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Indigenous Testaments of
Dead
Colonial Mesoamerica
Giveaways
and the Andes



EDITED BY SUSAN KELLOGG
AND MATTHEW RESTALL

Dead Giveaways



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Indigenous Testaments of Colonial Mesoamerica and the
Andes

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and Matthew Restall

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INTRODUCTION

Matthew Restall and Susan Kellogg

The scene is not hard to imagine. Mortally ill, probably bedridden, an Andean woman or Maya man summons family members, close friends, perhaps business associates, and the principal men of the community—especially the notary, who then begins to write down the dictated final statement, the last will and testament. The time may be a few generations, or a few centuries, after Spaniards first walked into Tenochtitlan; the place may be the dry flatlands of the Yucatan Peninsula or the wet valleys of the Quito highlands; the words may be spoken and written in Nahuatl or Spanish, Mixtec, or Maya, but the ritual opens more or less the same way: "In the name of the father, the son, and the holy spirit. . . ." and testators usually go on to dispose of their worldly goods.

Whether this wealth, often modest, occasionally impressive, was assigned to pay for posthumous masses, to settle debts, or to be distributed among family heirs, the lists of material items sandwiched between religious and legal formulas lend these documents the appearance of something straightforward and mundane. Perhaps that, as well as the fact that colonial Mesoamerican wills are mostly in native languages, helps to explain why these materials were so little studied for so long. In recent years, however, they have been brought to both light and life in varied and exciting ways. As this volume demonstrates, testaments may be mundane, but they are far from straightforward; as rich ethnohistorical sources, they are simply not "dead giveaways." 1

The following chapters are devoted to describing and analyzing wills dictated by indigenous men and women in colonial Spanish America.² These documents constitute approximately half of the extant archival material written in Spanish America's indigenous languages during the

colonial period. All surviving native-language testaments come from colonial Mesoamerica (or New Spain), but Spanish-language testaments by indigenous Andeans of western South America are among the most important ethnohistorical sources for that region; this volume's ten chapters thus range from central Mexico to Bolivia, together covering the period from the mid-sixteenth to the early nineteenth centuries.

Broad in geographic scope yet focused on one particular documentary genre, this volume has three goals. First, it introduces readers to the history of the production of such documents. Second, it examines the impact of testament writing on colonial societies, especially their indigenous inhabitants. Third, the book describes the contents of these documents and explores the opportunities thereby presented for the detailed analysis of indigenous cultures and societies in three regions: central Mexico, southern Mesoamerica (Oaxaca, Yucatan, and Guatemala), and the Andes.

The purpose of this introduction likewise is threefold: to outline the ways such testaments represent an unprecedented meeting of various elements on a number of levels (thus assessing their significance as a source); to suggest the place for analysis of this documentary genre within regional historiographies; and to summarize the chapters' major themes, which are briefly analyzed in the conclusion. Readers should note that each chapter also contains the transcription and English translation of one testament analyzed in that chapter.

Wills are among the richest types of documents available for the colonial ethnohistorian (see table I.1 on indigenous-language colonial wills). Through this single source genre of notarial document, textual elements meet to provide an in-depth picture of a particular individual or group. In colonial Latin America, most of the individual testators were themselves illiterate, but because of widespread access to what we will call "legal literacy,"³ the voices of non-elites, so often sought by social historians, become available.

Many sets of elements come together in these texts, one of the most important being the individual and his or her relationship to society's institutions and its patterns of cultural beliefs. Wills represent the desires of individual testators for the posthumous state of their souls and the disposal of their material goods, yet these desires are not completely idiosyncratic. Wills from particular regions of colonial Latin America often show bequest patterns. These patterns changed over the course of the colonial period, reflecting family and kinship structures and mirroring the presence of other social

institutions such as neighborhoods, work groups, and *cofradías* (religious brotherhoods). The testaments express piety and class

Table 1.1
Published Indigenous-Language Testaments

Origin Community	Date	Language/ Number	Publication
Culhuacan, central Mexico	1577, 1581	Nahuatl/2	León-Portilla 1976 _a
Culhuacan, central Mexico	1572-1606	Nahuatl/65	Cline & León-Portilla 1984
Culhuacan, central Mexico	1580, 1590	Nahuatl/2	Cline 1986
Tlatelolco, Central Mexico	1623	Nahuatl/1	Durand-Forest 1962
Various central Mexican communities	1566- 1795	Nahuatl/6	Anderson, Berdan & Lockhart 1976
Pochtlan, central Mexico	1695	Nahuatl/1	Lockhart 1992
Tepemaxalco, Central Mexico	1731-36	Nahuatl/3	Lockhart 1991 _a
San Estebán, Coahuila	1627-1776	Nahuatl/3	Offutt 1992
Ebtun & Cuncunul, Yucatan	1699- 1813	Yucatec Maya/10	Roys 1939
Ixil, Yucatan	1765-69	Yucatec Maya/68	Restall 1995b
Ixil, Yucatan	1766	Yucatec Maya/2	Restall 1997b _b
Sacatepequez, Guatemala	1642- 1708	Cakchiquel Maya/3	Hill 1989
Teposcolula, Mixteca Alta	1672	Mixtec/1	Terraciano 1994

Note: Archival abbreviations used in text and tables can be found at the beginning of the bibliography.

_a Both wills are also included in Cline and León-Portilla 1984. While the wills are not published, interested readers would find the analysis of twenty-two late-seventeenth and early-eighteenth-century Nahuatl testaments from inhabitants of Coyoacan relevant for many of the topics dealt with in this book (Namala 1995).

_b Both wills are also included in Restall 1995b.

and gender conceptions as well as the cultural beliefs embedded within, and shaping, these various social relationships.

Another set of elements colliding in wills relates to the individual in time. While the act of dictating and writing the will generally took place at the end of a person's life, wills reflect not just that moment in time but the individual's life history as well. The idiosyncratic nature of long- and short-term personal relationships often influenced bequests. Family demography also molded bequests in that customary patterns of property transmission were frequently difficult or impossible to carry out due to the complex and ever-shifting disease and demographic patterns of colonial Spanish America.

Language and culture also meet in wills. While colonial wills were often written in indigenous languages, at least in Mesoamerica, the form and much of the terminology used reflected Spanish practices; Spanish friars originally introduced written testaments in most areas under colonial rule (Karttunen 1982; Restall 1994; Kellogg 1995a: 129-33). Indigenous wills, therefore, mirror Spanish testamentary practices yet diverge from them because of their varying expressive forms, family and kinship structures, gender relations, and the broader cultural patterns that testators brought to their use of the genre. Likewise, wills represent a meeting of indigenous and Spanish languages, both in the broad sense Spanish had a gradual impact and influence upon colonial-era indigenous languages⁵ and specifically, in that Spanish served as the language into which many wills were translated for legal purposes. Eventually colonial Mesoamerican wills came to be written in Spanish, as Andean wills were from the onset.

Just as testaments represent the intersection of the personal and the social, so do they portray the intersection of the domestic with the public. This is especially true with respect to the legal practices that came to play such an important role in native colonial life (Rappaport 1994b; Kellogg 1995a). Wills served as important legal documents for asserting property ownership before courts in situations of interpersonal conflict between indigenous litigants or between them and Spaniards. Pedigrees of ownership for both individuals (wills, bills of sale) and communities (*títulos*) had important political functions as mechanisms for claiming material resources, harassing others with whom a conflictual relationship existed, and/or resisting material or political encroachments (Kellogg 1995a; Lockhart 1982; Harvey 1986; Wood 1991b).

The conjunctions discussed here reveal why testaments are such rich historical sources, but these meetings also suggest how and why the genre can present problems of interpretation. Wills are not transparent documents;

their meanings are multiple, sometimes contradictory, and they cannot always be readily mined for the many different areas of inquiry stressed by contemporary ethnohistorians. Nevertheless, they represent, in aggregate, an irreplaceable inventory of types of property owned. These texts shed much light on indigenous categories of property ownership. ⁶ But these categories do not necessarily or solely represent pre-Hispanic categories of property ownership. The evaluation of the effects of acculturation, transculturation, or "interculturation" becomes still more complex when we turn from the material world to social relationships and cultural beliefs. Untangling personal choice, demographic influence, and cultural patternings of bequest options can be challenging because wills often do not provide the requisite details with the consistency and clarity that contemporary scholars would like.

The wealth of sociocultural information on material resources, class, gender, family, and ethnic identity that comes together in these documents makes them incredibly valuable. But the analysis of these elements and how they changed over time must be done with detailed ethnographic knowledge (in effect, another meeting takes place with the interdisciplinary conjunction of historical and anthropological theorizing and methodologies),⁷ a sensitivity to temporal and regional variation (both ethnic and urban/rural), as well as an awareness of the intricate webs of power relationships that shaped the colonial-era indigenous individual's life history.

The contributors to this volume all believe that close, careful analysis of testaments provides a type of detailed information impossible to find in any other documentary genre. Just as testaments reflect the kinds of meetings already outlined, so too does this book's design consciously reflect further meetings of scholarship: as just indicated, different disciplines and kinds of ethnohistorical methodologies and approaches coexist here; a variety of indigenous languages are brought together; and analysis is offered of a documentary source that existed in both colonial Mesoamerica and the Andes, regions that tend to be treated separately in the historical literature. While not denying that the indigenous societies and colonial histories of these groups varied greatly, we believe there is much to be gained by a close and careful comparison of the themes and cultural changes embodied in this genre across colonial Spanish America.

What might the place of an analysis of this genre of documents be in relation to recent historiographies of these regions? The post-Gibsonian⁸

historiography of central Mexico has gone in two directions, and these are not necessarily mutually exclusive. One direction consists of the New Philology studies of James Lockhart, his students, and other scholars.