44, 148, 318. Tau Anzoátegui notes that scholars agree on *uso y costumbre*'s importance in "derecho privado," a subset of judicial reasoning that the council would have treated within the *justicia* channel: see *ibid.*, 171nn36–37. He cautions that "as case studies have yet to be undertaken, the most prudent action is to postpone a definitive judgment" on the extent of *uso y costumbre*: *ibid.*, 171. I would add that no scholar suggests a predominant role for *uso y costumbre* within crown legislation.

48. There are some exceptions. See, for instance, an undated petition by the "yndios del Piru" requesting that the crown "broadly uphold the good customs that they had in the time of the Inca": "Primeramente que tubo," n.d., AGI, Indiferente 857, n.p. In 1570 the city of Charcas petitioned for and won a decree establishing practices relating to the seniority of sheriffs (*alguaciles*), which had previously operated under Spanish *uso y costumbre*: see AGI, Charcas 418, leg. 1, fol. 194v. But once again, in this decree the ministers were merely reproducing vassals' vocabulary.

Indeed, ministers were often averse to mentioning any reasons at all for legislative decisions.

Another option for matching petitions to decrees comes in a special set of volumes that cataloged and abstracted the council's incoming letters: the *registros de peticiones*, or petition registers. Secretary Juan de Ledesma began this series of 22 volumes in 1572. He would diligently summarize petitions until his death in 1594, at which point the council abandoned the project.⁴⁹ Scholars have scarcely begun to analyze these books, though they offer historians a panoramic view of who petitioned and how the empire created decrees. Under each abstract, Ledesma and other officials would scrawl their decision, often briefer versions of ministers' marginal decisions.

A final way for researchers to match petitions to decrees is to read the paperwork that the council sent to the king. At least in theory, the king's decision on any case was supreme, and no law was valid without his consent and signature.⁵⁰ However, monarchs sought to delegate as much work as possible to their councilmen. In many cases, ministers and the president would rule on petitions themselves and phrase the legislative measure; the monarch would simply read and sign the final decree. This was especially true of many minor pieces of legislation. However, the king could sometimes play a key role in deciding the outcome of a petition. He met with his ministers to consult on matters of *gracia* and, occasionally, controversial rulings of *justicia* and *gobierno*. Ministers regularly brought him their summaries of petitions.⁵¹ In the 76 years after the Council of the Indies' foundation in 1524, ministers sent these *consultas* to the kings and queens of Spain at least once a week, a total of 4,042 documents.⁵² Between 1556 and the time of the death of King Philip II in 1598, at least 3,220 of these documents survive, all bearing his determinations.⁵³

49. Manzorro Guerrero, "Prácticas documentales," 130. Ledesma also kept another series of books, the *Libros de encomiendas*, which excerpted incoming papers and stated which ministers would respond to each case. Most incoming letters were *gracia* petitions, but there were some *gobierno* documents as well. Unfortunately, the sixteenth-century section of this series only survives for the years 1576–78, 1580–82, 1584–85, 1597, and 1597–1600: see AGI, Indiferente 528, legs. 1–3, 5; AGI, Indiferente 529, leg. 1. Together, these books contain 1,273 pages of excerpts. At a rough estimate of five abstracts per page, this would point to 6,365 petitions for these years alone. For a brief discussion of these volumes, see Gómez Gómez, "Libros de gestión," 260–65.

50. Indies officials' prerogative to issue local edicts stemmed from the king's signature as well, albeit indirectly, through decrees appointing them to their positions.

51. Real Díaz, *Estudio diplomático*, 92.

52. Heredia Herrera, *Catálogo*, 2:1598.

53. *Ibid.*, 1:84–712, 2:1–604.

These and other numbers hint at the empire's massive petition and response system. Scholars can use Secretary Ledesma's registers, which span from March 28, 1572, to December 22, 1594, to get a sense of the number of petitions and the edicts that they produced. A thorough tally of each individual entry would be nearly impossible, for these books span 14,373 pages of dense excerpts, sometimes in erratic handwriting. One preliminary report on the first volume has counted 270 petitions in 48 days, implying that 1572 alone saw approximately 2,050 individual supplications.⁵⁴ Assuming that petitioning continued at more or less the same rate, these volumes catalog some 48,800 supplications for *gracia* licenses and privileges, as well as *gobierno* reforms, over a period of 23 years and 8 months.⁵⁵ These entries might even represent only the supplications that vassals submitted in person or via procurators in Madrid, which would mean that these numbers fall far short of the actual Indies total.⁵⁶ Hundreds of boxes of *cartas y expedientes* in the AGI corroborate, and likely add to, this massive total.

Gobierno petitions are not merely abundant but contain a vast array of themes. Some petitions could be extremely particular, touching on micro-administrative concerns. In 1564 the council issued a decree to aid the priest Juan Barva, from whom the bishop of Panama's estate managers had unjustly confiscated a box of clothes and an image of the Virgin Mary.⁵⁷ In 1599 ministers responded to the Mexican viceroy's May 1, 1598, request about the positioning of a university's windows.⁵⁸ In 1579 the Jesuits of Oaxaca won royal approval to build a "humble abode," along with a grant of cattle and a piece of land.⁵⁹ Many scholars have depicted this type of meticulous legislation as a reflection of Hapsburg obsessions with controlling the minor aspects of vassals' lives. In reality, however, it shows both that ministers were acquiescing to vassals' own desires and requests and that no issue was too small to elicit ministers' responses.

54. Manzorro Guerrero, "Prácticas documentales," 133; and boxes included from AGI, Indiferente 1084, leg. 1 to AGI, Indiferente 1091, leg. 22.

55. In reality the number must have been far higher, since subjects could submit many proposals within their petitions and the registers only recorded the first.

56. There is a distinct possibility that there were many more vassals' letters than even these roughly 50,000 in the petition registers. These logs are likely incomplete as they do not match many other correspondences in the AGI's *Gobierno* and *Patronato* sections. Moreover, many entries pair with the series *Indiferente General* 1373–413. This makes it highly plausible that the letters recorded in the petition registers are only a fraction of total petitions.

57. AGI, Charcas 418, leg. 1, fol. 76r.

58. AGI, México 1064, leg. 3, fol. 191r.

59. AGI, México 1091, leg. 9, fol. 58v.

On the opposite side of the spectrum were petitions containing subjects' proposals for major local and imperial reforms, some entirely without historical precedent. On August 30, 1515, ministers agreed with *encomendero* Rodrigo Manzorro's recommendation that the king grant Indian tribute only to married Spaniards.⁶⁰ The city council of Santo Domingo won a measure in 1524 that would finance the relocation of the new House of Trade courtroom to a building on the Seville plaza, from where its officials could more easily distribute justice to Indies merchants.⁶¹ In 1551, responding to a consulta featuring "accounts from many persons" from Peru, the king established the High Court of Charcas with the marginal comment "fiat."⁶²

Vassals could also propose religious reforms. The Franciscan Juan de la Puerta had two major suggestions in his 1547 petition on behalf of the friars of Yucatan: his province should become part of Mexico instead of Guatemala, to give its residents direct access to the viceroy's justice, and should receive a bishop.⁶³ The council issued a decree stating that "we have been informed" of this or a similar proposal and shifted Yucatan to Mexico's jurisdiction in a decree on April 13, 1548.⁶⁴ Doctor Juan Muñoz de Jerez, Oaxaca's *maestrescuela* (cathedral teacher of divinity), won a July 27, 1570, edict granting the province's ecclesiastical officials the authority to obligate its Indians to speak Nahuatl.⁶⁵

In both theory and practice, Indians could participate in this process as well. Some argued for a partial return to pre-Hispanic government practice. For instance, in 1555 don Juan Apo Bazt, the cacique of Verapaz, and his fellow indigenous elites persuaded the crown to restore their long-standing style of municipal government.⁶⁶ Some also protested labor and taxation policies. The Indian leaders and peons (*peones*) of Xochimilco successfully wrote against their labor obligations to Franciscan monasteries in 1576.⁶⁷ Others still won decrees to preserve or expand their towns' jurisdictions, as did don Juan and don Diego, the caciques and governors of Tenango and Zuchalco, respectively, in 1548.⁶⁸

Indians could also seek newfangled administrative arrangements that had neither pre-Hispanic nor Iberian precedents. On June 29, 1569, the Indians of Chilapa and its neighboring towns persuaded the crown to commission

60. AGI, Patronato 172, ramo 5, fol. 135r.

61. AGI, Patronato 172, ramo 5, fol. 115r.

62. AGI, Indiferente 737, no. 68, n.p.

63. AHN, Diversos-Colecciones 23, no. 7, fols. 1r-2v.

64. AGI, México 2999, leg. 1, fols. 36r-37r.

65. AGI, México 1090, leg. 6, fols. 135v-36r.

66. AGI, Guatemala 386, leg. 1, fols. 162v-63r.

67. "Pedro Calderón," n.d., AGI, Indiferente 1385.

68. AGI, México 1089, leg. 4, fols. 9v-11r.

investigations of parish priests every two years in the Acapulco region, a new practice in the empire.⁶⁹ The Nahuatl city of Tlaxcala wrote to create the position of *juez de cochinilla*, a novel type of officer for overseeing the correct and nonfraudulent cultivation of the red dye-producing insect cochineal. The crown approved and dispatched a March 3, 1592, decree crediting Tlaxcala's inhabitants with the idea.⁷⁰

Many subjects met with less success, but their efforts attest that many aspired to restructure imperial governance. Santo Domingo's Hieronymite friars proposed in 1517 that the crown abolish Seville's trade monopoly in order to reduce the prices of goods on the island.⁷¹ In an undated petition, the sheriff of Quito suggested a new high court in the coastal city of Guayaquil to help pacify the restive region, deter pirates, encourage faster travel to Popayán, and stimulate the local economy.⁷² In 1554, the friars of New Galicia, Mexico, made two bold proposals: the establishment of a permanent Indies Inquisition and the creation by the ministers of a special patriarchate of the Indies, whose job it would be to defend the joint secular and religious church before the Vatican and others.⁷³ In 1567 one royal attorney (*fiscal*) of Peru recommended a new judicial branch of the council in Panama, both to defend the isthmus from revolts and attacks, and to expedite vassals' *justicia* cases. He also suggested reducing the number of high courts.⁷⁴ Similarly, Lima's procurator requested multiple reforms in 1562, including that the council establish a new high court in the Canary Islands to act as a partial overseer of the Indies, due to the long distance to Madrid.⁷⁵ Ministers did not agree to any of these proposals but dutifully considered them nonetheless.

Other proposals, while their outcomes are unclear, reflect vassals' sweeping policy objectives. For instance, in 1526 an anonymous priest or friar wrote that Mexico needed a president and that the province should receive four additional, subordinate governors.⁷⁶ Ministers decided that they would discuss the matter; the document contains no follow-up observations, but the proposal may have borne fruit, as the council erected the first Mexican high court in 1527.⁷⁷

69. AGI, México 1089, leg. 5, fols. 358v–59r.

70. AGI, México 1092, leg. 14, fol. 55.

71. AGI, Patronato 172, ramo 9.

72. AGI, Patronato 171, no. 2, ramo 3.

73. New York Public Library, Manuscripts and Archives Division, Obadiah Rich Collection, reel 3.

74. British Library, London, MS 33983, fols. 6v, 7r–8v.

75. AGI, Patronato 188, ramo 30.

76. AGI, Patronato 170, ramo 26.

77. Góngora, *Estudios*, 99.

In January 1575 a certain Friar Diego de Herrera sought to exempt all Cebú Indians of the Philippines from tribute, citing similar legislation for Tlaxcala; ministers did not record their conclusions.⁷⁸

Petitions and petition registers also reveal non-Spanish vassals' participation in the legislative process. Prominent Indian elites, caciques, and Indian towns appear often in the registers. Secretary Ledesma also recorded letters from Indian laborers and women, mestizos and mestizas, *mulatos* and *mulatas*, free black men and women, and black slaves.⁷⁹ Many of these individuals were not wealthy, such as one prolific group of "penniless Indian laborers" (*indios maceguales*), a number of "poor damsels" (*pobres doncellas*) of Mexico, and a group of "impoverished prisoners" (*los pobres de la cárcel*) in Madrid.⁸⁰ In addition to such marginal subjects that traditionally feature in the historiography, petitioners included the Moorish galleon slave Hali Tupuli; one "Gaspar from China"; Antonio Ungaro, a would-be scribe from Hungary; two Macedonian Greek brothers, Publio and Simeon; and a Cypriot bishop from the town of Amathus.⁸¹ Such individuals and groups appear infrequently, and few of them proposed radical administrative changes. Nonetheless, their appearance in the first place testifies to the breadth of subjects participating in the petition and response system.

The petition registers and other documents suggest that women also petitioned quite often. They tended to use their letters to defend their rights to their deceased husbands' pensions and property, to force their husbands to live with them, and to allege poverty, among other topics related to family life and patrimony.⁸² While not legally prohibited from petitioning for sweeping legislative reforms, women did not request measures affecting Indies society

78. "Fray Diego de Herrera," n.d., AGI, Indiferente 1385, n.p.

79. The following list of references to petitions (not all successful) and their authors is illustrative but very far from exhaustive: Inés Gómez India, AGI, Indiferente 1091, leg. 22, fol. 134v; Catalina Rodríguez, mestiza of Cuzco, AGI, Indiferente 1084, leg. 2, fol. 67r; Juan de Zafra, *mulato* of Puebla de los Ángeles, AGI, Indiferente 1085, leg. 4, fol. 109r; Mari Fernández, *viuda mulata* (*mulata* widow) of New Granada, AGI, Indiferente 1086, leg. 6, fol. 316r; Juan de Pineda, *de color mulato* (*mulato*-colored) of Lima, AGI, Indiferente 1088, leg. 11, fol. 84r; Benito, *criollo esclavo* (local-born slave) of San Juan, AGI, Indiferente 1087, leg. 9, fol. 19v; Casilda de Rojas, *negra atezada libre Christiana* (free Christian woman of black skin), AGI, Indiferente 1084, leg. 1, fol. 6v.

80. See, respectively, AGI, Indiferente 1089, leg. 14, fol. 192v; AGI, Indiferente 1088, leg. 11, fol. 5v; AGI, Indiferente 1091, leg. 21, fol. 89v.

81. See, respectively, AGI, Indiferente 1087, leg. 9, fol. 81r; AGI, Indiferente 1089, leg. 15, fol. 148v; AGI, Indiferente 1085, leg. 5; AGI, Indiferente 1090, leg. 17, fol. 268r; AGI, Indiferente 1091, leg. 22, fol. 245r.

82. Mangan, *Transatlantic Obligations*, 86–96.

very often. The reasons for this remain a puzzle for scholars to study. Perhaps sixteenth-century Indies society had gendered views that very strongly discouraged women from becoming outspokenly involved in Indies governance. For instance, in a private correspondence sent in 1562 from Mexico, doña Mariana de Morguiz told her father that she had not written often because “women are not as equipped to write . . . as men.”⁸³ This does not mean that women’s interests do not appear in royal legislation; women may have preferred to seek out a male petitioner, perhaps a friend, family member, or another male ally, to represent them.⁸⁴

Proposing legislation thus remained largely the domain of wealthier, more educated Spanish men. Viceroys, governors, presidents, high judges, attorneys, city aldermen, archbishops, bishops, friars, conquistadores, and merchants wrote long letters and wrote often—sometimes multiple times a day.⁸⁵ This constant stream of proposals meant that ministers heeded the cries of wealthy Spanish men more often than those of marginal vassals. However, a petitioner’s status did not determine the gravity of a decree; all crown legislation had the full force of the law.

The petition and response system was mostly a bottom-up process, with the crown passively responding to the proposals that these vassals tailored.⁸⁶ When reading petitions, ministers normally had few top-down mechanisms or outside editorial options to guide their rulings. Their marginal comments show that they often reached for their own Indies legislative precedent, either reissuing earlier decrees to areas that had failed to implement them or transplanting one region’s policy to another area. On somewhat rare occasions, the council also looked to Iberian precedents. It could encourage officials to implement Castilian law into New World contexts, often through tomes such as the thirteenth-century *Siete partidas*, the 1505 Laws of Toro, and the 1567 *Recopilación de leyes*. However, the council virtually never decided to implement Old World laws in a *sui generis* manner; for the most part it was vassals, not ministers, who invoked these policies in their own supplications. Thus while Castilian law influenced Indies legislation and administrative actions to an extent, it

83. AGI, Indiferente 2050, no. 8, n.p.

84. This was the case for Lima’s mestiza nuns, whose blood purity self-described mestizo petitioners defended in 1582–88. See “Los hijos de españoles,” n.d., AGI, Lima 316.

85. For example, Viceroy Martín Enríquez wrote four consecutive letters on October 10, 1573 (AGI, México 19, nos. 112–15), as well as on October 31, 1576 (AGI, México 19, nos. 176–78).

86. I will leave discussion of *visita* ordinances and commissions for another occasion, as they involve a complex mix of local and royal legislative authority.

rarely did so directly within the council and was primarily restricted to how local judges dealt with lawsuits between vassals, especially regarding matters of “common, civil, notarial, mercantile, and penal” law.⁸⁷

The other process through which the council created royal legislation in a more top-down fashion came from the junta.⁸⁸ This was a specific type of scholarly, theological, and political meeting in response to major imperial crises that more closely resembles late modern states’ legislative process. Here, experts and theologians would gather and engage in drawn-out discussions with the king and his ministers about new imperial policies. These meetings issued profound and lengthy determinations that were generally binding for the Indies as a whole.⁸⁹

Juntas began at the behest of a petitioner but generally produced a type of legislation different from decrees: the solemn and lengthy laws and ordinances. All documents bearing the king’s signature were of maximum import, meaning that theoretically decrees were of equal weight to laws and ordinances. Vassals could not invoke one to override the other but could convince the crown to issue a new decree citing changing times or unexpected problems arising from ordinances’ implementation. The newer the decree, the more authority that it bore. Nonetheless, the crown seems to have generally endeavored more diligently to disseminate and enforce its ordinances than its royal decrees.⁹⁰

Scholars have not produced a definitive count of these gatherings for the Indies or the broader Spanish empire.⁹¹ Friar Antonio de Montesinos’s dire 1511 complaints about Indian abuses probably resulted in the junta of 1512, which produced the Laws of Burgos. When Friar Pedro de Córdoba complained that officials were not implementing these laws, the crown convened a 1514 junta in Valladolid, which expanded the laws of two years before. Friar

87. Luque Talaván, *Un universo de opiniones*, 81.

88. For the junta, see Sánchez, *El deber de consejo*. The royal investigations to the Indies, the *residencias* and *visitas*, could also produce local ordinances, but this was not crown legislation proper and lies outside this article’s scope.

89. *Ibid.*, 51.

90. This article does not touch on implementation or compare how the crown treated ordinances and decrees. The crown certainly worked hard to implement certain ordinances, especially the famous 1542–43 New Laws. However, there has not been systematic research into which type was implemented best. Additionally, one should not assume that decrees were dead letters; we know, for instance, that Pedro Rengifo and his mestizo allies were concerned with decrees that had affected their lives. It may take decades before scholars can make sweeping empirical statements about decrees’ implementation. One useful article on the subject is Phelan, “Authority and Flexibility.”

91. Sánchez, *El deber de consejo*, 25. For a relatively thorough list of Indies juntas, see *ibid.*, 233.

Bartolomé de Las Casas launched an aggressive effort for more gatherings, prompting ministers to summon several juntas. These culminated in the 1542–43 New Laws and the near-abolition of the *encomienda* tribute system. Three more juntas, convened in 1545, 1550, and 1556 (seemingly with no results) to debate new measures after the New Laws, provoked a conquistador revolt in Peru.⁹² Then came several other juntas, most notably the 1566–68 Junta Magna, the latter of which resulted in further reform of the empire's justice and institutional system.⁹³

This overview of royal lawmaking has shown that, with the rare exceptions of printed Castilian norms and junta-based laws and ordinances, most crown legislation consisted of royal decrees that stemmed from the initiative of vassals (indeed, even juntas originated in petitions). The Council of the Indies almost always produced these edicts through communication with vassals, not by creating *sui generis* policies, unilaterally transplanting legal standards, or consulting at length with a range of elite Spanish men. In the following section, I will look more closely at the process through which ministers phrased decrees that featured novel sixteenth-century legal categories, especially *mestizo* and *mulato*.

Phrasing Caste Legislation: Petitions and Decrees on Mestizos and *Mulatos*

The descriptive and proscriptive sections of royal decrees, the *exposición* and *disposición*, respectively, derived partially or entirely from vassals' successful petitions. This meant that royal legislation preserved petitions' legal concepts as well. Anyone could thus introduce new concepts and words into the empire's legislative lexicon.

Many terms and categories appear in Indies legislation that either were entirely new to Castilian law or took on new meanings. Christopher Columbus, his fellow mariners, and other Spanish settlers inaugurated the terms *Indian*, *cannibal*, and *cacique* through their early reports on westward discoveries. The crown responded by enshrining these terms in the law.⁹⁴

Certain other imperial categories arose when vassals fused Castilian and Indies terms together in their letters. One example is the *indio cimarrón*. On

92. *Ibid.*, 35–57. For the 1550–51 junta, see Adorno, *Polemics of Possession*, 165–66.

93. Sánchez, *El deber de consejo*, 86–93, 96–100.

94. Hulme, *Colonial Encounters*; Sauer, *Early Spanish Main*, 50. For *cannibal* and *cacique* see, for example, AGI, Indiferente 418, leg. 1, fols. 11r–2v. For a San Juan city procurator winning a decree on cannibals, see AGI, Indiferente 418, leg. 3, fol. 194. For a decree responding to Diego Colón's June 26, 1512, petition on cannibals, see AGI, Indiferente 419, leg. 4, fols. 36v–46v.

September 16, 1530, Santo Domingo's governor, Gonzalo de Guzmán, categorized a group of insurgent Indians by fusing the term *Indian* and the Castilian term for feral cattle, *cimarrón*.⁹⁵ He reported that lately the area had been free of "yndios çimarrones" and that "a Spaniard can, without fear, walk throughout" the island.⁹⁶ The council responded on March 11, 1531, stating in the exposición that "I am very pleased by what you say that the island is very peaceful," free of "yndios çimarrones and that a Spaniard can, without fear, walk throughout."⁹⁷ The council had very clearly lifted this statement, including the Indies-specific category, from Guzmán's petition.

If novel legal categories often surfaced through this process, then did legislation on mestizos and *mulatos* arise in the same way? Both categories had appeared in Iberia centuries before Portuguese and Spanish expansion. During the first decades of the conquest of the Indies, however, these terms had no clear legal meaning and did not refer exclusively to genealogical crosses. It was only through piecemeal petitioning and the council's responses that the hazy connotations of these terms gradually became somewhat more precise.

The concept of *mestizo* has a long history in Iberia, but its meaning was initially quite open-ended. From its origins in the Latin *mixticius* in late fourth-century theological treatises and ambiguous early documentary appearances in twelfth-century Occitan poetry to its Castilian debut in Alfonso X's 1275 *General estoria* (in reference to a half-Egyptian, half-Israelite blasphemer) and use in Alonso de Herrera's 1513 printed agricultural manual, *mestizo* could refer to various sorts of neutral or negative ethnic, religious, moral, animal, or textile mixing.⁹⁸ It had no legal status and no association with a single human population, let alone a direct connection to Spanish-Indian offspring.

Indies vassals increasingly began using the term to describe other persons in the late 1520s. One undated Santo Domingo petition by certain residents,

95. For more on this term, see Arrom, "Cimarrón."

96. AHN, Colección Muñoz, A-105-60, fol. 285v. The original letter may no longer exist; cited is eighteenth-century historian Juan Bautista Muñoz's verbatim transcript.

97. AGI, Santo Domingo 1121, leg. 1, fol. 68r.

98. Meneghetti, "Una serrana." For the use of *mestizo* in Alfonso X's *General estoria*, see Biblioteca Nacional de España, Madrid, MS 816, bk. 20, chap. 44, fol. 259v. For the reference in Herrera's popular manual, see Alonso de Herrera, *Libro de agricultura ques la labrança y criança y de muchas otras particularidades*, 1513, Biblioteca Nacional de España, Madrid, bk. 5, chap. 12, fol. 137r. For two of many references to "mestizo wool," see *venta*, 22 Dec. 1576, Archivo General de Notarías de la Ciudad de México, Mexico City, Catálogo de Protocolos, Fondo Siglo XVI, notaría 1, vol. 9, leg. 4, fols. 2107-18; "Poder en causa propia," 2 Mar. 1559, Archivo General de Notarías de la Ciudad de México, Mexico City, Catálogo de Protocolos, Fondo Siglo XVI, notaría 1, vol. 46, fols. 161-65.

circa 1527–29, suggested repopulating one town with “25 blacks and mestizos, all with their women.”⁹⁹ In one Spaniard’s June 6, 1531, will, the “sister of Isabel Fernández, mestiza,” received 100 gold pesos, as did “a bastard mestiza daughter who is called Isabel de Varas.”¹⁰⁰ Here the use of *mestizo* was ambiguous and awkward. Indeed, no early text specifies the term’s precise definition or if it was linked firmly to individuals of Spanish-Indian lineage.

The council issued the first proper decree referring to mestizos in 1534. The measure was a response to the petition of Governor Francisco de Castañeda, who had contacted the council through his procurator, Sebastián Rodríguez. Castañeda sought to send “five or six yndias mestizas . . . and . . . other slave yndias,” whom he and his wife had raised in their home, to monasteries in Spain. He claimed to have reared the children with his wife “from a young age . . . in the matters of our faith” and desired for them to learn more. Once they reached adulthood, the mestizas could opt to return to Nicaragua at will. The council’s decree noted the governor’s wishes but ordered that the emperor “be informed and know which yndias the abovementioned be” before permitting Castañeda to send them to the peninsula.¹⁰¹ This was likely because the crown had prohibited the enslavement or sale of Indians and feared that Castañeda was trafficking them.¹⁰² The term was beginning to more clearly connote part-Indian, part-Spanish individuals.

Mulato was another conceptually open and complex category with deep Iberian roots. Jack Forbes notes its etymological origins in the peninsula, sometimes with an association of bastardy and animal husbandry, specifically of mules.¹⁰³ It may have also derived from the Arabic terms denoting children of Muslims and recent converts (*muwallad*) and servitude (*malado*).¹⁰⁴ It surfaced as a legal category as late as the early fifteenth century in Asturias. In 1494 a certain group of “*mulatas* and *mulatos* of Cabruñana” petitioned for, and won, the Catholic King’s confirmation of a January 2, 1412, power of attorney that their ancestors had sought and secured from King Henry III and had reconfirmed several times in the 1410s.¹⁰⁵ While this Castilian paperwork and

99. AHN, Colección Muñoz, libro 105, tomo 60, fol. 16. This document is a transcription by Bautista Muñoz; while he may have inserted the terms himself, his phrasing suggests that he cited a sixteenth-century source verbatim.

100. AGI, Justicia 1112, no. 3, ramo 2, n.p.

101. AGI, Guatemala 401, leg. 2, fol. 155. Unfortunately, Rodríguez’s petition appears to no longer exist.

102. See Mangan, *Transatlantic Obligations*, 63; Gil, “Los primeros mestizos,” 20–21.

103. See Forbes, *Africans and Native Americans*, 137–39, 151–52.

104. *Ibid.*, 142–43.

105. AGS, Registro General del Sello, leg. 149404,2, fols. 1v–5v.

legislation may have implied part-black ancestry, they did not explicitly define the term or reveal whether these individuals were the progeny of Spanish-black unions. The precise connection of the *mulato* category to skin color, religion, and other factors would remain for future vassals to make explicit.¹⁰⁶

The *mulato* legal category emerged in the Indies very gradually. It appeared in Spaniards' royal slave licenses in the very late 1530s.¹⁰⁷ Perhaps its first appearance in royal gobierno legislation came in 1549, when two procurators for the city of Santa Fé de Bogotá, Pedro de Colmenares and Alonso Tellez, complained to the crown that certain mestizos and *mulatos* born out of wedlock were receiving Indian tribute. This violated Castilian inheritance laws, they argued. The resulting crown decision was to bar these two groups from receiving further tribute across the board throughout the Indies, unless the king explicitly legitimated these part-Spanish subjects and licensed them to collect dues from Indians. The decree directly credited Colmenares and Tellez for having "informed . . . me . . . that no *mulato* nor mestizo nor man who is not legitimate" should receive this privilege in the future.¹⁰⁸ Unfortunately, the procurators' letter does not appear to have survived to the present, leaving historians to puzzle over the city's precise agenda.

Scholars have noted that by the 1550s, the quantity of legislation featuring mestizos and *mulatos* expanded quite drastically and became markedly more discriminatory.¹⁰⁹ A complete account of these laws is beyond the scope of this article. However, because Spanish royal archival practices improved considerably in the mid-sixteenth century, I will cross-reference several petitions and decrees from this period to demonstrate how vassals' letters resulted in laws on *mulatos* and mestizos.

One such decree, issued on November 25, 1578, for the entire Indies, stated that "Indians . . . were in the company of *mulatos*, mestizos, and *negros*" who "teach them bad customs."¹¹⁰ This corresponds to a November 7, 1578, petition by Friar Rodrigo de Loaysa, the representative of Peru's Augustinian order, that stressed "the bad company" that Indians had with "mestizos, *mulatos*,

106. Forbes, *Africans and Native Americans*, 148.

107. For example, Cartagena's bishop won a May 31, 1538, decree to bring a *mulato* slave to the Indies: AGI, Santa Fé 987, leg. 2, fol. 46. By late 1539, the term appeared frequently in registers (see AGI, Indiferente 1963, legs. 7–8) before becoming ubiquitous in later decades.

108. AGI, Santa Fé 533, leg. 1, fol. 20v.

109. Rappaport, *Disappearing Mestizo*, 15. See also Ares Queija, "Un borracho de chicha."

110. AGI, Indiferente 427, leg. 30, fol. 295.

and *negros* . . . who teach them many wickednesses.”¹¹¹ Next to this proposal, a minister had written his approval of the friar’s suggestion. The council sent a decree ordering “all the justices” of the Indies to bar these groups from living in Indian towns.

A January 26, 1586, decree for Bolivia also follows this pattern. The edict states that “I have been informed that in those provinces there are many *negros*, *mulatos*, and mestizos and people of other mixtures . . . they are all raised in great vices and laxity.”¹¹² The Peruvian viceroy and high courts were to double down on their efforts to Christianize these groups and force them to take vocational training. This edict corresponds nearly word for word with the February 1, 1585, letter of Cuzco’s Jesuit rector José de Teruel. He had noted that “many are the people who are of the *negros*, *mulatos*, mestizos, and other new mixtures . . . they are all raised in great vices and laxity.”¹¹³ Sure enough, next to Teruel’s warning is minister Antonio Gálvez’s signature and marginal comment acknowledging that the council would issue a decree to Indies authorities in order to improve black, *mulato*, and mestizo vocational education.

The opening statements of decrees often reveal the social backgrounds of non-Spanish petitioners, including a considerable number of Indian petitioners. These passages reveal Indians directly partaking in the process of creating and developing these novel human categories, contrary to the predominant view of caste law as the exclusive design of powerful Spaniards. For example, the council issued an edict on July 3, 1581, crediting “the caciques and Indian leaders” of Chimbo for having informed them about certain “Spaniards, mestizos, and *mulatos*” who were oppressing and aggrieving them.¹¹⁴ Similarly, a December 31, 1598, edict ordering abusive “Spaniards, mestizos, blacks, and *mulatos*” out of Yucatan’s Indian towns attributed the measure to the request of the “Indians of that province.”¹¹⁵

Indians were not the only individuals outside elite Spanish circles who petitioned for and prompted imperial legislation referencing new racial categories. Before the advent of antimestizo and anti-*mulato* legislation, individuals of part-Indian and part-black lineage did not always form strong and coherent social units according to their parents’ status.¹¹⁶ However, in the face of mounting discrimination, individuals sometimes rallied together under these categories and requested new crown laws.

111. “El presentado,” n.d., AGI, Indiferente 1388.

112. AGI, Charcas 415, leg. 2, fol. 39v.

113. “Aunq indino,” n.d., AGI, Lima 316.

114. AGI, Quito 211, leg. 2, fol. 78r.

115. AGI, México 2999, leg. 4, fol. 58o.

116. Rappaport, *Disappearing Mestizo*, 10.

For instance, the council sometimes identified Afro-descendants as the petitioners behind important measures. In 1568 the half-Spanish, half-black tailor Juan Bautista entrusted the council's procurator of the poor Juan de la Peña with advocating for Mexico City's *mulatos*. Bautista sought a license and royal assistance to fund a new hospital devoted entirely to healing *mulatos*. For several years, four hospitals—two for Spaniards, and two for Indians—were both rejecting black and part-black subjects, who fit into neither institution.¹¹⁷ Peña went personally to the Escorial, King Philip II's monastery palace, with two letters. One was his own, which briefly described the complaints of "certain native *mulato* residents [*vecinos mulatos naturales*] . . . sons of blacks and of Indian women and of Spaniards and black women . . . of all types of trades," especially cattle ranching. The second document was a 15-page transcript of the *mulatos*' claims, which Bautista had the High Court of Mexico certify. Bautista claimed that his petition spoke in the name of "many more than . . . 6,000 *mulatos*" in the city.¹¹⁸

The council was sympathetic to the *mulatos*. On the back of the petition, a minister wrote, "decree for the Viceroy and High Court and Archbishop." These Indies authorities were to support the hospital and report back to the crown.¹¹⁹ The resulting piece of legislation directly acknowledged in its preamble that "certain native *mulato* residents . . . sons of blacks and Indian women and of Spaniards and black women," had sought a hospital. The decree contained fragments of the very same language that Peña had used on behalf of his clients.¹²⁰ Juan Bautista and his allies' definition of *mulato*, and their proposals about the *mulato* hospital, appeared in the law verbatim.

The petition registers offer useful evidence about the rise of these terms and their architects. For example, one excerpt shows that the Indian caciques and leaders of Anboca, Chungacaro, Cacanama, and Anagame collectively petitioned the council on September 31, 1576, to strip certain mestizo constables of their authority in the Quito region, citing "many grievances and mistreatments."¹²¹ The council heard their pleas. On November 15, its ministers issued a decree crediting the Indian caciques for warning about the abuses of "mestizos" who committed "many grievances and mistreatments."¹²²

117. Sarabia Viejo, *Don Luis de Velasco*, 192.

118. "Juan de la Peña," n.d., AGI, México 98, n.p.

119. *Ibid.*

120. AGI, México 1089, leg. 5, fol. 260v.

121. AGI, Indiferente 1085, leg. 3, fol. 247v.

122. AGI, Quito 211, leg. 1, fol. 360. The petition itself survives ("Sebastián de Santander," 1576, AGI, Indiferente 1386) and features nearly the same language: "many hassles, grievances, and mistreatments."

We have seen that scholars can use various approaches to decrees, petitions, and petition registers to pinpoint the petitioners behind crown laws; this also enables us to trace Indies legal terms to the subjects who proposed that the crown use them. Consultas sometimes reveal this as well. On January 23, 1550, Lima's city council made Friar Domingo de Santo Tomás their procurator. He submitted a petition at the court dated July 1, 1550.¹²³ One of his requests was that the "mestizos and mestizas . . . lost among the Indians" and in danger of losing their Christian faith receive education in "walled-in enclosures." Ministers approved of the project only for mestizas (they did not elaborate on why they excluded mestizos). However, they first wished to confer with the king, scribbling a "consulta that it be done"—that is, that the crown grant funds for the institution. The recommendation reached Emperor Charles V in Innsbruck. It suggested that "many mestizas . . . lost among the Indians" receive a "walled-in enclosure"; his marginal comment read "fiat."¹²⁴ On December 25, 1551, a royal decree stated that the king had "been informed" of "many mestizas . . . lost among the Indians" who should receive a "walled-in enclosure."¹²⁵ The Peruvian viceroy was to seek funds for its construction.

Parting Considerations

The historiography on early modern Atlantic legal regimes in general, and Spanish imperial *derecho indiano* in particular, has stressed how European metropolises lacked the power to rule without local consent. However, these fields have not adequately explained the rise, proliferation, and phrasing of Spanish imperial legislation. In contrast with the *derecho indiano* historiography, I have delved into the workings of the Council of the Indies' bureaucracy, making the distinction between three types of paperwork: court cases (*justicia*), privileges (*gracia*), and administrative legislation (*gobierno*). By matching *gobierno* petitions to decrees, I have shown that all sorts of vassals produced, and even phrased, royal administrative legislation. Scholars can reconstruct this petition and response system through a combination of archival and textual analysis by availing themselves of decrees, petitions' marginal comments, Secretary Ledesma's petition registers, and consultas. Through this methodology of reading both along and against the archival grain, the rise of royal law often comes into focus.

123. "Jhu Xpo," n.d., AGI, Lima 313.

124. AGI, Indiferente 737, no. 66, n.p.

125. AHN, Cedulario de Ayala, no. 37, fol. 26.

A new picture of the Spanish empire emerges. The content and quantity of crown law were not so much the result of an absolutist, all-controlling regime or the fruits of a hyperparticularistic, casuistic judiciary. The petition and response system allowed vassals to create long-standing policies during a crucial period of state formation. Viceroy and Mexica laborers, *mulato* cowboys and archbishops, nuns and Jesuits, lawyers and Quito caciques could all insert their agendas at the highest level of imperial governance with enduring, widespread results.

These diverse groups could create, contest, destroy, and resurrect institutions and state policies. They could also forge entirely novel categories of humankind. Subjects transformed terms such as *canibal*, *indio cimarrón*, *mestizo*, and *mulato* from hazy vernacular words to New World legal categories. By the end of the century petitions had irreversibly imbued the Indies with a legal and social character that drastically diverged from the rest of the empire and indeed from the world.

This preliminary outline of the *gobierno* petition and response system has far from exhausted all lines of inquiry. By identifying the role of marginalized, middling, and elite vassals in requesting and winning crown legislation, the essay raises questions about Indies legal terms and institutions of all sorts, including subjects' motivations for introducing and contesting emergent racial categories. It provides road maps for researchers to determine which groups dominated different branches of imperial policy. It also clears the way for analyses of how crown legislation interlocked with local processes of petitioning at the town, city, parish, bishopric, viceregal, and papal strata. Other aspects of the petition and response system itself call for future research, such as the workings of the imperial communications system, its costs for the poor, and the outcomes of local implementation.

What is certain is that we have arrived at an opportune moment to consider not only the contributions of kings, viceroys, and conquistadores in imperial statecraft. We can begin to reframe the empire as a construction of many and diverse subjects. Among these are Pedro Rengifo, the mestizo of La Paz; the indigenous cacique don Juan Apo Bazt of Verapaz; and Juan Bautista, the *mulato* tailor, along with hundreds of others of the empire's invisible architects.

References

- Adorno, Rolena. 2007. *The Polemics of Possession in Spanish American Narrative*. New Haven, CT: Yale University Press.
- Aiton, Arthur S., and J. Lloyd Mechem. 1921. "The Archivo General de Indias." *Hispanic American Historical Review* 4, no. 3: 553–67.

- Andrés Santos, Francisco J. 2007. "Los proyectos de recopilación del derecho indiano en época de Felipe IV." *Anuario da Facultade de Dereito da Universidade de A Coruña*, no. 11: 45–69.
- Ares Queija, Berta. 2005. "Un borracho de chicha y vino": La construcción social del mestizo (Perú, siglo XVI)." In *Mezclado y sospechoso: Movilidad e identidades, España y América (siglos XVI–XVIII)*, edited by Gregorio Salinero, 121–44. Madrid: Casa de Velázquez.
- Arrom, José. 1983. "Cimarrón: Apuntes sobre sus primeras documentaciones y su probable origen." *Revista Española de Antropología Americana* 13: 47–57.
- Benton, Lauren. 2002. *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900*. New York: Cambridge University Press.
- Blickle, Peter. 2009. "Concepts and Approaches in Recent Scholarship on Statebuilding—A Critical Review." In Blockmans, Holenstein, and Mathieu 2009a, 293–97.
- Blockmans, Wim, André Holenstein, and Jon Mathieu, eds. 2009a. *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300–1900*. In collaboration with Daniel Schläppi. Farnham, UK: Ashgate.
- Blockmans, Wim, André Holenstein, and Jon Mathieu. 2009b. "Preface." In Blockmans, Holenstein, and Mathieu 2009a, xxxiii–xxxiv.
- Bonfil Batalla, Guillermo. 2000. "Sobre la ideología del mestizaje (O cómo el Garcilaso Inca anunció, sin saberlo, muchas de nuestras desgracias)." In *Decadencia y auge de las identidades: Cultura nacional, identidad cultural y modernización*, edited by José Manuel Valenzuela Arce, 79–96. Tijuana, Mexico: El Colegio de la Frontera Norte.
- Brendecke, Arndt. 2012. *Imperio e información: Funciones del saber en el dominio colonial español*. Translated by Griselda Mársico. Madrid: Iberoamericana.
- Carrera, Magali M. 2003. *Imagining Identity in New Spain: Race, Lineage, and the Colonial Body in Portraiture and Casta Paintings*. Austin: University of Texas Press.
- "Código de leyes y ordenanzas nueuamente hechas por su magestad para la gouernaçion de las yndias. . . ." (1585) 1871. In *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía . . .*, vol. 16, edited by Joaquín Francisco Pacheco, Francisco de Cárdenas y Espejo, and Luis Torres de Mendoza, 376–460. Madrid: Imprenta de Hospicio.
- Cope, R. Douglas. 1994. *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660–1720*. Madison: University of Wisconsin Press.
- Cunill, Caroline. 2015. "Philip II and Indigenous Access to Royal Justice: Considering the Process of Decision-Making in the Spanish Empire." *Colonial Latin American Review* 24, no. 4: 505–24.
- Díaz Rementería, Carlos. 1992. "La formación y el concepto del derecho indiano." In *Historia del derecho indiano*, by Ismail Sánchez Bella, Alberto de la Hera, and Carlos Díaz Rementería, 36–87. Madrid: Editorial MAPFRE.

- Escudero, José Antonio. 2002. *Felipe II: El rey en el despacho*. Madrid: Real Academia de la Historia.
- Espinosa, Aurelio. 2009. *The Empire of the Cities: Emperor Charles V, the Comunero Revolt, and the Transformation of the Spanish System*. Boston: Brill.
- Forbes, Jack D. 1993. *Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples*. Urbana: University of Illinois Press.
- Gallego Anabitarte, Alfredo. 2009. *Poder y derecho: Del antiguo régimen al estado constitucional en España: Siglos XVIII a XIX*. Madrid: Marcial Pons.
- Gil, Juan. 1997. "Los primeros mestizos indios en España: Una voz ausente." In *Entre dos mundos: Fronteras culturales y agentes mediadores*, edited by Berta Ares Queija and Serge Gruzinski, 15–36. Seville: Consejo Superior de Investigaciones Científicas.
- Gómez Gómez, Margarita. 2012. "Libros de gestión para el gobierno de América: El caso del Consejo de Indias." In *La escritura de la memoria: Libros para la administración*, edited by José Antonio Munita Loinaz and José Angel Lema Pueyo, 259–69. Bilbao, Spain: Universidad del País Vasco.
- Góngora, Mario. 1951. *El estado en el derecho indiano: Época de fundación 1492–1570*. Santiago: Universidad de Chile.
- Góngora, Mario. (1975) 1998. *Estudios sobre la historia colonial de Hispanoamérica*. Translated by Gonzalo Rojas Sánchez and Marcia Dawes Carrasco. Santiago: Editorial Universitaria.
- Gonzalbo Aizpuru, Pilar. 2013. "La trampa de las castas." In *La sociedad novohispana: Estereotipos y realidades*, by Solange Alberro and Pilar Gonzalbo Aizpuru, 17–191. Mexico City: El Colegio de México, Centro de Estudios Históricos.
- Graubart, Karen B. 2004. "Hybrid Thinking: Bringing Postcolonial Theory to Colonial Latin American Economic History." In *Postcolonialism Meets Economics*, edited by S. Charusheela and Eiman Zein-Elabdin, 215–34. New York: Routledge.
- Greene, Jack P. 1994. *Negotiated Authorities: Essays in Colonial Political and Constitutional History*. Charlottesville: University Press of Virginia.
- Heerma van Voss, Lex. 2001. "Introduction." In *Petitions in Social History*, edited by Lex Heerma van Voss, 1–10. New York: Cambridge University Press.
- Heredia Herrera, Antonio. 1972. *Catálogo de las consultas del Consejo de Indias*. 2 vols. Madrid: Dirección General de Archivos y Bibliotecas.
- Hering Torres, Max S. 2012. "Purity of Blood: Problems of Interpretation." In *Race and Blood in the Iberian World*, edited by Max S. Hering Torres, María Elena Martínez, and David Nirenberg, 11–38. Zurich: LIT Verlag.
- Holenstein, André. 2009. "Introduction: Empowering Interactions: Looking at Statebuilding from Below." Abstract. In Blockmans, Holenstein, and Mathieu 2009a, xxv–xxvi.
- Hulme, Peter. (1986) 1992. *Colonial Encounters: Europe and the Native Caribbean, 1492–1797*. London: Routledge.

- Irigoin, Alejandra, and Regina Grafe. 2008. "Bargaining for Absolutism: A Spanish Path to Nation-State and Empire Building." *Hispanic American Historical Review* 88, no. 2: 173–209.
- Lorenzo Cadarso, Pedro Luis. 2001. *El documento real en la época de los Austrias (1516–1700)*. Cáceres, Spain: Universidad de Extremadura, Servicio de Publicaciones.
- Loveman, Mara. 2014. *National Colors: Racial Classification and the State in Latin America*. Oxford: Oxford University Press.
- Luque Talaván, Miguel. 2003. *Un universo de opiniones: La literatura jurídica indiana*. Madrid: Consejo Superior de Investigaciones Científicas.
- Mangan, Jane E. 2016. *Transatlantic Obligations: Creating the Bonds of Family in Conquest-Era Peru and Spain*. Oxford: Oxford University Press.
- Manzorro Guerrero, Irene. 2013. "Prácticas documentales y de escritura de Juan de Ledesma, escribano de cámara del Consejo de Indias: Los 'libros de peticiones' (1571–1594)." In *Funciones y prácticas de la escritura*, edited by Juan Carlos Galende Díaz, 129–33. Madrid: Universidad Complutense de Madrid.
- McAlister, Lyle N. 1984. *Spain and Portugal in the New World, 1492–1700*. Minneapolis: University of Minnesota Press.
- McIlwain, Charles Howard. (1940) 2005. *Constitutionalism: Ancient and Modern*. Clark, NJ: Lawbook Exchange.
- Meneghetti, Maria Luisa. 1993. "Una serrana per Marcabru?" In *O cantar dos trovadores: Actas do congreso celebrado en Santiago de Compostela entre os días 26 e 29 de abril de 1993*, 187–98. Santiago de Compostela, Spain: Xunta de Galicia.
- Olaechea Labayen, Juan Bautista. 1985. "El vocabulario racial de la América española y en especial la voz mestizo." *Boletín de la Real Academia Española* 65, no. 234: 121–32.
- Owensby, Brian P. 2008. *Empire of Law and Indian Justice in Colonial Mexico*. Stanford, CA: Stanford University Press.
- Owensby, Brian P. 2011. "Pacto entre rey lejano y súbditos indígenas: Justicia, legalidad y política en Nueva España, siglo XVII." *Historia Mexicana* 61, no. 1: 59–106.
- Phelan, John Leddy. 1960. "Authority and Flexibility in the Spanish Imperial Bureaucracy." *Administrative Science Quarterly* 5, no. 1: 47–65.
- Puente Luna, José Carlos de la. 2018. *Andean Cosmopolitans: Seeking Justice and Reward at the Spanish Royal Court*. Austin: University of Texas Press.
- Quijano, Aníbal. 2000. "Colonialidad del poder y clasificación social." *Journal of World-Systems Research* 6, no. 2: 342–86.
- Quijano, Aníbal, and Immanuel Wallerstein. 1992. "Americanness as a Concept, or the Americas in the Modern World-System." *International Social Science Journal* 134: 549–57.
- Rappaport, Joanne. 2014. *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada*. Durham, NC: Duke University Press.
- Real Díaz, José Joaquín. 1970. *Estudio diplomático del documento indiano*. Seville: Escuela de Estudios Hispanoamericanos.

- Ross, Richard J. 2008. "Legal Communications and Imperial Governance: British North America and Spanish America Compared." In *The Cambridge History of Law in America*, vol. 1, *Early America (1580–1815)*, edited by Michael Grossberg and Christopher Tomlins, 104–43. Cambridge: Cambridge University Press.
- Rubio y Moreno, Luis. 1928. *Inventario general de registros cedularios del Archivo General de Indias de Sevilla*. Madrid: Compañía Ibero-Americana de Publicaciones.
- Sánchez, Dolores M. 1993. *El deber de consejo en el estado moderno: Las juntas "ad hoc" en España (1474–1665)*. Madrid: Ediciones Polifemo.
- Sarabia Viejo, María Justina. 1978. *Don Luis de Velasco, virrey de Nueva España, 1550–1564*. Seville: Consejo Superior de Investigaciones Científicas.
- Sauer, Carl Ortwin. (1966) 1969. *The Early Spanish Main*. Berkeley: University of California Press.
- Schäfer, Ernst. 1934. *Las rúbricas del consejo real y supremo de las Indias: Desde la fundación del Consejo en 1524 hasta la terminación del reinado de los Austrias*. Seville: Universidad de Sevilla, Centro de Estudios de Historia de América.
- Schwaller, Robert C. 2016. *Géneros de Gente in Early Colonial Mexico: Defining Racial Difference*. Norman: University of Oklahoma Press.
- Sue, Christina A. 2013. *Land of the Cosmic Race: Race Mixture, Racism, and Blackness in Mexico*. Oxford: Oxford University Press.
- Tau Anzoátegui, Víctor. 1992. *La ley en América hispana: Del descubrimiento a la emancipación*. Buenos Aires: Academia Nacional de la Historia.
- Tau Anzoátegui, Víctor. 2001. *El poder de la costumbre: Estudios sobre el derecho consuetudinario en América hispana hasta la emancipación*. Buenos Aires: Instituto de Investigaciones de Historia del Derecho.
- Vinson, Ben, III. 2018. *Before Mestizaje: The Frontiers of Race and Caste in Colonial Mexico*. Cambridge: Cambridge University Press.
- Yannakakis, Yanna. 2008. *The Art of Being In-between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*. Durham, NC: Duke University Press.

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