3

The Failure of Colonial Governance and the Breaking of Indigenous Authority

In late January 1605, don Pedro, *cacique* of Suba, a town some twelve miles north of Santafé, went to the *Audiencia* for redress. His grievance was not with his *encomendero*, his parish priest, or his Spanish or Indigenous neighbours. Instead, it was with his own subjects, who had stopped obeying him. They no longer went to his *cercado*, or residential complex, which had previously been the centre of the political, economic, and social life of the community (Figure 3.1). His subordinates, the *capitanes*, had stopped recognising him as their superior, and two were directly trying to replace him. Recently, he had asked his subjects to harvest his crops and to erect a building on his lands, and for this he had held a banquet, as was the custom of Muisca rulers. His subjects had come, eating the special foods and drinking the *chicha* he had provided, but they had not built anything, and even though they had harvested the maize from his fields, they had taken it with them and kept it. Left with no other choice, don Pedro now asked the *Audiencia* to force his subjects to recognise him as 'natural lord and principal *cacique*' and show him 'respect and obedience', and to punish them for their insubordination 'because otherwise they will not want to obey'.[1] Don Pedro's was just the latest of a multitude of similar complaints that had been reaching the *Audiencia* of Santafé over the previous decade, whether in the form of petitions presented in Santafé or in interviews carried out by members of the *Audiencia* while out on visitation.

Across the region, the authority of Indigenous rulers was crumbling as the complex ritual economy that had underpinned it – explored in

[1] Petition of don Pedro, *cacique* of Suba, AGN Miscelánea 137, d. 43, 330r–330v.

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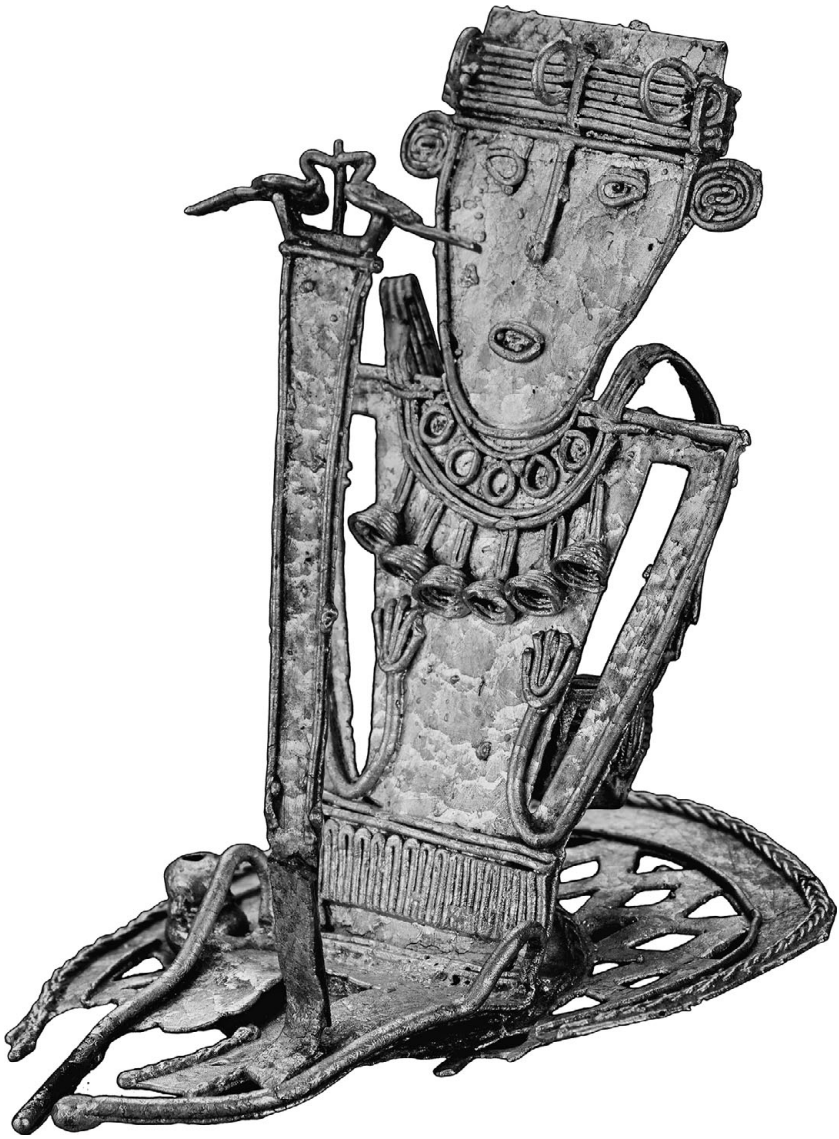

FIGURE 3.1 Votive figure (*tunjo*) of an Indigenous ruler in a residential enclosure (*cercado*), Colombia, Eastern Cordillera, 800–1600 CE (Muisca period). Museo del Oro, Banco de la República, Bogotá. 7.9 x 7 cm, O12065. Photograph by Clark M. Rodríguez

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Chapter 1 – teetered on the brink of collapse. This was not just a problem for people like don Pedro of Suba, but for the entire colonial project, which remained wholly dependent on the permanence of Indigenous social and political structures for its lifeblood. It was an issue so serious that it had prompted the *Audiencia*, in its general visitations of the region, to issue legislation to require Indigenous communities to obey their *caciques* and to fulfil their traditional obligations, and ordinary Spaniards, through their municipal councils, to appeal to the monarch for a wholesale reform of the administration and religious instruction. The crisis threatened the twin engines of the kingdom's colonial economy: the *encomienda* tribute of highland communities, and the extraction of gold from deposits in the lowlands, itself reliant on the continuous flow of provisions and labour from the highlands. As don Juan, the beleaguered *cacique* of Fontibón put it in his own, similar petition to the *Audiencia* a few years earlier: 'without the greatest punishment' from the *Audiencia*, his subjects would 'lose all respect' for him, 'and then who will collect the *demora* and the royal fifths?'[2]

At the heart of the problem were the actions of the civil and ecclesiastical authorities, who pursued policies that directly undermined the power of Indigenous leaders, just as they sought to take advantage of that power for their own purposes – to conscript and transform Indigenous rulers into intermediaries through which to govern, tax, and Christianise the people that they ruled. This meant that people like don Pedro were pulled in two unreconcilable directions: needing to maintain the Indigenous ritual economy in order to preserve their positions of leadership, but at the same time being pressured to participate in its dismantling. Then, chaffing against the limitations of their power and engrossed in increasing competition over the leadership of the colonial project, in the final decades of the sixteenth century the archbishop and *Audiencia* of Santafé pursued increasingly belligerent policies to reform the lives of Indigenous people, with catastrophic results. It was in this way that Indigenous leaders increasingly found themselves, at the turn of the century, in the paradoxical position of having to petition the Spanish authorities to coerce their own subjects to treat them as the natural lords

[2] The *demora* was the Neogranadian term for was the tribute paid by Indigenous people to their *encomenderos*. The royal fifth was the 20 per cent tax Spaniards were required to pay the crown on all precious metals and other commodities they extracted, including any *demoras* received, but in this context, the mention of a fifth it could also refer to the *requinto*, a new poll tax discussed in Chapter 4. Petition of don Juan, *cacique* of Fontibón, October 1595, AGN C&I 9 d. 13, 457r.

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that Spaniards claimed they were: to make the fiction of the Spanish understanding of Indigenous politics a reality. This was not, as we will see, because the archbishop or the *Audiencia* had become able enforce the claims they made about Indigenous leaders, or, indeed, about themselves: don Pedro and his fellows simply had nowhere else to turn.

This chapter explores the final decades of the sixteenth century. Contrary to the established story of the gradual and triumphant consolidation of colonial institutions, it shows that this was a period of deep, overlapping, and abiding crisis for the New Kingdom of Granada: personal crises for Indigenous leaders and commoners, as their communities unravelled in the face of ever greater colonial pressures and unrelenting waves of epidemics; crises for *encomenderos* and other settlers, who struggled to wrest a profit from them and preserve their own positions; and crises for the archbishop and members of the *Audiencia*, whose rivalries, venality, and misunderstanding of local conditions brought the kingdom to its knees. To understand how this came to be, we must begin with the man at the very heart of the crisis: the second archbishop of Santafé, fray Luis Zapata de Cárdenas, and the circumstances of his arrival in 1573.

'NO CHURCH ... OR ANYTHING ELSE'

On Juan de los Barrios's death in February 1569 the New Kingdom of Granada still lacked a programme of religious instruction. Barrios and his civil counterparts had issued ambitious legislation, as we saw, and had sought to compel *encomenderos* to reform the people under their charge and to provide them with the rudiments of Christianity in three tours of inspection, with little success. In practice, however, efforts to Christianise Indigenous people remained haphazard and inconstant for the rest of the decade, entirely reliant on the interest and means of individual *encomenderos*, and the *Audiencia* and Barrios could do little more than observe.

One notable change in the 1560s, at least at first sight, was a greater number of friars departing Spain for destinations in the New Kingdom than ever before. Because their Atlantic crossing was generally subsidised by the crown, records were kept by the *Casa de Contratación* that show that 41 Franciscans and 149 Dominicans left Spain for destinations in the New Kingdom over the course of the decade.[3] These passage records do not indicate how many of these went to the highlands on arrival, or

[3] These numbers would only continue to increase after Barrios's death: a further 84 Franciscans, 117 Dominicans, and – from 1575 to 1777 Augustinians were sent to the

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indeed how many merely used a Neogranadian port as a stepping stone to greener pastures, but other sources provide some clues. Among the Dominicans, it seems the largest contingent to make it to the highlands was a group of nineteen friars that arrived towards the middle of the decade, led by one Francisco de Carvajal, who sought to find his fellows easy employment shortly after their arrival by petitioning the king to appoint them all to minister to just three royal *encomiendas* in the province of Santafé – Cajicá, Fontibón, and Guasca – which he claimed 'need six friars per town'.[4] When this was rejected, the new arrivals took to wandering around the province begging for alms and refusing to obey Carvajal, who attracted complaints from Barrios and the settlers, was investigated for malfeasance, and eventually left the highlands for Cartagena.[5] It is less clear how many Franciscans made it to the highlands in this period, in part because their actions attracted fewer complaints. In 1568, they petitioned the king for financial support and further reinforcements, explaining there were by now twenty friars in the area and that they had established convents in the principal Spanish cities.[6] That year they also dispatched the head of their convent of Santafé, fray Francisco de Olea, to court to lobby in support of these requests.[7]

What the new arrivals actually did in Indigenous communities is more difficult to piece together. Local sources are scarce, not least because the *Audiencia* had gone back to neglecting its obligation to conduct regular visitations of Indigenous communities after those of the beginning of the decade. It would take nine years for the province of Tunja to get its next visitation, under the *oidor* Juan López de Cepeda in 1571–1572, and records, as ever, are patchy.[8] Detailed reports survive just for eleven *encomiendas*, although brief summaries for a further eighteen survive among the papers of a general inspection of the *Audiencia* that was carried out the following decade.[9] Combined, these concern fewer than

New Kingdom before the end of the century. These figures are all from the detailed appendices to Borges Morán, *El envío de misioneros*, 485–498.

[4] According to the king's rescript, 2 April 1566, AGI SF 534 L3, 1v.

[5] See the king's instructions to the *Audiencia* concerning Carvajal, 17 August 1568, AGI SF 534, 183r.

[6] Franciscan authorities to the king, 1 January 1568, AGI SF 188, 697r.

[7] On Olea's time in Spain, see the rescripts issued at his prompting between October and December 1568, in AGI SF 534, L3, 206r, 221r, and 237v.

[8] All the more so because Cepeda appears not to have sent a final report of his visitation to Spain. See Francis, 'The Muisca', 160.

[9] The latter is the Juan Prieto de Orellana's report of towns visited in the districts of Santafé and Tunja, 1584, AGI SF 56A n. 17 pt 12.

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half of the *encomiendas* held by the seventy or so *encomenderos* that the *cabildo* of Tunja reported among its citizens around this time, but they still comprise some forty-eight different Indigenous communities distributed across much of the province – from Oicatá and Nemusa, scarcely five miles north of Tunja, to the distant communities that made up the vast *encomienda* of Chita, held by Gonzalo Jiménez de Quesada himself, that straddled the northern reaches of the province and the eastern slopes of the Andes.[10] There are no contemporaneous visitation records for the province of Santafé, which would have to wait until the 1590s for a new inspection tour of its own.

Cepeda's inspection shows that churches had become more common, but they remained scarce. Of the forty-eight communities for which records survive, twenty-seven had still never had one, and a further two had lost theirs to disuse and neglect.[11] As might be expected, a few of the communities without churches were small, like Guachetá, which had scarcely seventy-six tributaries and provided its *encomendero* with little income.[12] Others were located in remote settlements, such as Tecasquirá, in the further reaches of Chita, whose *cacique*, Chugame, explained 'that in his land there is no church or instruction or Christian Indians or priest or anything else'.[13] Just as before, however, distance from the centres of Spanish power, or the availability of resources, did not explain why some *encomenderos* obeyed the requirement to build churches and others did not. Some of the largest and richest *encomiendas* in the land, like Turmequé, with its 872 tributaries, and Icabuco and Tibaná, with a combined 1,500, remained without churches twelve years after Tomás López had punished their holders for their negligence and threatened further sanctions. This was also the case in some the most centrally located *encomiendas* of the province, such as Soracá, a stone's throw away from Tunja.[14] The inverse was also true: the eighteen communities

[10] See the rescript to a petition of the cabildo of Tunja on the number of encomiendas in the province, issued 20 October 1568 (AGI SF 534 L3, 213r). On this *encomienda*, see Pablo Fernando Pérez Riaño, *La encomienda de Chita, 1550–1650* (Bogotá: Academia Colombiana de Historia, 2021).

[11] These were in Pedro Chinchilla's Moniquirá (AGN VB 5 d. 3) and Juan Prieto's Tinjacá (AGI SF 56A d. 17 n. 12, 6v). I specify the names of the *encomenderos* to avoid confusion, as there were at least a further two communities called Moniquirá and three called Tinjacá in this period, often located far from one another, and each assigned to a different *encomendero*.

[12] Report of recent visitations, AGI SF 56A n. 17 pt 12, 21r.

[13] Visitation of Tecasquirá by Cepeda, AGN VB 2 d. 1, 130v.

[14] Report of recent visitations, AGI SF 56A n. 17 pt 12, 14r, 2r, and 14v, respectively.

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that did have churches were as diverse in size and location as those that lacked them.[15] Even small and remote Chipa in the *encomienda* of Chita, with just 111 tributaries, had 'a little adobe church, with a *manta* hanging inside and some paper pictures', as don Felipe, its *cacique*, declared before Cepeda.[16]

Of the sixteen churches extant in 1572, only three were properly appointed, solid buildings of brick or stone. One was in Sáchica, where the visitor described 'a small, well-constructed brick church, lime washed on the inside, wooden doors with a lock and key, and a bell to call to mass'. Inside were a few images, including a painting of the Crucifixion as the altarpiece, and a couple of statues, all provided by the *encomendero*.[17] The others, as before, tended to be basic buildings of adobe and thatch, constructed by the community itself, with more or less support from their *encomendero*. In Cucaita, the visitor recorded that *encomendero* Gregorio Suárez had provided everything required: a well-dressed altar with all necessary linens and cloths, vestments, a chalice and paten, missal, a few prints, and a small painting.[18] Others were much less fortunate, as in Soatá, where *cacique* don Juan declared that their *encomendero* had ordered them to build a 'a hut for a church' two months before, 'but it has no doors or images', or Chiscas, where *cacique* Guascaryara declared that their church had neither 'an altar, images, or a bell'.[19] Most were somewhere in between, lacking only a few things, as in Pisba and Támara, whose churches had no bells and doors, but had been provided with 'some mantas and two papers with pictures' to hang behind the altar, as Guayquen, *cacique* of the latter, explained to the visitor.[20] Some churches also performed a dual function, serving – perhaps primarily – *encomenderos* and resident Spaniards, as with the chapel that Diego Montañez, the awful *encomendero* of Tota and Guáquira, introduced in Chapter 2, had built next to his house in the latter, which he claimed to share with the community.[21]

[15] We lack information about whether the final community mentioned in the sources, Iguaque, had a church in this period.
[16] Visitation of Chipa by Cepeda, AGN VB 2 d. 1, 144v.
[17] Visitation of Sáchica by Cepeda, AGN VB 18 d. 27, 773r.
[18] Visitation of Cucaita by Cepeda, AGN VB 14 d. 12, 875r.
[19] See Cepeda's visitation of Soatá (AGN VB 12 d. 12, 938r) and of Chiscas (Ibid., 2, d. 1, 21r).
[20] Visitation of Pisba by Cepeda, AGN VB 2 d. 1, 80r.
[21] The visitor was not convinced and ordered him to build a proper one, and to provide one for Tota too. Visitation of Tota and Guáquira by Cepeda, AGN VB 4 d. 5, 388r.

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Priests remained rarer still, despite the growing numbers crossing the Atlantic. We lack information for seven of the forty-eight communities, but a full twenty-three had never had as much as a fleeting visit from a passing priest, at least according to Indigenous witnesses.[22] In fact, only ten of the forty-eight were found by Cepeda to have had an adequate provision of instruction.[23] Eight of these had a priest at the time of the visitation, whether living there full-time, as in Chita, where the Franciscan Pedro Palomino had resided for a number of years, or at least spending extended periods in a community on a regular basis, as in Gonzalo Suárez Rendón's Tibaná and Icabuco, which had long shared a priest between them, despite lacking a church.[24] Of these almost half – Chita, Tibaná, Icabuco, and Cucaita – had this provision since Tomás López's visitation over a decade before. Five more – Ramiriquí, Onzaga, Sáchica, Oicatá, and Saquencipá – had since been provided with a priest for most of the year.[25] Details on the tenth, Sora, are vague, but Cepeda still deemed it to have 'a good church and sufficient instruction'.[26] The visitor found that two other communities, Guáquira and Gacha, had a priest for a total of about four months a year, which he found inadequate.[27] A further six communities barely hosted the occasional priest, whether for a couple of weeks every now and then, as in Diego Alonso's Tinjacá; just three times in nine years, as in Pisba; or even more sporadically in others, like Támara.[28] We do not know where the dozens of Dominicans and Franciscans who apparently landed on the New Kingdom's shores in this period were going, but it was certainly not here.

[22] These were ten communities in the encomienda of Chita: Chiscas, Gueycuro-Chuaqueue, Guyamite, Mimite-Guacete-Cubacute, Motavita, La Sal, Tecasquirá, Susuchey, Mona, and Mama (AGN VB 2 d. 1, 21r, 238v, 283r, 285v, 6v, 282v, 284v, 284v, 283r, 283v, respectively); Nemusa (AGN VB 5 d. 5 451v); Soatá (AGN VB 17 d. 12, 938r); Tota (AGN VB 4 d. 5); Chinchilla's Moniquirá (AGN VB 5 d. 3, 376v); Castro's Tinjacá, Vélez's Tinjacá, Turca-Gachantivá, Suta, Mojica's Moniquirá, Guachetá, Sasa, Sorocotá, and Cucaita-Meacha (AGI SF 56A n. 17 pt 12, 20v, 19r, 18r, 7r, 15r, 21r, 17r, 18v, 16r, respectively).

[23] Sora (AGI SF 56A n. 17, pt 12, 15v), Suárez's Icabuco and Tibaná (Ibid., 2r), Oicatá (AGN VB 5 d. 5 451r), Chita (AGN VB 2 d. 1, 158v), Cucaita-Gacha (AGN VB 14 d. 12, 888v), Onzaga (AGN VB 17 d. 12, 906v), Sáchica (AGN VB 18 d. 27, 785r), Saquencipá (AGN VB 7 d. 10, 562v), and Ramiriquí (AGN VB 9 d. 3, 781r).

[24] Report of recent visitations, AGI SF 56A n. 17 pt 12, 14r, 2r.

[25] See Cepeda's visitations of Oicatá, AGN VB 5 d. 5, 447v.

[26] Report of recent visitations, AGI SF 56A n. 17 pt 12, 15v.

[27] See Cepeda's visitations of Guáquira (AGN VB 4 d. 5, 429r) and Gacha (Ibid., 7 d. 11, 684r).

[28] On Tinjacá, AGN VB 13 d. 24, 1090v; on Pisba and Tamara, AGN VB 2 d. 1 80r and 122r.

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As the disruption of the 1558 epidemic faded, some places were emerging once more as *ad hoc* hubs of religious instruction for their neighbours. Some served as bases for itinerant priests, like the notorious former Augustinian Vicente de Requejada, still active in the region, whom witnesses reported was based in Foacá, where the *encomendero* had ceded him the *encomienda*'s income, but who was also seen in Barrera's Moniquirá and other places, where he could earn additional cash.[29] Others served as centres for Indigenous people to travel for instruction, such as the people of Sasa, who went to Samacá, the people of Mona to Pisba, or those of Nemusa to Oicatá.[30] And others still went to Tunja, where different priests plied their services. Don Juan, *cacique* of Soatá, explained how his people used to go to the Franciscan convent there for instruction every Sunday, but had switched to the new church of San Laureano a year before. There they only had to pay the priest 'one load of firewood and another of hay' each time, although, he added, they were punished for missing sessions 'and the priest fines them a *manta* or a bit of gold for not coming'.[31]

Where these records do depart from earlier visitations is in their detail, allowing a few glimpses, often for the very first time, of the everyday practice of religious instruction among Indigenous communities. The records are clearest for Chita, where one captain, don Francisco, explained that the youths of the community came together every day to be instructed by their Franciscan priest, Pedro Palomino, and that the adults did so on feast days. Cepeda's questionnaire also asked witnesses about the care of the sick, and witnesses in Chita explained that this was a key part of the priest's role. As don Miguel, one of four *caciques*, explained, 'the priest brings them to his house and feeds them until they recover'; another, don Pablo, added that they always called him when they were sick, 'and he bleeds and cures them and gives them whatever they need'. If they failed to notify the priest and someone died without the chance to become Christian or say their confession – added don Gonzalo,

[29] Although by then he had apparently not been seen in Foacá for at least four years. See Cepeda's visitation of Foacá (AGN VB 7 d. 11, 680v, 698r) and of Juan de la Barrera's Moniquirá (AGN VB 7 d. 10, 571r), which he visited three or four times for months at a time.

[30] See AGI SF 56A n. 17 pt 12, 17r; AGN VB 2 d. 1, 103v; and Ibid., 5 d. 5, 453r, respectively.

[31] Visitation of Soatá by Cepeda, AGN VB 17 d. 12, 938r–938v.

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a captain – the community's leaders would be punished.[32] It was in these moments near death that most Indigenous people had been admitted to baptism during the 1558 epidemic, as we saw in Chapter 2, so that those people who identified as Christians in the visitations of the 1560s tended to have been baptised in these exceptional circumstances. This was in line with the legislation that Barrios had promulgated in 1556, which had been clear in ordering that except when death was imminent no Indigenous person over the age of eight should be admitted to the sacrament without at least two months of prior instruction, and then only after having been examined in the basic prayers and tenets of doctrine. Children were not to be baptised either, except if one of the parents was already Christian, or if unbaptised parents clearly and explicitly consented.[33]

The prevalence of baptised Christians among Indigenous communities may therefore also serve as a measure of the general provision of religious instruction beyond the witnesses' quick declarations to the visitor, showing which towns had enough provision to make satisfying these requirements possible. Among the communities for which records survive, only Chita had a majority Christian population. There *cacique* don Pablo explained that 'the Indians who want to become Christians are baptised', and that he said mass regularly and heard confessions. Don Gonzalo, a captain, added that as a result 'in this *repartimiento* almost everyone is a Christian' – something that Cepeda corroborated in a book of parish records that he inspected.[34] This was remarkable, given Chita had some 400 tributaries, suggesting its total population was somewhere over 1,200 people.[35] But Chita was very much an outlier. In Oicatá, which also had detailed parish records, and where witnesses too spoke of frequent instruction and confessions, its Dominican priest had admitted a mere seventy people to baptism out of a total population not much

[32] Ibid., 161r, 166r, 163v. There were, unusually, a total of seven *caciques* in Chita at this point, as another, don Pablo, explained to Cepeda (at 164r).

[33] In this Barrios had drawn on the legislation of the First Provincial Council of Lima of 1551–1552, and the Council of Seville of 1512. This attitude contrasts sharply with early missionary efforts in Mexico. See 'Constituciones sinodales 1556', 20–23. On this see Osvaldo F. Pardo, *The Origins of Mexican Catholicism: Nahua Rituals and Christian Sacraments in Sixteenth-Century Mexico* (Ann Arbor: University of Michigan Press, 2004), ch. 1.

[34] Visitation of Chita by Cepeda, AGN VB 2 d. 1, 158v, 165r, 163v, 182v.

[35] Using Colmenares's proposed multiplier of 3.2, discussed in Chapter 2. For a compilation of tributary figures for Tunja throughout this period, see Francis, 'Población', where Chita appears at 133.

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smaller – although this might well reflect differing standards between the two priests.[36] Everywhere else, even in those towns deemed by the visitor to have adequate instruction, baptism continued to be largely restricted to the dying. In Ramiriquí, even the *cacique*, who said he hoped to become a Christian, was still waiting for admission.[37]

Cepeda's records also provide a clearer picture of the arrangements made with the religious orders by those *encomenderos* who provided a priest to the people under their care. When Sebastián García, *encomendero* of Gacha, was charged with having failed to provide sufficient instruction, he presented Cepeda with a series of receipts recording his family's dealings with the Dominicans of Tunja since the mid 1560s. Every so often, a member of his family, usually his mother, Brígida Díaz, would go to the Dominican convent in Tunja and arrange for a priest to go to Gacha, paying the Dominicans for their trouble. These ranged from the 106 pesos and four *tomines* that she paid for six months' instruction in 1569, to ten and a half for a few days' work the previous year, with most payments in the region of eighteen pesos. The same Dominicans – Gabriel de Robles, Francisco de Medina, Gonzalo Carrera, and Bernardino de Figueroa – come up time and time again, not just in the receipts for Gacha but also in the statements of Indigenous and Spanish witnesses across the province.[38] Figueroa, for example, was the priest in residence in Oicatá during Cepeda's inspection, likely hired in a similar arrangement.[39] The limited records that survive of priests present in Indigenous towns in Santafé in this period, most of which were discussed in Chapter 1, paint a similar picture, of the occasional site of with a permanent or semipermanent presence, and otherwise fleeting figures moving across the province at the request of *encomenderos*, staying in a community for a few days or weeks at a time, and moving on. Little change, then, since the early 1560s, and nothing to do with the diocesan or *Audiencia* authorities.

This stasis on the ground contrasts sharply with the rapid development and expansion of the kingdom's central institutions in the same period in

[36] Visitation of Oicatá by Cepeda, AGN VB 5 d. 5, 454r–454v, cf. the 383 tributaries recorded for Oicatá and neighbouring Nemusa, which formed part of the same encomienda. See Ibid., 134.

[37] Visitation of Ramiriquí by Cepeda, AGN VB 9 d. 3, 780v–781r.

[38] Visitation of Gacha by Cepeda, AGN VB 7 d. 11, 686r–693r.

[39] Unfortunately, the earliest surviving accounts for the Dominican convents of Tunja and Santafé date to 1600 and 1611, APSLB Conventos Tunja 1/3/92 and Conventos Bogotá 1/1/1.

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legislation and on paper. It was during this same period that the *Audiencia* of Santafé obtained its definitive shape, with the appointment of its first president, Andrés Díaz Venero de Leiva, who arrived in 1563 equipped with the same 'powers and faculties of government' – if not title and status – as the viceroy of Mexico.[40] This was part of a reorganisation meant to limit the scope of action – and disruption – of the *oidores*, who henceforth were to be excluded from the executive functions of government, in particular anything to do with the granting of *encomiendas* and other privileges to settlers, and thus better able to focus on the administration of justice, whether at home in Santafé or on visitation.[41] Shortly after, in 1564, the diocese of Santafé was also reorganised, elevated to the rank of archdiocese, and made the centre of a new ecclesiastical province that also included the older Caribbean dioceses of Cartagena and Popayán, which had until then had been under the archdioceses of Santo Domingo and Quito, respectively.[42] As a result, scholars have tended to see the 1560s as another watershed in the expansion and consolidation of colonial rule in the region, the beginning of a new era of government – even, for one, 'the golden age of the colonial period'.[43]

In fact, as we have seen, little had changed in practice. The newly unencumbered *oidores* showed no greater interest in going out on visitation than before, the newly promoted archbishop was as just unconcerned with the everyday business of the Christianisation of Indigenous people, and the president was uninterested in involving himself in the internal affairs of *encomiendas* and the provision of religious instruction.[44] Barrios, in fact, spent much of the 1560s trying, unsuccessfully, to leave the New Kingdom and retire.[45] Indeed, by the time of his death in 1569, he had ordained a mere four priests, all of whom ministered to

[40] Royal decree (*cédula*) appointing Venero de Leyva, 3 October 1562, AGI SF 533, lib. 2, fol. 260v. This in response to petitions from, among others, Barrios himself, as early as his letter to the king of 31 January 1554, AGI SF 230.

[41] Mayorga García, *La Audiencia*, 37.

[42] Pius IV, *In suprema dignitatis Apostolicae specula*, 22 March 1564, compiled in Metzler, *America Pontificia*, vol. 2, 733–739.

[43] To quote Juan Manuel Pacheco, for whom, Venero's arrival 'inaugurated a period of peace and progress', in *La evangelización*, 182.

[44] The latter, despite the 'great care' that the former magistrate Juan de Penagos reported he apparently felt for the missionary enterprise, in his letter to the king of April 1564 (AGI SF 188, 430r), which had no practical effect.

[45] Going as far as absconding in 1562 and trying to sail back to Spain, and later through multiple petitions to the king to let him leave. On the former, see the complaint of the Franciscans to the king, 12 June 1562, AGI SF 188, 455r. On the latter, see the king's final rescript denying his request, January 1569, AGI SF 534 L3, 252r.

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Spaniards.[46] The crown, for its part, appeared content with the status quo. Two petitions that reached the royal chancery in 1568 from the *cabildos* of Tunja and Santafé complained of the difficulty *encomenderos* had in compelling friars to work for them, to stay put once appointed, or to remove them if they failed to do their jobs, which resulted in rescripts empowering them to this effect.[47] Whether out of a lack of interest, or an awareness of the limitations of their power and authority, the civil and ecclesiastical authorities continued as before. That is, at least, until the reverberations of events on the other side of the Atlantic began to be felt in Santafé.

IN THE TRAIN OF CATHOLIC REFORM

The 1560s were a period of profound change at the centres of the Spanish monarchy and of Roman Catholicism. The final session of the Council of Trent finally concluded in early December 1563, and by July of the following year Philip II had accepted its decrees in the crown of Castile and ordered their implementation across its dominions, leaving the civil and ecclesiastical authorities of Spanish America with the task of reforming the churches under their care along Tridentine lines.[48] This was easier said than done. As recent scholarship on the council has shown, contrary to the 'myth of Trent' as a prescriptive monolith and ready-made comprehensive project for reform, much of what scholars have generally associated with the council was in fact ignored, deliberately sidestepped, or barely treated in its sessions, and a great deal more was instead the product of diverse, often radically different, efforts by subsequent reformers in different contexts, in Europe and beyond, over the years and decades that followed.[49] Far from providing a clear way

[46] Lee López, 'Clero indígena', 30.

[47] The first, for Tunja, on 30 July 1583 (AGI SF 534 L3 172v–173r), the second, for Santafé, on 22 August (Ibid., 187r).

[48] Copies of this decree circulated widely, and were compiled and published alongside the constitutions of the council, including López de Ayala's influential translation of the council, Ignacio López de Ayala, *El sacrosanto y ecuménico Concilio de Trento* (Madrid: La Imprenta Real, 1785), Appendix 8, pp. XLIX.

[49] Notably the work of John W. O'Malley. See 'The Council of Trent: Myths, Misunderstandings, and Misinformation'. In *Spirit, Style, Story: Essays Honoring John W. Padberg*. Edited by Thomas M. Lucas (Chicago: Jesuit Way/Loyola Press, 2002) 205–226; and O'Malley, *Trent: What Happened at the Council* (Cambridge, MA: Harvard University Press, 2013), especially at 20ff. See also Simon Ditchfield, 'Tridentine Catholicism'. In *The Ashgate Research Companion to the Counter-Reformation*. Edited by Alexandra Bamji, Geert H. Janssen, and Mary Laven (Farnham: Ashgate, 2013), 17ff.

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forwards, then, the conclusion of the council in many ways inaugurated a period of adjustment and disruption around the Catholic world, as different actors, great and small, jostled in its wake in defence and pursuit of their varied interests. The New Kingdom was no exception, as its civil and ecclesiastical authorities scrambled to use the council's constitutions (or what they had heard of them) to their advantage, or at least to protect themselves from others trying to do so. As early as April 1566, for example, the Dominicans of Santafé began to complain to the king that 'after the Council of Trent was promulgated here' Barrios had been using its constitutions 'as a weapon to destroy us', apparently citing it to interfere in their affairs.[50] The following year, the Franciscans complained that the Dominicans, 'like restless, obstinate rebels, not only fail to follow it [Trent] but interpret it however they like' to suit their purposes.[51] This would continue for years.

Opportunistic friars in Santafé were in illustrious company, as no one, save perhaps for the pope, devoted more effort and concern to ensuring that the promulgation of the Council of Trent served his interests than the king of Spain himself. It was in this way that Philip II had dispatched agents to Trent to report on proceedings during council sessions, petitioned it with requests, instructed his representatives to keep an eye on the composition of sensitive decrees, and sought to shelve problematic issues.[52] On its conclusion, he held off from accepting its decrees while his counsellors pored over them to ensure they did not threaten his rights of patronage over the church, surveyed bishops returning from the council on questions of interpretation, and worked to ensure that it would be he who oversaw the application of reform. Indeed, even the decree by which he accepted its constitutions in the Crown of Castile, as Ignasi Fernández Terricabras has argued, was a carefully worded affair that minimised the role of the papacy in rendering the council valid and that placed his own authority at the centre of its execution.[53] In the years that followed, Philip II worked carefully to control Trent's definition and application across the monarchy. In Spanish America, the crown saw Tridentine reform as an instrument through which it could obtain greater

[50] Dominicans of Santafé to the king, 16 April 1566, AGI SF 188, 543v.
[51] Franciscans of Santafé to the king, 27 December 1567, AGI SF 188, 666r.
[52] Most notably the proposed decrees on the 'reform of princes'. See Ignasi Fernández Terricabras, *Felipe II y el clero secular: la aplicación del Concilio de Trento* (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2000), 72–73.
[53] Ibid., 103–116.

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control over ecclesiastical affairs, and through them bring local actors, including the religious orders, *encomenderos*, and other authorities under closer supervision. The idea was to use the secular church, over which it already had, at least on paper, extensive control, as the means for this royal power grab.

In Mexico, these reforms were pursued by viceroy Martín Enríquez and archbishops Alonso de Montúfar and Pedro Moya de Contreras; in Peru, by the influential viceroy Francisco de Toledo – who had previously served as one of Philip II's ambassadors to Trent – and archbishops Jerónimo de Loayza and especially Toribio de Mogrovejo.[54] Reform was by no means straightforward in either of the two centres of empire – to characterise reform there as simply the strengthening of the secular church and a movement away from an evangelisation dominated by the religious orders belies a far more complex situation.[55] But at least in both viceregal centres reformers could generally rely on substantial clerical manpower, the ability to hold provincial councils and synods, the funds to establish seminaries and educational institutions, and effective judicial and disciplinary bodies. They could even promulgate sophisticated legislation and issue systematic catechetical corpora in print, having recourse to presses – introduced in Mexico by fray Juan de Zumárraga in 1539, and more recently to Peru, in 1581, in advance of the Third Provincial Council of Lima.[56] But in New Granada, although the Spanish crown showed similar ambitions, local conditions made the situation rather different.

The man sent to replace Barrios and implement reform in the New Kingdom was fray Luis Zapata de Cárdenas (1515–1590), an administrator with a proven track record of ruthless efficiency. Born into an aristocratic military family, Zapata had spent his youth as an officer in the Spanish armies fighting in Germany, Italy, and Flanders, before

[54] Estenssoro Fuchs, *Paganismo*, 32ff, 245ff.

[55] As Stafford Poole notes considering the Mexican case, even there the idea of displacing the regulars entirely was unrealistic, and in practice the only clear trend was the increase in the involvement and authority of the crown over religious issues, through a 'devious, but ultimately successful, policy of both restricting the religious and gaining control over the bishops'. Stafford Poole, *Pedro Moya de Contreras: Catholic Reform and Royal Power in New Spain, 1571–1591* (Berkeley: University of California Press, 1987), 167.

[56] Luis Resines, *Catecismos americanos del siglo XVI* (Salamanca: Junta de Castilla y León, Consejería de Cultura y Turismo, 1992), vol. 2, 236–237; Ángel Rosenblat, 'La hispanización de América. El castellano y las lenguas indígenas desde 1492'. In *Presente y futuro de la lengua española: actas de la asamblea de filología del I Congreso de Instituciones Hispánicas* (Madrid: Ediciones Cultura Hispánica, 1964), vol. 2, 89.

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becoming a Franciscan. Aided by family connections and his record of military service, he had rapidly risen up the ranks, becoming the prior of various Franciscan convents in his native Extremadura, before being dispatched across the Atlantic in 1561 as *comisario general* of the Franciscan province of Peru – with the task of investigating and disciplining the Franciscans of the province at a time when it covered all of Spanish South America and when the order was at the peak of its influence in the region. Zapata spent his time as *comisario* conducting visitations of even the furthest reaches of the province to enforce stricter disciplinary standards, personally travelling as far as Chile and sending deputies to other regions, including the New Kingdom, and devoting much of his time to defending the privileges of his order against efforts by local bishops to interfere in their affairs.[57]

Zapata struck a delicate balance, becoming popular both with the authorities critical of his order and with his fellow Franciscans, and his reputation spread among both. Dissatisfied with Barrios, the Franciscans of Santafé had begun to petition the king to replace him with Zapata as early as June 1562.[58] By the mid 1560s, the civil and ecclesiastical authorities of Peru were also recommending that he be made a bishop.[59] By the end of the 1560s Zapata had returned to Spain and been rewarded with the job of provincial of the Franciscans of Extremadura, but the king had his own ideas, and in 1569 offered him the position of bishop of Cartagena. Shortly after, when news reached court that Barrios had died, he was offered that job instead. The idea was that Zapata's experience reforming the Franciscans from within might serve him well in fulfilling Philip II's desire to reorganise the church of the New Kingdom – at least provided he did as he was told. Zapata accepted and, all necessary

[57] On Zapata's early life and the Franciscan stage of his career, see Luis José Garrain Villa, 'Documentos sobre Fray Luis Zapata de Cárdenas y otros evangelizadores llerenses en los archivos de Llerena'. In *Extremadura en la evangelización del Nuevo Mundo, actas y estudios: congreso celebrado en Guadalupe durante los días 24 al 29 de octubre de 1988*. Colección Encuentros. Serie Seminarios (Madrid: Turner, Junta de Extremadura, 1990), 379–400; and Luis Arroyo, *Comisarios generales del Perú* (Madrid: Consejo Superior de Investigaciones Cientificas, Instituto Santo Toribio de Mogrovejo, 1950), 39–54.

[58] Franciscans of Santafé to the king, 12 June 1562, AGI SF 188, 455r.

[59] See the letter of archbishop Loayza to the king of 2 August 1564, and that by the influential *oidor* Lope García de Castro to the king of 23 September 1565, compiled, respectively, in Rubén Vargas Ugarte, *Biblioteca peruana: Manuscritos peruanos del Archivo de Indias* (Lima: Tall. Tip. de la Empresa Periodística La Prensa, 1938), vol. 2, 85; and Roberto Levillier, *Gobernantes del Perú, cartas y papeles, siglo XVI: documentos del Archivo de Indias* (Madrid: Sucesores de Rivadeneyra, 1921), vol. 3, 94–110.

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arrangements complete, arrived in Santafé on 28 March 1573. What he found was a mess.

THE CREATION OF INDIGENOUS PARISHES

We glimpsed, as much as sources allow, what conditions were on the ground among Indigenous communities in the early 1570s, but it is worth briefly turning our attention to the state of ecclesiastical institutions at the centre of the kingdom. For a start, there was no money. Most Spaniards in New Granada 'had little experience in paying tithes', as Zapata's new cathedral euphemistically explained to him in one of their first letters, and what little money there was to be made in ministering to Indigenous people was going to the religious orders. These had long been unruly, but things had been made worse by the confusion introduced by Trent, 'which they interpret however they like', and by the absence, since Barrios's death, of whatever influence he had exerted.[60] The Franciscans, for example, had been sent a new provincial – their old procurator, Francisco de Olea – to conduct a visitation and investigate reports of misconduct, but by June 1572 Olea had reported that he had been assaulted by the friars he had tried to discipline, had his papers burnt, and his seal of office stolen – and that with this seal they had deposed him and made one of their number provincial instead.[61] As a result, local actors had been petitioning the crown to intervene for years, and to force the friars of the New Kingdom, as *Audiencia* president Venero put it, to stop 'acting like little kings and popes', and instead force them 'to live as friars do in Mexico and Peru'.[62] In the best style of rescript government, the reform of the religious orders became central to the agenda Zapata was given by the monarch, and a key priority on his arrival.[63]

Not content with his predecessor's strategy of half-heartedly pressuring the regular authorities to keep their subjects in check through occasional threats and choleric letters to the king, Zapata instead pursued an ambitious two-pronged approach: to push the regulars back into their convents and away from the Christianisation of Indigenous people, and to

[60] Cathedral chapter of Santafé to Archbishop Zapata, 4 May 1571, AGI SF 231, no. 2.
[61] Letter of the Franciscan visitor, Francisco de Olea, to the king, 12 June 1572, AGI SF 233, ramo 3.
[62] President Venero to Zapata, 16 May 1571, AGI SF 16, ramo 15, no. 32, 1v.
[63] For which he was also given extensive powers to reform the Franciscans on arrival. See king to Zapata, 7 August 1572, AGI SF 534, lib. 4, 23v–24r.

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replace them with a properly trained and disciplined secular clergy answerable to himself. For the first part of his strategy he could draw on a key initiative by the crown. In addition to appointing trusted reformers to episcopal posts across Spanish America, the other pillar of Philip II's strategy to seize the opportunities provided by Trent was the promulgation of a legal framework, based on the broad and often nebulous patchwork of privileges and powers of royal patronage over the church that he and his predecessors had acquired, that strengthened and regulated the power of the diocesan hierarchy and civil authorities over ecclesiastical affairs. This came in the form of the so-called *Cédula magna*, or Great Decree, of royal patronage of 1 June 1574, sent to every diocese in Spanish America.[64]

The new legislation began by reiterating the king's monopoly over ecclesiastical patronage, not only as a result of papal grants but also, as the legislation declared, by virtue of having endowed and funded all manner of ecclesiastical institutions, before issuing twenty-three articles on a broad range of issues on the basis of these rights. Some, such as a new emphasis on the use of Indigenous languages in religious instruction, will be explored later, but for now two aspects are particularly important. First, the legislation introduced a precise system for filling ecclesiastical positions at every level – from positions in cathedral chapters, which, with their bishops, ran entire dioceses, all the way down to minor positions in local churches or hospitals – that placed diocesan and civil authorities at the centre. From now on, the local bishop or archbishop was to advertise a position, receive and evaluate applications according to the requirements for each job, and produce a shortlist of two candidates, from which the viceroy or president was to make the final selection, for which the legislation also provided guidelines and desired criteria.[65]

This done, the legislation declared that this procedure was to apply 'in the *repartimientos* and places of Indians' even if these had not been formally constituted as benefices before. From now on, it would be the

[64] *Cédula magna del patronato*, issued on 1 June 1574, and received in Santafé on 24 February 1575, AGI Indiferente 427, lib. 30, 255–259r. There is a significant literature on this legislation in Mexico, where it is often referred to as the 'ordenanza del patronazgo'. See, Robert Charles Padden, 'The Ordenanza del Patronazgo, 1574: An Interpretative Essay'. *The Americas* 12, no. 4 (1956): 333–354; and John Frederick Schwaller, 'The *Ordenanza del patronazgo* in New Spain, 1574–1600'. *The Americas* 42, no. 3 (1986): 253–274. The decree, split into its constituent parts, later became codified as much of *Recopilación* 1.6: '*Del patronazgo real de las Indias*'.

[65] *Cédula magna del patronato*, AGI Indiferente 427, lib. 30, 256(b)v–257r.

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responsibility of the archbishop and the president to select and appoint priests to minister to Indigenous people, for these positions were now going to be proper benefices with cure of souls (known as curacies or '*beneficios curados*'). The 1574 legislation, in other words, transformed, at a stroke, the growing numbers of churches that *encomenderos* and Indigenous people had been building in their communities over the previous two decades into parish churches, *doctrinas*, for the first time. In doing so, it also transformed the job of running these churches into curacies that had to be filled, according to the new rules, with qualified candidates by Zapata and Venero, and not with random friars by *encomenderos* or their mothers, whose only role now was to hand over a portion of the tributes they collected to fund their salaries. The religious orders, for their part, were to have no power over these positions either, for their members would have to be nominated and vetted by the archbishop and president in the normal way. Finally, the legislation further limited their autonomy by ordering the heads of the religious orders to keep records of all convents and friars in their provinces and to submit annual reports to the authorities. *Audiencias* were to receive lists of all active friars, 'with their names, ages, qualities, offices, and occupations', and especially of all friars engaged in ministering to Indigenous people, which they should share with the archbishop, in the same way as they were to share responsibility for the broader missionary project.[66]

How exactly the archbishop and his civil counterparts were to share the responsibility of overseeing and regulating the new parishes – and who should be in charge of the overall direction of the enterprise – was much less clear in law. However, relations between the two started cordially enough. In August 1574, Zapata and the *Audiencia* came together to issue legislation establishing a basic stipend for Indigenous parishes. The two decreed that priests were to receive a stipend of 50,000 *maravedís* per year (about 111 gold pesos, by Zapata's own calculation), to be taken directly from *encomienda* tribute, plus a number of additional payments in kind – wheat, maize, potatoes, pigs, rams, and chickens – at different times of the year from the *encomenderos*, *caciques*, and Indigenous commoners.[67] The following year, the *Audiencia* reiterated

[66] Ibid., 257r–258r.

[67] August 1574 ordinances, AGI Patronato 196, r. 8, 105v–106r. The conversion of 50,000 *maravedís* to gold pesos is Zapata's, as per his letter to the king of 8 March 1575, in which he complained it was too little, and that 200 pesos would be more appropriate, AGI SF 266, n. 5, 4r.

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the requirements in a well-known set of ordinances issued for the province of Tunja, introducing a system for keeping track of payments to parish priests by *encomenderos*, and also outlining a process for joining smaller communities together into single parishes of two or three towns so that they could share the cost of a priest's salary. These ordinances also instituted a number of guidelines for the management of the parishes themselves, and ordered all '*doctrina* priests' to obtain and use a catechism that Zapata was preparing.[68] This collaboration would not last long.

Zapata's plan was to displace the friars, and for this he needed to be able to replace them with a properly organised and regulated diocesan church. Seeing that provincial councils were being held in Mexico and Peru, he sought to do the same, calling one for August 1583.[69] And he attempted to issue a standardised catechetical corpus for his priests to use, like his counterparts elsewhere. He also attempted to establish a diocesan seminary, in accordance with the requirements of the Council of Trent, in 1581.[70] But Zapata faced an uphill struggle. This was, in part, as a result of the circumstances of the New Kingdom. His attempt to hold a provincial council fell victim to a jurisdictional dispute with the archdiocese of Lima, when the bishop of Popayán – exiled in Quito owing to disputes with the civil authorities of his province – refused to recognise Zapata as his metropolitan, and the whole council had to be called off in March 1584.[71] Even his attempt to establish a seminary ultimately failed, having to close in 1586 owing a lack of funds.[72]

Even so, many of the problems Zapata faced were of his own making. To provide the kingdom with a secular clergy, he turned to the mass ordination of secular priests, ordaining at least 124 men to the priesthood before his death in 1590, in order to place them in the newly instituted Indigenous parishes – often in places where the religious orders had previously been active. To justify doing so, he took advantage of the fact that the 1574 legislation ordered all authorities involved in the selection and appointment of candidates to benefices, whether in making the nominations or selecting the final appointee, to prefer – all else being equal – candidates with a command of Indigenous languages and 'the children of Spaniards who have served us in those parts'.[73] While the

[68] This in the so-called Ordinances of Tunja, 7 December 1575, AGI Patronato 196, r. 8, 107r, 108v.
[69] Archbishop Zapata to the king, 26 March 1583, AGI SF 226, no. 44, 5r.
[70] Archbishop Zapata to the king, 12 May 1582, AGI SF 226, no. 40.
[71] Archbishop Zapata to the king, 7 March 1584, AGI SF 226, no. 49.
[72] On its closure, see Zapata's letter to the king of 21 January 1586, AGI SF 226, no. 57.
[73] *Cédula magna del patronato*, AGI Indiferente 427, lib. 30, 258r.

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overwhelming majority of friars were European-born, thirty-nine of Zapata's new priests were *criollos*, the American-born descendants of Spaniards, and a further twenty-two of them were *mestizos*. The religious orders reacted forcefully to Zapata's efforts to displace them and sought to stop him, working to enlist the support of the civil authorities and various settlers. They later came to focus their efforts on the most controversial aspects of Zapata's reforming efforts: language policy (the subject of Chapter 5), and his ordination of *mestizos*, which grew into a huge controversy in its own right that came to pit the archbishop against the king himself, who repeatedly ordered him to stop, and to even involve the pope, as Zapata repeatedly defied the monarch and his officials.[74]

Unlike his predecessor, Zapata chaffed against the limitations of his power, and sought every opportunity to implement the reforms he desired, regardless of the cost. This was also clear in his appointment of his secular priests to the newly created Indigenous parishes. Already by 1583 Zapata reported that he had installed thirty-two in Indigenous parishes in the provinces of Santafé and Tunja, and he sought to increase their number at every opportunity.[75] These efforts quickly became a bitter conflict that derailed any chance of meaningful reform in the archdiocese, as the friars fought back fiercely, on the ground and at court, and increasingly obtained the support of the *Audiencia*, whom Zapata soon alienated too. The archbishop's belligerence proved counterproductive, as it eroded much needed support from his civil counterparts and the monarch for his other initiatives. In 1586, for example, the king suspended the application of legislation favouring the appointment of secular priests over friars to vacant parishes, after Zapata had simply declared all regular parishes vacant, and forced him to return them.[76] The Dominicans recovered twenty-one parishes, only for Zapata to take them again two years later, and for the king to give them back, to Zapata's annoyance.[77] By 1594, four years after Zapata's death, the Dominicans still held on to their twenty-one parishes in the provinces of Santafé and Tunja, the Franciscans to eighteen, and the Augustinians, who only arrived in earnest from 1575, to ten.[78]

[74] The controversy over Zapata's ordinations, and what they reveal about emerging ideas and categories of difference is the subject of Cobo Betancourt, *Mestizos heraldos de Dios*.
[75] Zapata to the king, 26 March 1583, AGI SF 226, n. 44.
[76] King to Zapata, 9 March 1586, AGI SF 528 L1, 111v–112r.
[77] Fernando de Porras OP to the king, February 1594, AGI SF 236, n. 4, 1r, 76v–77r.
[78] Report on convents, friars, and rents, 24 April 1594, AGI SF 237, unnumbered. 1r, 3r, 55–55v.

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This was the context of division and controversy in which bilingual *mestizo* priests such as Alonso Romero de Aguilar, whom we met in Chapter 2, found themselves enveloped in the 1580s, as easier objects of scorn and criticism than their archbishop. For this reason, they advanced different visions of the history of Christianisation of the region that sought to place them in a tradition of language usage independent of Zapata, in order to find allies and stay afloat in the midst of the conflict between the kingdom's leaders. Romero and his fellows, however, were far from the most vulnerable group to have been left exposed by Zapata in pursuit of his designs and ambitions. His actions, and his conflicts with his civil counterparts, would soon spill out of the realm of correspondence and legal procedure, and over the towns and homes of Indigenous people, with catastrophic results. To understand how, we need to look more closely at Zapata's understanding of Christianisation, through the very text that the *Audiencia* had heralded in its 1575 ordinances.

'TO BUILD AND TO PLANT'

While his contemporaries in Mexico and Lima were able to produce sophisticated conciliar legislation and comprehensive catechetical materials translated into Indigenous languages, Zapata had to make do with what we could write himself, composing a *Catechism with rules and documents for the priests of Indians* in 1576, which circulated in manuscript. Part didactic text, body of law, practical manual, and reference work, Zapata's text was intended not only as a legal framework for the reform of the church of the New Kingdom, but as a toolkit for the everyday practice of religious instruction at a parish level. Divided into seven sections, the text contained a catechism, that is, a summary of doctrine, in the form of a dialogue of questions and answers, designed to teach Indigenous people the basics of Christian doctrine – but this was far from its focus. It also contained detailed legislation on instruction, the conversion of Indigenous people, and how priests should perform their duties. To ensure uniformity in practice – and to make up for the lack of a proper seminary for the training of priests – the text also contained detailed reference materials for the administration of the sacraments, including transcriptions of necessary Latin texts, and model sermons to preach and to utilise in the production of pedagogical materials.

What is most striking, however, is the breadth of its legislation concerning the lives of Indigenous people. Its starting point was the idea that they had fallen into 'all manner of sins, rites, and gentile ceremonies,

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sacrifices, and evil customs pertaining to the cult of the devil' because they had been evangelised so little and so poorly.[79] The means it proposed to overcome this was not simply to provide more religious instruction, but rather to reform the lives of Indigenous people along European lines to create the conditions that would make Christianisation possible. Following an Old Testament metaphor, Zapata highlighted the need to prepare the ground for planting, to give Christianity the best chance of taking root.[80] The text thus began with 'what pertains to corporeal civility [*policía*], which serves as a stepping-stone to spiritual matters', in the form of twelve chapters devoted to reforming practically every aspect of life – from the way people should be resettled into planned, urban towns and how these should be laid out; how they should dress, eat, and sleep; how communal lands should be apportioned and how they should be worked, and what crops and animals they should keep; what magistrates and officers they should appoint, and how conflicts should be resolved; how their houses, jails, and hospitals should be constructed and maintained; how the sick and elderly should be cared for, and children taught; and who should be allowed to live among them.[81] Some of these measures were similar to the policies that Tomás López had sought to implement in the New Kingdom sixteen years before, discussed in Chapter 2, and to a number of provisions in the *Audiencia*'s ordinances of 1575, but much more ambitious and detailed in scope.

It was only after these matters had been addressed that the text discussed questions pertaining to catechisation proper and the running of the church: how and what priests should teach, what sacraments to administer and how, and what to preach and when. While Barrios had imagined a system of itinerant friars visiting Indigenous communities fleetingly, both in his 1555 *tasa* and in the synod that followed, with much of the work of instructing Indigenous people carried out by (ideally 'Christian and virtuous') laymen, Zapata's text outlined a permanent parish-centred system of instruction.[82] Priests were to keep detailed records of all parishioners,

[79] Luis Zapata de Cárdenas, 'Catecismo, en que se contienen reglas y documentos para que los curas de indios les administren los santos sacramentos, con advertencias para mejor atraerlos al conocimiento de nuestra santa fe católica [1576]'. In *La legislación de la arquidiócesis de Santafé en el periodo colonial*. Edited by Juan Fernando Cobo Betancourt and Natalie Cobo (Bogotá: Instituto Colombiano de Antropología e Historia, 2018), 145–146.

[80] Quoting Jeremiah 4:3, 'Break up your fallow ground, and sow not among thorns' (ESV).

[81] Zapata de Cárdenas, 'Catecismo', 148–152.

[82] Cf. 'Constituciones sinodales 1556', 17–18.

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identifying the Christians and those not yet baptised, and recording everyone by age, and to which *caciques* and captains they answered. They were to hold a daily catechism school for children, training a number of them as assistants to help with the instruction of others less advanced. Adults were to receive weekly catechism classes, but they too were to be encouraged to make visiting the church an integral part of their daily routine. And 'because our aim is uniformity in all things', the text explained, it also established a set curriculum for instruction, 'laying out the order that should be followed in teaching even the most basic principles of Christianity' – from the motions and gestures of crossing oneself, to the basic catechism, commandments, articles of faith, sacraments, and prayers.[83] It was, at least on paper, a fundamental departure from the haphazard arrangements that had characterised religious instruction in the New Kingdom so far.

In addition to improving the quality of religious instruction and expanding the remit and scope of what Christianisation should involve, there was a third, darker, side to Zapata's strategy to incorporate the Indigenous peoples of the New Kingdom into Christianity. Making the ground ready 'to build and to plant' involved not only tilling but 'rooting up and tearing down, destroying and demolishing'.[84] As he explained, 'before we build a house for God we must tear down the buildings and houses that have been built for the devil'.[85] This idea was far from new, of course, and scholars of the Christianisation of Indigenous peoples in Spanish America have long noted its influence in the formulation of missionary strategies. The improvement of catechisation and the removal of impediments were two sides of the same coin, rooted in an understanding of heterodoxy as the result not only of ignorance but also of the agency of malign influences that needed to be removed for Christianisation to succeed.[86]

[83] Zapata de Cárdenas, 'Catecismo', 156–164.

[84] Ibid., 146, paraphrasing Jeremiah 1:10. [85] Ibid., 146.

[86] This distinction had a long history in Christian theology, and was already clear in the work of Thomas Aquinas, who in *Summa* IIaIIae 94 argued that idolatry was partially the fault of men, resulting from 'misdirected affection' towards a person 'beyond reason'; from being seduced by the beauty of crafted objects; or simply from 'ignorance of the true God'. But that it was also the fault of demons, who – wishing to be adored as gods – '[gave] answers in the idols, and [did] things which to men seemed marvellous' (Thomas Aquinas, *Summa Theologiae: Latin Text and English Translation, Introductions, Notes, Appendices and Glossaries*. Edited by Thomas Gilby. Translated by the Fathers of the English Dominican Province (London: Blackfriars; Eyre and Spottiswoode, 1964–1981), vol. 40, 33–35). Scholars as early as Hanke (in *The Spanish Struggle for Justice*) examined

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What exactly these were was much less clear, as Zapata was no closer to grasping the workings of Indigenous practices than his predecessors. Predictably, perhaps, he resorted to established stereotypes, focusing on 'sanctuaries', by which he meant temples and sacred spaces; Indigenous 'priests'; and 'gentile ceremonies' akin to inverted sacraments. To deal with the first, parish priests were to 'enquire about where sanctuaries are located', and then notify diocesan authorities, who with the help of the *Audiencia* would 'destroy and raze them entirely, so that there may be no memory of them'. The second, '*xeques*, *mohanes*, and sorcerers', who counteracted whatever progress Christian priests made in evangelisation, so that 'when the priest has finished preaching, they say and preach the opposite ... claiming that what the priests teach are lies', were to be identified and dealt with. The same approach was to be taken regarding the 'innumerable rites and ceremonies with which the devil has occupied these people'. Priests were to report their existence to the authorities, and this would somehow result in their removal. Whatever ceremonies and celebrations remained were to be closely monitored by parish priests, in case they turned out to be malignant. At the same time, Zapata warned of specific substances known to be involved in certain ceremonies, such as *moque*, a plant burnt in the manner of incense, which caution advised should be banned altogether.[87]

Reading Zapata's *Catechism*, and indeed the 1574 *Cédula magna* that served as the foundation for his designs and ambitions, it is all too easy to lose sight of the fact that this entire legislation was aspirational and that these reforms existed almost exclusively in the realm of paper. In practice, the churches of Indigenous communities might now be benefices and parishes in law but they remained as incomplete and underfunded as when they had been mere churches. The archbishop, president, and *oidores* wielded no more real power than they had a few years before. They were just as unable to compel Indigenous people to radically alter their ways of life as they had been in 1573 and as powerless to impose their will on the settlers, while the power of *encomenderos* and Indigenous leaders remained as contingent and limited as it had always been. But Zapata was going to try anyway. Resettling tens of thousands

these two divergent, but complementary, positions through the contrasting emphases of Bartolomé de las Casas and José de Acosta – a device later taken up by and expanded by Pierre Duviols (*La lutte*, 23), Anthony Pagden (in *Fall of natural Man*, chs. 6 and 7), and Sabine MacCormack (in *Religion in the Andes*, chs. 5 and 6).

[87] Zapata de Cárdenas, 'Catecismo', 152–154.

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of Indigenous people into gridded towns by sheer force of will might take a while, but there were other things with which he could occupy himself in the meantime.

'ROOTING UP AND TEARING DOWN'

As early as April 1575, Zapata reported to the king that he had started to conduct his own visitations of Indigenous communities near Santafé. No records survive for these, if any were kept, but Zapata reported having visited the towns of Fontibón and Bogotá (modern-day Funza), ten and fifteen miles north-west of Santafé, respectively, where he had found evidence that 'idolatry is as alive today in this whole kingdom as it had been before Spaniards arrived, or even more'. Claiming that this was the principal impediment to Christianisation, he petitioned the king for support in investigating further, confiscating ritual objects, and punishing those involved.[88] When the royal chancery issued a rescript in response in November 1576, the archbishop's words became those of the king, who now ordered that these 'rites and ceremonies' – whatever they might be – be eliminated, and 'the idols and shrines [*adoratorios*] extirpated and removed', for which he entrusted the task to Zapata, and dispatched a decree to the *Audiencia* with orders to aid him.[89] Once these rescripts arrived in Santafé in 1577, Zapata sought to enlist the support of the *Audiencia* in a series of meetings and letters in late April and early May. By now, as he explained, further inquiries had allowed him to determine that a key aspect of Indigenous ritual practice was the maintenance of 'idols of wood and cotton in the form of human figures' – the *santuarios* discussed in Chapter 1 – 'which they perfume with something called *moque*' and, crucially, to which people 'frequently offer great quantities of gold and emeralds'.[90] His plan now was to 'destroy the *santuarios*' but to keep the offerings, and 'apply the gold and emeralds we find to pious

[88] Zapata to the king, 22 April 1575, AGI SF 226, n. 7, 1v.

[89] King to Zapata, 2 November 1576, AGI Patronato 27 r 28§4, 13r–13v.

[90] As we saw in Chapter 1, this was not the first time someone in the New Kingdom's administration came close to seeing the wooden or cotton objects at the centre of the ritual practices of many Muisca groups and individuals for what they were, but, once again, it would not be the last time someone had to work this out from scratch. Zapata, for his part, argued these figures were made 'in remembrance' of a pantheon 'of certain false and alien gods whom they believe and understand created the visible things of this world, and that it from them that they obtain health and the remedy of their necessities'. Zapata to the *Audiencia*, 2 May 1577, AHSB L2, 14r–14v.

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works and church building, after paying the royal fifth and other taxes'. This he justified because his inquiries had also apparently yielded the unlikely conclusion – at least in light of all surviving evidence – that most of the people involved had been baptised and were therefore guilt of apostasy, an offense squarely in his ecclesiastical jurisdiction.[91]

Not that Zapata had actually waited for anyone's approval. Already in late March 1577, he had sent his cathedral treasurer, Miguel de Espejo, to various towns near Santafé to begin 'punishing the Indians who keep *santuarios*' and particularly to confiscate associated valuables. How Espejo managed this was not recorded, but witnesses later reported that the bishop's agents were 'abusing them with stocks and other means'. News of this violence spread quickly and prompted neighbouring people to seek out Spaniards they knew to ask for their help, including a number of mid-ranking officials in the *Audiencia*. For example, when news reached the *cacique* of Une, to the south-east of Santafé, that Espejo was in nearby Fusagasugá, he approached Lope de Rioja, *relator* in the *Audiencia*, who had served as his godfather when he had been baptised a few years before, and gave him about 'seventy-eight pesos in *santillos*', votive figurines belonging to his subjects. In exchange for a share of the gold, Rioja took the figures to the royal treasury to be smelted, assayed, weighed, taxed, and stamped, and thus turned into legal tender, which he then returned to the *cacique* and his community, later reportedly giving away his own portion as alms during Holy Week. So too with the people of nearby Unecipá, who contacted Rioja through a Spaniard they knew, Diego de Alcalá, explaining they did not want to lose their gold 'to priests and friars and other strangers'. They gave Rioja 'sixty-eight pesos in *santuarios*, give or take', which he had processed in the same way.[92] Diego de Vergara, who also worked in the *Audiencia*, was approached by the leaders of Queca, and eventually entrusted with various objects, including what Vergara described as 'some clay figures of the devil', which he saw people digging up from their fields and bringing out from their homes, totalling 'about 507 pesos worth of gold', which they asked him to look after.[93] Further afield, in Cubia, thirty miles west of Santafé, news of the confiscations prompted the *cacique* to turn for help to

[91] Ibid., 14v.
[92] Declarations of Lope de Rioja and Diego de Alcalá, 15 April 1577, AHSB L2, 5v, 4v, 6r.
[93] Declaration of Diego de Vergara, 15 April 1577, AHSB L2, 3r.

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Casilda de Salazar, mother of the *encomendero*, who reported receiving ninety pesos worth of *santuario* gold.[94]

It was in fact something of an open secret among Indigenous leaders and their *encomenderos* that communities up and down the highlands had caches of gold and precious stones in the form of *santuario* offerings, ritual objects, and grave goods (Figure 3.2). As early as 1539, the settlers of Santafé had been petitioning the king to allow them to seize this gold, whether found 'in their graves or as other treasures under ground', as well 'gold found above ground among the Indians', perhaps in the form of 'sacrifices'.[95] When this was denied, they spent the 1540s, petitioning, unsuccessfully, for the right not to have to 'account for where and how they obtained gold and precious stones' that they brought in to be assayed and taxed, so that the authorities might at least turn a blind eye to their looting and grave-robbing.[96] In the 1550s, the question of determining how best to tax the extraction of gold from Indigenous burials was among the first tasks entrusted to the new *Audiencia*.[97] Then, when standard *tasas* were introduced from 1555, and reassessed and adjusted through the 1560s, these often required Indigenous communities to pay their *encomenderos* in gold – and it was often from these caches that they obtained it.[98]

This was because, as Spanish authorities would eventually come to realise, despite what the rich and ancient gold-working traditions of Muisca groups and other highland peoples in the northern Andes might at first sight suggest, gold deposits here – then as now – are generally found only at lower altitudes.[99] What gold there was to be found in the highlands had reached them through Indigenous trade networks over generations before the European invasion, and fresh supplies were becoming increasingly difficult to obtain as these networks broke down and Spaniards came to control the extraction of lowland gold directly. This

[94] Casilda de Salazar to the *Audiencia*, 18 April 1577, AHSB L2, 11r.
[95] Settlers of Santafé to the king, 1539, AGI SF 60, n. 1, 1r–1v.
[96] Cabildo of Santafé to the king, 30 September 1543, AGI SF 60, n. 8.
[97] *Audiencia* of Santafé to the king, 10 November 1551, AGI Patronato 197, r. 24, 115v.
[98] Even decades later, as in the case of the Iguaque, where in 1595 the authorities investigated rumours of a hidden mine that had allowed people there to meet tribute obligations and enjoy a comfortable standard of living 'without having to farm or trade or leave the town to work as herders', which was later revealed to have been a sacred spring where a substantial amount of gold had accumulated in the form of offerings made by their ancestors over generations, and not a natural deposit. AGN C&I 58, d. 2, 41v–42r.
[99] Despite some vague references to small highland deposits, discussed in Langebaek, *Mercados*, 88–91.

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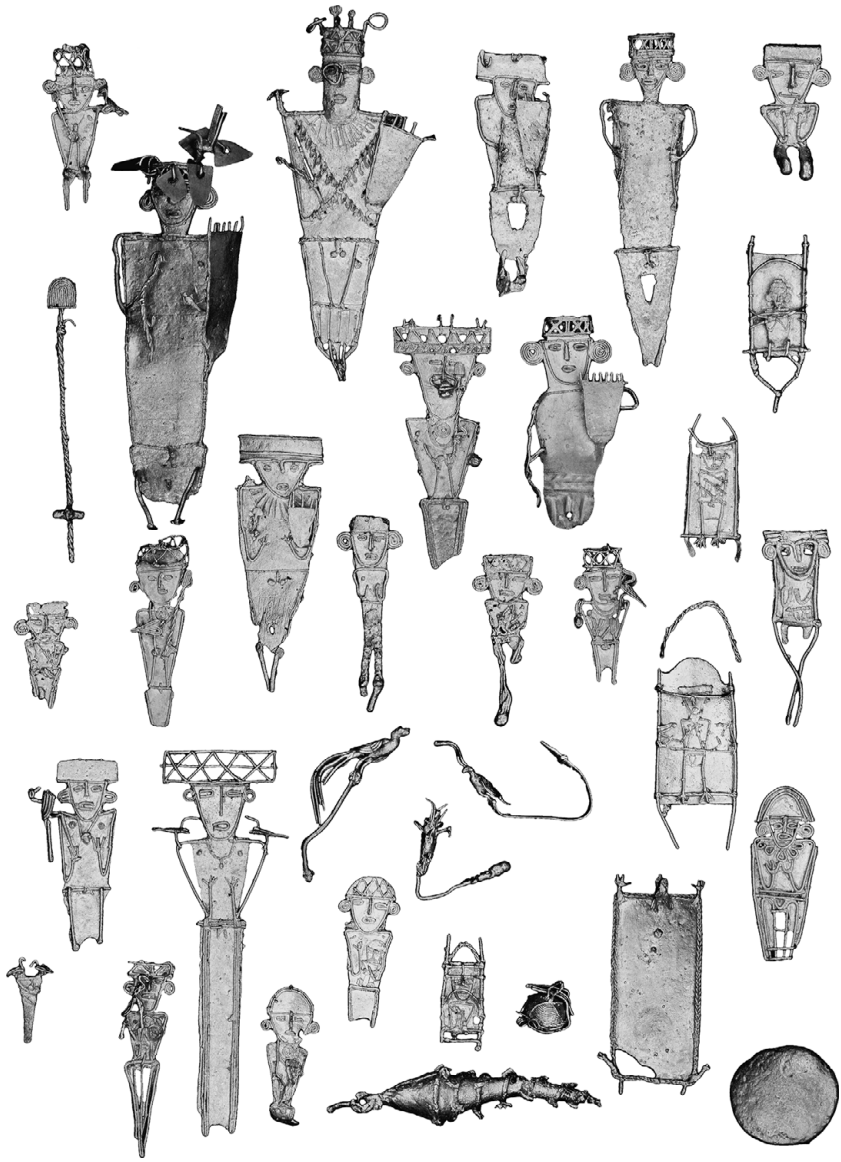

FIGURE 3.2 Offering of thirty-two votive figures (*tunjos*) and one unworked gold lump, Colombia, Eastern Cordillera, 800–1600 CE (Muisca period). Museo del Oro, Banco de la República, Bogotá. Varying sizes (10.3 x 4.6 to 1.6x 19 cm), O33278–309, O33311. Photograph by Clark M. Rodríguez

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was a frequent complaint of Indigenous witnesses to *encomenderos* and officials when their *tasas* were set in the metal.[100] By the 1570s, then, *encomenderos* were quietly receiving gold from these sources as tribute as a matter of course. It was in no one's interest for Zapata to draw attention to these stores of gold or these arrangements, or for the *oidores* and others to come looking for them. But this is exactly what happened.

When the *Audiencia* received its instructions from the king to aid Zapata, it too launched an investigation into the valuables associated with the 'idols and shrines'. It was in this way that the actions of treasurer Espejo, and the efforts of Lope de Rioja and the other Spaniards on behalf of various Indigenous communities came to light, weeks before Zapata formally approached the *Audiencia* to enlist its support. This investigation also revealed that in the first four months of 1577 alone, a whole 937 pesos of '*santuario* gold jewellery' had been handed into the royal treasury for processing into legal tender. This was a significant amount money – almost eight-and-half years' salary for a parish priest in an Indigenous town as per the recent rules – and we can only speculate as to how much more had been received and not handed in for processing. Treasury records showed that those responsible were not only Zapata's officials, Rioja, and the others who collaborated with Indigenous leaders, but also various other people who had already started descending on Indigenous communities in search of a quick profit. So it was with Nicolás Gutiérrez, who was found to have dug up and stolen a cache of *santuario* offerings in Usme, where he found ninety-one pesos worth of gold and some small emeralds that shattered as he tried to pry them out of the wooden figures they adorned.[101] Even the newly arrived Augustinians had decided to have a go, seizing gold from a *santuario* in one of their parishes, and bringing it to Santafé to be turned into legal tender.[102]

The *Audiencia* confiscated the gold still making its way through the treasury pending further inquiries, published edicts forbidding private parties from receiving or seizing *santuario* gold, and ordered anyone

[100] For example, as Guecha, *cacique* of Gachancipá, explained during Villafañe's visitation in 1563 (AGN VC 7 d. 14, 692r).

[101] Declaration of Nicolás Gutiérrez before the *Audiencia* of Santafé, 15 April 1577, AHSB L2, 4r. Gutiérrez had been one of the witnesses interrogated by Melchor López de Arteaga in Ubaque in 1563.

[102] Extract from the *Libro de fundición*, AHSB L2, 7r. The Augustinians later claimed the gold had been a gift from their grateful parishioners, after they had 'persuaded them' to abandon their sanctuaries. Baltazar Ortiz OSA to *Audiencia*, 7 May 1577, AHSB L2, 121r.

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having done so to come forward – but this only served to spread the news, fear, and opportunism further afield. By the end of the month, reports began reaching it of more *encomenderos*, friars, and other Spaniards in the two provinces depriving Indigenous people of their valuables. In Cota, *encomendero* Francisco de Tordehumos took sixty figurines from his subjects when he heard Zapata was in nearby Bogotá.[103] In Usaquén, just north of Santafé, the Franciscans who ran the parish were found to have obtained, somehow, 189 pesos worth of *santuario* gold, having beaten Luis Cardoso, the *encomendero*, to it.[104] Determined not to miss out again, Cardoso went to Suba and Tuna, also in his *encomienda*, where he was seen 'removing *santuarios*' before anyone else got them first.[105] It was at this point, on 2 May, that Zapata finally presented a concrete proposal to the *Audiencia*, requesting that it send officials to accompany cathedral treasurer Miguel de Espejo on his rounds. Treasury official Gabriel de Limpias was dispatched, along with a scribe, who recorded their visit later that week to the towns of Bogotá and Fontibón, where Zapata's campaign had started. In Bogotá, they summoned 'the captains and *xeques*', and interrogated various witnesses concerning the location of their *santuarios* with the help of interpreter Juan de Lara. They dug up and seized a cache belonging to *cacique* don Francisco, worth 164 pesos, and several more belonging to other nobles, for a total of over 548 pesos. The captains who owned these had fled, and *cacique* don Francisco was apparently too ill to travel, but they arrested his heir and sent him to Santafé to face trial.[106] Similar efforts in Fontibón yielded 306 pesos' worth of objects, and 'three *xeques* and *mohanes* of the *cacique*' who were arrested and taken to Santafé for trial.

Behind the scenes, the *Audiencia* was also preparing to join what was fast becoming a feeding frenzy. A few days later, on 9 May, it appointed one of members, the *oidor* Francisco de Auncibay, 'to go to all the *repartimientos* of this province of Santafé in pursuit of the removal of *santuarios*'. Having gathered a small commission, including a constable, scribe, and interpreter, Auncibay set off to the north of the city, descending on multiple Indigenous settlements over the next month,

[103] Documents of the *santuario* seizures of Francisco de Auncibay, May 1577, AHSB L2 47r.
[104] Declaration of the Franciscans of Santafé before Francisco de Auncibay, 9 May 1577, AHSB L2 25r.
[105] Decree for the arrest of Luis Cardoso, AHSB L2, 21r.
[106] Santuario inquiry, Fontibón, 3 May 1577, AHSB L2, 15v–18r.

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apprehending Indigenous leaders and seizing their valuables.[107] In Suba and Tuna, where *encomendero* Luis de Cardoso had already taken some gold, he seized a further 503 pesos worth of jewellery and figures. In Cota, he seized '12 or 14 clay pots containing a large quantity of *tunjos* and figurines', weighing 110 pesos; in Zipaquirá, multiple 'small *tunjos* and gold jewellery'; in Chía, fourteen pesos' worth; in Cajicá, twenty-five; in Sopó, thirty-four; in Tibaguyas, seventy-three.[108] By the end of May, in just three weeks, Auncibay had confiscated objects worth 918 pesos.[109] His colleague *oidor* Antonio de Cetina, who conducted similar inquiries in Bosa, to the south-west of Santafé, with Bartolomé de Clavijo, archdeacon in the cathedral chapter, had seized a further 261 'in *santillos* and gold figures of all sorts'.[110] Gonzalo Bermúdez, a priest working nearby who would later become the first chair of Muisca language, handed in a further '64 pieces shaped like thick pins' and other objects he had seized, found to be worth about eighteen pesos once melted down. This was only the beginning.

HOW TO STEAL A MILLION PESOS

A number of scholars have characterised inquiries such as these, as well as those examined in Chapter 1, as examples of campaigns for the 'extirpation of idolatry', in the model of the well-known idolatry visitations conducted by the Peruvian church in the Archdiocese of Lima in the seventeenth century, but events in Santafé were a far cry from those of the Central Andes.[111] Those visitations were, at least in theory, carefully choreographed operations governed by increasingly detailed guidelines and built on long-established inquisitorial models to produce what was, at its core, a judicial process. The proceedings revolved around an investigation into illicit religious practices, involved the drawing up of charges,

[107] Appointment of Francisco de Auncibay, AHSB L2, 41r–43v. [108] Ibid., 45r–55r.
[109] Receipt for Auncibay's confiscations, 30 May 1577, AHSB L2, 72r–72v.
[110] Receipt for Cetina's confiscations, 19 May 1577, AHSB L2, 29r–31r.
[111] For example Eduardo Londoño, 'Memorias de los ritos y ceremonias de los muiscas en el siglo XVI'. *Revista de Antropología y Arqueología* 6, no. 1 (1990): 229–250, and 'El lugar'; Correa, *El sol del poder*, 67ff; Sylvia Marguerite Broadbent, *Los chibchas. Organización socio-política* (Bogotá: Universidad Nacional de Colombia, Facultad de Sociología, 1964), 13; Pacheco, *La evangelización*, 216ff; and Francis, 'The Muisca', 215ff. Francis also presents the investigation in Iguaque in 1595 in similar terms, in Richard Boyer and Geoffrey Spurling, *Colonial Lives: Documents on Latin American History, 1550–1850* (Oxford: Oxford University Press, 2000), 39–53.

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preaching, judgement, and culminated with the application of penalties to those convicted and the public destruction of ritual objects in front of local communities.[112] They may be remembered chiefly for their destructive aspects, but at their core they were intended – however misguidedly – as a pedagogical exercise, which involved not just removing Indigenous ritual objects, but denigrating, countering, and explaining away associated ritual practices and ideas to contribute to the success of Christianisation.

The events in Santafé are striking for the general absence of these elements. With the exception of the inquiries into Bogotá and Fontibón, where people were arrested and taken to Santafé for trial, the inquiries rarely resulted in a judicial process – and even in those cases, we have no further records of any legal action taken. With the exception of one or two mentions of a member of the cathedral chapter 'saying a sermon', as Clavijo did in Bosa, or of a civil official giving a vague admonition 'of the disservice the *caciques*, captains, and Indians do to God our lord with their idolatry, *santuarios*, and offerings to their gods and idols', as Auncibay did in Suba and Tuna, there was no preaching or instruction.[113] Instead, the records for these inspections read like account books, recording little more than the number, materials, perceived quality, and weight of seized objects, because all the authorities were really after were valuables. This became even clearer in the waves of dispossession that followed.

The *Audiencia* of Santafé was in a moment of transition. Its second president, Francisco Briceño – who earlier in his career had been one of its founding *oidores* – had died in 1575 and his replacement was yet to arrive. The most senior *oidor*, Francisco de Auncibay, had received orders to prepare to move to the *Audiencia* of Quito, pending the arrival of his replacement, while the junior *oidores*, Antonio de Cetina and Luis Cortés

[112] For a description of these processes, see Duviols, *La lutte*, 211–217; MacCormack, *Religion in the Andes*, 389ff; and Mills, *Idolatry*, 267–285. For a near-contemporary inquisitorial model in Europe, see Gustav Henningsen, *El abogado de las brujas: brujería vasca e Inquisición Española* (Madrid: Alianza Editorial, 1983), 66–74. Practical guidelines for the conduct of these investigations in Peru were produced first by Pablo José de Arriaga and later by Archbishop Villagómez. See Pablo José de Arriaga, *Extirpacion de la idolatria del Piru. Dirigido al Rey N. S. en su Real Consejo de Indias* (Lima: Gerónimo de Contreras, Impresor de libros, 1621); and Pedro de Villagómez, *Carta pastoral de exortacion e instruccion contra las idolatrias de los indios del arçobispado de Lima* (Lima: Por Jorge Lopez de Herrera, impressor de libros, en la calle de la carcel de Corte, 1649).

[113] Santuario inquiry, Suba and Tuna, 11 May 1577, AHSB L2, 45r.

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de Mesa, were being investigated for illegally marrying into local families and shady business dealings, for which they were likely going to be transferred elsewhere, too.[114] These three ambitious *oidores*, free from the supervision, or interference, of a superior for a few months yet and soon to be leaving the New Kingdom, had seen at first-hand how lucrative these seizures could be, and spotted an opportunity.

In early July 1577, they launched a larger campaign to seize Indigenous objects. First, they dug up a 1526 rescript from their archives that declared 'idolatry' was forbidden and committed the civil authorities of the New World to seize associated property in the territories under their jurisdiction.[115] With this in hand, they issued a royal ordinance, on behalf of the monarch and with his seal, commanding the archbishop of Santafé not to interfere 'in this business of idolatries'.[116] A few days later, taking advantage of the fact that thirty-one *caciques* and captains were gathered in Santafé for the feast of Corpus Christi, they gathered them together, read them the old rescript, and announced their intention punish 'idolatries, sacrifices, and offerings' by 'the pain of death by fire, the forfeiture of all their goods, and other penalties'.[117] In particular, they emphasised, 'all *santuarios* and offerings that have been made' were to be confiscated, brought before the *Audiencia*, melted down, and the proceeds 'used for public utility'.[118] A few days later the *Audiencia* commissioned two treasury officials to carry out thorough inspections of the two provinces: in Tunja, *factor* Diego Hidalgo de Montemayor, and in Santafé Juan Antonio de Vilches, who was to be accompanied by father Gonzalo Bermúdez. These were joined at different points by the *oidores* themselves – Cortés de Mesa in Tunja, and Auncibay and Cetina in Santafé. Dissatisfied with the *oidores* displacing him, Zapata spent the next few months arguing with the *Audiencia* and appealing to the king

[114] The order to transfer Cetina and Mesa would finally come on 11 April 1578. See Mayorga García, *La Audiencia*, 41–42.

[115] This decree of 16 June 1523 had originally been issued for New Spain but had been reissued in 1538 and 1551 and extended to the rest of Spanish America. It was this last version that the *Audiencia* of Santafé incorporated into their decree of 3 July 1577 (AHSB L2 63r–64v, or AGN RH 21, 728r). It was later compiled as *Recopilación* 1.1.7. The same decree had also been invoked by Toledo in Peru to argue that cases involving Indigenous religious practices should also be the purview of civil magistrates, and to justify his investigation of these issues in his general visitation of the 1570s. See Duviols, *La lutte*, 49, 212.

[116] Royal decree of the *Audiencia* of Santafé, 3 July 1577, AHSB L2 63r–64v.

[117] Documents concerning the visitation of Tunja, 1577, AGN RH 21, 728v.

[118] Which 'public' is a question for later. Ibid., 729v.

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that he should be in charge of the investigations and his projects be the primary recipients of seized funds. Eventually, he embarked on a visitation of his own with Archdeacon Bartolomé de Clavijo, following Hidalgo in Tunja and sending delegates and commissioners to other sites. What followed was a brutal goldrush.

Details of Hidalgo's campaign in the province of Tunja are well known, especially after the surviving documentation of his inspection in Colombian archives was transcribed and published by Vicenta Cortés in 1960, and again by Ulises Rojas in his influential 1965 biography of don Diego de Torres, the famous *mestizo cacique* of Turmequé, alongside the much more revealing statements of surviving witnesses, held in Spain, recorded during the general visitation of the *Audiencia* that was sent by the king the following decade to sort through the rubble of the events of the late 1570s.[119] Records for Vilches's investigation in Santafé were unknown until now.[120] All make utterly harrowing reading.

The records for Tunja detail how from July 1577 bands of armed men, led by Hidalgo, Cortés de Mesa, or their agents, descended on Indigenous communities around the province and systematically terrorised and tortured Indigenous leaders, variously beating, whipping, and stringing them by their genitals until they produced gold and other valuables. Humiliated and badly injured, *caciques* were put in stocks and heavy collars and dragged by their necks to neighbouring towns to frighten their neighbours into submission. They seized gold in the form of figures, jewellery, dust, or nuggets – it hardly mattered. There are even reports of Indigenous communities quickly having gold cast into figurines to satisfy the officials, such as in the cases of the torture of the *caciques* of Paipa and Duitama, who had no such objects to give but thought that the authorities would not be satisfied until they obtained them. In fact, they also took *mantas*,

[119] Ulises Rojas, *El cacique de Turmequé y su época* (Tunja: Departamento de extensión cultural de Boyacá, 1965); Vicenta Cortés Alonso, 'Visita a los santuarios indígenas de Boyaca en 1577'. *Revista Colombiana de Antropología* 9 (1960): 199–273. Torres received news of the violence unleashed by Hidalgo while at court in Spain, where he had travelled to petition the monarch for redress of grievances he had received from the *Audiencia* in person, and passed on the reports he received of the brutality suffered by his fellow *caciques* and their subjects. Together with a growing chorus of complaints about the *Audiencia*'s actions, Torres's petitions prompted the king to commission a general visitation to investigate the actions of the *Audiencia* of Santafé, carried out by Juan Bautista Monzón and Juan Prieto de Orellana in the early 1580s.

[120] These survive in a mislabelled, uncatalogued, and previously unexamined volume in the library of the Colegio de San Bartolomé in Bogotá: AHSB Libro 2, 'Autos y diligencias 1565' (sic.).

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food, clothes, conch shells – anything of value. In the 1580s, Juan Bautista Monzón, the first of two visitors-general dispatched to investigate the actions of the authorities of the New Kingdom in these years, estimated that the gold seized just in 1577 by the three *oidores* and their delegates, Zapata and his cathedral chapter, and a handful of priests and friars, amounted to a total of 44,129 gold pesos – not counting the myriad emeralds and other valuables also seized, and any sums that they did not hand in.[121] For scale, when the half-built cathedral of Santafé sank into the city's soft soil and collapsed in late 1567, detailed estimates for a new building – the largest construction project in the highlands – placed the cost at 25,000 gold pesos.[122]

The records of the general visitation are replete with stories of extreme violence and dispossession, and not just by Cortés and Hidalgo, for their thugs had agendas of their own. A particularly cruel example is that of Luisillo, an Indigenous interpreter from Gachetá who travelled with them, who was later frequently reported by Hidalgo's victims to have blackmailed them, threatening to render false translations guaranteed to elicit further tortures if he was not personally rewarded by their already broken victims. Survivors then faced the prospect of additional raids by Zapata's agents or by other Spaniards, keen to strip them of anything they had left. So it was with *cacique* don Juan of Duitama, who was tortured for days by *oidor* Cortés de Mesa and Hidalgo; chained and dragged north to Cerinza and then south-east to Sogamoso, a journey of thirty-six miles, when he had nothing left to give; and threatened and blackmailed by his *encomendero*, Alonso Maldonado, as he lay agonising after his ordeal. He died by suicide a few days later. After a few months Archbishop Zapata appeared in his town and demanded more gold figures from his successor.[123] As before, as news spread of what was happening others decided they wanted a share: *encomenderos*, parish priests, and minor officials all joined in. In the town of Betéitiva, for example, *cacique* don Juan later explained that he had been tortured by Hidalgo's associates, who had taken five nuggets of gold and two *mantas*. But once these men had left, the parish priest decided he too wanted some of the spoils, and threatened to go to Zapata and report them if they did not produce something for him too. He gave him two conch shells and

[121] Rojas, *El cacique*, 359.
[122] King to *Audiencia* of Santafé, 18 April 1568, AGI SF 534 L3, 82v.
[123] The incidents at Paipa and Duitama are cited in Rojas, *El cacique*, at 374 and 365–367, respectively.

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five gold nuggets – everything they had left.[124] Similar cases abound in the documentation.[125]

In the province of Santafé, Vilches, Bermúdez, and their associates carried out two circuits of visitations, in July and September 1577, terrorising the people of the province and extracting hundreds of pesos of gold and valuables.[126] Decades later, while petitioning for high office, Father Bermúdez would boast that he had been personally responsible for 'removing over 300,000 idols of wood or feathers and gold, and many *santuarios*, and with them the occasion for idolatry' from the Indigenous peoples of the region, 'for their own good, the service of God and his majesty, and the profit of the royal treasury'.[127] In October 1577 the *Audiencia* sent interpreter Juan de Lara to a further twenty-six communities across the province of Santafé, ordering *caciques* to collect what *santuario* gold remained from their subjects and to take it to the capital, on pain of sending out another commission. Lara's records are a pitiful testimony of dispossession, as in town after town Indigenous leaders replied that they had nothing more to give. In Subachoque, *cacique* don Pedro said their valuables had already been taken by their *encomendero* Cristóbal Arias de Monroy, and what was left by *oidor* Auncibay. In Fúquene, the *cacique*, also named don Pedro, explained all their gold had been taken by their priest, Domingo de Guevara, and complained they now had no way of meeting their tribute obligations.[128] Terrified, many nevertheless scrambled to take something to Santafé, handing in a further 1,537 pesos worth of gold, 31 of copper, and 57 emeralds in December 1577. A few months later, perhaps dissatisfied with the slim pickings left by Hidalgo and Vilches, Zapata apparently proposed exhuming the remains of Indigenous people buried in rural churches to check for evidence of apostasy and seize associated valuables, although it is not clear that he ever followed through.[129]

[124] Ibid., 370–374.

[125] The text recording the visitation of Tunja is in AGN RH 21, 726r–802v. Significant portions of the text of Monzón's investigation were cited and published in Rojas, *El cacique*, 347–399.

[126] The first to Chocontá, Suesca, and other towns in the north-east of the province; the second, in September, to twenty-eight communities, in a great circuit from the valley of Ubaque in the south-east of Santafé, all the way to Suta and Tausa at the northern end of the province. AHSB L2, 69r–71v, 84r–84v.

[127] Petition of Gonzalo Bermúdez for a canonry, 2 March 1610, AGI SF 242, 1r.

[128] Records of Juan de Lara's summons, 20 October 1577, AHSB L2 110r–114v.

[129] At least according to the *Audiencia*, in its letter to the king of 15 October 1578, AGI Patronato 27, r. 28§4, 15r.

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It is tempting to understand this brutal violence as an expression of the growing power of colonial institutions in the New Kingdom of Granada, as many historians, even writing decades apart, have tended to do: to imagine that it was a concerted policy that was planned and executed by a strong colonial government increasingly able to make its claims and designs material.[130] And yet, what seems clearest from these harrowing records of senseless violence is the utter absence of power.[131] No one was really in charge, at any level. Drunk with delegated authority, waving royal rescripts from their archives, and making ever greater claims, Zapata and the *Audiencia* unleashed the violence, but neither had control over what happened next. Zapata could not stop the *oidores* from interfering, and the *Audiencia* could not actually prevent the archbishop from organising his own campaign. Both had little real control over their agents, or these over their subordinates. Even Hidalgo was powerless to control his own thugs, who were there to line their own pockets. And all were powerless to prevent other people – priests, *encomenderos*, random settlers, and other Indigenous people – from joining in and picking over what they left. All that the different actors, great and small, could do was to rush and scramble over one another to grab a share of the spoils for themselves before someone else took it first.

This absence of power is even clearer in the attempted cover-up that followed. In October 1577, as stolen *santuario* gold poured into Spanish pockets, the *Audiencia* issued a short amnesty on the payment of the tax of the royal fifth due on gold brought into the royal treasury to be smelted, assayed, and hallmarked as legal tender, effectively allowing the *oidores* and their henchmen to launder their ill-gotten gains. Chaos ensued as people poured into the treasury to have their gold stamped and its provenance erased. Treasury officials worked non-stop to stamp as much gold as they could, but they struggled to keep up, and in the confusion the royal hallmark was stolen, apparently by a man enslaved by Gaspar Núñez, who together with his friends took to hallmarking anything and everything, turning not only the spoils of *santuarios* into legal tender but transforming brass chamber pots and candlesticks, at least in law, into fine gold. As Esperanza Gálvez described in her detailed

[130] Cf. Cortés Alonso, 'Visita a los santuarios', 201; and Francis, 'The Muisca', 257, 222.

[131] This is in fact reminiscent of Hannah Arendt's famous dictum that 'Power and violence are opposites; where the one rules absolutely, the other is absent. Violence appears where power is in jeopardy, but left to its own course it ends in power's disappearance.' *On Violence* (New York: Harcourt, Brace & World, 1970), 56.

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study of the investigation that followed, people interrogated by the visitor-general a few years later recalled queuing for days to have a turn with the hallmark, while treasury officials later estimated that the amnesty had cost the crown some 200,000 pesos in lost taxes, dwarfing the 44,129 seized by the authorities, and putting the total stolen and laundered somewhere closer to a million: 'the golden age of the colonial period' indeed.[132]

'THIS KINGDOM . . . IS A FICTION'

The investigation that followed was far from straightforward. The authorities of Santafé fiercely resisted the first visitor-general in charge, Juan Bautista Monzón, who was jailed by the *Audiencia* and excommunicated by the archbishop on dubious charges of plotting a rebellion with the *mestizo cacique* don Diego de Torres, blasphemy, and witchcraft.[133] His replacement, Juan Prieto de Orellana, was more successful, and it is the witness statements that he eventually managed to compile that allow us to reconstruct this story. Apart from Cetina, who had been transferred to the *Audiencia* of Guatemala before the assay scandal and the worst of the violence and managed to remain in office there until his death in 1586, all the *oidores* were eventually prosecuted. Francisco de Auncibay, who had made it out of the kingdom and to his new post in Quito, was fired, fined 9,000 ducats, barred from royal office for the rest of his life, and exiled from the Indies. He died suddenly shortly after.[134] His replacement in Santafé, Juan Rodríguez de Mora, who had covered for him, was eventually suspended and imprisoned, where he died of pneumonia. Luis Cortés de Mesa became the second and last *oidor* to be sentenced to death and executed in colonial Latin America, but this was at the hand of his own colleagues in the *Audiencia* on charges of sodomy and the murder of a witness, before the visitor-general could send him to Spain for interrogation and trial there over the *santuarios* and assay scandal, perhaps to prevent him from incriminating them further.[135] The new president, Lope Díez de Aux y Armendáriz, who had arrived in August 1578, was suspended for his part in the scandal too, and died in 1585 still appealing the sentence.[136] By then the entire *Audiencia* of Santafé had

[132] Esperanza Gálvez Piñal, *La visita de Monzón y Prieto de Orellana al Nuevo Reino de Granada* (Seville: Escuela de Estudios Hispano-Americanos, 1974), 71–75.
[133] Ibid., 88–99. [134] Mayorga García, *La Audiencia*, 456 n. 116.
[135] Ibid., 176, 168–169.
[136] Not to be confused with his son of the same name, viceroy of New Spain (1635–1640).

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been sacked and replaced.[137] But this was no real justice: for Indigenous people there was no restitution or redress, and for *caciques* there was only decline.

The violence and dispossession of the late 1570s struck a deadly blow to the ability of Indigenous rulers to maintain their positions of authority and to hold their communities together. Colonial pressures had already been making it increasingly difficult for Indigenous leaders to hold the feasts and ceremonies that had been crucial to the organisation of communal labour and the flow and redistribution of surpluses through their communities. Now their decline gathered in pace. In the next round of visitations of Santafé and Tunja, in the 1590s, many Indigenous witnesses looked back on the late 1570s as a watershed. In Chocontá, near Santafé, in 1593, *cacique* don Pedro explained how before the coming of the Spaniards and up to the time of the previous *cacique*, don Alonso, in the late 1570s, his predecessors used to receive 'six or seven good mantas and a piece of gold worth nine or ten pesos' from each captain each year and a plain *manta* from every commoner. Now, though, 'these captains and Indians, his subjects, pay him very little tribute – each captain a plain manta each year, and others half a peso of gold, and among the commoners no one has paid anything, except occasionally they plant a field of maize for him'.[138] In Suta, *cacique* don Juan Quechantocha told a similar story in 1594, describing having seen the system in operation under his uncle but lamenting how 'this has now been lost, so that two or three years go by without this witness getting anything in tribute, and when he does he gets two or three *tomines* or half a peso and they work some land'. Don Diego Neamenguya, a captain, remembered how he and his predecessors had paid their *caciques* tribute, and recalled receiving 'a good *manta*' in exchange, but explained that 'the custom was recently lost'. In Tausa, captain don Diego Tenasichiguya said his uncles had paid their *cacique* in the same manner as they had before the coming of the Spaniards, but that this had since ceased, and now his people only worked a small plot for their *cacique*, don Alonso.[139]

Deprived of their remaining gold and valuables, Indigenous communities began to feel more sharply than ever the twin pressures of continuing demographic collapse and growing Spanish tribute obligations – including draft labour, the *alquiler general* or *mita*, in Spanish cities,

[137] Gálvez Piñal, *La visita*, 137 n. 27, 88–99.
[138] Visitation of Chocontá by Miguel de Ibarra, 1593, AGN VC 11 d. 1, 148r.
[139] Visitation of Suta and Tausa by Ibarra, AGN VB 17 d. 5, 1594-08-10, 302v, 322r, 316r.

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public works, and, to a lesser extent, lowland mines.[140] Their *caciques*, unable to help, increasingly became a hindrance and a burden. In Pausaga, where the *cacique* lamented the collapse of a similar system, captain don Diego Tenentiba explained that even providing him a token amount of labour in tribute 'is also falling out of usage, for we have too many obligations to meet'.[141] In Cucunubá, *cacique* don Pedro Neachasenguya reported that the tribute he received was dwindling 'day by day, because the Indians are tired of the tributes and salaries they have to pay'.[142] In Sisatiba, in the province of Santafé, captain don Pedro Conbafurguya listed all his subjects' obligations – the priest, the *encomendero*, the *alquiler general*, and other burdens – explaining that 'for all these reasons we cannot pay the tribute to the *cacique* how we used to', adding that 'back when we did, the *cacique* gave us captains a good *manta*, and gave all the Indians food and drink, and that is why they were respected, but no longer'.[143]

In many other towns up and down the two provinces, witnesses in this period reported no longer paying their *caciques* any tribute at all. In Tibacuy in 1595, don Francisco Chicaguentiba, a captain, explained all the ways in which his people had paid tribute to their *cacique*'s predecessors, before and after the coming of the Spaniards, 'which has now all ceased'.[144] In Guáquira, Felipe Queasocha, a commoner, said that they 'do not give them anything', adding that 'the *caciques* do not ask for anything either'.[145] In Pesca, *cacique* don Juan Quigacha lamented that people 'no longer give anything to their *caciques*'.[146] It would only get worse – by the time of the visitations of the 1630s, discussed in Chapter 6, not only had almost all communities ceased to pay their *caciques* tributes, but several had shed them altogether, replacing them

[140] On the *alquiler general*, the Neogranadian version of the *mita*, introduced by President Antonio González from 1590, see Eugenio Martínez, *Tributo y trabajo*, 506–528. Records of Ibarra's 1593–1595 visitation of Santafé showed that as few as 0.55 per cent of the population were engaged in mining at the time of the visitation. This proportion would later increase. See J. Michael Francis, 'The Resguardo, the Mita, and the Alquiler General: Indian Migration in the Province of Tunja, 1550–1636'. *Colonial Latin American Historical Review* 11, no. 4 (2002): 375–406; and Julián Bautista Ruiz Rivera, *Encomienda y mita en Nueva Granada en el siglo XVII* (Seville: CSIC, 1975), 31.

[141] Visitation of Pausaga by Ibarra, 1594, AGN VC 8, d. 3, 386r.

[142] Visitation of Cucunubá by Ibarra, 1594, AGN VC 4 d. 1, 26v.

[143] Visitation of Sisatiba by Ibarra, 1595, AGN VB 17 d. 6, 454r.

[144] Visitation of Tibacuy by Ibarra, 1595, AGN VC 4 d. 8, 877v.

[145] Visitation of Guáquira by Egas de Guzmán, 1596, AGN VB 4 d3, 324v.

[146] Visitation of Pesca by Egas de Guzmán, 1596, AGN VB 4 d. 1, 497r.

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with Indigenous governors in charge of collecting *encomienda* tributes and little else. As don Francisco, governor of Tabio, told *oidor* Gabriel de Carvajal in 1638, 'he had heard that in ancient times the Indians gave their *caciques* gold and *mantas* in *tamsa* [tribute], but now they do not pay them tributes because they do not have *caciques*'.[147] Like the old celebrations, their traditional leaders too were becoming, for many, a thing of the past.

This was not supposed to happen. Spanish officials had felt free to pursue increasingly ambitious policies to Christianise Indigenous people because they were convinced that these would only strengthen the political and fiscal structures on which colonial rule depended, particularly the authority and leadership of the people they called *caciques*. In fact, they were blind to the fragile, contingent, and limited nature of the power that Indigenous rulers exercised over their communities through their maintenance of the ritual economy of redistribution and their participation in the cult of *santuarios*, and instead made sense of it by drawing on their own European concepts and categories. This is why they expected Indigenous rulers to have the same power to compel their subjects to reform their ways of life as European lords had over theirs. This was not simply a matter of dismissing or misunderstanding Indigenous politics, but also a reflection of something more fundamental. The delicate, reciprocal, and limited power that Indigenous rulers actually wielded, and the ways in which power worked within their communities, were actually inaccessible and inconceivable with the conceptual tools that the colonial authorities had at their disposal.

Early modern Spaniards, like many other Europeans, had come out of the Middle Ages with a broadly naturalistic understanding of politics.[148] They made sense of the political and legal structures of Indigenous peoples, and their rulers, by drawing on the concept of *ius naturale* (natural law), norms thought to be common to all as a result of natural

[147] Visitation of Tabio by Gabriel de Carvajal, 27 September 1638, AGN VC 13 d 4, 639r.

[148] Broadly, an understanding of politics that ascribed a fundamental role to nature and natural law. The concept of natural law was a key concept in medieval political thought even before the reintroduction of Aristotle's *Politics* from thirteenth century, which then provided a variety of authors, notably Aquinas, with new ideas to theorise the origins of power and dominium. For an introduction to these questions, see David E. Luscombe, 'The State of Nature and the Origin of the State'. In *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism, 1100–1600*. Edited by Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 757–770.

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instinct, and the closely related concept of *ius gentium* (law of nations or peoples), customary law produced on the basis of natural law that was also thought to be common to everyone.[149] Crucially, both sorts of law, in this understanding, were already complete and immutable. Natural law was innate and unchanging, while the *ius gentium* had emerged from it – firmly in the past tense – and was no longer being produced.[150] This is why they assumed that the power and jurisdiction of Indigenous rulers was 'derived from antiquity, inherited from their forebears', and therefore grounded on an immutable foundation. It was this that made it a 'legitimate title' – to quote typical language concerning these figures in Spanish law – and indeed as secure, deeply rooted, and immutable as they imagined the power of their own European princes, for their understanding of their own politics was based on the very same ideas.[151]

[149] These were very old ideas in European thought indeed. Both were key in Roman law, where they were defined as two of the three divisions of the private law in Dig. 1.1.1.2–4 (the third was the *ius civile*). On this see Max Kaser, *Ius gentium*. Translated by Francisco Javier Andrés Santos (Granada: Comares, 2004), who traces the evolution of the expression in Roman law in Antiquity, and who discusses this tripartite division at 82–85. For a brief outline of the evolution of these two concepts beyond Antiquity, see David E. Luscombe, 'Natural Morality and Natural Law'. In *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism, 1100–1600*. Edited by Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 706–719. As is well known, they were central to the way that the scholars of the School of Salamanca sought to address the claims of the Spanish monarchy and its competitors in this period. For a recent exploration of them in action in the thought of Vitoria and Soto, see Annabel Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton, NJ: Princeton University Press, 2011), ch. 1. On some of these ideas before this, see José Luis Egío and Christiane Birr, 'Before Vitoria: Expansion into Heathen, Empty, or Disputed Lands in Late-Mediaeval Salamanca Writings and Early 16th-Century Juridical Treatises'. In *A Companion to Early Modern Spanish Imperial Political and Social Thought*. Edited by Jörg Tellkamp, 53–77 (Leiden: Brill, 2020). Later, a new understanding of *ius gentium* as a part of the public law (a law of 'nations' in the more modern sense) became more common, in the work of scholars such as Grotius, but this is not the sense that concerns us here.

[150] For a discussion of this dimension of the *ius gentium* in the early modern period in contrast to more modern ideas of a 'law of nations', see Annabel Brett, 'Sources in the Scholastic Legacy: The (Re)Construction of the Ius Gentium in the Second Scholastic'. In *The Oxford Handbook of the Sources of International Law*. Edited by Samantha Besson and Jean d'Aspremont, 64–82 (Oxford: Oxford University Press, 2017).

[151] It was by appealing to these concepts, after all, that various medieval jurists and canonists had sought to get around constraints of the claims of universality of the Roman Empire (and its *ius civile*) and the Papacy. On this see Magnus Ryan, 'Bartolus of Sassoferrato and Free Cities: The Alexander Prize Lecture'. *Transactions of the Royal Historical Society* 10 (2000): 65–89; and Joseph Canning, 'Ideas of the State in Thirteenth and Fourteenth-Century Commentators on the Roman Law'. *Transactions of the Royal Historical Society* 33 (1983): 1–27, and *Conciliarism, Humanism and Law:*

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Any deviation from this supposedly universal template tended instead to be understood to have been a later innovation, a product of more recent rulemaking: whether deliberately by some legislator or more organically through custom. Spaniards were to monitor these innovations closely, and if they found anything to have been 'imposed tyrannically against reason and justice', or 'without good title', they were to intervene to remove it. Equally, even if some norm had been introduced legitimately but was deemed excessive, Spanish authorities were obliged to moderate these excesses and restore good government.[152] As a result, when *Audiencia* officials sought to curb the supposed tyranny of Muisca leaders or the apparently excessive displays of obedience and submission that their subjects showed them, they were convinced that this could only – surely – serve to strengthen their authority, for they understood those features to contravene natural law or the *ius gentium* and therefore to put their power in jeopardy.[153] It was in this spirit that the authorities had sought to chip away at different aspects of the protocol and ceremony surrounding Indigenous rulers as early as the 1563 visitation of *oidor* Diego de Villafañe, who had ordered Indigenous commoners in each town he visited to stop 'bearing *caciques* and *principales* on their backs', as had been their custom, on pain of fines and penalties, and encouraged the latter to 'buy some horses, which are cheap' and less grievous to their subjects.[154] It was paternalistic and self-serving, but it was also a reflection of their understanding of Indigenous politics – or at least of their refusal to contemplate the possibility that they might work differently to their own.

In the same way, the authorities felt free to conscript and transform Indigenous rulers into intermediaries through which to govern, tax, and Christianise the people that they ruled. In 1569, for example, before his visitation of Tunja, Cepeda had issued legislation requiring Indigenous people to attend Christian instruction 'without excuse, on pain of their *cacique* or captain apprehending and punishing them, whipping them,

Justifications of Authority and Power, c. 1400–c. 1520 (Cambridge: Cambridge University Press, 2021), ch. 4. The quotations are from the rescript, 'That the rights of *caciques* be recognised and their excesses moderated', first issued in 1552 and reissued multiple times in the seventeenth century, compiled and published as *Recopilación* 6.7.8.

[152] As in Ibid.

[153] On these signs of submission in contemporary chronicles, see Jaime Humberto Borja Gómez, *Los indios medievales*, 118–123.

[154] This was part of the standard *plática* with which he began each visitation. See for example that of Suta and Tausa, at AGN VC 4 d. 11, 977v.

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with moderation, in front of the *encomendero* or the priest and cutting their hair or *mantas* depending on their offense', and instructing *caciques* to work to root out Indigenous ritual practices.[155] This was also how Zapata expected *caciques* to contribute to the project of Christianisation in his 1576 *Catechism*, in which their own instruction and discipline was a priority, so that they could serve as informants and assistants to the parish priest and Spanish authorities.[156] These were also the roles envisioned for these figures in innumerable petitions by the civil and ecclesiastical authorities of Spanish America to the king over the course of the sixteenth and seventeenth centuries, which crystallised into multiple royal rescripts eventually compiled as an entire title – 'On *caciques*' – of the *Recopilación* of 1688.[157] Across the monarchy, as is well known, these figures – and particularly their children – were also targeted for special religious instruction, from the very earliest missionary efforts in Mexico.[158] All of this, in light of these ideas, should surely only have had a positive effect: after all, grace, as per Aquinas's famous dictum, should only perfect nature, not destroy it.[159] And yet, this is exactly what these policies – and the violence of 1577–1578 – achieved in the highlands of the New Kingdom. In Ubaté in 1592 *cacique* don Pedro complained of how his authority over his subjects had collapsed entirely since inheriting the role, so that 'even though he is principal *cacique*, the Indians his subjects do not obey him, or do his planting, or pay him tribute, or respect him as they should', despite the fact that 'the *encomendero* and the parish priest have ordered them to do so many times'.[160] But was it not he who was supposed to be aiding them?

[155] Autos of *oidor* Juan López de Cepeda, 14 May 1569, AGI CI 70 d. 28, 616r.

[156] For example inspecting the town and the homes of their subjects, sending their children to special catechism classes, or being subject to particularly strict penalties in order to serve as examples to their people Zapata de Cárdenas, 'Catecismo', 149, 152, 214.

[157] *Recopilación* 6.7.1–17. For a survey of some of this legislation and associated jurisprudence, see Jorge Augusto Gamboa, 'Los caciques en la legislación indiana: una reflexión sobre la condición jurídica de las autoridades indígenas en el siglo XVI'. In *Juan de Solórzano y Pereira: pensar la colonia desde la colonia*. Edited by Diana Bonnett Vélez and Felipe Castañeda Salamanca, 153–190 (Bogotá: Universidad de los Andes, 2006).

[158] On New Spain, see Richard C. Trexler, 'From the Mouths of Babes: Christianization by Children in 16th Century New Spain'. In *Religious Organization and Religious Experience*. Edited by J. Davis (London: Academic Press, 1982), 115–135. On Peru, Estenssoro Fuchs, *Paganismo*, 42–43. For a recent study of the role of the resulting 'niños de monasterio' in Mexico, see Crewe, *The Mexican Mission*, 68–77.

[159] Aquinas, *Summa*, Ia q. 1 a. 8 ad 2 (= vol. 1, 13).

[160] Visitation of Ubaté by Bernardino de Albornoz, May 1592, AGN VC 5 d. 2, 212r.

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This brings us full circle to the leader of Suba with whom this chapter began. Already in 1569 Suba and Tuna had been investigated by the *Audiencia* following reports of *xeques* and sorcerers, as discussed in Chapter 1, in the context of efforts to resettle these communities into a new planned town.[161] The following decade, in 1577, don Pedro of Suba's community was looted by their *encomendero*, Luis Cardoso, and then by cathedral treasurer Espejo and *oidor* Auncibay. The following year, in 1578, don Pedro had also been among the Indigenous authorities 'beset and punished by the most reverend archbishop', to quote a complaint he presented to the *Audiencia* of December of that year, 'as a result of which the Indians of his community have been abandoning it'. And a few months after Zapata left, the priest of nearby Usaquén had descended on the town to 'mistreat and imprison' two of his *capitanes*, don Juan and Martinico, whom he was apparently presently torturing. If the *Audiencia* did not intervene, he warned then, 'the Indians will not take any more suffering and will leave'.[162] A quarter century later, his authority over his people had broken down completely, and with it went his ability to serve as the intermediary that Spanish authorities needed him to be.

The decline of *caciques* threatened to deprive Spanish authorities of their principal interface with their Indigenous subjects, but it was also a manifestation of broader malaise. The structures that underpinned their authority were part of a wider nexus of bonds and relations that held their communities together, but which were breaking and collapsing too. The most visible sign of this was the growing emigration of Indigenous people to Spanish cities and other towns, or beyond the highlands altogether, abandoning their communities in order to escape the pressures and demands that were making their lives intolerable. This was the context for Cepeda's 1569 legislation, in which he also ordered Indigenous commoners to 'obey, follow, serve, and recognise their *caciques* and superiors in all that they command as their natural lords and *caciques*', which also involved 'living and residing in their lands' as they were supposed to. For this he also ordered *caciques* to track down and round up *émigrés* and bring them back to their towns.[163] He repeated all of this in each town he inspected on his visitation three years later, in which he also tried to identify immigrants from other communities and send them back.[164]

[161] Inquiry concerning Suba and Tuna, 1569, AGN C&I 27, doc. 23 652r–667v.
[162] Don Pedro of Suba to the *Audiencia*, 12 December 1578, AHSB L2, 117r–118v.
[163] Autos of *oidor* Juan López de Cepeda, 14 May 1569, AGI CI 70 d. 28, 616r, 620r.
[164] See for example his visitation of Motavita, AGN VB 2 d. 1, 2v–4v.

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This was made worse by the violence of 1577. Already that year, some *encomenderos* and other observers had tried to warn the authorities. Leonor Gómez, *encomendera* of Serrezuela (modern-day Madrid, Cundinamarca) alerted the *Audiencia* in September 1577 that Vilches and Bermúdez had apprehended 'seven Indians, telling them they will torture them if they do not hand over *santuario* gold', prompting everyone else in the town, including the *cacique*, to flee, 'and they have abandoned the community and fled to other towns and to the mountains', leaving her, in effect, without a functioning *encomienda*.[165] This was an extreme case, but throughout the two provinces Indigenous emigration gathered pace. When *oidor* Miguel de Ibarra visited the *encomiendas* of the province of Santafé in 1593–1595, Indigenous witnesses reported that at least 1,273 men of working age had abandoned their communities in the 53 *encomiendas* of the province – some 6.2 per cent of its remaining population of around 20,000 tributaries, and up to 28 per cent in some places – and this only gathered pace.[166] Before the end of the century, the *Audiencia* twice commissioned officials to track down and bring back *émigrés* belonging to *encomiendas* held by the crown.[167] But what could less well-resourced *encomenderos*, or, indeed, *caciques*, do?

By the beginning of the seventeenth century, the settlers of Santafé, Tunja, and other highland cities were fed up. At significant expense, they came together to fund one of their own to travel to the court of the king and present a long report on the desperate state of their provinces and a detailed petition seeking redress and proposing substantial reforms, which they had typeset and printed for distribution at court. It was in this way that their procurator, Juan Sanz Hurtado, finally appeared before Philip III in February 1603 to deliver a stark diagnosis of their problems, which by now were not just affecting Indigenous leaders or *encomenderos* like himself. Christianisation, in the form it had taken up to this point, was not working. Far from serving to consolidate colonial rule by transforming Indigenous people into Christian subjects, it was

[165] Leonor Gómez to the *Audiencia*, 28 September 1577, AHSB Libro 2, 85r.

[166] 'Report of the *encomenderos* and Indians of Santafé' by Miguel de Ibarra, 1595, AGI SF 164 n. 8, 1v. This document was also collated and published in Julián Bautista Ruiz Rivera, *Fuentes para la demografía histórica de Nueva Granada* (Seville: Escuela de Estudios Hispano-Americanos, 1972), 31–33, and discussed in Ruiz Rivera, *Encomienda y mita*, 31–32.

[167] On this, see Francis, 'The Muisca', 188–194. Michael Francis has also shown that at least one wealthy *encomendero*, Juan Zárate de Chacón, commissioned an inspection of this kind of his own. See Francis, 'Resguardo', 375–376.

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threatening its very survival. Tribute collection was collapsing, Indigenous communities were fragmenting, people were leaving the region, and crops were going unplanted. In fact, this unravelling of Indigenous communities in the highlands was threatening the supply of food and resources to the gold and emerald mines of the lowlands, the beating heart of the region's extractive economy. 'This kingdom, Powerful Lord', Sanz explained, 'is a fiction' – an assumption, '*un supuesto*' – and it was wearing thinner than ever and coming close to falling apart.[168] It was time for a new approach.

[168] Juan Sanz Hurtado, *Supplica q[ue] haze Iuan Sanz Hurtado vezino y encomendero de la ciudad de Tunja a V. M. en nombre de nueuo reyno de Granada; para su restauracione spiritual y temporal* (Madrid, [1603]). The working copy of the Council of the Indies, with its marginal annotations, can be found at AGI SF 16, n. 44.

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