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Northwest Territories, an area holding sizable deposits of oil and gas where pressure for drilling continues to intensify. The border presents jurisdictional challenges to the herd's protection such that effective management of the herd requires international cooperation. In an effort to protect the herd and their lifeways, the Gwich'in Nation has organized a committee to lobby the US Congress and the general public.

The authors conclude by evaluating the implications of including indigenous voices in policymaking decisions affecting US borders, highlighting the distinction between the typical way that Americans perceive US borders (as an us/them marker of difference) and the way that indigenous tribes split by borders perceive the boundary dividing their people (as an us/us imposition). Although American Indians largely agree with securing the border and regulating immigration, tribes that straddle the border are struggling for a voice in decision-making processes. With its excellent organization, accessible language, and comprehensive yet succinct coverage of the most important issues affecting tribes living along US borders, *Native Nations and U.S. Borders* is an excellent resource which can facilitate indigenous peoples' involvement in border-related policy.

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Negotiation within Domination: New Spain's Indian Pueblos Confront the Spanish State. Edited by Ethelia Ruiz Medrano and Susan Kellogg. Boulder: University Press of Colorado, 2010. 320 pages. \$70.00 cloth.

Negotiation within Domination is a compilation of essays that critically investigates the relationship of New Spain's indigenous communities to the Spanish legal system, providing both the colonial and legal historian a variety of ways to conceptualize law, empire, colonial societies, and how indigenous communities engaged with the legal system. The authors explore the multifaceted role of law as an instrument of negotiation within the colonial order, and each essay contributes to the central idea that "negotiation counterbalanced domination." As Brian Owensby points out, domination was not total in New Spain; indigenous communities found different strategies to protect their interests. Perhaps most provocatively, one finds the particularly local ways in which people engaged with the legal system in these essays, underscoring Owensby's words that "law was a form of *political* engagement" (xii). The essays span a geographical area, beginning by concentrating on central Mexico, then extending to the southern states of Oaxaca and the Yucatán Peninsula,

and ending by considering the northwestern frontier of the Spanish empire. Chronologically, they proceed from the mid-fifteenth century through the late eighteenth century, and are balanced between politics and culture and the ways in which law interacted with both. Law was not static, but responded to the political climate of the time and molded to local interests.

Of particular interest to the legal historian will be an analysis of consuetudinary law that sheds light on our understanding of written law and local custom. Yanna Yannakakis meticulously assesses how in a *cabecera-sujeto* dispute one northern Sierra Zapotec community used “custom” (*costumbre*) as a legal rhetorical strategy. She argues that in this case, the Audiencia had redefined custom away from the longstanding practice that had legal force, and inclined it closer to a juridical norm underpinned by a rationalist legal theory. The legal outcome resonated with a shift to a “state centered legal order” and hinged on the prevailing interpretation of custom by the Real Audiencia. The author concludes that the successful community and their legal team embedded their argument of *costumbre* within a “standardized legal discourse” (151, 158). This article is indeed a valuable contribution and allows us to see how communities remote from the centers of European power participated in a larger legal discourse and how, in turn, it affected their autonomy. This *cabecera-sujeto* case shows how the legal force that customary law once possessed was slowly giving way to changing notions of sovereignty and positive law. As it does for many historians of colonial Mexico, her interpretation of the legal theory draws heavily from the Spanish jurist Juan de Solórzano y Pereira, but it would be interesting to explore other jurists and theologians, who also debated the tension between custom and positive law, such as Francisco de Vitoria, Hugo Grotius, or Francisco Suárez.

Ethelia Ruiz Medrano similarly argues that in order to avoid the imposition of tribute under Philip II, the Indian nobility of Mexico City pursued a political strategy that involved other interest groups highly discontented with royal policies, and had much at stake if new tributes were imposed, actively aligning with the rebellious *encomenderos*. Non-elites too had the “power to negotiate” their place in the colonial order through their organization of and presence in religious urban processions, as Edward Osowski demonstrates. He argues that festival cycles in Mexico City spurred “intense commercial activity” and that the “festival economy afforded economic benefits” to non-elite groups (100). Finally, Jovita Barber compellingly traces the sophisticated political and legal understanding of Spanish institutions the Tlaxcalans of central Mexico gained in order to secure their autonomy and rights from 1521–1550.

The delicate dance of political negotiation that played out in central and southern New Spain also characterized groups in the northwestern periphery of the Spanish empire. Cuahtémoc Velasco Ávila focuses on the

late eighteenth century in an essay that reinforces the power of law as an instrument of negotiation. He asserts that during the late eighteenth century the Spanish state was actively pursuing new alliances along its borders, and native groups were variously experiencing their own phases of transformation. The eighteenth century also saw the restructuring of the Spanish empire and the need to secure its American possessions against other European powers, complemented by an expansionism that sought to promote trade relations and secure peace along its frontiers in order to stimulate commercial activity. It was left to the Spanish officials in New Spain to implement the program of the Crown and negotiate effectively with the native groups of the region. The Comanche and Mescalero Apaches preferred political agreement to “the continuation of open conflict” (173). To secure political stability, Spanish military authorities had to adapt to the circumstances and needs of these native groups, who themselves experienced conflict and tension with other ethnic groups. However, Ávila shrewdly points out that it was not the divisions among native groups that hindered political stability, but Spanish military authorities on the ground who were incapable of articulating a unified policy. For the Spanish state to have a unified policy of peace negotiation with all native groups along this northernmost border was impossible, so the need for political stability depended on a geopolitical balance with the region’s groups. The prospects of tranquility varied from one Spanish official to the next. As for the southwest area of the Yucatán Peninsula, José Manuel Chávez-Gómez shows that the Spanish state had to contend with the presence of the English and other Mayan groups in an area that “still remained outside the control of the Spanish Crown” (206). The limits of Spanish control are much more palpable in this area of high Mayan mobility, yet Spanish interaction still influenced cycles of ethnic formation.

By specifically focusing on indigenous communities throughout New Spain, and in a challenge to those who see law as an instrument of oppression in colonial societies, this volume underscores the importance of Spanish law and legal culture in mediating conflict. It also helps scholars to understand that there were regional variations and political circumstances that tempered the efficacy of law. For historians and scholars of colonialism, interethnic relations, and legal history, these essays propose a variety of ways by which to theorize how local communities interacted with legal institutions. It remains to future scholarship to produce a volume like this one that focuses on criminal justice for viceregal New Spain, a study that complements our understanding of private law with its more public aspects by examining the way the colonial criminal system diverged or converged with our understanding of the very local nature of the legal process in New Spain. Perhaps a study of criminal procedure and how crime was defined in colonial courts can also help us understand other

contours of law, such as justice. If the tendency of legal historians may be to focus on law in the books, these essays grapple with the way law played out on the ground.

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Notes from the Center of Turtle Island. By Duane Champagne. Lanham: Altamira Press, 2010. 208 pages. \$49.95 cloth.

Duane Champagne is an eminent scholar, editor, and author, who in writing for *Indian Country Today* has had the opportunity to share his perceptions about issues that affect American Indians widely. Readers familiar with his editorials will appreciate two additional sections of commentary specific to this essay collection. With informed thought and panache, Champagne hits most of the hot-button issues: citizenship versus membership, self-government, and economic development. Reading the dozens of essays reveals the author's philosophical approach to Indian issues. He is well known for his respect for others' opinions, and with the expectation that both potential readers and Dr. Champagne will welcome further engagement, continuing dialogue and clarification, I offer a few comments of my own: after all, the purpose of editorials is to raise points derived from expert knowledge to challenge readers or to clarify core issues. This collection deserves attention, thought, and reaction.

Most of the essays reflect consensus views among scholars and advocates of Native America, but Champagne provides his own unique riffs to generally accepted understanding of the state of Indian country. He is a strong advocate for tribal governments' sovereignty and pictures the powers of tribal government as inherent, noting that tribal governments need to be more effective in the business of government, with particular emphasis on traditional cultural values. As a result of forcing Indians into the US nation-state, government now should work to gain Indian consent to participate as the third type of sovereign government in the United States, with federal responsibility a fundamental obligation. Part of this obligation is to provide resources and policy changes, to enable tribes on the one hand and to broaden their permitted actions on the other. Many of his calls for action require increasing federal funding with fewer strings attached.

As with many scholars, Champagne distills an idealization of traditional culture in order to criticize the way things are. The past he pictures is one in which Indian societies lived according to ideals of balance within consensus informed by tradition. For instance, rather than continuing the adversarial