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PRINCIPLE AND PRACTICE IN A CROSS-CIVILIZATIONAL IMPERIAL ENTERPRISE

Colin M. MacLachlan. *Spain's Empire in the New World: The Role of Ideas in Institutional and Social Change*. Berkeley and Los Angeles: University of California Press, 1988. xiv + 201 pp.

I.

In 1980, Colin M. MacLachlan published, in collaboration with Jaime E. Rodríguez, *The Forging of the Cosmic Race: A Reinterpretation of Colonial Mexico* (University of California Press). The book won the Hubert Herring Memorial Award. Eight years later, writing alone, MacLachlan published the book under review here. While *Forging* treated—in 360 pages—a rather restricted area and historical span, *Spain's Empire*—in far fewer pages—ranges more widely both geographically and historically. It includes analysis and commentary on the Caribbean, New Spain, New Granada, and Peru as well as on the Middle Ages, the 16th, the 18th, and early 19th centuries.

MacLachlan's thesis and procedure are as follows: given that "intellectuals functioned at the very heart of the sociopolitical system" (ix) in the Spanish colonization of the New World, he explores "the role of ideas"—and his subtitle is thus accurate—in that colonization. It is not clear, MacLachlan maintains, why "actions and ideas must be pulled apart" (xiii), as usually happens in most historical accounts of the New World. I agree with him: common sense alone would dictate the close connection between ideas and actions; empire building in the case of Spain was, he states, as much an "intellectual task" as it was "one of force" (x).

Royal officials and political theorists understood that an empire "depended upon knowledge" (x).¹ Face to face with a new reality which included new peoples, new geographical areas, and the fact of the immense distance between Spain and its new dominions, political theorists and other officials tried to relate that new reality to familiar political and social theory, in place for many years already, which emphasized "principles of the common good, beneficence, and spiritual-ethical considerations" (x). Much of the tension in early New World history—and this is why that tension is of interest to students of comparative civilizations—arises from the uneasy fit between theory and practice, between the old and established ways of doing things and theorizing about them, and the new cultures and peoples recently discovered.

II.

Spain's Empire in the New World is divided into an introduction, six chapters, and a conclusion. The first three chapters focus on the early colonial era (the 16th century, mostly),² the second three on late colonial era (the 18th century and the very early 19th). MacLachlan attempts, therefore, to balance early and late colonial history. In my opinion, the first three chapters are stronger than the second three, and this is so despite the fact that the early colonial era is—as is said in German—*ein beackertes Feld*, a much ploughed field. MacLachlan is simply more knowledgeable concerning the earlier portions of Latin American history and thought.

Chapter One, which explores "the Monarchy as an Intellectual Construct," considers three topics: the king as a divine agent; the king and his subjects; and the king and the law. In the first, MacLachlan describes the medieval notion of kingship as it developed in the Iberian context. That medieval notion considered, of course, the monarch to have a religious place and function. Standing at the top of a Christian hierarchy, he exercised Christian authority according the principles of beneficence, compassion, and social responsibility. Although theorists had honest disagreements about whether the Pope or the King wielded the most authority, by the 16th century "Crown control over the Spanish Church exceeded that of any other European kingdom, whether Protestant or Catholic" (7). The result was a conception of the Monarch as a supremely powerful and benevolent *pater familias* whose duties to his subjects—the second of MacLachlan's topics—had been amply described in 1265 by Alfonso the Wise in the great Spanish legal code known as the *Siete partidas*: 1) to inspire confidence; 2) to regulate; 3) to command; 4) to combine (or unify) the kingdom; 5) to reward; 6) to forbid; 7) to punish. Punishment, then, was the weapon of last resort in the king's arsenal. The third topic is of greatest relevance to New World history: here the king is regarded as the source of "law." But loyalty to the king took precedence over obedience to the letter of the law. Hence there arose a "moral, but

not actual, requirement to obey" (14). This requirement is best exemplified in the famous statement "obedézcase pero no se cumpla" (obey but do not comply), which allowed great flexibility in carrying out the law in the New World.³

The ideology of kingship, in sum, permitted a wide latitude in behavior among the conquerors and colonizers. It emphasized personal loyalty rather than strict obedience. And, significantly, it also permitted—and sometimes encouraged—discussion and debate, since to call the law into question was not to be disloyal to the Crown.

The emphasis on loyalty to the person of the king created an ideology of personalism—i.e., attachment to strong rulers—in the New World. Moreover, since the Crown's representatives in the New World spoke in place of the Crown, their effectiveness was determined, in part, by how much personal loyalty they were in turn able to command from their subjects, both European and Indian. This emphasis on personalism is perhaps the source in Latin American social praxis of the *caudillo* or strongman. The system encouraged personal strength, psychological and political independence. Yet it encouraged also—and this is a curious side effect—legal challenges to authority. In fact, several fascinating paragraphs in MacLachlan's book are devoted to Indians who, in the 16th century, tried to use the Spanish courts in attempts to manipulate the Spanish legal system to their advantage (29-31; see also footnote 45). For example, one Indian chieftain "disputed the political logic of the *requerimiento* and challenged the pope's ability to convey dominion over others—in effect engaging in a debate that intellectually joined him with European opponents of papal temporal power" (31). The image of the Indian that emerges from MacLachlan's description is rather different from the received one of the Indian as either silently passive or violently rebellious but in almost no instance as clever and resourceful in the way "civilized" people are.

Ideologically, there was a façade of intellectual, moral, religious, and cultural unanimity to the Spanish conquest of the New World. Practically, however, there was much room for "maneuvering" (45), and this was encouraged by the institutions which were set up to deal with the changing New World picture. The first institution established was the *Casa de contratación* in Seville in 1503. As the name implies, this body was a regulatory body whose main concern was commerce. Moral and political problems soon arose, however, which went beyond the competence of this body to resolve. In 1523, therefore, the Crown established the *Consejo de Indias* or Council of the Indies, which henceforth "assumed responsibility for political, ecclesiastical and judicial affairs" in the New World (46). Questions brought to it were debated and discussed, and the most important of them were passed for final judgment up to the Council of State. A complicated issue thus took considerable time for resolution, but such a bureaucratic structure ensured that easy judgments were avoided and that all contending parties eventually were heard.

The most difficult "political, ecclesiastical, and judicial" problem

during the first half century of colonization was, of course, the relationship between Indians and Europeans. This problem had three main aspects: 1) the nature and extent of aboriginal servitude; 2) the extent of political and social subordination of Indians to Europeans; and 3) the Crown's responsibilities to its new subjects (47ff).⁴ The problem took different forms and was re-conceptualized during three significant historical moments. The first "moment" resulted in the passage of the so-called "Laws of Burgos" (1512-13) which sought to regulate the *encomienda*⁵ system and to ensure the just treatment of Indians by the *encomenderos*. The second gave rise to the passage of the "New Laws" (1542); this document, inspired by the efforts of Las Casas, sought, among other things, to abolish the *encomienda* system. It was fiercely resisted in the colonies and later repealed. And the third significant historical moment was a series of debates between Sepúlveda (the famous apologist for the conquest) and Las Casas (already widely known as the defender of the Indians). After these debates—both sides claimed victory—the moral questions of the Spanish right of conquest were considered largely settled. It must be noted that, despite all the judicial and moral concern, Spaniards in the New World had ample opportunity to exercise their authority in an arbitrary and willful manner. They could do so because, to adapt a saying from the Chinese, "the ocean is wide and the emperor is far away." To the effect of distance were added the accepted practice of "obedeçcase pero no se cumpla" and the established tradition of personalism and personal loyalty.

MacLachlan moves abruptly in chapter four, entitled "The Governing Ideology of the Bourbon State," from the 16th century to the 18th. One wonders why he omitted an entire century from the discussion. Could he have done so only for rhetorical effect? The change in the ideological theory of empire from the 16th to the 18th centuries is startling. Gone are the moral questions, gone the impassioned debates about the Indians, gone the discussions about Indian-European relations. In their stead we see a new point of view. It is secular and advances a different conception of the monarchy. Benevolence on the part of the ruler is still expected but its emphasis, as MacLachlan writes, has shifted "from a remote divine source to a definite material foundation" (67). In other words, the dominant questions asked now were not moral, theological, or political; they were economic. The function of the state was to secure the economic well-being of its subjects. And the monarch acquired a different role as well: he became a "comerciante principal," a "custodian of material progress" (86). In this revised conception of royal government, the Indian went from being a person whose soul and eternal life were at issue to being considered only as a potential capitalist in colonial society, a producer and consumer (74). Even his vices—primarily those of slot and rebelliousness at this point in New World history—were no longer considered so much moral insults as they were offenses against reason (77).

Politics, then, became a matter of reason not of morality. Economics replaced religion; the concept of *dominio* replaced that of *reino* (or

kingdom) on both sides of the Atlantic. Increased secularization brought other changes: the Jesuits were expelled in 1767 from all the Spanish dominions. They went quietly, even meekly, but numerous civil disturbances followed. Other rebellions also took place, for instance that of the Túpac Amaru in Perú, which sought, in MacLachlan's words, to eliminate "abusive practices and parasitic *corregidores*" (102). The principal desire on the part of the Crown and its representatives was to create "an administrative empire" (103), a kind of standard bureaucracy in force for all the Americas. It turned out to be an impossible wish, for the Americas were too vast and their peoples too varied to allow for a uniform set of practices.

Reality eventually undermined ideology, and a kind of "operational paralysis" (118) ensued. In effect, the Americas became ungovernable in any meaningful sense, and although new laws were enacted (the *Nuevo código de leyes de Indias*, 1792, was the first ideologically consistent collection of laws for the Indies), they were ineffectual. By the beginning of the 19th century, the New World was ready to rebel, ready to be independent. MacLachlan not only makes clear just how the ground for independence was prepared, he also makes 19th- and 20th-century Latin American social and political behavior more understandable. Today's Latin America is the result of the ideological practices of the 16th century, the economic theories of the 18th, and the unresolved conflicts between the two. The flexible, accommodating approach of the 16th century gave way to the desire for standardization and economic well being of the 18th. In both epistemes, to use Foucault's term, the emphasis on "personalism" remained. Thus, the "elites" mattered more than the masses. Perhaps all this is why someone like Simón Bolívar, just before his death in 1830, considered Latin America to be ungovernable, and those politicians foolish enough to attempt it to be ploughing the sea.

III.

MacLachlan's are the strengths of scholarly maturity. He has synthesized vast quantities of material and, building on prior scholarship, has advanced our knowledge of the subject. His documentation is careful, his argument convincing. He writes with clarity and with care.⁶ The book is especially valuable as a history of institutions important in New World history and an analysis of their intellectual backgrounds. In this respect he ranks alongside such established masters as J. H. Parry, Lewis Hanke, Silvio Zavala, and J. H. Elliott.⁷

MacLachlan is weaker on the cultural history of the New World, and especially on certain significant questions it raises in the history of mankind. Topics like ethnicity, race, and the humanity of the Indians are not treated in enough detail or accorded a central enough place in his argument. Had he done so he might have uncovered closer ideological connections between "race" or "ethnicity" and institutional and social change. One of his main points, for example, is that the ideology of

institutions may best be studied in the legislation which was passed concerning the New World. This is correct. And yet when he considers the issue of forced labor, as he does on p. 49, stating that it "received royal approval in 1503," he overlooks the passage of the "Cannibal Law, as I have demonstrated elsewhere,⁸ that radically transformed social practice in the New World in the early 16th century and created a society based on slavery, on the forced transport of masses of people, and on the wholesale redefinition of large groups of people for the sole purpose of economic exploitation (under the guise of "moral education"). The Cannibal Law was emblematic of the lengths to which the Crown went—all in the name of beneficence, of Christianity, and of the civilizing process. In other words, as extensive as MacLachlan's research is, there is a great deal of relevant primary material he does not use. Its use would have greatly enhanced his argument. More attention could have been paid to documents like the Cannibal Law or like the *Apologética histórica sumaria* of Las Casas—documents which belong to the study of axiologies or the history of values in the New World.

MacLachlan's research is of particular interest to those students of comparative civilizational analysis who study institutional history in relation to ideas. He has presented an abundance of source materials for scholars who explore moral issues in inter-cultural and inter-civilizational encounters. I must wonder, however, what one of the former presidents of the ISCS, the late Benjamin Nelson, would have done with the topic. I presume that Nelson, passionately interested in the relationship between morality and institutions, would have dug rather deeper.

Spain was acutely conscious of its enterprise in the New World as a cross-cultural and cross-civilizational one which cast into sharp focus some of the most central issues and problems of western (and Christian) civilization. More can be said and written, much more, about that Spanish consciousness. That remains a special challenge to historians of the New World, especially to those concerned with axiology and with the comparative history of civilizations.

Michael Palencia-Roth

NOTES

1. This is, in essence, the import of Nebrija's comment (not cited by MacLachlan) in the dedication of his *Gramática española* (1492) to Queen Isabel: "language is the instrument of empire."

2. Columbus is entirely absent from MacLachlan's discussion. That absence is, in my view a mistake, for Columbus set the ideological tone for many of the early discussions concerning the New World; he influenced the passage of a number of laws or *pronunciamientos* in the late 15th and early 16th centuries.

3. The most famous instance of the strategy of obeying but not

complying in New World history may be found in the practice surrounding the so-called *requerimiento* or requirement, which obligated each conquistador to deliver a lecture to Indians on meeting them. The lecture described the Christian world and the king's position in it; moreover, it offered the Indians the opportunity to become subjects of the king and to convert to Christianity; and, finally, it stated that, should the Indians resist or refuse to hear the gospel, the Spanish would then be legally justified to conquer them by force, to enslave them, to confiscate their property and even to destroy it. The requirement was often read to the Indians out of earshot, and it was often read in Spanish to Indians who had never heard a European tongue. The legal obligation of the requirement thus fulfilled, the Spanish were entitled to use any means necessary to subdue and conquer the native population. And they did. (See Charles Gibson, ed. *The Spanish Tradition in America*. Columbia, South Carolina: University of South Carolina Press, 1968, pp. 58-61).

4. The difference between the first and second of these was that the first emphasized outright slavery and the second civic responsibilities on the part of the citizens of the realm.

5. The *encomienda* was an institution whereby Indians were "commended" or "entrusted" to a Spanish *encomendero* or "trustee" for the safe-keeping and well-being of their souls. In return for being educated into Christianity and shown the true path to salvation and eternal life, Indians granted their "trustees" a certain amount of labor. The potential for abuse in such an institution—not to mention the institution itself—is obvious.

6. That care does not extend, however, to the job of proofing. An astonishing number of typographical errors abound in a work otherwise so careful: for instance, "whose" should be "who" (10), "perserving" should be "preserving" (15), "conformation" should be "confirmation" (48), "divide" should be "divine" (49), "essentialy" should be "essentially" (58), "archtype" should be "archetype" (70), "Rio de Janiero" should be "Rio de Janeiro" (133), "Columbian" should be "Colombian" (134).

7. For instance, see J. H. Parry, *The Spanish Theory of Empire in the Sixteenth Century* (Cambridge, 1940); Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia, 1949) and *Aristotle and the American Indians* (London, 1959); Silvio Zavala, *Las instituciones jurídicas en la conquista de América* (Madrid, 1935) and *La filosofía política en la conquista de América* (México, 1947); J. H. Elliott, *The Old World and the New, 1492-1650* (Cambridge, 1970).

8. See Palencia-Roth, "La ley de los caníbales, Cartagena y el mar Caribe en el siglo XVI," *De ficciones y realidades: Perspectivas sobre literatura e historia colombianas*, edited by Alvaro Pineda Botero and Raymond L. Williams (Bogotá: Tercer Mundo Editoriales, 1989), 123-37; and "The Cannibal Law of 1503," forthcoming in *Early Images of the New World: Transfer and Creation*, edited by Jerry M. Williams and Robert E. Lewis (University of Arizona Press), 40-page MS & 10 illustrations.