

## *Introduction*

In a sense, we already know what happened. A similar story unfolded across Mesoamerica and the Andes over the centuries of Spanish colonial rule: populations from three continents mingled, native people and Africans became increasingly hispanized, and coerced forms of labor receded. In piecemeal fashion, hispanized wage laborers replaced Indian tribute workers and African slaves as the main providers of labor for the Spaniards. Cash tributes were gradually substituted for Indian labor drafts. Slavery was abolished in Mexico and Central America shortly after independence; abolition came somewhat later in parts of the Andes, though the emancipation process had long been underway.<sup>1</sup> So began the rise of the free hispanized populations whose emergence and growth have been the major developments in Spanish America's social history since the native demographic disaster.

Parts of this familiar story are still missing, though. We have yet to understand fully the mechanisms of social change. This book explores the processes of hispanization and the shift to free labor, showing that they were rooted in the gendered contours of work, migration, and families. I view hispanization as a multifaceted process. It began at the level of individuals, as native and African persons—often through labor migration—learned Spanish and adopted Hispanic cultural practices and identities. Yet it was also a reproductive process, in which increasing numbers of children were born to hispanized parents or reared as migrants in the Hispanic sphere. In its outcomes, hispanization amounted to a broad demographic shift, transforming entire populations.

The research I present focuses on ordinary individuals and families in Guatemala in the late colonial period, from the 1760s to 1821. By looking at specific lives, we can see more clearly the mechanisms that drove the broad historical changes. Systems of tribute and labor (particularly native

labor) in colonial Mexico and Central America have been studied extensively, notably in the decades immediately following World War II, when concerns with Latin American economic development shaped much of the scholarship on the region.<sup>2</sup> Here I revisit these older topics in labor history but approach them through newer interests in gender and cultural history.<sup>3</sup> The resulting view expands historical understandings by showing how gender shaped patterns of labor and migration, and how those patterns fueled changes in cultural and ethnic identities.

In its focus on social history, the book inverts conventional perspectives on Spanish American independence. Historians traditionally have viewed independence from the standpoint of political history, emphasizing tensions between upper-level bureaucrats from Spain and their ambitious American-born (“creole”) counterparts who would lead the fights for independence under Liberalist banners. National histories tend to present the independence movements as nationalist projects, with leaders cast as founding heroes, while Anglophone textbooks have portrayed Latin America’s wars for independence as part of an epic “age of revolutions” sparked by the Enlightenment. Recent studies have complicated the discussion by exploring popular political thought. One strain of this newer scholarship, focusing on the rural armed upheavals of the late colonial era, has shown that rank-and-file rebels articulated political ideologies grounded in local (often Indian) concerns, which did not typically coincide with proindependence or Liberal agendas; independence thus appears as the project of urban, Hispanic political activists, often disconnected from the concerns of the rural majority.<sup>4</sup> A second, partly overlapping, strain demonstrates the ways the Enlightenment and Liberalism reached into popular thinking (at least among urban hispanized people), parallel not only to Liberal legislation but also to social restructuring in the late colonial and early republican years.<sup>5</sup>

For its part, Central America experienced no sustained movement or war for independence from Spain. It slipped quietly out of the empire in 1821, annexed itself at first to Mexico, and then broke away in 1823 under Liberal leadership as the United Provinces of Central America.<sup>6</sup> This confederation would soon fall to internal warring, splitting by 1839 into five separate states that would become the republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica. In Guatemala, the history of the nineteenth century, both before and after independence, has been portrayed largely in terms of an ongoing struggle between Liberal and Conservative contenders to power.<sup>7</sup> Participation by the poor does not appear in these depictions until 1837, with the Conservative revolt born of a peasant uprising in the area east of the capital.<sup>8</sup>

This book reframes both the foundations and outcomes of independence, suggesting that the most important legislation of the early independent-era Liberal regime was not really reformist, much less revolutionary. Rather, the laws appear essentially as the political expression of social developments that had already emerged in the colonial period. Specifically, the abolition of Indian tribute labor, the emancipation of slaves, and the compression of the colonial race hierarchy had been nearly completed by the twilight years of the colony. In this light, independence and its major “reformist” legislation appear as political changes that followed social changes, rather than leading them. The social transformations had occurred organically and gradually following the conquest, largely independent of Liberalism and the Enlightenment. In the sphere of labor in particular, changes over the course of the colonial period had ultimately made Spanish administrative structures superfluous. The process of hispanization created a free labor force that by the eve of independence had largely replaced tribute laborers and slaves. Independence in effect removed the colonial framework that had upheld the systems of tribute and slave labor, as if removing the scaffolding from a building now completed.

Guatemala may seem an unlikely country for a study about hispanization and the transformation of colonial labor forms. Among today’s Latin American nations, Guatemala is one of the most “Indian.” Its modern-day demographics are a legacy of the density and diversity of the region’s pre-colonial population, which included dozens of ethnolinguistic groups, most of them Mayan but some Uto-Aztecan. In recent censuses 40 percent of the population has self-identified as indigenous, though foreign experts put the figure at 60 or 65 percent.<sup>9</sup> Those not identified as Indians are categorized as “ladinos,” a term that defines people as culturally hispanized and that in Guatemala typically connotes a mixture of Indian and Spanish ancestry or entirely Indian ancestry. As in the colonial era, indigenous people in Guatemala still do much of the labor for export agriculture, the major pillar of the cash economy; also as in the colonial era, their labor is still largely migratory, with workers leaving native communities seasonally to do the harvesting at Hispanic agro-export estates. Even as recently as the 1890s, in parts of the country native agricultural laborers were being conscripted through drafts much like those of the colonial era.<sup>10</sup> In short, native identities and coercive forms of Indian labor have tended to endure longer in Guatemala than elsewhere in Mesoamerica and parts of the Andes.

Yet these continuities bring the complexity and limitations of the hispanization process into particularly visible relief in Guatemala, enabling us to see in the archival records not only the mechanisms of cultural change but also the persistence of native forms. For Mexico, a recent flowering

of scholarship has used indigenous-language documents to analyze the survival of native forms in the colonial era. Such a corpus of mundane records in native languages does not seem to exist in Central America, but the abundance of Spanish-language records from late colonial Guatemala richly illustrates the connections among labor migration, ethnic and demographic shifts, and native communities' struggle for survival. Communiqués between colonial and indigenous states, for example, depict the processes by which native communities were losing population as the Hispanic sphere gained in numbers; native officials decried the process, appealing to the colonial state in their efforts to preserve their communities and replenish their own bases of power. Other late colonial records document specific individuals' movements from Indian communities to Hispanic cities and estates. In these records we can see that even while such journeys were culturally transformative for migrants themselves, the wages they remitted to their home communities helped sustain Indian governments and families there.

Guatemala also may seem an unlikely country for a study of African slavery. In both popular and official understandings, Guatemala is not only one of the most Indian countries in Latin America but also one of the least African.<sup>11</sup> The fact that Africans and their descendants were once enslaved in Guatemala is almost entirely absent from national consciousness (not to mention social studies curricula). Although a few communities and individuals in Guatemala today identify with African heritage, they trace their ancestry to groups that arrived in Central America as free people, not as slaves.<sup>12</sup> However, recent studies have highlighted the presence of African slaves and their descendants in colonial Central America, particularly Guatemala (these studies join a blossoming of scholarship on Africans and their descendants in Spanish American mainland areas where the slave past has been excluded from master narratives of national histories).<sup>13</sup> Christopher Lutz's work on Santiago, Guatemala's capital city up to 1773, has suggested that across most of the seventeenth and eighteenth centuries, blacks and *mulatos*—including slaves and free people—comprised nearly one-third of the city's adult population.<sup>14</sup> Robinson Herrera showed the varied roles of Africans in sixteenth-century Santiago, and studies by Beatriz Palomo de Lewin and Paul Lokken demonstrate significant numbers of slaves and ex-slaves outside the city. As Murdo MacLeod recently noted, however, we have not fully understood "what happened to these black populations."<sup>15</sup> I address this question using notarial and judicial records to depict the movement of people of African descent from slavery to freedom. The move into freedom, I argue, necessitated a transformation of identity that helps explain the disappearance of blacks and *mulatos* from the region's consciousness over the course of the colonial years.

While my analysis highlights individuals and families, it also seeks to illuminate the functions of states (both colonial and native) by linking them to their social contexts at two levels: first, by considering ways in which individuals, especially nonelites, experienced and deployed state authority; and second, by illustrating the roles played by states—and the limits of their influence—in shaping the broad social history of labor forms, ethnic constructions, and gender relations.

Colonial government in Spanish America consisted of a loosely organized set of state agencies complemented by a parallel set of ecclesiastical agencies, with each agency often acting independently of the others. While the state's primary purpose was to collect revenue, its powers were mainly appointive and judicial. Aside from the treasury's multiple instruments for amassing income, the face of the state with which most people had contact was that of the judiciary and police. These functions were fulfilled by various bodies and personnel: the *audiencias* (regional high courts with judicial and legislative power), *alcaldes mayores* (men with administrative and judicial jurisdiction over provinces), local civil and criminal courts, and local justices and *alcaldes*. Their records, which I call collectively "court records" or "judicial records," form an important basis for this study, largely because they contain rich depictions of social life. Yet they also open a window onto the role of the state in its most immediate responses to the cultural and economic transformations taking place largely beyond legislative control.

Local native governments in both Mesoamerica and the Andes were institutionalized within the framework of colonial rule through the Spanish construct of a *república de indios* (republic of Indians). Conceived as separate from the *república de españoles* (republic of Spaniards), the *república de indios* was nevertheless subject to Spanish authority. The Spaniards' initial idea had been to keep Spanish-occupied geographic spaces separate from those of the Indians, but constant spillover in both directions soon rendered the "republics" meaningful more in political and administrative than geographic terms. As native states within the colonial system, Indian *cabildos* (town councils) were both embodiments and instruments of indigenous cultural survival. The members of native *cabildos* held titles modeled on Spanish government, but the men were drawn from native community elders and native hereditary nobilities.<sup>16</sup> Native *cabildos* typically had one or more Indian notaries literate in the local language and/or Spanish, who enabled native governments not only to keep internal written records but also to petition the colonial state. Through such advocacy, native governments were sometimes able to gain protections for their communities, for example from egregious labor demands or territorial encroachment. Thus, Spanish colonial structures legitimated the authority of native officials

within their communities and as representatives of their communities before the Spanish state, and they legitimated native communities themselves as separate body politics. In a certain sense, therefore, if a native government endured, the community endured.

Yet the authority of native governments was constituted not only by recognition from the Spanish state but also by that of their native subjects. The decimation of indigenous communities caused by repeated epidemics and out-migration diminished the constituencies of native governments and threatened their political and economic vitality. As we will see, demographic shifts in Guatemala had by the eve of independence transformed the constituencies of both native and colonial states. These transformations set foundational patterns that would persist under both Liberal and Conservative administrations in the national era.

In contrast to native communities, Africans and their descendants had no state or body politic separate from the colonial Spanish ones. Black and mulato men were employed in segregated urban militia companies, but these were part of the colonial Spanish state.<sup>17</sup> Africans arrived in Spanish America as an integral part of colonial society, and even though most came as slaves, they were part of the Hispanic world. Their survival and social mobility would be through inroads within Hispanic society, rather than through separate channels.<sup>18</sup>

The book gives particular emphasis to Guatemala's colonial capital city, its hinterland, and the linkages between the two. One reason for this is the centrality of the capital in the mechanisms of social change. Throughout Spanish America the hispanization process was closely intertwined with migration along intraregional routes—between native communities and colonial cities, between native communities and colonial haciendas, and between haciendas and cities. The Spanish capital in Guatemala was Central America's major hub of commerce, transit, in-migration, and hispanization, starting in the sixteenth century. Founded in 1541, the city of Santiago (today called Antigua Guatemala) served as seat of a colonial jurisdiction that the Spaniards called both the Captaincy General of Guatemala and the Kingdom (*Reino*) of Guatemala.<sup>19</sup> This jurisdiction was significantly larger in area than today's Republic of Guatemala; it encompassed all of the territory that is now Central America as well as the Mexican state of Chiapas.<sup>20</sup> Technically the Kingdom of Guatemala belonged to the Viceroyalty of New Spain, but Guatemala had its own *audiencia*, which answered directly to the Crown.<sup>21</sup> With some 38,000 residents in the midcolonial years, Santiago outsized all other cities in the kingdom.<sup>22</sup> It was at its center a Spanish city, but the center was supplied and served by surrounding Indian barrios and towns. Santiago's population across the colonial period seems to have been more heavily Spanish and ladino than

that of Quetzaltenango in the northwest, but more Indian than San Salvador to the southeast.<sup>23</sup>

A second reason for emphasis on the capital is that its later colonial history offers a particularly revealing window onto the consequences of migration and hispanization. In 1773 a series of earthquakes damaged Santiago so severely that the colonial authorities decided to transfer their seat to a new location. They selected the site that would become today's Guatemala City, 45 kilometers east of Santiago over a mountainous road, in a cattle ranching area called the Valle de las Vacas.<sup>24</sup> Spanish state and church offices, colonial residences, and Indian barrios were to be transplanted according to a detailed plan that replicated the layout of the ruined city. Even the outlying Indian pueblos that had skirted Santiago were ordered to uproot and reestablish themselves at new locales chosen to preserve their position in relation to the city center.<sup>25</sup> Compliance with the relocation plans was only partial, especially in the outlying pueblos, but economic realities provided an incentive to move; while Santiago languished from structural damage and financial distress, construction projects at the new capital fueled a building boom into the early nineteenth century. During the 1780s and 1790s the majority of the old capital's residents migrated to the appointed site, and with their labor a new city was built.<sup>26</sup> This capital, Nueva Guatemala de la Asunción, was known at first as Nueva Guatemala; eventually it came to be called simply Guatemala, as it is today. (The name Ciudad de Guatemala—Guatemala City—distinguishes the city from the republic.) The old metropolis of Santiago, still inhabited albeit by smaller numbers, came to be called la Antigua Guatemala, or just Antigua.<sup>27</sup>

The transplantation of the capital city highlights key historical transformations in progress at the time of Santiago's destruction. Shifting labor forms appear clearly in the context of the sudden demand for workers to build the new city. Starting with the conquest generation, the Spaniards in Mesoamerica had adapted native tribute labor systems for their own profit. Indians drafted as tributaries for short-term rotary labor stints had provided the mainstay of seasonal agricultural work as well as a substantial portion of the year-round labor for colonial churches and state offices. By the time of the 1773 earthquakes, however, tribute labor (which had already disappeared in most parts of Mexico) was quickly losing ground to private recruitment in Guatemala. In the heyday of construction at Nueva Guatemala, the Audiencia issued warrants for draft laborers from a few tributary Indian communities. But the vast majority of the work was done by free laborers—Indians and others—who had made private arrangements with building contractors. I document in Chapter 1 the erosion of

native tribute labor and the accompanying shifts in individuals' community affiliations and ethnic identities.

The institution of slavery was also fading. Slaves of African descent would continue to be bought and sold in Nueva Guatemala until the United Provinces declared a general emancipation in 1824, but enslaved people were relatively few in Santiago by the time of the earthquakes, and they barely figured among the workers in the building projects at the new capital.<sup>28</sup> Rather, many of the men were free people identified as *mulatos*, working for wages under private contract. As Chapter 2 shows, racial and cultural *mestizaje* (mixing) had chipped away the social bases of slavery even before it was abolished in law.

The capital's relocation also illustrates the development of the free labor force that came to replace Indian tributary workers and African slaves. Though most urban labor by the 1770s had been privatized and was no longer procured through state-administered drafts, the colonial city remained dependent on services and products supplied by Indians. The Spaniards were aware of their need for Indian labor, as we can see in the Audiencia's purposeful mandate for the relocation of native barrios and outlying pueblos to the new capital. Chapter 3 shows that the same communities, families, and even individuals often worked as free laborers providing precisely those services and products that had been demanded of them in the old tribute system. Their tribute requirements, meanwhile, had been converted as part of a broad shift toward cash tributes, underway since the sixteenth century.

The ruin of Santiago and relocation of the capital almost certainly intensified processes of social change. In Santiago the earthquakes had damaged and destroyed houses along with other structures, exacerbating the crowded conditions that typified premodern cities. In Nueva Guatemala it would take years to build enough housing for the influx of tens of thousands of people. During the two decades following the earthquakes, nearly everyone at both old and new capitals would spend time living in shared and temporary quarters. Residential mixing across families and ethnic groups had characterized the experience of migrants into Santiago also, but the massive in-migration and housing shortage at Nueva Guatemala seem to have spread the mixing across a larger segment of the population. These conditions amplified the quotidian cross-cultural interactions that had long been at the core of *mestizaje* and hispanization in the urban setting.

In establishing the new city, the *ayuntamiento* (Spanish municipal council) distributed lands to various Indian pueblos and elite Spanish men in 1774 and 1775.<sup>29</sup> This distribution was ultimately paradoxical on multiple fronts. In the first place, the Indian communities would become increas-



ingly non-Indian as their members slipped into Hispanic identities and as the city's Hispanic neighborhoods spread outward and blended with Indian pueblos. Second, the new city would be populated mostly by women, not men. Inge Langenberg's study of census records indicates that in 1796 women in Nueva Guatemala outnumbered men by as much as 80 percent, and by independence the ratio was approaching two women to every one man.<sup>30</sup> Further, the female majority would be distinctly plebian, not elite. Santiago by the time of the earthquakes had also been home to a noticeable and markedly plebian female majority.<sup>31</sup> Both cities, like others in colonial Latin America, were drawing large numbers of migrant women to work in domestic service, while men were more likely than women to find agricultural work in rural areas.<sup>32</sup> As we will see, in Guatemala not only young unmarried women came to the city "to serve"; in addition, rural women whose husbands had abandoned them with children were often forced to migrate in search of wages, with domestic service their most likely occupation. These patterns of labor and migration placed women at the forefront of hispanization in the urban sphere, as both objects and agents of social change.

This female vanguard of urban hispanization calls for a rethinking of gender and hispanization. Popular understandings of both past and present in Mesoamerica portray men as the primary native (Indian) actors to engage with the Hispanic sphere. Historical scholarship on labor has implicitly echoed this understanding by focusing mainly on male workers. Women are imagined to have typically stayed (and typically to stay today) in a more rural or "Indian" setting of the home or native community, while men entered a presumably more public colonial sphere (and today enter a presumably more public Hispanic sphere) as draft workers or free wage laborers.<sup>33</sup> In this scenario men are cast as the main subjects of hispanization, learning Spanish and adopting European-style dress, for example; they presumably then became (and today become) the main agents of hispanization on return to their home communities and families. To be sure, men comprised the majority of migrant workers recruited to colonial agricultural enterprises. But women predominated among migrants to the city. I argue that even in the countryside women played a major role in social change, partly because of their labor in bearing and rearing children, whose care was assigned almost exclusively to women in both native and Hispanic societies.

Because reproduction—social as well as biological—is central to processes of mestizaje and cultural change, analysis of hispanization requires a consideration of (hetero)sexuality, childbearing, and childrearing. My focus on "love" in this book is essentially a focus on marriage, other heterosexual unions, and family structures—that is, on contexts of reproduction.

Throughout the book and especially in Chapter 4, I consider reproduction along with labor and migration as mechanisms of hispanization. Further, I suggest that patterns of labor and migration were themselves densely interwoven with the household and family structures that formed the bases of social and biological reproduction. Women were the largest group of rural-to-urban migrants, and, as Chapter 4 shows, they constituted the overwhelming majority of residents in the capital city—partly as a result of migration patterns but also as an outcome of patterns in love. While studies of sexuality and marriage in colonial Latin American have generally emphasized Iberian notions of honor and behavioral ideals, my research shifts the focus to love as it was actually practiced. The analysis reveals widespread informal unions and marital separations as well as non-patriarchal household and family structures. Popular opinion and the colonial state recognized and in ways legitimized these realities. In the thickly described scenarios of individual lives and circumstances, concerns about honor fade somewhat, while love—shaped by affection and desire—plays a major role in explaining behaviors and relationships.

Hispanization has not been the exclusive trend in the centuries since 1492. Throughout the colonial period and into the present, indigenous people and communities across Latin America have fought for survival, cultural vitality, and continued (or resurgent) political authority and integrity. Afro-Latin American cultures and identities also have survived and gained growing visibility, especially in recent decades. On the eve of independence in Guatemala, even as the free hispanized population in the capital city was consolidating, the tributary rolls reflected an increase the size of the kingdom's indigenous population for the first time since the conquest. The turnaround has been attributed to the distribution of smallpox vaccine starting in 1804.<sup>34</sup> Yet the recovery of indigenous populations was uneven across the kingdom, partly because the numbers depended not only on birth and mortality rates but also on the persistence of native ethnic identities. In the region that would become the Republic of Guatemala, the lower-lying lands east of the capital were becoming increasingly hispanized, while the highland regions to the capital's north and west, less easily accessible to Spanish commercial agriculture, remained primarily Indian. Thus the cities of Santiago and Nueva Guatemala were located on a geographic frontier between the more indigenous West and the now predominantly ladino East.<sup>35</sup> Like other Spanish colonial capitals, Santiago and Nueva Guatemala also served as cultural frontiers in the processes of conquest and hispanization. Both cities were sites of especially intensive *mestizaje*—a process I interpret broadly to include cross-cultural social interactions as well as cross-racial sexual unions and reproduction.

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The research for this book is based mainly on sources from the Archivo General de Centro América (the General Archive of Central America) in Guatemala City, including notarial records (particularly wills and slave sales), censuses and other government administrative records, and judicial records. Notarial records have proved a rich source for the social history of Spanish America, particularly in the sixteenth century, but by the eighteenth century the majority of records kept by notaries in Guatemala concerned wills and transactions made by the wealthy.<sup>36</sup> Much of the normal activity of poor and economically middling people apparently had become routine and was not notarized. The breadth of Guatemala's late colonial society is thus better reflected in judicial records. In the Archivo General de Centro América are many hundreds of court cases—both criminal trials and civil suits—containing transcriptions of oral testimony by ordinary people who sued, pressed criminal charges, served as witnesses, or defended themselves in the judicial system. Court-appointed notaries recorded the petitions and depositions of the largely illiterate populace, often in extensive detail. Colloquial diction and hurried penmanship suggest that many of the records closely replicate the speakers' words. Similar caches of records across Spanish America have in recent decades become an important source for histories of nonelite people.<sup>37</sup>

In the Archivo General de Centro América, the cases heard by the Audiencia are mixed together with those heard by the capital city's municipal civil and criminal courts. This mixing is not entirely illogical, since most of the cases brought to the Audiencia originated in the capital and its nearby hinterland. The city's concentration of population helps explain this pattern, as does the ready access to the Audiencia enjoyed by people in the capital. Indeed, the records convey a sense that the Audiencia often functioned as an additional municipal court, albeit a court of appeal. Additionally, litigants in the state's courts sometimes alluded to cases brought to religious authorities. Records suggest that the various state and church judicial officers operated in awareness of one another and generally made common cause.<sup>38</sup> Their subjects, too, were aware of multiple available avenues of judicial redress; people might go first or in an emergency to the home of their *alcalde de barrio* (neighborhood alcalde) or to the parish priest and later to the city's judicial offices or the Audiencia, both located at the central plaza.

Because Guatemala did not have a separate Indian court like that in Mexico, the Spanish courts heard cases brought by Indians.<sup>39</sup> Incidents involving Spaniards as well as homicides and assaults among Indians were specifically subject to the authority of the Spanish judiciary, though native alcaldes in the urban Indian barrios and in Indian communities outside

the city were empowered, like their Hispanic counterparts, to adjudicate in most internal matters.<sup>40</sup> Those cases from native pueblos to reach the Audiencia were mainly homicides reported by Indian officers and complaints by native town councils on behalf of their pueblos. For individual Indians beyond the city, recourse to the Spanish authorities was limited by geographic distance, linguistic differences, and perhaps the threat of retribution by local officers for challenging their authority. Nonetheless, nonofficeholding Indians who lived outside the city occasionally testified in the colonial courts, sometimes as plaintiffs and sometimes as witnesses or defendants. The office of the state's Procurator for the Poor provided counsel for Indians and others unable to pay for attorneys.

In using judicial records I am concerned not only, nor even primarily, with crimes or disputes themselves, nor primarily with the jurists' arguments. My main interest is in the litigants and witnesses—their social circumstances and attitudes as revealed in their testimonies. As Steve Stern has described for colonial Mexico, neither the people nor the situations that came before the courts were atypical; criminal violence tended to occur as an excess within normal patterns of behavior.<sup>41</sup> With that premise, I have read hundreds of court records in order to aggregate the social details they contain and to paint a portrait of Guatemalan society in the decades leading up to independence. I am also interested in the ways that court cases illustrate nonelite individuals' approaches to state authority and aid. The courts served as a means of redress available to the general public, including the poor. My reading shows that in Guatemala, as elsewhere in Spanish America, the magistrates sought to maintain social stability by inserting a measure of balance into economic and social relationships, and they often arbitrated with remarkable evenhandedness among parties of distinct social status. The Spanish judicial system, as Michael Scardaville has noted, "was expected to be compassionate and benevolent."<sup>42</sup> People went to court not only to defend themselves against civil suits and criminal charges but also to take action against those who had wronged them in any of myriad relationships, including tributary labor obligations, slavery, employment, patronage, love, and marriage.

People who testified in criminal cases were asked to state their name, place of origin or residence, and *calidad*—a Spanish concept of status that incorporated notions of race and social rank.<sup>43</sup> In the late colonial Guatemalan records, descriptors of *calidad* could express attributes of lineage, as in the terms *español* (Spanish or Spaniard) or *mestizo* (of mixed Spanish and Indian ancestry), but they could instead refer mainly to phenotype, as in *pardo* and *moreno* (both signifying someone of dark complexion). Slaves were generally identified as such when they testified but were also named with a descriptor of *calidad* (usually *negro* or *negra* or *mulato* or

*mulata*); to be enslaved was a legal status, not a calidad. People identified as Indians gave the name of their native pueblo or barrio and, if it differed, their community of residence. Those so hispanized as not to affiliate with a particular native community were labeled simply as *indio laborío* or *naborío* (Indian attached to Hispanic society) or occasionally *indio ladino* (Spanish-speaking Indian). Although *indio* was partly a racial category, in the colonial era it was perhaps most important as a legal category, since Indians under Spanish rule were subject to specific legal structures. At the same time, Indian identities as expressed in late colonial Guatemala were about cultural and ethnic belonging; by naming their native pueblo or barrio, Indians identified themselves as members of a particular community and body politic. Those labeled as naboríos or indios ladinos were being identified as part of the Hispanic cultural and ethnic sphere.

In these racial and ethnic labels, the late colonial records convey a set of further social transitions accompanying the changes in labor systems. The complex hierarchy of sixty-four or more racial categories developed in Spanish America had broken down over successive generations of racial and cultural mixing.<sup>44</sup> By the late eighteenth century, no one in Guatemala was speaking in terms of the whole range of racial categories. Partly it was that phenotypes had become unreadable. Consider Hipólito Vela, a weaver-turned-petty-gangster, labeled in the 1770s alternately as mulato and mestizo. Another example is Manuel de Jesús, who was tried for theft in Nueva Guatemala in 1781. He identified himself as mulato, though various witnesses called him *negro*.<sup>45</sup> Across Latin America, people had been slipping across racial categories since the earliest decades after the conquest.<sup>46</sup> By the late colonial period, those who moved within Guatemala's hispanized world did not always know exactly what their racial background was, nor did they seem much to care. A case in point is Nicolasa de Lara, who testified as a witness in an 1808 trial. The notary wrote, "She looks to be Spanish, although she says she doesn't know her calidad."<sup>47</sup> Ignacio Quevedo was only slightly more certain, telling the court in 1803, "He believes he is a free pardo."<sup>48</sup> Rafael Vivas, an español, was arrested and questioned in 1775 about the illegal tavern he had been keeping with Rosalia Castro. Though he had been living in informal union with Castro for eleven years, he said he didn't know her calidad. (She told the court she was Spanish.)<sup>49</sup>

Notarial records and parish records too show fading distinctions among racial categories within the Hispanic sphere, with, as Lutz noted, "a growing failure to record race altogether."<sup>50</sup> For Indians, parish records were generally kept separate from those of hispanized people even in the late colonial years, reflecting the persisting perception of separation between Indian and Hispanic societies.<sup>51</sup> Census records follow a similar pattern.

Censuses of Indian pueblos had always been kept separate, mainly because they were used to assess tribute requirements. For the hispanized population, though, censuses in the late eighteenth and early nineteenth centuries began to consolidate multiple *calidad* groups into single categories; the reports for cities as well as rural areas increasingly grouped everyone besides Indians together under labels like *gente ordinaria* (literally ordinary people, meaning plebians), *ladinos*, or even *españoles*.<sup>52</sup> These categories were evidently sometimes chosen by individual census takers, but other times preprinted on a template from the Audiencia. The segregation of records for Indians and the consolidation of categories for other people prefigured the move after independence to official and popular understandings that retained *indio* as a separate category while collapsing all non-Indian identities into the single category of *ladino*.<sup>53</sup>

In the chapters ahead, I generally use the ethnic labels used in the late colonial documents. Therefore I do not use the term *casta*, which does not often appear in the Guatemalan records; nor do I use the term *criollo*, or *creole*, since people of Spanish descent in colonial Central America considered themselves to be *españoles* and were called *españoles* by other groups as well, regardless of birth in Europe or America. Indeed the word *criollo* seems rarely to have been used colloquially in Guatemala, except to describe domestic animals with spotted or mixed coloring and American-born slaves. The terms *mulata* and *mulato* in colonial Guatemala referred to people of mixed African and Indian descent, as well as those of mixed African and European ancestry.<sup>54</sup> Because the English *mulatto* is not quite equivalent, I use the Spanish forms. For people labeled in the archival records as Indians from specific towns, I have tried to identify the town's ethnolinguistic group, generally using the colonial-era spelling. I avoid the term *Maya*, which was not used in colonial-era Guatemala and would imply an anachronistic sense of unity among Indians.<sup>55</sup>

Although I have standardized the spelling of place names and most personal names, I have preserved spellings by individuals who signed their own names. After giving a person's full name once, in immediately subsequent references I use only the surname except where first names (which have gender) may make it easier for the reader to follow a narrative with its cast of characters. I preserve the honorific titles *don* and *doña* to denote the social status they conveyed in colonial-era usage; they are also ethnic markers, as they were used almost exclusively by Spaniards.

In using *don* and *doña*, I mean to reflect the fact that despite the process of hispanization and the blurring of *calidad* categories in the period under discussion, society was still marked by steep differences in wealth and privilege that tended to coalesce around race. The Guatemalan work-

force of the late colonial years supported a small privileged oligarchy that as a group looked much whiter than the rest of the populace.

The same inequity persists today. Studies of postindependence Guatemala have necessarily grappled with continuing social inequalities and recent violence, often locating their roots in colonial-era ethnic and economic relationships. The classic example in the field of history is Severo Martínez Peláez's 1970 *La Patria del Criollo*, which together with several subsequent studies links the colonial past to the failure of the republican-era Hispanic state (and in some cases indigenous elites) to respond to the interests of indigenous communities and poor ladinos.<sup>56</sup> The story I tell here echoes that of colonial inequities but argues that those inequities were embedded in changing rather than static colonial-era structures. Across three centuries, the unequal racial and economic relationships fundamental to colonial rule—the race hierarchy, the labor forms—were increasingly eroded, privatized, and removed from state jurisdiction. Paradoxically, though, gendered relationships of labor and love continued to reproduce ethnic and economic inequities, even while dismantling the old colonial institutions that had once sustained them.