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Presentation Abstract

“Finely Weaving and Unweaving: Andean Networks in the Construction of the Colonial Judicial Order”

In the last decades, Andean historical studies have brought to life the prolific activity of literate Andean subjects in the legal sphere of the Spanish American world problematizing in intriguing ways our understanding of the roles of Indian subjects in the Spanish empire building process. This project studies the role of *escribanos indígenas* (Indian notaries) in the *cabildo* of El Cercado (Lima) as they built empowering networks of the Indian Republic’s literate elites and constructed a political and homogenizing agenda for the “Indian Nation,” in mid-eighteenth century Peru. From a broader perspective, these roles highlight the participation of the colonized in the reconfiguration of the Spanish empire in Andean America. This paper suggests that rather than simplistic endorsement of the colonial legal order, such intervention is an intriguing problematization of it, which accomplishes several tasks: 1. It disputes the status of the Indian in the crafting, interpretation, and manipulation of Spanish law. 2. It highlights Andean agency, as it complicates the Spanish legal definition of Amerindians as ‘minor’ subjects. 3. Andean intellectual and legal intervention makes evident the paradoxical Andean reworking of Habsburg discourses in the Bourbon era. Who these Indian officials and their aspirations and discursive, political, and organizational resources were? To what extent they contributed to and/or disputed the Bourbon hegemony in late colonial Peru? This presentation invites Andeanists to reconsider the Spanish empire building process in the *República de Indios* in light of low ranking Indian officials’ legal writing and their reconceptualization and manipulation of Spanish legal codes. Thus, one can visualize the ways Andean officials put their own imprint in the final expression of the colonial state policies, forging unpredictable results as they searched for ethnic autonomy under Spanish rule.

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Presentation Abstract

“Liberalism, the *Protector de Naturales*, and Indian Politics in Early Nineteenth Century New Granada”

In southwestern New Granada, the Andean Province of Pasto was a bastion of royalism during the decade preceding the final defeat of Spanish forces in the region (1811-1821). This was not, however, an expression of parochialism of its inhabitants. In this period, Pasto Indians showed an unprecedented ability to challenge unequal power relations based on their military significance for royalists. Indians used their strategic importance as allies of the colonial elites to gain new privileges (tribute reduction) and expand their power. Yet there were also internal conflicts between Indian elites and commoners, which suggest that royalism was not understood evenly across the communities. Such conflicts were at once triggered and mediated by the legal support of the *Protector de Naturales*, Juan Díaz Gallardo. The clashes were also based upon Indian commoners' new understanding of their rights in the context of monarchic rule under liberal premises, during the government of the Cádiz Cortes. This paper analyzes (i) the transformations of the role of *Protector* in the midst of changes in imperial priorities and (ii) the politicization of the post through Gallardo's alliance with Indian commoners in Pasto.

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Presentation Abstract

“Mayas and the Law: Bourbon Politics at the Pueblo Level”

Regional histories of nineteenth century Latin America have revised perceptions regarding native passivity, demonstrating that indigenous populations were active participants in the politics of the early national period in Mexico and Peru. The role of indigenous peoples in imperial politics of the late colonial era requires a similar revision, including a need to reconsider the reductionist dichotomy of resistance on one hand and acculturation and destruction of native societies on the other. The adaptation of indigenous peoples to Spanish law in order to preserve their way of life has received extensive coverage, but the study of native disputes as a microcosm of imperial politics has yet to be fully explored. Rather than use Spanish law exclusively as a means to cultural survival, natives in the late colonial era kept current regarding trends in imperial policy shifts and used the language of imperial rule in a local context. Intermediaries such as interpreters disseminated most royal decrees in translation, while secular and religious local leaders maintained their own repositories of translated documents and deployed arguments in disputes that echoed the language of royal law and imperial policies.

Yucantán’s Mayas, studied in terms of cultural survival due to the impressive persistence of local self-rule, language, and religion, were no bystanders to Bourbon-era imperial politics. In a remote province, documented disputes employed language and concepts borrowed from royal decrees and Hispanic society. This paper first examines how interpreters transmitted the language of imperial policy and each pueblo’s *cabildo* meticulously collected and archived royal decrees. The second section describes how Bourbon-era politics played out at the pueblo level, first in disputes over the extent of *fuero*, legal privileges and exemptions in Spanish colonies, that concludes by considering how competing concepts regarding the privileges of the Church and the authority of the state impacted local politics even in the remotest pueblos of the Peninsula.

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Presentation Abstract

‘Colonial Legal Imagination: The Making of Customary Law in the Andes, 1550-1600’

Customary law was a theme of crucial debate in the Andes. As the result of the massive litigation of the Andean lords during the first century of Spanish colonialism, the Spanish authorities were confused about the specific rights (and their contours) in dispute. Prominent jurists of that century such as Polo Ondegardo, Juan de Matienzo, and Francisco Falcón defended different and antagonistic positions. Likewise, Andean lords and their witnesses fed this debate by providing several versions over the rights concerning the seigniorial dignities, the use of the labor force, the obedience of their subjects, land tenure, and the tax system. The definition of ‘time immemorial’ was the gateway that opened up numerous interpretations on specific ‘historical’ rights. This paper examines this rich discussion and the several agendas at stake. It argues that customary law was the result of a continuous debate and that several political/social forces shaped their contents and projections.