

The Promised Land: A Historiography of Land Practices in Colonial Mexico

By Taylor Marshall



Probable forgery of imperial-style coat of arms supposedly given to Nijaib Quiche; taken from Robert Haskett's "Paper Shields: The Ideology of Coats of Arms in Colonial Mexican Primordial Titles" (1996). Accessed May1, 2018.

<http://www.jstor.org.libproxy.csudh.edu/stable/pdf/483345.pdf?refreqid=excelsior%3A249a8068e74a7eefabc70c56af673e73>.

The Spanish conquest of the Mexica Empire and the ensuing imposition of Spanish colonial government upon the indigenous peoples of Central Mexico brought about alterations to the very fabric of life throughout the land. Numerous *altepetl*, or Nahuatl towns, saw their lands and tributes collected from those areas usurped by the conquering Spanish who were eager to siphon as much profit from their position as possible. As the 16th century marched onward European diseases continued to take devastating effect upon the native inhabitants of Mexico, reshaping their populations as waves of sickness caused massive loss of life. While many *altepetl* saw their land stolen from them, or their people whittled down to minuscule proportions, a few of the more powerful communities sought a way to adapt to their new subordinate conditions and retain their lands in the face of debilitating circumstances as a primordial facet of cultural survival or continuity. Scholarship pertaining to the indigenous people of Central Mexico based on indigenous primary source material has recently manifested itself in the historical field of the New Philology inspired by the landmark work of James Lockhart's *The Nahuatl After the Conquest*, which delves into the topic of the Nahuatl peoples' efforts to halt land loss to Spaniards over time. New Philologists are mostly congruent in their conclusion that maintaining land rights was the most integral aspect of indigenous Central Mexican people's efforts to preserve important aspects of their culture, pre-conquest practices, and economic base, which they accomplished by adapting the new Spanish system to their own uses via the courts and direct appeals to their Spanish governance.

The Encomienda System

The imposition of the *encomienda* system on the existing landholding structure of Central Mexico brought great rewards to the enterprising *encomenderos*, Spanish landholding elite, who were able to utilize their leadership roles in the conquest of Mexico to gain individual fiefdoms from which to extract profit and utilize available indigenous labor.



Figure 1: image of indigenous submitting to *encomienda* labor requirements taken from Francisco Cabezo's "The denunciation of the *encomienda* and the arrival of black slavery in America". (7, September 2014). Accessed May 1, 2018. <http://queaprendemoshoy.com/la-denuncia-de-la-encomienda-y-la-llegada-de-la-esclavitud-negra-a-america/>.

Many of these *encomiendas* were on lands formerly held by indigenous local lords, or *tlatoani*, and bordered by *altepetl* that had managed to retain control of their community land in the aftermath of the conquest. The 16th century saw these new landowning Spanish begin to utilize their preferential status in relation to the indigenous to envelop more and more native land into their own private holdings, land and tribute privileges which had once belonged to indigenous elites. The King soon took notice of the vast wealth being accumulated by these conquistadors and initiated a series of reforms in New Spain that included the replacement of the now corrupt and *encomendero*-aligned *audencia*, the Spanish royal court in the Americas. The new *audencia* signaled to the affected *Altepetl* the opportunity to defend their landed interests was upon them.

Peter Villella's scholarly work "For so long the memories of men cannot contradict it: Nahua patrimonial restorationism and the law in early New Spain" argues that "although the *audiencia*'s emphasis on Indian conservation was primarily attuned to advancing crown interests, the surviving heirs of the most powerful Nahua polities logically perceived it as a potential counterweight to the *encomenderos*. Significantly records of litigation from the 1530's reveal that indigenous leaders frequently went beyond the ideal of conservation to

emphasize restoration: the legal argument that colonial administrators were obliged to recognize the *Tlatoanis'* ancestral rights to lands and resources, even some that had been swallowed by *encomiendas*.”[1]

Tlatoque routinely brought about these court cases by deliberately drawing the ire of neighboring *encomiendas* in a blatant disregard of Spaniards' land rights, such as sending men to gather tribute obligations from an adjacent town knowing full well the towns obligations were to the Spanish. These actions invariably drew both parties into the Spanish courts in order to settle the dispute where the indigenous leaders were able to stake their claim to the ancestral rights to the land they sought. In this particular litigative technique Villella states that “the architects of Spanish colonial law did not spontaneously recognize Indian patrimonies; that they eventually did so reflects contentious yet persistent endeavors by native lords who litigated to restore what they portrayed as immemorial ancestral rights.”[2]

Another factor that plagued “Indian” communities in the early period of Spanish colonial Mexico was the forced relocation of entire native community populations to accommodate the encomienda system and to concentrate these peoples in order to teach them Christianity, combat drunkenness, civilize the natives, and assure their protection under the veil of Spanish law. Research from Ethelia Ruiz Medrano's book *Mexico's Indigenous Communities: Their Lands and Histories* describes the conditions under which the Spanish magistrates forcibly moved indigenous communities off their homelands to be deposited on far inferior locations in an effort to give *hacendados* “more direct access to an indigenous labor force,”[3] while Spanish colonists were given the now unoccupied locales.

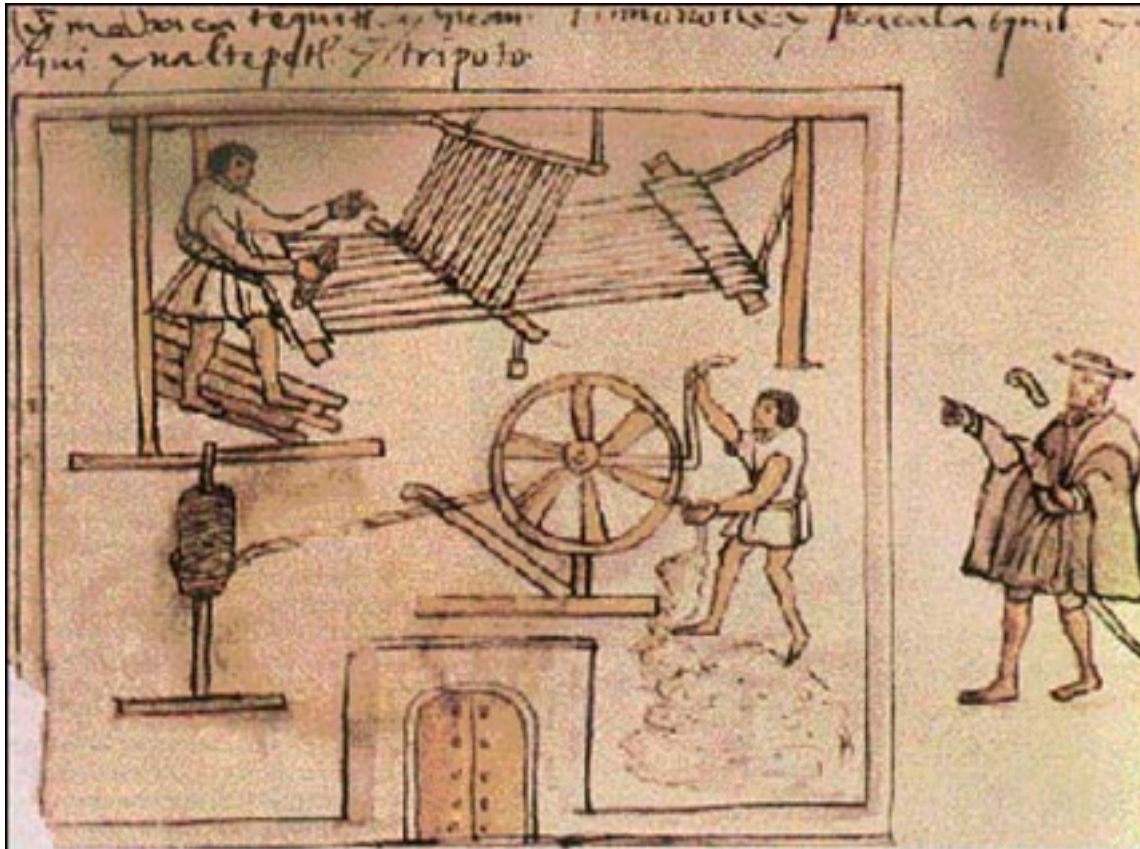


Figure 2: indigenous art depicting indigenous labor in textile industry under *encomendario* taken from “Trade and Industry”(2012) accessed May 1, 2018. <http://bibliotecadigital.ilce.edu.mx/libros/texto/h5/u13t10.html/>.

Following the abandonment of the Spanish policy of involuntary native removal, waves of Nahua peoples leaving the *encomienda* returned to their home communities, thereby repopulating some areas that had been so drained of human capital that they ceased to be economically viable with no workforce to facilitate agriculture. These *altepetls* blossomed into shades of their former relative prosperity in the renewed advent of farming on previously unoccupied lands not subsumed into the *encomienda* system. These reinvigorated communities were therefore able to reassert their land rights and fund their *altepetl* in order to stave off any further action on the part of the enterprising Spanish landlords.

Plague

Numerous scholars including James Lockhart, Rebecca Horn, Kelly McDonough, Peter Villella, and Robert Haskett briefly discuss the fissures of epidemic diseases that washed over Central Mexico in their respective works,

outlining the impact on land procedures that the massive population loss entailed. Kelly McDonough describes how the native people of Central Mexico obliged the Spanish in accepting forced relocation: “It is illness, the dreaded *cocoliztli* (plague), that is suggested as the primary reason for accepting *congregacion*; since so few survived it was to everyone’s benefit that those in the more decimated communities left their former lands to join other peoples.”[4]



Figure 5: indigenous art depicting altepetl members dying of plague taken from “Fray Bernardino de Sahagún, Florentine Codex (1529)” accessed May 1, 2018. <http://brockuhistory.ca/ebooks/hist2f90/media/fray-bernardino-de-sahagn-florentine-codex-1529>.

The first wave of *congregacion*, the Spanish policy of deliberate resettlement in concentration of indigenous populations, was in some areas accepted by the natives as a method of recuperating communities hit the hardest by the many diseases brought across the Atlantic by the Spanish. The Nahuatl people were forcibly moved off their land and brought into *hacienda* communities where

the landowning Spanish were able to take advantage of the concentrated human capital so as to extract large sums of tribute and labor on the patron's farms. After the initial gathering of the indigenous the Spanish undertook a second wave of *congregacion* in order to teach the "Indians" Christianity with the added benefit of freeing up unoccupied land for the incoming Spanish settlers now flocking to the recently acquired colony. It would be these land grabs by the colonial authorities, shirking the "Spanish legal requirements for the sale of Nahua lands and the widespread circumstances that all too frequently gave rise to those requirements,"[5] in the mid to late 16th century that would initiate indigenous efforts to regain legal title to their ancestral lands in the face of settler encroachment, an effort aided in part by the King of Spain's observance of the situation in the colonies.

The devastation that disease wrought upon native communities throughout Mexico and the Americas as a whole can hardly be understated and their ability to retain their lands was greatly diminished as a result. Late colonial period records are lacking in part because communities saw high mortality rates principally from disease, rendering "the keeping of meticulous, complete, unified, up-to-date records of all holders and holdings less necessary than when the population pressed heavily on resources." [6] This tremendous loss resulted in the numerous *altepetl* communities dissolving altogether and their remaining members flocking to surviving communities where they could be absorbed as a way of recuperating losses. The reabsorption of refugee Nahua by persistent communities was not a solely contemporary phenomenon in Central Mexico, a fact that highlights the symbiosis of continuity and change within the Nahua world in land practices and everyday life.

Primordial Titles

Primordial titles were a major facet of Indigenous attempts to retain their land in the Spanish court system by appealing to the ancestral nature of their land claims against the right by conquest claims of Spanish landowners in late colonial period, in particular the late 17th and early 18th centuries. Kelly S. McDonough's article "Plotting Indigenous Stories, Land, and People: Primordial Titles and Narrative Mapping in Colonial Mexico" articulates how the titles themselves were likely forged documents made to appear as though they originated from the 16th century so as to gain the implication of their ancient custom and primordial nature. The story of the particular *altepetl* was told from its earliest consecration to certain important battles that took place in order to signify the specific borders which lined the earthly land boundaries of the community. The depictions usually included the story of the Spanish conquest through the vantage point of the specific *altepetl* which invariably

included the numerous ways in which the indigenous community had come to the aid of Cortez's conquistadors. The story is usually concluded with a feast granting honor to the ancestors of the community and is laced with imagery of the communities ruling families and the hierarchical arrangement of the town government. McDonough's analysis concludes the titles themselves "are narrative maps; through story they graft people to and across the land. Narrating the people's relationship to the land since time immemorial, primordial titles stood in place of a legal title that the community did not possess, but sought to attain." [7] The indigenous inhabitants of Central Mexico used their own cultural practices in such a manner as to weave the essential accretions of the privileges to their land ownership into the story they were telling via their primordial title in order to utilize it in court to win Spanish acknowledgement of their ownership of the disputed land.

Imagery throughout the primordial titles holds a visual representation of the continuities and changes taking place in New Spain. The indigenous adaptation of specific delineated boundaries and private tracts of land were Spanish practices that were readily adapted by a Nahuatl population eager to use whatever tool necessary, historically correct or not, in their quest to retain their lands. Enterprising colonial Mexican towns drew up their own coat of arms in the Spanish style that according to Robert Haskett's *Visions of Paradise* "counseled the maintenance of good relations with Spanish overlords, but also stubbornly manipulated history to assert the enduring legitimacy of their *altepetl*" [8] and allowed them to place their own community above those that lacked such a noticeable Spanish accretion.

In the colonial tradition of continuity and change the Nahua made the emblems their own as well by incorporating their local topography into their crests and including the political structure of their altepetl, or any number of other indigenous cultural instruments that articulates the dual nature of indigenous crests.

These crests were also used by many indigenous groups, legitimately or not, as a means of asserting their altepetl's special relationship with the King of Spain as one must be granted the right to have a coat of arms from the office of the king directly. Many of these communities had noticed the crests granted directly by King Charles V to powerful altepetl such as that of Tlaxcala for its assistance in the conquest and only later learned that the "crests symbolized the legitimacy of the corporate lands described in the texts, much as civic coat of arms did in Spain." [9] The claim to be under the king's protection, which was signified in many coat of arms and discerned by the placing of the king's regalia above that of the particular town's own crest, allowed for certain privileges that the indigenous sought to exploit in court proceedings to their own benefit.



Figure 4: probable forgery of Imperial style coat of arms supposedly given to Nijaib Quiche taken from Robert Haskett's article: Paper Shields: The

Ideology of Coats of Arms in Colonial Mexican Primordial Titles.(1996)
Accessed

May1,2018.<http://www.jstor.org.libproxy.csudh.edu/stable/pdf/483345.pdf?refreqid=excelsior%3A249a8068e74a7eefabc70c56af673e73>.

Numerous indigenous town councils simply copied the majority of known crests and altered them to include their own community memorabilia and local custom, sometimes forging highly suspect dates and proprietary information that leads researchers to the inexorable conclusion that the crests were copied outright.

Robert Haskett's article "Paper Shields: The Ideology of Coat of Arms in Colonial Mexican Primordial Titles," adds a number of insights into the New Philology study of land and its maintenance by indigenous communities over a wide range of time throughout colonial Central Mexico. Haskett is one of many authors such as Stephanie Wood and James Lockhart to point out that many of the primordial titles that exist were flagrant forgeries created sometimes centuries after they claim to be utilized in Spanish courts to win adjudication over land rights on the part of the indigenous. Haskett points out however that these forgeries were not entirely false in nature as they told a heroic and sometimes embellished account of how the indigenous would have preferred their history to be rendered, often with numerous flaws with the most common mistakes occurring in relation to the accounting of time and dates within the native histories being described. This miscounting of time is a recurrent theme throughout the entire region's primordial titles and shows, as Haskett determines, that "the primordial titles embody a localized, micro patriotic historical vision that drew no line between the past and the present." [10] Inconsistencies in time within the genre of indigenous primordial titles initially led early researchers to the conclusion that the documents were entirely false, only later with the native language study under the New Philology were historians able to fully comprehend the nature of the Nahua community histories in primordial titles and view them for their intrinsic cultural value as well as the calculation behind their creation.

Altepetl Breakups

The later half of the 17th century into the 18th also saw a trend of *altepetl* separation in the relationships between leading *altepetl* and their *calpolli*, or subunit of an *altepetl*, as "micro patriotism" [11] spurred numerous small enclaves to try their chance at independence. Efforts by these subordinates to gain their independence were modeled on the campaigns of powerful *altepetl* gaining title to their primordial lands in Spanish courts,

being similar in litigation style and methodology, that had been taking place for many decades up to this point. Some *calpolli* argued in court that their leadership was too far to be effectively governing their principality or that the overlord community was unjust in their dealings with their subjects. Atepetl sought to divide in part because, as James Lockhart describes from *The Nahuas after the Conquest*, “the urgent need to combine for self-defense or aggrandizement, was now lacking, and the always existing forces in the direction of fragmentation could assert themselves more freely.”[12] *Calpolli* and sometimes even smaller subdivisions of the *altepetl* utilized whatever means at their disposal they viewed would provide for the best argument in the Spanish courts in order to win their independence and therefore make them more economically self-sufficient.

Spanish authorities also allowed for the breakup of some *altepetl* as they were viewed with suspicion and contempt by the Spanish authorities who believed they had become too powerful in New Spain. These breakups were facilitated by the willingness of *calpolli* to gain their independence but also by the efficient adjudication on the part of the *altepetl* subdivision. In some instances, the apparent corruption of the head towns tribute collector was referenced as a primary reason for seeking separation and one that likely rang quite loudly in the Spanish courts. *Altepetl* division in the wider view of the politics of land only made it easier for Spaniards to gain title to smaller and usually poorer settlements than their more powerful and influential previous overseers.

Numerous instances of *altepetl* breakdown have also been observed by historical scholars as a means to incorporate community members into more structurally sound *altepetl*. Communities no longer able to sustain themselves after suffering population decreases joined themselves to neighboring *altepetl* in lieu of continually falling short of tribute payments that had been discerned with a specific per capita output in mind by the Spanish authorities. The Spanish governments unwillingness to negotiate these payments down saw those broken communities petition *audiencia* to join neighboring towns. While differing reasons for community breakdown are recorded in Spanish and Nahuatl texts, land lost as a result of *altepetl* disintegration and depopulation from that same process do not approach the massive humane costs associated with death from disease that hit the Nahuatl peoples.

Conclusion

Indigenous language-based research has fundamentally altered the way historians view the Nahua people and the land they occupied during the breadth of the Spanish colonial period. Initiated by James Lockhart, numerous historians' works have uncovered totally misunderstood characteristics of indigenous land practices in colonial Central Mexico, from the methods the people used to keep their homelands from the Spanish, to the clever utilization of Spanish procedures in court to recover or maintain indigenous land rights. The fundamental disruptions caused by the recurring plagues and the imposition of the *encomienda* system on the native people can be viewed from the perspective of those that were affected, rather than from the Spanish view of ambivalence. When seen through the lens of indigenous language source material the importance of land to Nahua culture and the manner in which they went about fortifying their claims to it articulate fully the degrees of continuity despite change highlighted by much of the scholarship on the topic.

Endnotes

1 Villella, P. (2016). For so long the memories of men cannot contradict it: Nahua patrimonial restorationism and the law in early New Spain. *Ethnohistory*, 63(4), 697.

2 Villella, P. (2016). For so long the memories of men cannot contradict it. 698.

3 Ruiz Medrano, Ethelia., and Russ. Davidson. *Mexico's Indigenous Communities: Their Lands and Histories, 1500-2010*. Mesoamerican Worlds. Boulder, Colo. : Lancaster: University Press of Colorado ; Gazelle [distributor], 2011.

4 McDonough, K. (2017). Plotting Indigenous Stories, Land, and People: Primordial Titles and Narrative Mapping in Colonial Mexico. *Journal for Early Modern Cultural Studies*, 17(1), 1-30:14.

5 Horn, Rebecca. *Postconquest Coyoacan: Nahua-Spanish Relations in Central Mexico, 1519-1650*. Stanford, Calif.: Stanford University Press, 1997:160.

6 Lockhart, James., and American Council of Learned Societies. *The Nahuas after the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries*. History E-book Project. Stanford, Calif.: Stanford University Press, 1992:164.

7 Mcdonough, Kelly S. "Plotting Indigenous Stories, Land, and People: Primordial Titles and Narrative Mapping in Colonial Mexico." *Journal for Early Modern Cultural Studies* 17, no. 1 (2017): 1-30:2.

8 Haskett, R. (2005). *Visions of paradise: Primordial titles and Mesoamerican history in Cuernavaca*. Norman: University of Oklahoma Press,315.

9 Haskett, Robert. "Paper Shields: The Ideology of Coats of Arms in Colonial Mexican Primordial Titles." *Ethnohistory* 43, no. 1 (1996): 99-126:110.

10 Haskett, Robert. "Paper Shields: The Ideology of Coats of Arms in Colonial Mexican Primordial Titles." *Ethnohistory* 43, no. 1 (1996): 99-126:102.

11 Haskett, Robert. "Paper Shields: The Ideology of Coats of Arms in Colonial Mexican Primordial Titles." *Ethnohistory* 43, no. 1 (1996): 99-126:102.

12 Lockhart, James., and American Council of Learned Societies. *The Nahuas after the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries*. History E-book Project. Stanford, Calif.: Stanford University Press, 1992:27.

Bibliography

Haskett, R. (1996). *Paper Shields: The Ideology of Coats of Arms in Colonial Mexican Primordial Titles*. *Ethnohistory*, 43(1), 99-126.

Haskett, R. (2005). *Visions of paradise: Primordial titles and Mesoamerican history in Cuernavaca*. Norman: University of Oklahoma Press.

Horn, R. (1997). *Postconquest Coyoacan: Nahuatl-Spanish relations in Central Mexico, 1519- 1650*. Stanford, Calif.: Stanford University Press.

Lockhart, James., and American Council of Learned Societies. *The Nahuas after the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries*. History E-book Project. Stanford, Calif.: Stanford University Press, 1992.

Mcdonough, K. (2017). *Plotting Indigenous Stories, Land, and People: Primordial Titles and Narrative Mapping in Colonial Mexico*. *Journal for Early Modern Cultural Studies*, 17(1), 1-30.

Ruiz Medrano, E., & Davidson, R. (2011). Mexico's indigenous communities: Their lands and histories, 1500-2010 (Mesoamerican worlds). Boulder, Colo. : Lancaster: University Press of Colorado ; Gazelle [distributor].

Villella, P. (2016). "For so long the memories of men cannot contradict it": Nahua patrimonial restorationism and the law in early new Spain. *Ethnohistory*, 63(4), 697.

Villella, P., & Terraciano, Kevin B. (2009). The True Heirs to Anáhuac: Native Nobles, Creole Patriots, and the Natural Lords of Colonial Mexico, ProQuest Dissertations and Theses.

Wood, S. (2003). Transcending conquest: Nahua views of Spanish colonial Mexico. Norman [Okla.]: University of Oklahoma Press.