

BOOK REVIEWS

José Carlos de la Puente Luna, *Andean Cosmopolitans: Seeking Justice and Reward at the Spanish Royal Court*

(Austin, TX: University of Texas Press, 2018), pp. xii + 345; \$29.95; £24.99, pb.

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Our understanding of the lives of indigenous peoples in the Americas during the Spanish colonial era has become enormously richer over the past two decades in ways that seem surprising to those of us who began our careers in the halcyon early days of Latin American ethno-history between the late 1960s and early 1980s. The ubiquity of indigenous slaves, the expansive activities of female and male indigenous traders, the complexities of regeneration and adaptation of pre-Hispanic religious practices and beliefs, and the massive evidence for successful negotiations between native lords and community leaders and Spanish authorities and entrepreneurs are just a few of the new elements of this emerging fine-grained tapestry.

José Carlos de la Puente Luna's important monograph adds to this tapestry by its deep exploration of the connections between the legal world, lines of transatlantic power and shifting class and authority structures within Andean indigenous society. The early chapters discuss the variegated indigenous involvements in the legal system created by the Crown in the Andean region. By the 1560s, the Crown was concerned that too many native lords were travelling to Spain in pursuit of privileges or the rights of their *parcialidad* (township). Thus it was a crucial and previously underestimated part of the Toledan reforms of the early 1570s to construct institutions throughout the Andes in which native Andeans could access the justice system, keeping them, it was hoped, from undertaking perilous and expensive transatlantic voyages. To provide justice to all vassals of the king was a central pillar for the claim to legitimacy of the Spanish monarchy.

While this vastly expanded colonial justice system failed to stop Andeans from travelling to Spain, it did serve as a training ground for thousands of native legal experts, with a great variety of titles and functions, such as *licenciados*, *procuradores*, *procuradores generales* at the level of *repartimientos*, *defensores*, *oficiales de república*, scribes, translators, caciques and even – during the early decades – *quipucamayocs* (as some legal claims were still recorded on *quipus*). De la Puente nicely demonstrates how this involvement of native Andeans in the viceroyalty's judicial system – from cases being pleaded in front of *corregidores* to those heard

by the *audiencias* in Lima, Quito or Chuquisaca – actually shaped this very system at the same time as it created new positions of honour and power for Andean legal experts. For cases that were pursued at the appellate level before an *audiencia* communities had to invest surprisingly large amounts of money to defray not only the fees for courts, notaries and defenders, but also gifts and bribes routinely expected to grease the wheels of justice and the living expenses of the delegations of communal legal specialists. The willingness of communities to shoulder such large expenses for legal fights had its origins in what de la Puente calls the pre-Hispanic *sapci* system, by which communal resources were routinely allocated to strengthen the community.

Those Andeans who managed to pursue their judicial claims before the higher authorities in Spain itself did so under a broad range of circumstances. While some of the wealthier Andean nobles travelled with their retinue self-funded and on their own terms, many received a licence and the funding to undertake the voyage by signing on as scribes or servants for clerics, royal officials or merchants. I suspect that there is an overlap for the mid-sixteenth-century decades between some of de la Puente's poorer and more dependent Andean voyagers seeking justice in Spain and some of the Andeans in Nancy van Deusen's recent work, *Global Indios: The Indigenous Struggle for Justice in Sixteenth-Century Spain* (Duke University Press, 2015), taken to Spain as slaves. De la Puente stresses that the lines between 'slavery, servitude, and freedom' were not always clear (p. 132), and quite a few legal experts were tricked into servitude by Spaniards paying their voyage. Once in Spain de la Puente's legal experts made contact with the network of Andeans who had already been living there for months or years, and relied on them for housing, living expenses and connections to people at court. Their aim was to present their personal or communal grievances to the Council of the Indies, or even to the king himself. Even though the Court was unhappy about having to deal with so many indigenous vassals at the highest levels of government, in the end most of them were able to hand their *representaciones* and *memoriales* to the fiscal of the Council of the Indies. Since they were legally deemed free, the Crown had to respect their right to ask for royal justice. Moreover, the Crown paid pensions to many of the Andean petitioners during their stay in Spain, according to their *honor* and *calidad* (up to the enormous sum of 8,000 pesos annually for a descendant of the royal Inka family).

Perhaps de la Puente's most important finding is how active indigenous participation in this far-flung Spanish imperial system of justice – from the seat of *corregimientos* in Cuzco or Puno to the Council of the Indies or the king himself – became a major aspect of the shifting social and power configurations in the Andes. By the later seventeenth and the eighteenth centuries, the legal specialists, many of whom were commoners by birth, began to challenge the caciques' power and prestige and formed part of a broader new communal elite. Interestingly, often they presented dubious or false claims about their own noble lineage as a tool to gain honour and power. But when presenting their *memoriales* to the royal judges, they no longer legitimated their claims by referring to the traditions of their particular ethnic group, but instead spoke of the rights of the Nación Indica.

De la Puente's archival research for this work in Spain, Mexico and throughout the Andean world is painstaking and admirable. His line of argumentation is subtle, often pointing out paradoxical or contradictory developments, so much so that at times one would have liked a bit more clarity. I learned a great deal about the processes of royal justice and how Andeans used it for their own purposes. I would have welcomed more emphasis on the outcomes of the suits brought by the Andeans, and to what degree they had an impact on the lives of entire communities.

Anyone wanting to understand the centrality of the legal system for shifting social and power constellations in the colonial Andes needs to read this impressive work of scholarship.

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Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America*

(Boston and New York: Houghton Mifflin Harcourt, 2016), pp. xiii + 431, \$30.00 hb.

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For over 300 years, the transatlantic slave trade forcibly transported over 10 million Africans to the Americas. Their experience of enslavement figures prominently in any history of European colonialism in the Americas. Yet, while Africans and their descendants may have constituted the majority of the western hemisphere's slaves, Native Americans suffered captivity, bondage and enslavement at the hands of Europeans well into the nineteenth century. Andrés Reséndez's *The Other Slavery* traces the history of Native American enslavement in the Caribbean, central Mexico and the southwest United States from Columbus's first voyage in 1492 through to the Civil War and Reconstruction. The author argues that, although Spanish monarchs and officials attempted to eradicate the enslavement of indigenous peoples early in the sixteenth century, such efforts transformed indigenous bondage into a clandestine form of slavery that always existed on the fringe of legality. His chronological and geographic focus allows his study to examine how Spanish manifestations of indigenous bondage persisted even after colonial rule gave way to Mexican independence and territorial shifts led to US control of regions dependent on such practices.

The introduction to the study contrasts the experiences and manifestations of African enslavement in the Americas to that of Native Americans. Reséndez highlights various contrasts between the two systems. Importantly, while African slavery remain legal until its formal abolition, indigenous slavery had no formal legal basis. The liminality of indigenous slavery resulted in constant shifts in its enactment,