

Encomienda

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In the aftermath of conquest a variety of persons, classes, and interests became rivals for control of what had been won. The Indian had now been excluded as a significant competitive element and would ever afterward be held subordinate. The early settlers' fear of Indian revolt proved for the most part groundless, and no Indian uprising was ever more than temporarily successful. The conquest did resolve the question of racial mastery. The postconquest conflicts were not between Spaniards and Indians but among factions of Spaniards, who vied for domination over Indians and *over* one another.

Divisive forces that had already appeared within the conquest armies continued or reappeared in the postconquest years. Indeed conquest had been a cohesive influence, uniting Spaniards against Indians, and the disputes among Spaniards during the wars arose in spite of the danger of the common enemy. The subsequent period now offered more ample opportunities for factionalism, and the political history of every Spanish-American region in the sixteenth century may be read as a local contest for power. The quarrels tended everywhere to take a personalized form, for loyalty to the leaders served as party bonds, providing groups both with their names (thus the Almagrists and the Pizarrists in Peru) and with their *raison d'être*. Moreover they remained always within relatively narrow geographical bounds. They never expanded to pan-colonial dimensions. The Spanish settlers of Mexico recognized few competitions in their relations with the Spanish settlers of the West Indies or of Peru or of New Granada. The intervening distances were too extensive, contact was too infrequent, and local affairs were too demanding for disputes between region and region.

In each postconquest area we may identify three conflicting elements, to which we now devote three successive chapters. The first is the *encomendero* class, consisting of former conquistadores, leading civilian colonists, and other privileged Spaniards. These formed an early colonial aristocracy exercising its power in the institution known as encomienda. The second is the colonial church, dedicated to the tasks of converting Indians, preventing Indian exploitation by *encomenderos*, and establishing a Christian society. And the third is the Spanish secular state with its expanding colonial officialdom and its monarchical insistence on state control over all persons and parties in America.

Through a formal grant of encomienda, designated Indian families, usually the inhabitants of a town or of a cluster of towns, were entrusted to the charge of a Spanish colonist, who thus became the *encomendero*. In the characteristic phrase, he "held" these Indians "in encomienda." The first *encomenderos* were permitted to exact both commodity tribute and labor service from the Indians whom they "held." In this way they derived an income and were able to control labor groups without risk or effort. In return they were expected to render military service (a traditional obligation for the privileged as well as a consequence of the fear of Indian uprisings) and to provide for the Christianization of the Indians committed to their charge. Technically the term encomienda referred to the conditions of trust under which Indian peoples were granted; they were *entrusted* to an *encomendero's* care as a responsibility and favor, in return for military and religious obligations on his part.¹

An analogy may be made between Spanish encomienda and the later institutions by which other imperial nations compensated the private agents of their expansion: the proprietorship of the British, the patroonship of the Dutch, the seignury of the French, and the captaincy of the Portuguese. Each of these differed from the others in important ways. What they had in common was an official award of

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authority issued to a private individual in return for specified contributions to an imperial end. In no case was a monarchy prepared to undertake imperial projects of its own. In all, the initial efforts were to be made by individuals licensed by the crown. The British, Dutch, French, and Portuguese institutions required the transportation of colonists. The Spanish did not, for the territories of Spanish settlement were already populated by Indians, and the problem was one of controlling an existing population and rewarding colonists already on the scene.

In Spain, Christian knights had acquired jurisdiction over lands and people captured from the Moors in a form sometimes known as *encomienda*.² In America, occupation took place under conditions similar to those of the Spanish *reconquista* and it yielded a comparable solution. The process required a degree of reversion or recapitulation, and this also has an analogy with the later practice of other imperial nations, as in the history of the English proprietorship. But in both the Spanish and the British empires the colonial solutions came to be more significant and more controversial than the prototype of the parent countries. With respect to *encomienda*, the differences are to be explained by the tradition of African enslavement, by the availability of large numbers of American natives, by their extreme vulnerability to Spanish demands, and by the need for creating, provisioning, and housing a society in a new environment.

Encomienda in an irregular, uncontrolled, and highly exploitative form appeared in America at an early date. Its initial unregulated phase preceded the "age of conquest," for it was widely established in the West Indies during the early years. In the first Spanish settlements *encomienda* represented a simple solution to a labor problem. Frontier life—the West Indies at this time were the western frontier of European civilization—implied a condition of labor demand. The settlers were few, and the tasks of constructing the colonial community great. White settlers, in the Iberian *hidalgo* tradition, performed manual labor only with reluctance and distaste. Native labor was the result. Indians were assigned as workers to Spanish employers and the *encomienda* system was inaugurated.³

The West Indian experience from the time of Columbus' first voyage was one of Indian labor for Spanish masters. When this labor was not given "voluntarily" it was extracted by force. As Spaniards arrived in increasing numbers, the need for labor became more pressing, and the burden upon Indian manpower progressively more severe. Spaniards raided Indian communities, took captives, and, in order to prevent escape or to ensure the full measure

of work, practiced large-scale enslavement. Columbus, at first, appears to have made some attempt to regulate this forced labor, but without appreciable success.⁴ In general the first Spanish contacts with the natives of America followed the precedent of European contact with the natives of Africa, and the practicality and legitimacy of enslavement were everywhere assumed.

The problem for Queen Isabella lay in reconciling economic needs with the professed Christian purposes of Spanish imperialism. There can be no question that the obligation to Christianize the Indians, as originally enunciated by the papacy, was taken seriously by the queen. On the other hand, her condemnation of Indian slavery—a condemnation frequently cited by her modern admirers—was neither uncompromising nor disinterested. On a number of occasions the queen countenanced, and even demanded a share in, the trade of Indian captives as slaves.⁵ It is true that formal enslavement, in the queen's view, was not to affect the entire native population. It was rather a punishment meted to resisting, rebellious, or cannibalistic individuals and tribes. The queen explicitly took the position that Indians innocent of punishable crimes were "free" crown subjects. But, like other such subjects, they were liable to tribute exaction, and in the conditions of the West Indies colony they might be compelled to work. Thus "free" Indians became available for *encomienda* assignments.⁶

The monarchy, notably inconsistent in many aspects of its imperial administration, never deviated from its position that the indigenous population was technically free. The *encomienda* regulations, as *encomienda* developed in the West Indies under the first royal governors, paid strict, formal recognition to this freedom. Indians under the system were not to be chattels. They could not be bought or sold. They were to be assigned for stated purposes, and *encomenderos* were to treat them with humane respect and with regard for the principles of Christian social intercourse. The object of *encomienda* was to Christianize pagan peoples through the ministrations of the *encomenderos* and to civilize them by encouraging orderly habits of industry.

But royal declarations of Indian freedom had little connection with the manner in which Indians continued to be treated in America. To the *encomenderos* the encouragement of orderly habits of industry meant only that permission was given for forced labor. In Hispaniola, natives were formally distributed to Spanish colonists who used them in placer mining, agriculture, and stock raising, and who reduced their Christianization to baptism en masse. *Encomienda* Indians were overworked, abused,

bought and sold, and otherwise treated in ways that did not distinguish them from nonencomienda Indians. And even in law those who escaped might be recaptured and condemned to outright slavery, as punishment for neglecting their obligation to "voluntary" work.

After the death of Isabella in 1504, Ferdinand further indulged the *encomendero* class and profited from the encomienda system himself. He ensured a revenue from the islands by employing Indians as gold miners directly in the royal service and by taxing the *encomenderos* proportionately to the number of Indians held.⁷ Only when missionaries of the Dominican order made strong humanitarian protests against the actual conduct of *encomenderos* was Ferdinand's attention brought back to the ethical and Christian aspects of the problem. He answered the Dominican accusations with the Laws of Burgos (1512-13), a code of Spanish-Indian relations that expressed the royal government's first considered and official position on the question of encomienda.⁸

The Laws of Burgos sanctioned the encomiendas, but sought to surround them with specific directives: that Indians should not be mistreated; that *encomenderos* should earnestly provide for Indian Christianization; that encomienda Indians were not to be enslaved; that encomiendas should be limited in size. The laws were carefully drafted, copied, and sent to America for promulgation. But what was lacking was a means of enforcement. Governors in the West Indies functioned without power and were at the mercy of the *encomenderos*.⁹ It may be doubted whether any West Indian *encomendero* modified his conduct as a result of the Burgos legislation. Thus the royal government's initial effort to establish control was frustrated, and the Laws of Burgos stand as one of many instances in Spanish colonial history of the ineffectiveness of law.

The years 1515-20 witnessed a number of events of importance in encomienda history. One was the death of Ferdinand and the accession of his grandson Charles I (1516). Another was the rise to favor of Las Casas, who advocated not simply peaceful Christianization but also the total abolition of encomienda. Under Las Casas' urging the colonial government was temporarily placed in the hands of three Jeronymite friars, who, after conducting their inquiry, reported that encomienda could not be eradicated without grave damage to the whole colonial fabric.¹⁰ An official position of reluctant compromise appeared to be called for. But Charles I—he remained Charles I of Spain while becoming the emperor Charles V in 1519—adopted the opposite, or Las Casas, position. In 1520, while Cortés was subduing new populations that would be coveted by

encomenderos in Mexico, the royal government ruled that the entire institution of encomienda was to come to an end.¹¹

The situation appeared to be a critical one. The future of privately controlled labor and tribute in the Indies hung momentarily in the balance. If the royal order were to be obeyed, encomienda would terminate in the islands. It would never be carried to the centers of mainland colonization and would be remembered simply as an introductory and temporary phase of Spanish-Indian relations. But the order was not obeyed. Encomienda was carried to Mexico, and from Mexico to other parts of the American empire. It proceeded to follow all the routes of the conquistadores. Because Cortés was the one who first permitted encomienda in Mexico, the entire mainland development has sometimes been charged to him. But it is obvious that encomienda was stronger than any single individual. As Cortés insisted in his explanatory letter to Charles V, its prevention or abolition at this juncture would have been impossible. The soldiers of the Mexican conquest, familiar as they were with life in the West Indies, demanded encomiendas as rewards for conquest services. Moreover the opportunities for encomienda in Mexico, where Indians were available in immense numbers, were much more extensive than in the islands.¹² The king yielded under the pressure of petitions from the new Mexican *encomenderos*. Charles V, like Ferdinand and Isabella before him, came to the official position that "free" Indians might be placed in encomienda without any compromise of freedom.¹³

From the time of the conquest of Mexico through the "age of conquest" and after, encomienda flourished openly in the Spanish colonies of America. Everywhere the soldiers of the conquest armies repeated the demands of the soldiers of Cortés. It was everywhere accepted that the largest and most remunerative grants were to be assigned to those whose military services had been most substantial.¹⁴ Cortés became the foremost *encomendero* of all, with his holdings in the Valley of Oaxaca and scattered additional grants elsewhere. His tremendous riches—it is likely that he was at one time the wealthiest person in the entire Spanish world—depended chiefly on encomienda, which furnished him a large annual tribute income and labor for his various enterprises. It is of course highly probable that Cortés' refusal to halt encomienda was based not only on his soldiers' demands but also on his own opportunism and anticipation of personal gain.

The original connection between an *encomendero* class and a conquistador class could not persist for long. As royal governors were appointed, the assignment of

new *encomiendas* passed from the control of conquest leaders to the control of crown representatives. In the rapidly changing postconquest society, new *encomenderos* arose who had never fought in conquest wars. The distinction between conquistadores and postconquest arrivals tended everywhere to become blurred. In the transitional period, with the influx of new settlers, an individual could pass as a conquistador for having engaged in some frontier raid or for having helped to suppress some local Indian uprising. Membership in the *encomendero* class was rapidly increasing in the 1530's and 1540's, and there presently remained no additional native societies worth conquering. Thus *encomienda* came to be regarded as a reward for generalized imperial service, whether or not rendered in a war of conquest, and a number of the most powerful *encomenderos* were simultaneously civil officers or ecclesiastics in the royal service.

In all conquered lands *encomienda* was the institution that provided most effectively for the transition from a state of war to a state of peace. Everywhere *encomienda* ensured the continued subordination of conquered people and their utilization by new white masters. In all Indian areas a lower class was available for exploitation. The existence of Indian communities of different sizes allowed for the accommodation of differing degrees of wealth and authority. Minor awards to relatively undistinguished colonists took the form of individual assignments of small towns. At the other extreme the wealthiest, most deserving, or most powerful colonists controlled grants consisting of clusters of towns or held scattered towns in various localities. Many single *encomenderos* were entrusted with a dozen or more communities and with thousands of laborers and tribute payers.¹⁵

An economical administration of *encomienda* required much managerial skill and careful record-keeping on the part of the *encomendero*. But economical administrations were rare. *Encomienda* was a large-scale operation in a period of cheap labor, and *encomenderos* preferred less meticulous methods of coercion. The developed Indian societies were already sufficiently organized to allow a management through overseers and puppet rulers. *Encomenderos* operated through existing Indian leaders and engaged in relatively little direct contact with mass populations. Procedures of labor control and tribute exaction ordinarily followed the original Indian procedures themselves, now turned to the profit of the *encomendero*. Many circumstances, not the least of which was the huge number of Indians available, conduced to set *encomenderos* apart and to render them a distinct and intolerant ruling class.

Encomienda Indians were made to perform many new tasks. Spanish agriculture required plows, draft animals, and new crops. Sugar milling, a standard *encomendero* operation in the tropical zones, involved methods of work previously unknown to American natives. The prodigious construction labors likewise followed Spanish rather than native techniques. But it would be idealistic to suppose that Indians in *encomienda* developed private skills or otherwise derived personal benefit from their training. Most labor remained routine, unskilled, mass labor. Abundant records of the early postconquest period testify to the abuses—the punishments, tortures, exorbitant tribute demands, labor cruelties, enslavement, and other excesses—committed by *encomenderos* and their overseers.¹⁶ Indian leaders were the accomplices and agents of white bosses in these practices, and native society frequently found itself substituting one form of submission for another. In Aztec, Inca, and many other societies of America, exploitation of the masses was not an innovation of the colonial period. This fact, sometimes cited in extenuation of the *encomenderos'* conduct, may be cited also in partial explanation of it, for the *encomenderos'* techniques were much facilitated by the Indians' previous experience.

Encomenderos made repeated efforts to reinforce and further legalize their status. Their acknowledged aim was to transform *encomienda* into an instrument for complete and lasting control not only of Indians but of the colonies as a whole. To this end they sought to make *encomienda* an inheritable possession and to make of themselves a perpetual colonial nobility. It had been insisted at first that the grants were to be limited to a tenure of a few years, or to a single lifetime, or to the pleasure of the crown. But the first *encomenderos* proceeded to bequeath their holdings to their widows and children, and the legacies were not denied by royal officers. From the practical monarchical point of view, the question of succession in *encomienda*—a question that received lengthy and impassioned attention in the official correspondence of the 1530's and early 1540's—could be regarded as one of rivalry for power between the monarchy and the incipient colonial aristocracy. If the *encomenderos* could perpetuate *encomienda* through inheritance, a nobility might be created in the New World comparable to that of fifteenth-century Spain prior to the centralizing measures of Ferdinand and Isabella.¹⁷ It became the task of Charles V to establish royal authority in America equal to that already secured at home. The task was beset by many difficulties and could not be accomplished immediately or without compromise. The foremost effort to achieve it was the legislation

known as the New Laws, promulgated suddenly in 1542-43.

The New Laws, to be sure, were expressed not in terms of the struggle for royal power but in terms of the humanitarian policy toward native peoples, a policy to which the crown repeatedly gave theoretical priority. The New Laws prohibited Indian enslavement, even as punishment. They forbade the granting of new *encomiendas*. They ordered ecclesiastics and royal officers to relinquish immediately any *encomienda* holdings they might possess, officially separating the agents of both arms of the state from implication in the system and defining the terms of the contest more closely. Other *encomenderos* were to retain their grants but were not to bequeath them to their heirs, a regulation calculated to destroy *encomienda* utterly within a generation. Tributes taken from Indians were to be fixed and regulated and were not to be exorbitant. The New Laws were far less ambiguous and far more extreme than the Laws of Burgos thirty years before. The difference in mood between 1512 and 1542 is to be attributed to the more confident authority of Charles V and to the influence of his humanitarian advisers, including Las Casas, at the court.¹⁸

At the most the New Laws could be termed only partially successful. The outcry of the *encomendero* class against them was general throughout the Spanish colonies. Rebellion, which threatened everywhere, erupted seriously in Peru, where it added one further element of disorder to the continuing civil war. In Mexico a cautious viceroy refrained from announcing the offending legislation. Recognizing the New Laws to be unenforceable, the monarchical government now repealed the prohibition of inheritance and allowed most *encomiendas* then in force to continue. The repeal, in 1545-46, was hailed everywhere in the colonies as a signal victory for the *encomienda* interests.

Encomienda was thus given a certain reinforcement and a renewed sanction in the 1540's despite the New Laws. But though abolition could not be made effective, much restrictive legislation remained in effect, and the strength of the monarchy was everywhere more visible. Royal enactments after the mid-1540's abandoned the effort to terminate *encomienda* in any immediate or over-all way. Crown policy was now dedicated instead to more attainable goals: control over existing *encomiendas*, the limitation of *encomendero* behavior, and the gradual reduction of *encomienda* so that it might no longer threaten monarchical rule.¹⁹ In law, and to a large extent in practice, the mid-1540's represent the highest point of *encomienda* influence.

A series of restrictive acts beginning in the mid-sixteenth century related particularly to the *encomenderos'* manipulation of labor and tribute.²⁰ In the conception of the time, labor (*servicio personal*) was held to be a form of tribute, the payment of commodities, including money, and the payment of services both being understood as due the *encomenderos* by the Indians entrusted to them. Royal regulations of 1549 and after began to disrupt this connection. Henceforth commodity tribute alone was to be paid, and *servicio personal* was not to be considered a part of tribute. This distinction between tribute and labor service, though not easily or quickly enforced, came to be accepted in the centers of Indian population and colonial rule. The dual powers of *encomenderos* over Indians were separated in the latter part of the sixteenth century, and efforts were made to bring Indian labor under the state through other means.²¹ With respect to tribute, the royal administrators now dedicated themselves to the drafting and enforcement of *tasaciones*, or statements of legal amounts that *encomenderos* could demand. Each *encomienda* was assigned a separate *tasación*, and all were based upon a principle of equality in Indian payment. Each Indian was to give an equal amount of tribute, and *encomenderos* were not to charge in excess of the *tasación* limits. Viceroys and other royal officers undertook to enforce these regulations, and each *encomendero's* income was accordingly limited to a fixed quota, a multiple of the number of Indians held.²²

In responding to the *encomenderos'* demands for privileges of inheritance, the crown of the later sixteenth century avoided the drastic prohibitions of the New Laws. But the crown also refrained from any approval of inheritance in perpetuity. Royal legislation concerned itself with definitions of the term *vida* (life or generation) and with the number of *vidas* that were to comprise an *encomienda's* legal duration prior to reversion to the crown. If the first holder of an *encomienda* bequeathed it to his son, that *encomienda* was said to be in the second *vida*. The grandson of the first holder accounted for the third *vida*, and the great-grandson for the fourth. But few *encomiendas* were so simple as this, and complicating questions arose. In the absence of sons, could a daughter inherit? If so, in a society dominated by males, what was the status of a daughter's husband, or, to introduce additional difficulties, of her second husband after the death of the first? Meanwhile was any share of the income to be reserved for the widow of the first holder, or for the widow's second husband? Was an *encomienda* always to go to the eldest son? Could it be subdivided among several sons, and if so would these parts later revert

to the eldest son or to the widows or sons of the cadet sons?²³

A labyrinth of legalism surrounded these uncertainties, all taken very seriously by the crown and by the individuals concerned. *Encomenderos* sought to evade the restrictions and to argue their cases as best they could. Elderly *encomenderos* on their death beds married young girls so that the single life might be prolonged. The complications of law and action supported a class of colonial lawyers, and disputes proceeded interminably in the courts. Royal prosecutors studied personal case histories, seeking to revise the number of legal lives in ways that would force escheatment. For New Spain the crown allowed a third *vida* in 1555 and a fourth in 1607. In Peru the third *vida* was legalized in 1629. But these dates are deceptive. Special privileges were granted in particular instances, and despite the general rules, there were always numerous exceptions. In many cases *encomiendas* that had reverted were reassigned and the new recipients were understood to be possessors in the first *vida*. Hence, although only two or three generations might be permitted in legal generalization, the real history of *encomienda* lasted for a much longer time.²⁴

With the escheatment of each *encomienda* the crown registered a gain and the *encomienda* interests suffered a loss. Tribute that had formerly been directed to a private recipient was redirected to the royal treasury. The crown introduced royal officers as collectors of tribute from Indians who were no longer in *encomienda*, and the private beneficiaries of the system were progressively reduced in number. Individuals who suffered hardships were sometimes compensated by other royal grants. No single instance of escheatment was in itself consequential, but the succession of many instances through the sixteenth and seventeenth centuries meant a cumulative change from private to monarchical authority.

Royal legislation relating to *encomienda* has often been accused of inconsistency, and the accusation is not without substance. Even perpetual, nonrevocable *encomiendas* were permitted in a few instances. The inconsistent enactments on the subject of inheritance illustrate Spanish legalism in a revealing form. But in a larger sense the crown did succeed in its campaign against the incipient American aristocracy. Again this success may be likened to that of other and later imperial nations, as when Portugal brought the *donatários* under royal administration and when England royalized its corporate and proprietary colonies. The vacillations of the Spanish crown, particularly in the later stages, should be understood in a context of growing domination. The crown could afford to make isolated and strategic exceptions to its

encomienda policy precisely because the independent *encomienda* power had been thoroughly reduced.

The progressive limitation of *encomienda*, however, was not due exclusively to the astuteness and strength of the crown. An additional and unexpected factor was the continuous decrease in Indian population. The history of *encomienda* is closely linked with native American demography. A large Indian population was essential for the continued well-being of an *encomendero* class. But from their first contact with Spaniards the Indian peoples of America started to melt away. The numbers killed in the conquests were small in comparison with the tremendous numbers who died during the postconquest decades. Indians were all but extinct in the West Indies by the 1540's. Severe losses occurred on the tropical coasts and highland areas of New Spain, where native peoples had been exceptionally dense. In many tropical areas of the mainland Indians were sparse or wholly nonexistent by 1600, and in the highland areas population losses up to 90 per cent were not uncommon by the early seventeenth century. The most painstaking of modern studies records a decline in New Spain from about 25 million in 1519 to slightly over one million in 1605.²⁵ Depopulation in South America has not been computed so precisely, but it is at least possible that it was equally severe.²⁶

The crown had nothing to do with this appalling depopulation. To have deliberately undercut the *encomenderos'* powers through a policy of Indian extermination would have been unthinkable in the responsible, Christian courts of Charles V and Philip II, where the Indians of America were still regarded as free crown vassals. Far from encouraging any lethal conduct on the part of the colonists, the Spanish kings in general were unaware of the magnitude of the loss, and in so far as they comprehended it they sought to offset it and ameliorate its consequences. A common interpretation attributed the Indian deaths to the cruelties and exploitative measures of the *encomenderos*, and the crown was thus persuaded to see the campaign against *encomienda* and the halting of depopulation as aspects of a single policy undertaken on behalf of Indian welfare.

We know now that Indian depopulation was an ecological phenomenon, uncontrollable in sixteenth- and seventeenth-century terms. Humanitarian enactments were powerless against it, and it therefore reduced *encomienda* in a process quite unrelated to royal legislation. Even casual contacts between Spaniards and Indians meant that Indians died, for they immediately became victims of the diseases that Spaniards carried. Disease traveled rapidly in America, more rapidly than *encomienda* and more rapidly than the particular individuals who were carriers of

disease. It is possible that the population of the Inca empire had already been reduced by half or more by the early 1530's, when Pizarro reached the coast and began the conquest.²⁷ Because Indian and European civilizations had been maintained in isolation, diseases against which Europeans had developed effective, if partial, immunities became destructive epidemics when Indians were exposed to them. Smallpox, typhoid, and measles were wholesale killers in Indian society, and no one could halt the devastation once it had begun. The balance was heavily on the side of the white population. The only possible compensating infection offered by the Indians was syphilis, which seems to have occurred in mild forms in native America and which raged in virulent plagues in Europe after 1493. The effects of syphilis in Europe were severe, but they were far less severe than the diseases with which Spaniards infected Indians. Moreover the history of syphilis is complex and incompletely resolved, so that we cannot be fully certain that it originated in Indian America or was carried by Spaniards to Europe.²⁸

Encomienda was the first institution of the Spanish colonial world to depend on large numbers of Indians. The power of the first *encomenderos* resulted from their manipulation of great labor forces or their receipt of tribute from the Indian masses. When these human resources were depleted, encomienda necessarily declined. *Encomenderos* could make certain practical adjustments by revising the tributary system or modifying the rules of tribute exemption to their own advantage. But finally all such devices were exhausted, the population continued to decline, and encomienda could no longer be relied upon to produce a satisfactory income for an aristocratic white class.

The result in the late sixteenth century was a pattern of institutional decay unmistakable in its tendency and implications. *Encomenderos'* incomes dropped year by year. Expenses remained steady or increased. Most *encomenderos* met the obligation to provide for the spiritual welfare of their Indians by paying the salaries and some other expenses (such as those for wine and oil) of resident or visiting clerics, and this standard item of cost persisted. Necessary operating funds were spent on administrators' salaries, transport of tribute goods, legal fees, inspections, sales taxes, and other taxes. Net profits were squeezed to ever lower figures. *Encomendero* responded psychologically by banding together, issuing petitions to the crown, intensifying the campaign for perpetuity in encomienda inheritance, and arguing the dignity and social utility of the encomienda institution. None of the efforts was successful.²⁹

Encomienda persisted in the late colonial period, but its force was spent and it could no longer be regarded as a meaningful colonial institution. Many individual grants came to an end through the failure of succession in the encomienda families. The intricate inheritance laws took effect, and the absence of legal heirs in one generation or another resulted in reversions to the crown. Partial reversions took place when, in various critical years, the crown demanded a fraction of each *encomendero's* annual income.³⁰ Compensating short-term awards were sometimes made to unsuccessful legatees, and these were also known as encomiendas in late colonial terminology. Other grants of funds directly from the royal treasury were likewise sometimes referred to as encomiendas, particularly if the moneys derived originally from Indian tribute payments. Repeatedly the crown allocated annuities to members of the titled nobility in Spain, who might in their turn be called *encomenderos*. But these late meanings of encomienda had little relation to the usages of the early colonial period. The funds assigned were minuscule in comparison with the huge incomes of the sixteenth century. A late colonial *encomendero* might never see or be aware of the Indians of his encomienda, and exploitation would be impossible for him. He would receive a pension equal to the annual tribute that they paid, while all the procedures of collection and disbursement were handled by officials of the treasury.³¹ The arrangement was similar to many other financial grants depending on other sources of royal income, and in effect it signified full royal control.

Thus in various areas of the colony encomienda was prolonged in modified form or with a sense and meaning quite different from that of an earlier time. The decline developed later in South America than in central New Spain. Where Indian populations were smaller or where the shock of depopulation was less decisive or where administrative controls were ineffective, the changes were less far-reaching. In the Platine region and in Paraguay the Indian population continued to provide labor as well as tribute to the *encomenderos* in the seventeenth and eighteenth centuries. It is probable that the transformations were most substantial and the decline most evident in the regions where encomienda had once been most powerful, i.e., the central areas of the two major colonies, Mexico and Peru.³²

The laws of the eighteenth century ultimately abolishing encomienda are deceptive, especially for the areas of sharpest decline. They evoked no cataclysmic colonial opposition, for they implied the cessation of a system of limited incomes or of fixed royal pensions rather than an instrument of private power, and many of the recipients were peninsular

Spaniards rather than colonials. Ambitious colonists had long since turned from *encomienda* to other avenues of wealth and authority. The new colonial aristocracy would be based on land, commerce, or mineral wealth, rather than upon native tribute payments, and the labor necessary for these new enterprises would be secured in ways quite unrelated to *encomienda*.

The original *encomienda* nevertheless was an institution of importance for Spanish America. Upon it many of the first power conflicts were concentrated. It was a transitional device, between conquest and a settled society. Its crudity was appropriate to an era dominated by conquistadores and by others who would have been conquistadores if there had remained Indian peoples still worth con-

quering. The progressive legalization of *encomienda* reflects the complexities of American Hispanization, with the crown in control and a host of lawyers ready to exploit the subtleties of law. *Encomienda* allowed a thin surface of dominant, class-conscious Spaniards to spread over Spanish America. Its history is revealing for the discrepancies between intentions and achievement, and between word and deed. Economically *encomienda* performed the very real function of transferring Indian wealth to Spanish hands, in a procedure that was more orderly than outright looting of spoils.³³ *Encomienda* was less dramatic than conquest, and it has achieved a lesser renown, but it was the dominant institution of its period and through it the first work of the colony was done.

ENDNOTES

1. Definitions of *encomienda* are all after the event. As with many other historical institutions, the development occurred before any need to define was recognized. As will be seen, the early *encomienda* was frequently called *repartimiento* (distribution or allotment). On terminology, see F. A. Kirkpatrick, "Repartimiento-Encomienda," *Hispanic American Historical Review*, XIX (1939), 372-379.

2. Robert S. Chamberlain, "Castilian Backgrounds of the Repartimiento-Encomienda," in *Carnegie Institution of Washington Publication* No. 509 (Washington, 1939), pp. 19-66.

3. Our general remarks on the history of *encomienda* derive mainly from the following: Silvio Zavala, *La encomienda indiana* (Madrid, 1935), and *De encomiendas y propiedad territorial en algunas regiones de la América española* (Mexico, 1940); Lesley Byrd Simpson, *The Encomienda in New Spain: The Beginning of Spanish Mexico* (Berkeley and Los Angeles, 1950); Mario Góngora, *El estado en el derecho indiano: Epoca de fundación, 1492-1570* (Santiago de Chile, 1951), pp. 105-132; Manuel Belaúnde Guinassi, *La encomienda en el Perú* (Lima, 1945).

4. See Columbus' Memorial of January 30, 1494, in Martín Fernández de Navarrete (ed.), *Colección de viajes y descubrimientos, que hicieron por mar los españoles desde fines del siglo XV* (5 vols., Madrid, 1825-37), I, 232 ff.

5. *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía, sacados de los archivos del reino, y muy especialmente del de Indias* (title varies; 42 vols., Madrid, 1864-84), XXXI, 187-193. In this contract Indian slaves were to be taken "without doing injury to them" and "so far as possible with their volition."

6. *Ibid.*, pp. 196-200, 209-212.

7. The foremost modern student of royal legislation on Indians in this period concludes: "So far as can be judged from the royal correspondence, Ferdinand would have been in favor of enslaving the whole Indian population—which, indeed, is virtually what

happened in any case." Simpson, *Encomienda in New Spain*, p. 17.

8. Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia, 1949), pp. 23-25. For the text, and for commentary on the Laws of Burgos, see Rafael Altamira, "El texto de las Leyes de Burgos de 1512," *Revista de historia de América*, No. 4 (1938), pp. 5-79; Roland D. Hussey, "Text of the Laws of Burgos (1512-1513) concerning the Treatment of the Indians," *Hispanic American Historical Review*, XII (1932), 301-326.

9. Ursula Lamb, *Frey Nicolás de Ovando, gobernador de las Indias, 1501-1509* (Madrid, 1956), is an excellent study of the governorship. There is no comparable study of Ovando's successor, Diego Columbus.

10. The Jeronymite government is summarized in Simpson, *Encomienda in New Spain*, pp. 38 ff.

11. Existing *encomiendas* were not necessarily to be abolished immediately. But those vacated through death or other cause were not to be reassigned. See the royal letter of May 18, 1520, in Manuel Serrano y Sanz, *Orígenes de la dominación española en América* (Madrid, 1918), p. DCVI.

12. Fernando Cortés, *Cartas y relaciones de Hernán Cortés al emperador Carlos V*, Pascual de Gayangos, ed. (Paris, 1866), p. 271. Cortés' letter to the king of October 15, 1524, is his full justification. See Joaquín García Icazbalceta (ed.), *Colección de documentos para la historia de México* (2 vols., Mexico, 1858-66), I, 472 ff.

13. The king's initial position was that *encomiendas* already granted by Cortés in Mexico should be abolished. See the instructions to Cortés of June 26, 1523, in *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de ultramar* (25 vols., Madrid, 1885-1932), IX, 171. But *encomienda* was permitted in a royal order to the *audiencia* in 1528 and frequently thereafter to 1542. See Vasco de Puga, *Provisiones cédulas instrucciones para el gobierno de la Nueva España . . . Obra impresa en Mexico, por Pedro Ocharte, en 1563 y ahora editada en facsimil* (Madrid, 1945), fol. 9.

14. See Puga, *Provisiones*, fol. 9. By royal laws of 1568 and 1595 the preferred recipients of encomiendas were "those of the foremost merits and services, and of these the descendants of the first discoverers, pacifiers, settlers, and oldest citizens who have best and most faithfully served in the royal service." *Recopilación de leyes de los reynos de las Indias: Edición facsimilar de la cuarta impresión hecha en Madrid el año 1791* (3 vols., Madrid, 1943), Lib. VI, tít. VIII, ley V.
15. Distribution in accordance with rank was a continuous policy from the beginning. See Ferdinand's stipulation of numbers to Diego Columbus, August 14, 1509, in *Colección de documentos . . . de Indias*, XXXI, 449-452. The names and possessions of the encomenderos of Mexico in the mid-sixteenth century are summarized in Sherburne F. Cook and Lesley Byrd Simpson, *The Population of Central Mexico in the Sixteenth Century* (Berkeley and Los Angeles, 1948), pp. 166 ff. The tabulation identifies some individuals with numerous large encomiendas, and others holding only a small encomienda per person.
16. Thus Motolinía, writing about 1540: "The Spaniards began to exact heavy tributes from them, and the Indians, terrified of the Spaniards ever since the war, gave everything they had. As the tributes, however, were so continuous that they had scarcely paid one when they were obliged to pay another, they sold their children and their lands to the money lenders in order to meet their obligations; and when they were unable to do so many died because of it, some under torture and some in cruel prisons, for the Spaniards treated them brutally and considered them less than beasts." Motolinía (Toribio de Benavente), *Motolinía's History of the Indians of New Spain*, Elizabeth Andros Foster, trans. and ed. (Berkeley, 1950), p. 41.
17. Serious demands for rights of inheritance began with Cortés in 1524. *Colección de documentos . . . de Indias*, XII, 275-285. It should be pointed out that although *encomenderos* were frequently landholders, land was not a part of encomienda possession. See F. A. Kirkpatrick, "The Landless Encomienda," *Hispanic American Historical Review*, XXII (1942), 765-774. This applies at least to the main encomienda regions of Mexico and Peru. There is still some doubt on this point concerning certain marginal zones.
18. Las leyes nuevas de 1542-1543: *Ordenanzas para la gobernación de las Indias y buen tratamiento y conservación de los indios* (Seville, 1961); Francisco Morales Padrón, "Las leyes nuevas de 1542-1543: Ordenanzas para la gobernación de las Indias y buen tratamiento y conservación de los indios." *Anuario de estudios americanos*, XVI (1959), 561-619. Simpson, *Encomienda in New Spain*, pp. 123-144, and Hanke, *Spanish Struggle for Justice*, pp. 91 ff., are valuable modern discussions of the New Laws.
19. A representative selection of later encomienda enactments will be found in *Recopilación de leyes*, Lib. VI, títts. VIII and IX.
20. José Miranda, *El tributo indígena en la Nueva España durante el siglo XVI* (Mexico, 1952), pp. 103 ff.
21. This is the interpretation commonly placed on the matter by modern historians as well as by colonial lawyers. Solórzano Pereyra cites the order of 1549 and subsequent orders applying to various regions. The orders continued to be issued in the seventeenth century. The legal and historical ramifications of this subject are exceedingly complex. But the general intention of the legislation of 1549 and after was to separate labor and tribute, "so that if any Indians serve the Spaniards in labor, it is to be of their own free will and not in any other way." Juan de Solórzano y Pereyra, *Política indiana* (5 vols., Madrid and Buenos Aires, 1930), I, 142 ff.
22. Walter V. Scholes, *The Diego Ramírez Visita* (Columbia, Mo., 1946); Simpson, *Encomienda in New Spain*, pp. 146 ff.
23. Solórzano, who relished complex legal questions, devotes a number of chapters to problems of this kind. Solórzano y Pereyra, *Política indiana*, II, 145 ff.
24. See the various encomienda histories of the Valley of Mexico summarized in Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford, 1964), pp. 413 ff.
25. Woodrow Borah and Sherburne F. Cook, *The Aboriginal Population of Central Mexico on the Eve of the Spanish Conquest* (Berkeley and Los Angeles, 1963); Woodrow Borah and Sherburne F. Cook, *The Population of Central Mexico in 1548: An Analysis of the Suma de visitas de pueblos* (Berkeley and Los Angeles, 1960); Sherburne F. Cook and Woodrow Borah, *The Indian Population of Central Mexico, 1531-1610* (Berkeley and Los Angeles, 1960).
26. Henry F. Dobyns, "An Outline of Andean Epidemic History to 1720," *Bulletin of the History of Medicine*, XXXVII (1963), 493-515. Borah has shown, with reference to Australia, the Pacific islands, Africa, and other parts of the world, that the critical correlation is between depopulation and isolation. Woodrow Borah, "¿América como modelo? El impacto demográfico de la expansión europea sobre el mundo no europeo," *Cuadernos americanos*, Año XXI, No. 6 (nov.-dic., 1962), pp. 176-185.
27. Dobyns, "Andean Epidemic History," p. 494.
28. Hubert U. Williams, "The Origins and Antiquity of Syphilis," *Archives of Pathology*, XIII (1932), 779-814, 931-983.
29. See the record of expenses and income in Lesley Byrd Simpson, "A Seventeenth-Century Encomienda: Chimaltenango, Guatemala," *The Americas*, XV (1958-59), 393-402.
30. *Recopilación de leyes*, Lib. VI, tít. VIII, leyes XXXVIII-XXXIX; Zavala, *Encomienda indiana*, pp. 332-335.
31. Examples from the Valley of Mexico may be found in Gibson, *Aztecs under Spanish Rule*, pp. 413 ff.
32. Elman R. Service, "The Encomienda in Paraguay," *Hispanic American Historical Review*, XXXI (1951), 230-252; Eduardo Arcila Farías, *El régimen de la encomienda en Venezuela* (Seville, 1957). See the report of the Marqués de Avilés, in 1803, to the effect that there had been no reduction in Indians in encomienda in Paraguay: *Documentos para la historia argentina* (29 vols., Buenos Aires, 1913-61), III, 28.
33. José Miranda, *Tributo indígena*, pp. 186 ff.