

WE WANT TO GIVE THEM LAWS

ROYAL ORDINANCES IN A MID-SIXTEENTH CENTURY NAHUATL TEXT

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Dedicated to Arthur J. O. Anderson

yn cenca huey nahuatlato, yn huel nelli temachtiani

Over ten years ago in *Estudios de Cultura Náhuatl* # 18 (1986), John Frederick Schwaller detailed the colonial Nahuatl manuscripts held by the Newberry Library of Chicago, the Latin American Library of Tulane University, and the Bancroft Library of the University of California at Berkeley.¹ Among the Nahuatl texts at the last location are two of fundamental importance for Nahuatl Studies. The first is the "Huehuetlatolli, Documento A" (as the noted Mexican scholar Ángel María Garibay Kintana called it). This outstanding example of traditional oratory appeared first in *Tlalocan* #1 (1943), prepared by Garibay K. himself. More recently it was published as *The Bancroft Dialogues* (1987), translated and edited by Frances Karttunen and James Lockhart. The second key text is a set of confraternity rules dated 18 September 1552 which bear the name of the Franciscan philologist fray Alonso de Molina. A critical edition of this document is currently being prepared for publication.²

While not having quite the same weight as the two just mentioned, there are nonetheless some other fascinating and significant Nahuatl manuscripts in the Bancroft Library which deserve our attention. Among them are the "Ordinances of His Majesty," here presented for the first time in Nahuatl transcription and English translation with commentary by Barry D. Sell and Susan

¹ See p. 315-383.

² Transcription and translation by Barry D. Sell, with explanatory essays by Sell (on the manuscript and on early Nahua *cofradías*), Larissa Taylor (on European confraternities), and Asunción Lavrin (on Spanish American confraternities). Preface and editorial guidance by John F. Schwaller, Director of the Academy of American Franciscan History, with further assistance by Stafford Poole, C.M.

Kellogg.³ The first half of the explanatory remarks are by Sell who describes the Nahuatl text and its relationship to its Spanish-language antecedent and to other colonial Nahuatl writings. The second half is by Kellogg and focuses on narrative and social structure.

A. LET THEM ABANDON WHAT IS BAD AND EVIL

The Spanish original on which the Nahuatl text was based is apparently long since lost. Luckily an eighteenth-century copy (included among legal papers) found its way into the Ramo de Tierras of the Archivo General de la Nación. It was found and reprinted, in modern Spanish orthography and with introductory remarks by Edmundo O'Gorman, in the *Boletín del Archivo General de la Nación*, t. XI, # 2, p. 177-194. Although lacking a distinctive heading the document is listed in the table of contents of the *Boletín* as "Una ordenanza para el gobierno de los indios.—1546." Since the Spanish title of the Nahuatl text refers to "Ordenanças"—and in deference to the finders and publishers of the Spanish text who labeled their version an "Ordenanza"—we will hereafter refer to the Spanish-language text as the "Ordenanza" and to its Nahuatl counterpart as the "Ordinança(s)." Since even some readers of this journal may not have ready access to the *Boletín* many excerpts of the Spanish text can be found in the notes to the English translation.

The Ordenanza was issued on 30 June 1546 by viceroy Don Antonio de Mendoza.⁴ It was released when the controversies surrounding the New Laws and the inspection of licenciado Tello de Sandoval were still fresh in people's minds, and not long before the conclusion in October 1546 of the first Junta de Prelados.⁵ The genesis of the Ordenanças is indicated by the Ordenanza's command in the opening section that "a los indios naturales de esta Nueva España se les dé a entender lo en esta nuestra carta contenido."⁶ A similar instruction is in the closing section.⁷ The translation into Nahuatl could not have come more than 10 years later. Doña Juana (who appears at the beginning of the Ordenanças) died on 11 April 1555; even given a tremendous time lag in getting

³ The manuscript is used courtesy of the Bancroft Library of the University of California at Berkeley.

⁴ This information (lacking in the Ordenanças) is included at the end of the English translation.

⁵ O'Gorman, 181.

⁶ "Una ordenanza," 183.

⁷ *Ibid.*, 190; for the actual citation see the last footnote in the English translation.

the news to Mexico, her death would have been known in New Spain no later than the end of 1555 or the beginning of 1556.

Briefly stated the contents of the *Ordinanzas* and the *Ordinanzas* are:

- | | |
|--|---|
| 1. Believe in the Christian God; do not believe in other gods. | 20. No robbery or usury. |
| 2. Rulers must be baptized. | 21. No slavery. |
| 3. Only one baptism. | 22. No ball games or gambling. |
| 4. No idolatry or heresy. | 23. No adulterating of products. |
| 5. Confession is required. | 24. No crossdressing by men or women. |
| 6. No concubinage. | 25. No female sodomy. |
| 7. No adultery. | 26. Only proper authorities can arrest people. |
| 8. One marriage partner per Christian. | 27. No sex with close relatives. |
| 9. Must hear mass. | 28. Individuals cannot set land boundaries. |
| 10. No marriage to close relatives. | 29. No stealing. |
| 11. No drunkenness. | 30. No use of deadly potions/medicines. |
| 12. No diabolical sorcery; no pimping. | 31. Rulers cannot take the pay of the commoners. |
| 13. No parent can give a daughter in concubinage. | 32. Proper Spanish conduct in the altepetls. |
| 14. No murder, rape, sodomy, or eating of human flesh. | 33. Care must be taken with dancing to prevent idolatry. |
| 15. No abortions. | 34. Do not give children traditional names, holes in body, [traditional? hair styles or [traditional?] jewelry. |
| 16. No sweatbath irregularities. | |
| 17. Church marriages must endure. | |
| 18. Sick, dying and heirs must be treated properly. | |
| 19. Must show proper respect for the cross and images. | |

The overall impression of the ordinances in both their Spanish and Nahuatl incarnations is that they are a pro forma response by the crown's representative to persistent clerical requests to firmly state the royal position on a number of church-related issues. Given the relative weight of the regular and secular clergy in New Spain in general and among Nahuas in particular at the mid-sixteenth-century mark, one suspects that the pressure was applied by the mendicant orders. The combination of religious and lay concerns

in the ordinances was typical of the time and the regular clergy.⁸ Similar mid-sixteenth-century Spanish-language ordinances directed at “los yndios naturales de la prouïcia d’Galizia de la nueua España”⁹ share many of the same concerns:

GALIZIA	MEXICO
(<i>Topic</i>)	(<i>see Ordenança #</i>)
No idols	1, 4
Do not eat human flesh	14
No sodomy	14, 25
No drunkenness	11
Only one spouse	8
No marriage with close kin	10
No sex with close kin	27
Respect cross and images	19

Notwithstanding the similarities, the Ordenanças are in some respects more revealing than their Spanish-language counterparts like “Galizia.” The decision to have the Ordenanza translated and made available for dissemination among Nahuas brings us much closer to determining which Hispanic decrees most Nahuas actually knew about. The decisions of the first Mexican Council of 1555 (published in 1556) cover much of the same ground as the Ordenanças. However, while it is of interest to know that secular clerics were urged to address such issues as traditional indigenous dancing¹⁰ this is a big step removed from determining exactly what was communicated to Nahua parishioners.

The exact identities of those who wrote on the ten pages of the Ordenanças are unknown. The small well-formed letters of the main text with their 34-37 lines per page, consistent calligraphy and neat margins suggest to us a single well-trained Nahua hand. In this instance as in many others a Nahua would have performed the kind of routine chore that the few overburdened Hispanic *nahua-tlatos* (experts in Nahuatl; interpreters) had no time for.¹¹ We suspect (although without any direct proof) that the scribe was also the translator. At any rate the Nahua translator commits a gaffe almost inconceivable for a European: in order to make a suitable

⁸ For an excellent selection of representative clerical documents see Cuevas 1975.

⁹ Puga 1945, 158v. The entire document covers ff. 158v-159v.

¹⁰ *Constituciones* 1556, 34v-35r.

¹¹ The Franciscan philologists fray Alonso de Molina and fray Bernardino de Sahagún immediately come to mind.

doublet out of Don Felipe's "niRey castilla" (I am king of Castile) he uses "nemperador" (I am emperor). Don Felipe's father, Don Carlos V (doubtless known by title and name to every literate Nahua in the capital), was unquestionably an "emperor" but Don Felipe assuredly was not. Marginal notations and glosses in Nahuatl and Spanish, seemingly in two different hands (both appear distinct from that of the main text), are included in the notes to the transcription. The peripheral commentary suggests Hispanic and Nahua oversight, probably preparatory to making multiple copies of the document as was the case with the Molina *cofradía* rules mentioned above.¹²

The tenor of the *Ordinanças* is generally unexceptional. The interpreter accurately uses idioms, deity epithets, and sociopolitical and Christian terminology in ways typical of his time and place,¹³ betraying a close familiarity with the main currents of early Spanish-to-Nahuatl translation. The titles applied to the Christian God in the opening and closing portions of the royal *Ordinanças* well illustrate this point. All the more striking ones (some of which apparently rested comfortably on various pre-Hispanic deities as well) and others can be found in a contemporary book of Christian doctrine: God the Father and the Son are both deemed the "ypal-nemohuani techihuani teyocoyani" (Giver of Life, Progenitor of People, Creator of People), God the Holy Spirit is the "ypalnemohuani techihuani yluicahua tlalticpaque" (Giver of Life, Progenitor of People, Master of Heaven and Earth), and the Trinity itself is "çan huel ce nelli teotl yn axcahua, tlachihuale" (just one true Deity, Master of Material Abundance and Creatures).¹⁴ Other aspects of the document's language like the handling of Nahuatl rhetorical conventions and Spanish loanwords also conform closely to contemporary practices.

The topics covered in the *Ordinanças* occupy varying amounts of space in the ecclesiastical Nahuatl corpus. Much ink was spilled in publications and manuscripts on anything related to sacraments like baptism, confession and marriage (see *Ordinanças* # 2, 3, 5, 8 and 9)

¹² The nearly-identical copies of the Molina regulations held at the University of California at Berkeley and Tulane University are both dated 18 September 1552, are in distinct Nahua hands, and lack the names of their Nahua scribes. Since the Molina rules and the royal laws (both labeled ordinances by their scribes) are apparently contemporaneous, this hints at the routine making of multiple copies of certain types of official documents. By design they would not be identified by each Nahua writer's name and home *altepetl* since they were to circulate in other communities.

¹³ With the one major exception of calling Don Felipe an emperor.

¹⁴ Gante 1981, 4v, 5r, and 33r, respectively.

while others like the stricture against crossdressing (# 24) received little or no attention. What is most surprising about the *Ordinanzas* is that any space at all is given to the mention of male and female homosexuals (see # 14 and 25). Even brief discussions of homosexuality tended to be confined to manuals of confession—and by implication the privacy of the confessional—and not to the more public genres of the sermonary, book of Christian doctrine or catechism.

The reluctance to discuss publicly the “abominable” or “unspeakable” sin (as it is labeled in more than one Nahuatl/Spanish confesionario) proceeded from the church’s well-founded experience of matching a cleric’s discourse or questions to his audience. Parish priests were often given indications in Nahuatl confesionarios that certain questions and instructions were restricted to older people or youths, women or men, nobles or commoners, etc.¹⁵ It would not have been appropriate to raise certain issues in any detail to the mixed groups of parishioners who filled the churches and atrios of the sixteenth-century altepetl church complexes. Notwithstanding this general and long-accepted practice there is at least one early sermonary where the restricted issue of homosexuality is raised.¹⁶

Clerics had been pressing hard for a long time on some of the points raised in the *Ordinanzas*. For example, the struggle by the church against “Indian” idolatry and superstition begins in the earliest ecclesiastical Nahuatl texts.¹⁷ How this sort of issue could be brought to life before Nahua audiences is exemplified by the following excerpts from a sermon by fray Bernardino de Sahagún. The sermonary from which these passages are taken is a 1548 copy of a 1540 original. They are presented here as a tribute to Arthur J. O. Anderson who helped transcribe and translate them. The occasion is Epiphany; the Latin *thema* (text) on which it is based comes from Matthew 2:2: For we have seen His star in the East, and have come to worship Him:

¹⁵ To pick only one example among many: the first published large manual of confession makes a number of these distinctions (see Molina 1984 [1569]; this is the second edition, a reissue of the first which was published in 1565).

¹⁶ The sermonary is described in Schwaller 1991, 315-316 and 321-322. See ff. 269r-270v for one of the longer passages on homosexuals. Details not included in the Schwaller article are that the *De Contemptus Mundi* bound with the sermonary is actually Books 1 and 2 (of 4) of a work associated with fray Juan Bautista (see Bautista 1606, “Prologo”), and that the sermonary itself is a mid-sixteenth-century text glossed by fray Agustín de Vetancurt in the later seventeenth century but not in his hand, style, or exhibiting his orthographic conventions.

¹⁷ See the anonymously-authored Dominican *Doctrina cristiana* of 1548, 20v, 40v, 80v, and passim, for some examples. The contemporary *cofradía* ordinances of Molina from 1552 contain some similar material as well (see the first two obligations on p. 2-4).

You are blind, uselessly taking things for omens and frightening yourself, uselessly confusing yourself and practicing idolatry. Because you do not know things you confuse yourself with them. You take a comet as an omen because you do not know how it happens. If you knew, you would not take it as an omen. You regard the shaking of the earth as an omen because you are not wise. If you knew how it happens, you would not take it as an omen. When you see an eclipse of the sun or the moon, you straightway take it for an omen, because you do not know how it occurs. If you knew how it happens, you would not regard it as an omen. ... Also, if you used to see something terrifying, perhaps a wild man-eating beast, or a bird, or a big snake, you then honored it, bowing before it or making offerings before it, worshipping it. That is sheer nonsense! Thus you used to worship the devil because he manifested himself as a frightening man-eating beast. You also used to worship fire because it consumes people, and also because the ocean is so very great you worshipped it. Also you used to honor and worship the sun and the moon and the stars because you saw that they were great and very radiant. This is very great foolishness, and by it you appear ignorant and unknowing, just as if you were moles and blind. The wise and good people first recognize and question people, first know what they are looking at. ... Thus did the three rulers because they were wise. ... Those who are stupid do not do likewise!¹⁸

If viewed as model altepetl regulations the royal Ordenanças invite comparison with the similarly Spanish-inspired Cuauhtinchan ordinances of 1559.¹⁹ Both documents cover much of the same ground. Consider, for example, the following points in the Cuauhtinchan text and compare them with Ordenança # 33:

- 496 También cuidarán [the altepetl authorities] mucho de que en ninguna parte se hagan danzas como las que hacían cuando aún los indios idolatraban.
- 497 Y si se danza se hará allí en el atrio del templo o en el mercado. Y en el vestuario de la danza nada diabólica aparecerá, como antiguamente se usaba.
- 498 Y en el canto nada deshonesto irá entremetido, [todo] se hará con la aprobación de los sacerdotes.

¹⁸ Sahagún 1548, 16r. From an unpublished transcription and translation of the first 15 sermons in Ayer MS # 1485 by Barry D. Sell and Arthur J. O. Anderson. Courtesy the Bernardino de Sahagún manuscript, *Siguense unos sermones de dominicas...*, Edward Everett Ayer manuscript collection, The Newberry Library. This is heavily edited for reasons of presentation.

¹⁹ Presented in Nahuatl transcription and modern Spanish translation in Reyes García 1978, 180-215.

499 Y las danzas se suspenderán al toque del Ave María, y quien desobedezca, ocho días estará en la cárcel.²⁰

As can be seen in the above excerpt the Cuauhtinchan ordinances also can expand on issues raised in the *Ordinanças*. This is especially pronounced in a few cases. While royal *Ordinança* # 16 briefly disposes of crimes in sweatbaths and their attendant punishments it takes fully *ten* points (some relatively long) in the Cuauhtinchan regulations to do the same.²¹ Details also vary. Royal *Ordinança* # 16 proscribes 100 lashes with a whip, wooden stocks and [public?] reprimand as punishments while whipping and head-shaving in Cuauhtinchan's marketplace are stipulated in the corresponding 1559 rules.²² Such inevitable differences aside, however, the tone—and even the ending—of each text is similar. The royal *Ordinanças* conclude with the statement that they will be publicly proclaimed three times during the year so that no one can say “I did not hear the laws.” In a similar vein their Cuauhtinchan counterpart, in the next-to-last point, declares that “en un año cuatro veces serán leídas públicamente en el mercado y en el templo, muchas veces se les hará oír, para que nadie diga: ‘No lo sabía.’”²³

While more could be said on genre and tone the above suffices to place the *Ordinanças* squarely within the general run of contemporary Nahuatl writings. What follows next is the specific legal and social context within which they were framed and applied.

B. SO THEY WILL NOT SAY “WE WERE TOLD NOTHING”

The idea that the oral rendering of a long, detailed series of laws would convey the essentials of Catholic belief and Spanish rule, thereby promoting compliance, is repeated twice in this text—at both beginning and end. This repetition illustrates the conscious importance the Spanish placed on laws as a tool of education and rule. Law has been a surprisingly understudied aspect of colonial Mexico even though legal sources constitute a frequently used source. Such sources include compendia of laws, judicial decisions and other writings, and case materials. The legal compendia alone encompass a large body of materials by which the institutional

²⁰ *Ibid.*, 188-189.

²¹ *Ibid.*, 210-211, ordinances # 676-685.

²² *Ibid.*, 210, ordinance # 683.

²³ *Ibid.*, 215, ordinance # 722.

structures and policies of Spanish rule in colonial Mexico have been studied.²⁴ However, these studies tend to focus on metropolitan legal compilations such as the *Siete Partidas* or legislation promulgated by high ranking bodies or officials with oversight responsibilities for Spain's empire as compiled in the *Recopilación de leyes de los reynos de las Indias*. What is becoming clearer now is that a hierarchy of legal compendia exists and includes lesser known, local-level legal compilations such as the text under study here. This range of texts offers many perspectives, including local ones, from which to view the functioning of law in both Spain and the Americas.

In the colonial Spanish world, law served as far more than a framework for the devising of formal policies of governance. Law was a fundamental aspect of Iberian political culture²⁵ and, as such, would play a major role in colonizing indigenous peoples. While studies of institutionalized colonial policies based on legal sources have been numerous, studies of law as an arena of cultural conflict and accommodation and as a catalyst of cultural change and adaptation have not.²⁶ The "Ordinances of His Majesty" provides an illustration of the social and cultural implications of law as a tool of colonialism. Here we focus on two aspects of Iberian-American law: its hegemonic aspect and its dialogic aspect.

Colonial rule can never become deeply rooted simply through force.²⁷ A colonial power must depend, especially in its early years, on some degree of adherence. This adherence does not take place because people happily or willingly subjugate themselves. It occurs because rational people (often —though not always— elite), in adapting to changing material and social circumstances, make a series of decisions that cumulatively have the effect of changing everyday practices, social institutions, and ultimately cultural beliefs, even cognitive patterns. These changes take place partly as a result of the hegemonic aspect of law. The concept of hegemony refers to pervasive yet subtle aspects of social control through which individuals, social groups, and communities appear to regulate their adjustment to colonial rule themselves. Law can function

²⁴ This institutional literature is ably summarized in Gibson 1966 and Keen 1985.

²⁵ The role of law in both creating and expressing a "philosophical matrix" of governance is discussed in MacLachlan 1988.

²⁶ Institutional studies of the Spanish colonial legal system include Ots Capdequí 1941, Ballesteros 1945, Góngora 1951, MacLachlan 1974, Lira González 1982, and Borah 1983.

²⁷ Classic studies of the nature of colonial rule, especially its social and psychological impact, include Fanon 1963, 1967; Memmi 1965; and Balandier 1966. Important recent studies of the nature and impact of colonial rule include Asad 1973; Cooper and Stoler 1989; Thomas 1994; and Prakash 1995.

hegemonically by providing both an arena for contestation as well as concepts to articulate and adjudicate conflict among the colonized and between colonized and colonizer. Offering up conflicts for Spanish adjudication gave power and authority to Spanish officials and simultaneously provided an arena of self-education for Nahuas in Spanish law and culture. These ordinances show that this educational process took place not just in the courts of the *audiencia real* but on the local level, in individual communities, and that local, indigenous officials served not just as translators but as teachers.

The use of indigenous officials to teach and reinforce Iberian law meant that law not only served as a means by which indigenous peoples accommodated to new beliefs and practices but law itself accommodated to local realities. This is the dialogic aspect of Spanish law in colonial Mexico. Louise Burkhart has argued that missionaries were missionized and Christianity was conquered across a "dialogical frontier" which she defines as the "residue of a dynamic interaction between European and Nahua culture." Insight into this dynamic frontier can be gained by assessing: similarities and differences in Spanish and Nahua concepts; how concepts in both languages were "transformed in the process of their translation"; and by analyzing which Spanish concepts Spaniards unconsciously viewed as untransformable, not because they could not be transformed but because they *should* not be transformed.²⁸ Legal texts such as the Ordinanzas also lend themselves to a dialogical and rhetorical analysis.²⁹ There is not space here to attempt a full treatment but some dialogical aspects of the Ordinanzas will be analyzed. In particular, the ways the Nahua translator/author changed the Spanish text illustrate some ways Nahua cultural beliefs persisted and might be reinforced even by a text such as this, dominated as it is by its focus on the necessity for behavioral change. However, the text also reveals some of the ways that Spanish law and Catholicism were on a collision course with Nahua institutions and practices through means not consciously planned by Spaniards but that would further Spanish cultural hegemony.

The Nahuatl text, while clearly a translation of the Spanish text, is not an exact translation. This is so not only because certain Spanish words or ideas were difficult to express in Nahuatl, but

²⁸ Burkhart 1989, 185-188.

²⁹ On rhetoric, see Burke 1966. On legal rhetoric, see Fuller 1967, Posner 1988, and White 1985.

because words, ideas, forms of expression, even whole passages were changed, added, or left out in the indigenous document.

How is the Nahuatl text different from the Spanish text? There are four ways (at least) that the Nahuatl text departs from the Spanish original. First, the Nahuatl text places a greater emphasis on orality. In the opening phrases of the Spanish text, the monarch is discussed in the third person. In the Nahuatl version, the monarch speaks in the first person directly addressing his indigenous subjects. Later in the Nahuatl text the Spanish monarch refers to "my judges" (# 3), and refers to property appropriation as punishment by saying that it "will be made my property" (# 8). Orality is a common feature of many Nahuatl texts of the sixteenth century, reflecting the place of public speech in Nahua life.³⁰

The orality of this text has further implications. The paternalism of the language and ideology that expressed the ideal relationship between ruler and subject is maintained in this document.³¹ While the monarch does not call the Indians his "children" he refers to judges as "my judges" and refers to the *audiencia* as "my royal home." The Nahua translator thus implies that the monarch has a direct, personal interest in Nahua behavior in local communities. Yet this close, personal relationship also signifies the Spanish monarch's authority over the Nahuas as expressed through the viceroy, the *oidores*, priests, and local indigenous officials.

These officials, the monarch explains, have special responsibilities. The Nahua translator/author uses embellishment (i.e., added explanation) to explain the special, new legal responsibilities of these officials. For example, the fifth order deals with the need to confess by those who have been baptized. The Spanish version details the punishments for not confessing; the Nahuatl version adds that confession is especially important for those who were baptized very young and for indigenous officials, specifying their swift punishment for not obeying. Thus, the Nahuatl text reinforces the importance of this practice and illustrates how indigenous leaders had a specific responsibility as role models.

Other examples of embellishment add details about former practices that were no longer acceptable under the new regime. These explanations clarified change for the intended audiences (yet reminded listeners of beliefs or practices that were important

³⁰ For a clear, authoritative discussion of orality as encapsulated in colonial Nahuatl texts, see Lockhart 1992, 364-371.

³¹ Precolonial Nahuatl texts on leadership made frequent references to rulers as parents. This is discussed in greater detail in Kellogg 1993, 215-216.

in the past). What is referred to as “witchcraft” (# 12) is described in greater detail in Nahuatl:

all falsehoods and lies will disappear, [i.e.,] what used to be called divining by omens and dreams, divining by nets, divining by cords, or divining by lots, and what they call curing sickness by taking objects out of people’s bodies and sorcery and other many things [of a similar nature].

In a similar fashion, the instructions concerning an individual’s death and burial (# 18) simply state that confession was needed before dying. The Nahua translator/author embellishes these instructions at great length by saying that the dressing of bodies in shrouds was absolutely not allowed, and then discusses the consequences of the dying individual not confessing before death. The implications of not confessing were grave:

But if someone who is sick does not want to confess, when he dies he will not be buried in the church [cemetery] but rather in a trash heap or among the chinampas. It means that those who die who go along leaving children who are not yet of the age of discretion and are still very small, abandoning them and what is their property, right away take from their children by stealth. Perhaps some orphan had his property taken away, he no longer has anything to speak about. But if he has something to say then they will question him about what will become the mistreatment done to him. Perhaps they sent him somewhere faraway, or he goes along bearing things on his back for others, or he goes along delivering letters someplace. This is a very great sin, and he who does such is very worthy of great punishment on earth and would depart right to hell.

This elaboration emphasizes the need to confess, it seems to suggest concern about orphaned children (their material needs and potential problems), and ends by stressing the sinfulness of mistreating orphans. Understanding what constituted evil and sinfulness was a focus of embellishment. The final example of embellishment reiterates this concern.

Order 33 concerns dancing. In Spanish, the ideas emphasized include not dancing at night, and that dancing during the day might mean missing mass which all inhabitants of local communities were required to attend. The order mentions that insignia, devices, or songs representing the past were not allowed and specifies punishments for breaking these rules. The Nahua translator/

author does not attempt to translate this order but instead embellishes and reflects on the complex meanings of indigenous dancing in the colonial era:

no one will dance for there begins wickedness, the afflicting of people, drunkenness, and all [manner of] wickedness, pride and concubinage. And some[thing] of idolatry is remembered there. If someone wants to enjoy himself in the home of the ruler, first he will say something to the priests, those who rule people in spiritual matters. But it is not necessary that they sing about devils. No one will sing the songs of long ago where devils are mentioned; rather they will raise up in song what is pleasing and acceptable, what the priests have heard, what has been recently composed where there is no mention of wickedness.

Learning that what was good was now bad could not have been easy. Sometimes that meant embellishing and adding explanations in Nahuatl; sometimes that meant either ignoring or attempting to rationalize or meliorate practices of the past.

One item of the Nahuatl *Ordinanzas* (# 13) leaves out an extensive Spanish passage. The item deals with the practice of giving a daughter for concubinage. The practice of elites' giving or receiving daughters in marriage for the formation of marital alliances was very widespread.³² The Spanish version does not mention marriage and goes into great detail on how indigenous officials will be punished if they participate in this activity. Their punishment would include banishment from New Spain, being imprisoned, and being brought to Spain for investigation. The Nahuatl version simply mentions that the giving of unmarried daughters for concubinage is punishable by imprisonment. It mentions neither the special focus on elites nor does it describe the sailing as a prisoner to Spain. For a generation of leaders who were probably still at least occasionally polygamous, perhaps this requirement hit very close to home.

In other cases the Nahua translator/author subtly suggests that behavior could not be changed overnight. In order 6, dealing with concubinage, the Spanish text states that the miscreant be told to leave the concubines. If he did not do so, then he would be imprisoned and publicly whipped. The Nahuatl text translates this but it adds a sentence that argues for a milder punishment: "But perhaps sentence will be pronounced on him [taking into account?] some [mitigating factor?], perhaps he will do something [in penance?] for a few days because of his sins." The twenty-second Order deals

³² See Carrasco 1984.

with gambling, and it begins simply by saying that no one should gamble. The Nahuatl text refers to "repeatedly" gambling (*pahpatoz*) with the implication that the instantaneous rejection of this much-enjoyed activity might be difficult to achieve. Melioration therefore, like the other shifts in the Nahuatl text mentioned, worked to explain and justify Nahua customary activities, and it subtly revealed the translator/author's view that it would take time for the newly outlawed behaviors to decline.

Yet this legal text also consciously and unconsciously undermines Nahua culture in important ways. To point out that the document undermines Nahua behavior and beliefs is almost banal since that was the conscious purpose of the text. What we emphasize here is that the Ordenanças introduced actions and ideas that undermined some important Nahua political and social institutions, not always by attacking them openly, but in ways that both acculturated and stigmatized the indigenous population.

First, not only did the text reinforce Spanish royal power and authority, it did so at the expense of institutions important in Nahua patterns of social control. Nahua altepetl had numerous councils and courts that held centralized political and legal authority. While some courts functioned in the first years after the conquest, the Spanish judicial structure replaced the higher levels of the indigenous legal structure relatively rapidly.³³ By the 1560s, indigenous use of Spanish legal institutions was common even though native officials within communities, wards, and neighborhoods retained a significant legal role.³⁴ While kin groups and elders retained social importance within Nahua communities, their authority eventually declined as kin groupings withered away from lack of legal recognition and elders lost some of their culturally-sanctioned legal powers of social control.³⁵

The Ordenances also suggest ways in which gender balance and complementarity, so characteristic of Nahua societies, was undermined beginning in the early post-conquest years. Not only does this text fail to recognize the existence of a parallel structure of female authorities who regulated an array of activities part of women's lives, but it voices concerns about sexuality and its expression among Nahuas that would have a great impact on gender construc-

³³ Borah 1983, 43.

³⁴ *Ibid.*, Offer 1983, 86; Haskett 1991, chapter 4; Kellogg 1995, xxvi-xxix.

³⁵ For a general discussion of changes in kinship structures and authority relations within kin groups, see Kellogg 1995, chapter 5.

tions among colonial Nahuas.³⁶ While sexuality within marriage was protected and controlled, virginity prior to marriage was not a major Nahua concern.³⁷

In this text, control of women's sexuality receives some attention. Sexual assault, for example, for which Spaniards had different degrees of definition,³⁸ is defined in this text as forced sexual relations with a woman who is a "complete virgin" (*vel ichpochtlī*). Likewise, abortion, lesbianism, and cross-dressing (male-to-female or female-to-male) are mentioned perhaps reflecting some disquiet on the part of Spaniards about Nahua women's roles in and their regulation of sexual and domestic issues and affairs. While the recorded sermons of priests offer lengthier and more elaborate discourses on the desired new sexual and gender order, this text provides early clues to the ways in which sexuality, family life, and gender relations would become the subject of new types of scrutiny.

Finally, the *Ordinanzas* offer an interesting view of punishment which intimates that punishment and race began to be linked in ways specifically stigmatizing to the indigenous population. The emphasis on public shaming as part of the recommended sanctions is quite striking. It was the case that public humiliation was a common form of punishment in the pre-Hispanic era with head-shaving a commonly used public sanction.³⁹ But while humiliation might be used by Spaniards as well, it was a less common form of criminal punishment, and head-shaving is not mentioned by legal codes such as the *Siete Partidas* as a possible punishment.⁴⁰ Seven ordinances in this document mandate head-shaving as a punishment. Given that Nahuas believed that hair contained *tonalli*, perhaps they perceived the Spanish appropriation of this punishment as humiliating and stigmatizing as well.⁴¹

The ultimate impact of the royal *Ordinanzas* on Nahua communities—like that of the Cuauhtinchan ordinances on actual altepetl functioning—is beyond the focus of this article. What can be said at this point is that the "*Ordenanzas de su mag.^l*" provide a lasting

³⁶ On institutionalized patterns of female authority, see Kellogg 1995, 91-103; on Nahua sexuality and friars' efforts to transform aspects of this complex of beliefs, see Burkhart 1989, 150-159.

³⁷ Motolinía 1971, 319-323.

³⁸ Lipsett-Rivera 1996, 4, 6-7.

³⁹ Examples include Motolinía 1971, 358; and Torquemada 1975, II, 186, 356.

⁴⁰ *Siete Partidas* 7-31-4.

⁴¹ *Tonalli* was "a kind of animate force or soul which had important effects on one's character and fate" (Burkhart 1989, 48). Sixteenth-century Mayas complained about the Spanish practice of head-shaving as punishment (Frances Karttunen, personal communication).

record of regal and clerical concerns on a wide range of issues. The decision to translate the Spanish Ordenanza into the Nahuatl Ordenanças facilitated their intended dissemination among Nahuas, revealing one more avenue by which the crown and the church attempted to influence the indigenous peoples of early colonial Mexico.

¶ Ordenanças de su mag.^t

NEhuatzin nidon felipe niRey castilla yvan nemperador .q.n. tlalticpac nivey tlahtoani çanⁿ ypaltzinco yn toteouh in totlatocatzin yn dios: no yehuatzin in ^{vei} çivapilli y nocyhtzin doña Juãna çan ypaltzinco in dios Reyna y noviyã vmpa España tonevan yc titotena-
vatilia y Jn axcã oc cequi navatilli monequi macozque yn india tlaca yn quipiazque y quimonemiliztizeque, macivi in ye ixquich cavtl y yn quimomachtilitinemi padreme yn itlatenquixticavã yn ipalnemovani tot.^o dios. Auh in yehuatl in navatilli y macozque, monequi cenca vel quinezcalicachivazque, vel quimocuitlauizque y tepã mani, yn quitqui yn quimama yn itconi y mamaloni yn cuitlapilli yn ahtlapalli: auh yn topileque y notencopatzico oyxquetzaloque y onavatioque, yvan yn oc cequi quimmixquechiliz yn oc quimonavatiliz y nixiptla yn visorrey yn tepachozque yn tepã manizque yn avahcã yn tepeuacã Jn axcan ca tiquitononochiliznequi, tiquintomaquiliznequi yn navatilli ym pialoni, ynic amo quitozque atle tilhuiloque yn itlatocauh yn icel teotl yn dios yn axcava yn tlachivale, ma çan vel iceltzin quimoneltoquitica, canel yehuatl y cenca tiquinequiltia¹ Auh yn axcã in yehuatl in navatilli i ye tiquitomaquilia ca amo qui axcan ca cẽca ye vecauh yn ipã motecanonotztinemi y nixiptla y visorrey yvan in oc cequitin y notecutlatocavã ynic mocẽtlalitinememi yn vncan notlatocachã y chãcelleria yn vmpa ca mexico: ca otictonequiltique ynic omicuilõ yn in navatilli y nicã amatlacuilolpan onotiuh, ca yehuatl yc tiquitonavatilã, vel tiquitlaquauh-tzitzquiltia tleh quimati, ma quimocuitlavica: auh ma ylhuioca ma cui(2)tlaviltioca yn ixquich nican ycuiliuhtiuh, ma çan conilcauhti, ma nen ahquichiuhiti ma vel quimonemiliztica. yn tlapachoa yvan in topileque y noviyã altepetl ipã ma vel q̄tecuitlaviltica ma noviyã chivalo, ye iz ompeva. /

¹ To the right in the margin: t̄q̄meleviltia [?].

¶ ynic centlamantli yc tiquīnavatia yn india tlaca ȳ nechtlayecoltia ȳ notech pouhque / yvan yn quintlayecoltia yn castillā tlaca, ma çan vel iceltzin quimoneltoquitica yn nelli teotl yn dios, ma çan vel yceltzin quimoteotica:² auh ma quīcavaca yn tlatlacatecolo yn oquīmoteotitinenca³ auh macamo quimoteotica yn tonatiuh ȳ metztli, ȳ cicitlalti, yn tletl, yn quavitl, yvan yn oc cequi q̄nteotlamaniaya yn oquinteotlapiquitīnēca: Ma ye no yca moxtlauhti, ma ye no yca q̄ntlamaniliti ȳ tlatlacatecolo. ynin navatilli ma cēca vel ylhuiloca ynic vel quipiazque ynic çā nimā ayac quichivaz ȳ nican tictecavaltia. Auh yn aquī quichivaz, nimā tlatlaniloç cuix omoquatequi: yntla omoquatequi yc tlatlanivaz cuix quin iyopa yn iuh oquichiuh, cuix noçe miecpa. yntla quin iyopa totencopatzinco macuilpoalpa mecavitecoç yvan ximaloz: auh yntla oc ceppa quichiva, nimā yxpantzinco vicoç ȳ nixiptla visorrey yvā oydores yn vnca notecutlatoaya, yn ixpā mitotiuuh yn itlatlacol ynic yehuātin quitlatzontequilizque yn iuh tetlatzontequilia Auh yntlacayemo moquaatequia tzitzq̄loç ylpiloz [~~cana?~~] vncan teopan yxpan vicoç yn teoyotica tepachoa yn guardiā anoço prior, anoço yntla aca oncā nemi ȳ vel teotla^{tol}tica teixtlamachtia yehuatl quimonavatilizque ynic quinonotzaz ynic quimachtūz yn itech moēq̄ ynic vel nemiz, quilhuiz quicaquitiz yn quenī vel quimiximachiliz yn icel teotl yn dios, yvan yn quenī vel quimoneltoquitiz. Auh ynī oniquito ma vel ypan tlah-toca, ma vel quimocuitlauica yn tlatqui yn tlamama ȳ gobernadores, yn alcaldes, yn topileque: auh ma quiteilhuitinemica, yvā ma vellapixtinenca açoc cana nemi ȳ nohma quichiuhtinemi ȳ nican tictecavaltia./ (3)

¶ Jnic ontlamantli yc tiquīnavatia yn india tlaca. yntla aca amo moquaatequiznequi, amo tecutiz amo tlapachoz amo ytla yc teyacanaz çan tlapaltontli yes:⁴ auh yntla cana oc cecni altepetl ipan yaz amo no vmpa tlapachoz, auh yntlacamolte ipan quitta ȳ nequaatequiliztli yntla tetlapololtinemi yntla tlatlauelilocaaquililia, ma analo ma tzitzquilo, ma mecaviteco, ma ximalo: auh ȳtla ytla ic q̄chicoytoa yn teoyotica totlamanitiliz ma yxpan ylpituih ȳ nixiptla visorrey, yvā in notecutlatocavā oydores ynic yehuantin temahmauhti yc quitlatzontequilizque./

¶ ynic 3. yc tiquīnavatia yn india tlaca, yn aquī omoq̄atequi aocmo ceppa moquaatequiz,⁵ ca cēca vey tlatlacolli. yntla oc ceppa moquaatequi, nimā analoz ylpiloz vmpa quicavatiui yn vei tecaltzaqualoya:

² To the right in the margin: daneltoçoz.

³ To the right in the margin: cavaloz tetevā.

⁴ To the left in the margin: neq̄ateq̄loç.

⁵ To the left in the margin: haoppa nequaateq̄loç.

auh yn itlatlacol yn ipampa analo, quimilhuitivi \bar{y} notecutlatocavā oydores.

¶ ynic 4. yn aquī omoquaatequi yntla oc ceppa quīnotza yn tlatlacatculo, yntla oc ceppa quīmoteoti, \bar{y} tla quintlamanili,⁶ \bar{y} tla moxtlava, yntla quincopaltemili, yntlanoço y tla quichiva yn intlayecoltiloca yn imiztlacateotococa yn tlatlacatecolo yntlanel çā ceppa oquichiuh nimā analoz ylpiloz: ma teyxpā mecaviteco yvā ma ximalo: auh yntla oc ceppa quichiva ma ymixpā vico, \bar{y} notecutlatocavā yn vncā tecutlatoloyā: auh ymixpā momelavacaytotiuh yn iuhqui ytlatlacol yn ipampa analo.

¶ ynic 5. yn aquī omoquaatequi yn aço oquichtli, anoço civatl yn amo moyolmelavaznequi yn iquac tenavatia tonāzīn Santa yglīa, ma ylpilo ma analo, ma teyxpā mecaviteco:⁷ auh yntla ye oxivtl amo moyolmelava oc ceppa analoz ymixpan valhuicoz \bar{y} notecutlacavan oydores ynic yehuātin quitlatzontequilizque oc cēca yehuantin yn teopā omovapauhque yvan yn tlahtoque, \bar{y} çihca tlatzacuiltlozque./

¶ ynic 6. yn aquī momecatitinemī aço ce anoço miequintin \bar{y} quīmomecatitinemī⁸ ma çan oc tlatolica nonotzalo, ma çan oc quavtl tetl toctilo ynic quincavaz ymecavā, (4) auh yntlacamo quincavaznequi, ma yequene yquac analo ma ylpilo, ma teyxpā mecaviteco, auh aço y tla ipā motzontequiz⁹ aço quezquilhuitica y tla ayz in ipampa ytlatlacol.

¶ 7. yn aquī monamicti teoyotica yntla momecati çan oc tlatolica nonotzaloz quavtl tetl toctiloz ynic motlacavaltiz:¹⁰ auh yntlacamo quicaquiznequi ma ylpilo ma teixpan mecaviteco, yn vncan teopā. Auh \bar{y} çivatl yn omonamicti yntla quitlaSsima yn inamic, yntla ipā yauh: in yehuatl yn oquichtli yntla quinequi ma quiteixpanvi, yvan ma no analo yn oquichtli yn otetlaSsi in o tepā ya, ma nevan ylpilocā yn çivatl ma ymixpan vicoca yn tecutlatoque oydores, yvan vel imixpā mōmelauacaytotiuh yn itlatlacol yn ipāpa analo.

¶ ynic 8. yn aquī omonamicti teoyotica¹¹ yntla oc ceppa ce civatl quimonamicti, yn çatepā ocan ma ymomextin ylpiloca, ma nevan teixpā mecavitecoca yvan çatepā tepuzcolli yuhqui tecamatlatiloni yc quimixquatlatizque ynic oncā titiquiliviz: auh yn itlatqui motlaco xelo centlacol concuiz, auh centlacol notech pouiz, naxcatiloz auh ma yeh conana ma vicaltilo \bar{y} vel iciuah yn achtopa

⁶ To the left in the margin: aoc lateocoz.

⁷ To the left in the margin: neyolmelaoaloz.

⁸ To the left in the margin: amo nemecatiloz.

⁹ To the right in the margin: ojo. falso.

¹⁰ To the right in the margin: amo tetlaximaloz.

¹¹ To the right in the margin: ¶ yn aqn opa omonamicti çntlatzacuaz.

oq̄monamicti. Auh ynic vel mochivaz y, monequi yn iquac oanoque ymixpan vicozque ȳ notecutlatocavā oydores.

¶ ynic 9. yn aquī amo quitta missa yn domīgo¹² anoço ilhuitl ypan yn iquac çā ixcavilo qualli yectli yn iuh ca navatilli yn iuh motenavatilia Santa yglesia, yn amo quicaqui yn xp̄ianonemiliznemachtilli yn itoca doctrina xp̄iana, yvan yn teotlatolli yn temachtilli: yntla quin iyopa o yuh mochiuh omilhuitl caltzacutiaz teylypoyā: auh yntla oc ceppa yuh mochiva mecavitecoz./.

¶ ynic 10. yn iquac temanepanoa Sacerdote, yn aquin quimonamictia yvanyolqui yn quiximati, aço yvepol, anoço quē quinotza: yn iquac tlatlaniloh yn ac yeh quitlatia valyocāyotl, aço yeh yn oquichtli anoço yeh yn çivatl teyxpā mecavitecoz. Auh yntla yn nevan q̄mati, ȳtla ymomextin oquitlatique vāyolcayotl, nevan tlatzacuiltilozque, mecavitecozque./ (5)

¶ Jnic 11. yn aquin tlavanaz, yn aquin yc xocomiquiz¹³ ȳ castillan octli yn itoca vino anoço vmpa yndia octli analoz vmpa teixpā mecavitecoz macuilpoalpa yntla quin iyopa iuh omochiuh: auh yntlacamo quicavaznequi yntla oc ceppa yuh quichiua oc ceppa analoz mecavitecoz yvan ximaloz Auh yntlacamo yc quicaqui, ma ymixpā vico ȳ notecutlatocavan oydores./

¶ ynic 12. mochi poliuiiz yn iztlacayotl in iztlacatiliztli¹⁴ yn mitoaya tonalpoualiztli, matlahpoualiztli, mecatlapoualiztli, anoço tlahpoualiztli, yvan in quitoah tetlacuicuililiztli yvan ȳ navallotl yvan yn oc cequi miec tlamantli. yn aquī quichivaz yn aço oquichtli, anoço çivatl nimā analoz, ylpiloz teyxpā mecavitecoz, auh vmpa tianquizco quauh-titech quilpizque ycpac maniz amaquavitztli ȳ tepinauhtiloni, vncan hicz yxquich cauitl yn etetl mitoa missa. çā¹⁵ no yuh tlatzacuiltilozque yn aqui que tetlatlanochilitinemi.¹⁵

¶ 13. yn aqn quitemaca ychpoch inic çā nemecatilo¹⁶ ma nima ylpilo ma vmpa quicavati yn vei tecaltzaqualoyā, quimilhuitivi ȳ notecutlatocavan yn iuhq̄ ytlatlacol yn ipāpa analo.

¶ ynic 14. yntla aca temictiz yvan intla aca quiquaz tlacanacatl ma nimā analo ma ylpilo, ma vmpa quicavati ȳ vei teilpiloyā yn intecaltzaquayā notecutlatocavā. Auh çā no yuh quichivazque yntla aca çan quicuitivetzi yn oc vel ichpochtli yntla ytech açiz, yvan yntla aca quichiva yn temamauhtī tlatlacolli ȳ çan nimā aytoloni yn cuilloyotl.¹⁷ ȳ nicā onicteneuh yn ipā yc matlactlamātli ōnavi nauatilli macamo

¹² To the right in the margin: ¶ missa ittoz.

¹³ To the left in the margin: ¶ amo tlavanoz.

¹⁴ To the left in the margin: sortilejos.

¹⁵ To the left in the margin: alcavetes.

¹⁶ To the left in the margin: q̄en da las hijas.

¹⁷ To the left in the margin: al q̄ mata o come carne humana y raptores y sodometricos.

xiccavaloz, ma cēca vel ipan neyxq̄tzalo, ma cēca vel ypan tlapielo. yn iquac onezque yn aqui que quichiuh̄t̄nemi, nimā yciuhca cuitive-chozque nimā ylpilozque.

¶ ynic 15. yntla aca civatl mopahiti ynic motlatlaxiliz ma nimā analo, ylpilo, vmpa cavalotiuh yn vei teilpiloyā no yehuatl yn aquī tepahitiani, anoço yn aq̄n ça no quita.¹⁸

¶ ynic 16. yn aquī çan quitlacanequiz ȳ motecuitlauiltemaz yn amo mococoa mecavitecoz macuilpoalpa,¹⁹ auh yn (6)vncan tianquizco oc quauhtitech ylpiticāz yxquich cavtl ȳ ontetl missa mitoa, auh cēca ahyoz quavil [sic] tetl toctiloz. yequene yntla aca teixpā malti yntla teixpā momahmaxavi,²⁰ aço oquichtli anoço çivatl çan no yuh tlatzacuĩtiloz./

¶ ynic 17. yn aqui que teoyotica omonamictique²¹ ȳ mocavaznequi cuitlauĩtilozque ynic monepantlaçotlazque ynic nevan nemizque. Auh ynic vel mochivaz y, oc monequi analozqz ylpilozque./

¶ ynic 18. yn iquac aca ye mococoa²² ma quinonotzacā teotlatoltica ynic moyolmelavaz: auh ma quilhui^{ti} ȳ teopixqui ȳic quiyolcuitiz: auh yntla momiquili tlapechtica quitocatiui yn tetocoyan, ce cruz yxpan hicatiaz, auh yn aqui que quitta ma çuicaca, ma motecpantiviya, ma quimotlatlauhtilitiviā ȳ dios ynic quimotlaocoliliz yanima ȳ miccatzintli. Auh çā niman ayac tequimiloz, yn aqui que tequimilozque, nimā tzitzq̄lozqz vmpa cavalotiu ȳ tecaltzaqualoya: auh yntla aca cocoxqui yn amo quinequi moyolcuitiz, yntla miquiz amo teopan tocoz çan tlaçolpā anoço chinampan, yehuatl quitoznequi yn aq̄que momiquilia yn quincauh̄t̄iu yn ipilhuā yn ayamo vel ixtlamati yn oc tepitoton, auh yn tlein ymaxca quicauh̄t̄iu, nima quĩcuilia yn impilhuā quinnavalchivilia: aço aca ycnopiltzintli yn ocuililoc yaxca, aocmotle vel quimitalhuia, auh yntla itla quimitalhuiznequi nimā quitemolia yn tlein ytoliniloca mochivaz, aço cana vehca quivah, aço tequitlamamatiuh, anoço amatlacuilolli canapa quicavatiuh. ynin ca cenca vei tlatlacolli yn aquī yuh quichiva y, ca cenca vey tetlatzacuĩtiloni yn tlatp̄c̄ yvan vel mictlā vilouani./

¶ ynic 19. yn aquī amo motlāquaquetza yn iquac motzilinia Aue maria²³ in ye tlapoyava, yn aço oquichtli anoço çivatl vel quavil [sic] tetl toctiloz: no yehuatl yn aquī amo quimaviztilia yn icruz²⁴ tot^o. anoço yn ixiptlatzin yn totepantlatocatzin Stā Maria. yntla aca iuh

¹⁸ To the left in the margin: a las q̄ toman beuedizos y los dan a preñadas.

¹⁹ To the left in the margin: baños castigos.

²⁰ To the left in the margin: a los q̄ se bañan publicamēte.

²¹ To the left in the margin: a los casados.

²² To the left in the margin: enfermos difūtos.

²³ To the left in the margin: abe m̄ā.

²⁴ To the left in the margin: cruz.

quichiva y, yntlacatle ypā quitta ȳtla çan quitelchiva yn imaviztililocatzin, teyxpā mecavitecoz.

¶ ynic 20. çā nimā ayac teychtequiliz ano ac tetlanavalchiviliz, ayac tetech tlamieccaquixtiz.²⁵ Auh yntla aca teixpā ychtequi teixpā mecavitecoz macuilpoalpa, yntla quin i(7)yopa yuh oquichiuh: auh yntla oc ceppa quichiva, nimā analoz vmpa quicavatiui yn vei tecaltzaqualoyā, quimilhuitiui ȳ notecutlatocavā oydores yn iuhqui ytlatlacol yn ipampa analo./

¶ ynic 21. ayac motetlacavtiz:²⁶ auh yntla aca motetlacavati nimā analoz vmpa cavalotiuh yn vei tecaltzaqlōyā ylhuiotiui ȳ notecutlatocavā oydores./

¶ 22. ayac pahpatoz ano ac ollamaz,²⁷ auh yn aquī quichivaz y nimā analoz ylpiloz auh macuilpoalpa mecavitecoz: auh yntla tlah-toani quichiva y, anoço pilli, anoço aca maviztililoni oc caxtolilhuiti caltaccutiez vmpa yn canin oollan, anoço opato./

¶ 23. ayac quichichiuaz cacavatl, ayac çan tlapic cacavatl quite-namaquiltiz: auh ȳ necutli ayac quitlanellotiz²⁸ ayac nexayotl anoço quavalavac anoço atl quineloz ȳ iuhqui yc tecanecacayavalo, çā nimā ayac quichivaz y. yntla aca ceppa yuh quichiva analoz mecavitecoz yvan ximaloz auh ȳtlacamo ic quicaqui yntla oc ceppa quichiva oc ceppa anoz vmpa cavalotiuh in vei tecaltzaqualoya, ylhuiotiui ȳ notecutlatocavā oydores, yn içaquizteq̄uh: auh çā no yuh chivaloz yn aquin quitenamaquiltiz yn amo nellī teocuitlatl yn çan tlachichivalli yn aço ytla çan tlanelolli./

¶ ynic 24. yn civatl amo moquichtlalpiliz yn iuh motlalpilīa oquichti, çā no yvi yn oquichtli amo movipiltiz, amo mocuetiz,²⁹ ayac quichivaz y. yn aquī yuh quichivaz niman analoz ylpiloz teixpā mecavitecoz yvā ximaloz, auh tiāquizco quetzaloz vncan quauh-titech ylpiticaz: yntla çivatl yuhqui oquichiuh motlalpiliticaz ynic pinauhtiloz, auh ȳtla oquichtli movipiltitiaz: auh ynic oncā hicaz yxquich cavitl yn etetl mitoa missa./

¶ ynic 25. yn çiva çan nimā ayac quichivaz yn temamauhti tlatlacolli ȳ nepatlachviliztli.³⁰ yntla aca quichiva y vel teixpan mecavitecoz yvā ximaloz yntla quin iyopa oquichiuh: auh yntla oc ceppa quichiva vmpa cavalotiuh ynvei tecaltzaqualoya. (8)

¶ 26. yn aquī amo topile in amo tlanavatilli³¹ amo vel teilpiz

²⁵ To the left in the margin: Robos vsuras.

²⁶ To the right in the margin: no Se hagā esclausos.

²⁷ To the right in the margin: no Juegē a los dados ni pelota.

²⁸ To the right in the margin: a los [?]nes.

²⁹ To the right in the margin: a los y a las q̄ se bistē vestidos de mugeres.

³⁰ To the right in the margin: Sodomia mugeril.

³¹ To the right in the margin: .ninguno p̄nda sin autoridad.

amo no tecaltzacuaz, ayac quauhcalco quitlaliz ayac no quauic quitecaz. Auh yntla aca yuh quichiva y nimā analog ylpiloz vmpa cavalotiuh in vei tecaltzaq̄loyā ylhuilotiui yn notecutlahtocavā oydores.

¶ 27. ayac ynā ytech aciz, anoço yveltiuh, anoço yvehpol, anoço yvanyolqui anoço quen quinozta,³² ca cēca temamauhti tlatlacolli. yntla aca quichiva y nimā analog ylpiloz vmpa cavalotiuh yn vei tecaltzaqualoya, yehuā quimati ȳ notecutlatocavā oydores ynic quitlatzōteq̄lizq̄.

¶ 28. ayac çā moyocoyaz moquaxochtitinemiz³³ ca cenca vey tla-velilocayotl. yntla aca yuh quichiva, nimā analog ylpiloz ymixpan vicoz ȳ notecutlatocavā oydores ylhuilozque yn itlatlacol yn ipampa analo.

¶ 29. ayac tetlalcuiz ano ac quimaxcatiz yn tecal anoço teaxca.³⁴ Auh yntla aca yuh quichiva nimā analog ylpiloz, yvan navatiloiz ynic quitemacaz yn teaxca ȳ oquimaxcatiznequia./.

¶ 30. yntla aca quiteitti micoani pahlti³⁵ yntlanel amo yc miqui yn aquī pahitilo, nimā yciuhca ylpiloz yn tepahitiani ymixpan vicoz ȳ notecutlatocavā oydores: auh vel quinqaquitizque yn iuhqui ytlatlacol yn ipampa analo.

¶ ynic .31. yn aquique tlahtocati yn tlapachoa ȳ gov^{er}nadores, ym pipilti amo ynca motlaxtlauizque ȳ macevalti, yntla cana ytla tealizque amo q̄motechtizqz yn tlein tlaxtlavilozque ȳ macevalti,³⁶ çan vel yehuantin xexelhuilozque yn intlaxtlauil yntla ic oelimicqz anoço ocalquetzque, anoço ovehpanque, otlavillanqz, anoço otetlamamalique. Auh yntla aca tecutli, pilli, yuh q̄chiva y, ȳ macevalti ynca motlaxtlauiz, nimā tecutlaçaloz, auh quixtlavaz yn tlein oquicuc quimacaz ȳ macevalti: auh yntlacamo tecutli, yntlacamo ytla yc tepā hicac yuh quichiva y, mecavitecoz./

¶ 32. yn gobernadores, yn alcaldes, ȳ ye mochiti (9) topileque yn vmpa nemi yn nouiyā altepetl ipan, ma vellapixtinemi.³⁷ yntla aca castillan tlatatl oncan quiça yn altepepan yntla itech monequi tlaqualtzintli vel quimomaquilizque tel amo çā nen macoz monequi quipatiyotiz ca ye iuh tiq̄navatia Auh yntla çā nen quitecuiliz yvan yntla quen techiuaz yntla temictiz ce topile canatiuh vncan onivaloz ȳ mexico yn vncan cate notecutlatocavā oydores: yn iquac ocanatoh vey tecaltzaqualoyā quicavatiui. Auh yzcatqui yn itlatzacuiltiloca

³² To the right in the margin: al q̄ tiene acceso a la madre etc.

³³ To the right in the margin: .terminos.

³⁴ To the right in the margin: nadie [?].

³⁵ To the right in the margin: hechizos.

³⁶ To the right in the margin: no tomē el jornal de los macevales.

³⁷ To the right in the margin: q̄ [?] ē los pue[blos?] a los [?].

mochiuaz nechmacaz x. p^os. yzquipa yn quezquipa iuh quichivaz:³⁸ auh yn topile in teanani no quitlaxtlauiz ytla quimacaz ynic ocana-to. Auh ynin notenavatil yn topileque ma q̄t̄itica yn español yn aquí oncan quiça ymaltepeuh ipā, yntla omatlali [sic] ma nimā yttitilo ynic amo onca vecauaz ynic amo miequilhuitiz, yntlacamo mococoa nimā yciuhca yaz amo oncā omilhuitiz.

¶ ynic 33. ayac mahceuz ca oncā peua yn tlavelilocayotl yn tetoliniliztli, yn tlavanaliztli, yn ixquich tlavelilocayotl, ȳ nepoaliztli, ȳ nemecatiliztli, auh cequi oncā ylnamico ȳ tlateotoquiliztli.³⁹ yntla aca ychan paquiznequí yn tlatoani achtopa quimolhuiliz in teopixque yn teoyotica tepachoa auh amo monequí yn quincuiquevazque yn tlatlacatecolo ayac queuaz in ye vecauh cuicatl yn vncā teneualo tlatlacatecolo, çan yehuatl queuazque yn tlein ye tlavelitalli yn oquicacque padreme⁴⁰ yn quin yancuican omotlali yn atle oncā moteneua yn tlavelilocayotl. Auh yn aqui quevazque yn oticteneuhque ȳ nican t̄it̄ecavaltia nimā analozque, yn quezquintin cehcenyanca mamacuipolpa mecavitecozque ypampa yn amo qualli oqueuhque.

¶ 34. yn tlahtoque, ym pipilti, yvā in ixquichtin macevalti yn impilhuā aocmo yc qūitocayotizque yn ye vecauh ic quintocayotiaya,⁴¹ amo no ynvic quinehtoltizque yn tlatlacatecolo, amo no ytla yntech quichivazque yn iuh quinchivaya ye uecauh, amo no quintēxapoltlazque amo no quinyacacoyonizque, amo quimpiyochtizque amo qūicuexpaltizque: auh yn çiva amo quimpapatizque, amo quimicuilozque, amo no quincozcatizque yni ahqualli, yvan (10) yn oc cequi ȳ amo monequi. Auh yn aquin yuh quichivaz y macuilpoalpa mecavitecoz ynic aocmo ceppa ytla intech quintlaliliz ypilhuan.

O ca yzquitlamantli y ynic niquinonavatilia ȳ nomacevalhuā Jndia tlaca, yntlatolcopa mocuepcayotiz ȳ teylhuiloz tecaquitiloz vel tetlaquauhtitzquilti, oc cenca yehuantin ypan tlatozque yn gov^{er}nadores yn a^ldes auh in ye mochiti topileque ȳ notencopatzinco oyxq̄tzaloque, auh yn itēcopa ȳ nixiptla yn visorrey,⁴² cenca tleh quimati ma yxquich yntlahpal quichivaca ca vel niquimontlaquahnavatia ȳyc yehuantin quichivazque vel ipan tlatozque ypā mixq̄tzazque, yn imaltepeuh ypan ixquich tlatatl quicaq̄tizqz ȳ macevalli, yequene ma vel quicaquicā yn ixquichtin topileque vel cehcenyaca niquimonnativia, [sic] vel niquintlatlacoltia ma vellapixtinencan, aço aca tetolinitinemi tlatoani anoço pilli anoço aca mavizti, anoço

³⁸ To the right in the margin: y a los mas [epan ij or?].

³⁹ To the right in the margin: q̄ no aya bailes.

⁴⁰ To the right in the margin: Esaminé los cátares.

⁴¹ To the right in the margin: .nóbres.

⁴² To the left in the margin: viRei.

castillan tlatatl cahcoqtza tlacalaquilli⁴³ acaçomo çan ixquich yn quimomactlani ȳ ixq̄ch macotiuuh. yn aquique yuhqui yn ipan mochiua y macevalti, ma yxpatzinco viya ȳ nixiptla visorrey yvan ymixpan yn oc cequin notecutlatocavan oydores ynic yehuantin tlatzōtequizque ynic amo tolinilozque macevalti, ca tiquitotlaçotilia canel tomacevalhuā, ca vel cōnequi yn toyollo ȳ macamo tlaciavilti loca ȳ macamo ytla ic cucuenochichiuah Auh yn axcā ca no nocōnonavatilia ȳ nixiptla yn visorrey impā motlatoltiz ynic quimocuitlauiz nomacevalhuā: auh ma no ynoma yc motlanavatilli ma vel maviztili loca yn ixquichtin teopixque ȳ p̄rēme ȳ teoyotica monemitia ca teotlatoltica quimixtলামachtilia ȳ nomacevalhuā, ca quimomachtilia ȳ xp̄ianonemiliznemachtilli ȳ doctrina xp̄iana ynic vel quimiximachilizque yn icel teotl in dios, yn ilhuicava ȳ tlalticpaque yn ipalnemoani. Auh ynic vel mochivaz y in ixq̄ch otiq̄toqz ȳ nicā ycuiliuhtiuuh, monequi ȳ ce xiuitl expa yn vel necentlalilotiaz ȳ altepetl ipā, vel oncā mocemaciz yn ixq̄ch macevalli yn ōcan poui mex.^{co} Auh yn iqc̄ onecentecoc yn opachiuhtimotecac macevalli nimā oncan tecaqt̄iloz teilhuiloz, auh yehuatl ȳ q̄tecaqt̄iz yn aqn vellatoa ynic mochi tlatatl vel quicaquiz ynic ayac ytla ic motzinquixtiz yn ayac quitoz amo oniccac yn tenavatilli./.—.

⁴³ To the left in the margin: tributos.

Ordinances of His Majesty

I, Don Felipe, am king of Castile and emperor. That is to say, I am a great ruler on earth just through the grace of God our Deity and Ruler, [as] also the great noblewoman my grandmother Doña Juana just by the grace of God is queen everywhere there in Spain. We jointly give people these orders. Now it is necessary for other laws to be given to the Indians.¹ They will guard and maintain them even though up until this moment in time the priests who are spokesmen of our Lord God, the Giver of Life, have been going around teaching them. But as for the laws that will be given them, it is necessary that they be prudently looked after [by] those who govern and rule the lesser folk and [by] the topileque² who by my order were put into office and given orders along with the others whom my representative the viceroy put into office and whom he will still give orders to, [i.e.,] those who will govern and rule people in the various altepetls.³ Now we want to inform and give to them laws worthy of being observed so that they will not say "we were told nothing of what we were to guard and maintain and how we were to do this." For it is just because we greatly esteem and love them [that] we greatly want and it is our hearts' desire that they live properly and not get mixed up in wickedness. Let every single one of them abandon what is bad and evil, let them just be single-mindedly occupied in recognizing their God and Ruler, the only [genuine] deity [the Christian] God, [true] Master of Material Abundance and Creatures.⁴ Let them believe only in Him since this is what we greatly want for them. Now the laws we are giving them are not recent, for it was very long ago that my representative the viceroy

¹ A number of possibilities suggest themselves for "india tlaca" here and below. The original *Ordenanza* (183) has "los indios naturales de esta Nueva España." Note the following in the Nahuatl/Spanish *Doctrina cristiana* of 1548: "in nican india tlaca" is "los indios" (111v); "yn nican india tlaca" is "los de estas indias" (112r); and "nican india tlaca" is "estos naturales" (120v). Several minor abbreviations in the original have been resolved.

² *ȳ tepā mani, yn quitqui yn quimama yn itconi ȳ mamaloni yn cuitlapilli yn ahtlapalli: auh yn topileque:* "los gobernadores, alcaldes y alguaciles" in the *Ordenanza* (183).

³ *yn avahcā yn tepeuacā:* "los pueblos e lugares de indios" in the *Ordenanza* (183).

⁴ The material in brackets here and in a similar passage near the end are influenced by the roughly contemporaneous *Coloquios y doctrina cristiana* of 1564 (see Sahagún 1986).

and my other judges agreed among themselves about it when they gathered together there in my royal home the chancellery over there in Mexico [City]. We wanted these laws here in this document to be written down, for with it we order them to strongly take hold of them. They will tend well the task I am entrusting to them;⁵ let them take [good] care of them. Let them be spoken to, let them be made responsible for all that goes written here. Let them not forget it, let them not do it in vain. Let those who govern along with the topileque maintain it everywhere in the altepetls,⁶ let them really oblige people to it, let it be done everywhere. Here it begins.

¶ The first order we give the Indians⁷ who serve and belong to me, along with those who serve the Spanish people:⁸ Let them believe in Him alone, the true deity [the Christian] God. Let them worship Him alone as a god, and let them abandon the devils whom they worshipped as gods. Let them not worship as gods the sun and the moon and the stars, fire and wood, and the other [things] they used to make offerings to as gods out of which they falsely made gods. Let accounts with them not be settled now nor let them now make offerings to demons.⁹ As for these laws: let them be well spoken to so that they will observe them and so that absolutely no one will do what we here prohibit people from doing. But he¹⁰ who does it will be promptly interrogated. Is he baptized? If he is baptized he will be questioned thus: Is it the first time he did such or has it been many times? If it is the first time, by our order he will be beaten with a whip 100 times and his head will be shaved. But if he does it again then he will be taken before my representative the viceroy¹¹ and the oidores there in my court of justice. His sins¹² will be said in his presence so that they will judge him

⁵ See Molina 1977, 17r: "Cenca de ticmati. mira mucho y ten gran cuidado desto que te encomiendo. &c" (and see the immediately preceding, if shorter and less informative, entry).

⁶ yn tlapachoa yvan in topileque y noviyān altepetl ipā: "los gobernadores, alcaldes, alguaciles ... en los pueblos de indios" in the *Ordenanza* (183).

⁷ yn india taca: "los indios naturales de esta Nueva España" in the *Ordenanza* (184).

⁸ castillā tlaca: "personas particulares" in the *Ordenanza* (184).

⁹ Tentative translation.

¹⁰ In accordance with the more paternalistic translation practices of the time "he" is used where the *Ordenanza* sometimes has "indio y/o india" and where some current scholars might use "s/he" or "he [or] she" or some other formulation. Strictly speaking, the Nahuatl is grammatically gender neutral.

¹¹ visorrey: "Presidente" [de la Audiencia] in the *Ordenanza* (184).

¹² Recently the legitimate question of whether *tlallacollī* can be translated as "sin" has been raised (Burkhart 1996, 170). Without entering into the difficulties and ambiguities inherent in translating mid-sixteenth Nahuatl into late twentieth-century U.S. English, it is simply noted here that contemporary Mexican translation practices were followed in this and other instances. Those standards are exemplified in the following two pertinent definitions

in the way they [customarily?] judge people. But if he is not yet baptized he will be seized and taken into custody. There in the church he will be taken before those who spiritually govern, the guardian or perhaps the prior; or if there is someone¹³ [who lives there who instructs people with the word of God, they will order him to correct and teach him what is necessary for him so that he can live properly. He will say to and tell him how he can recognize the only deity God, along with how he can believe in Him. But as for this I have said: let those who govern—the governors and the alcaldes and the topileque—take good care of it, let them go about revealing it to them and guarding it well for perhaps somewhere still live those who¹⁴ go about doing what we here prohibit people from doing.

¶ The second order we give the Indians:¹⁵ if someone does not want to be baptized he will not become a lord, he will not govern, he will not play a leadership role, he will just be a miserable little fellow. And if he goes into an altepetl¹⁶ in some other place he will not govern there either. And [moreover] if he has no regard for baptism, if he goes about confusing people, if he perverts people, let him be arrested and taken hold of, let him be beaten with a whip and his head shaved. And if he speaks ill of our spiritual regulations¹⁷ let him go in custody before my representative the viceroy and my judges the oidores so that they will deliver a frightful judgment of him.

¶ The third order we give the Indians:¹⁸ he who was baptized will not get baptized again, for it is a very great sin.¹⁹ If he is baptized again then he will be arrested and taken into custody. They will leave him over there in the big prison;²⁰ they will tell my judges the oidores his sins and why he was arrested.

¶ The fourth [order we give the Indians:] if he²¹ who was baptized summons demons, if he again worships them as gods and

from fray Alonso de Molina's first (Nahuatl/Spanish only) dictionary, published in 1555: "Pecado, tlatlacolli. tlapilchualiztli" (191r); and, "Crimen graue pecado. tetzauhdatlaculli. uey tlatlaculli" (58r).

¹³ aka: the *Ordenanza* (184) specifies a "persona eclesiástica."

¹⁴ The gender-neutral Nahuatl is "algún indio o india" in the *Ordenanza* (184).

¹⁵ Jnic ontlamantli yc tiquinavatia yn india tlaca: "Item" in the *Ordenanza* (184).

¹⁶ altepetl: "pueblo" in the *Ordenanza* (184).

¹⁷ yn teoyotica totlamanitiliz: "nuestra religión cristiana" in the *Ordenanza* (184).

¹⁸ ynic .3. yc tiquinavatia yn india tlaca: no equivalent in the *Ordenanza* (184).

¹⁹ cēca vey tlatlacolli: "muy grave pecado" in the *Ordenanza* (184).

²⁰ yn vei tecatzaqualoya: "la Cárcel Real de esta Corte" in the *Ordenanza* (184). This and similar Nahuatl terms are usually expressed in a similar way in the Spanish-language original.

²¹ yn aquí: "el indio o india" in the *Ordenanza* (184).

gives them offerings, if accounts are settled with them²² and he sets down copal incense for them, or if perhaps he does something in service to their belief in false gods, the demons: although it be just once that he did it he will be promptly arrested and taken into custody. Let him be beaten with a whip in public and let his head be shaved. But if he does it again let him be taken before my judges there in the court of justice. In their presence will be said in a clear and righteous way the nature of his sins and why he was arrested.

¶ The fifth [order we give the Indians:] he who was baptized, whether a man or a woman, who does not want to confess when our mother holy church orders people [to do so] —let him be taken into custody and arrested, let him be beaten with a whip. But if it has been two years since he confessed he will again be arrested and brought before my judges the oidores so that they will judge him. It is especially [necessary for] those who grew up in the church and the rulers; they will be promptly punished.²³

¶ The sixth [order we give the Indians:] he who goes about in concubinage, whether he lives in concubinage with one or many —let him still just be counseled with words, let him just be punished so that he will abandon his concubines. But if he does not want to relinquish them let him finally then be arrested and taken into custody, let him be beaten with a whip in public. But perhaps sentence will be pronounced on him [taking into account?] some [mitigating factor?], perhaps he will do something [in penance?] for a few days because of his sins.²⁴

¶ The seventh [order we give the Indians:] if he who was married by the church²⁵ is living in concubinage he will still just be cautioned and punished with words so that he will restrain himself. But if he does not want to hear it let him be taken into custody, let him be beaten with a whip in public there in church. But the woman who was married, if she commits adultery on her husband: if her husband wants to, let him complain before the law, and let the man who commits the adultery also be arrested. Let the woman and man both be taken into custody together and taken before the judges, the oidores, and right in their presence will be said in a clear and righteous way their sins and why they were arrested.

²² Tentative translation.

²³ oc cēca yehuantin yn teopā omovapauhque yvan yn tlahtoque, yçihca tlatzauiltlozque: no equivalent in the *Ordenanza* (185).

²⁴ auh aço yta ipā motzontequiz aço quezquilhuitica yta ayz in ipampa ytladacol: no equivalent in the *Ordenanza* (185).

²⁵ yn aquí monamicti teoyotica: "Que el indio que siendo casado a ley y bendición" in the *Ordenanza* (185).

¶ The eighth [order we give the Indians:] if he who was married by the church married a woman again in a second place, let the two of them be taken into custody, let both of them together be beaten with a whip in public, and afterwards they will brand them on the forehead with a metal hook that is in the manner of an instrument of branding people on the face so that he will bear scars there. And his property will be divided into halves. He will take half and half will belong to me, will be made my property. And let him take, let him be forced to accompany the very wife whom he married the first time. And so that this will be done it is necessary that when they are arrested they will be taken before my judges the oidores.²⁶

¶ The ninth [order we give the Indians:] he who does not see and hear Mass²⁷ on Sundays or on feast days when what is good and pure is everyone's sole preoccupation, as is the law and as the holy church orders people, he who does not hear the study of the Christian life called the Christian Doctrine and the word of God, sermons²⁸ —if it is the first time, after it happened he will be locked up in jail for two days, but if such happens again he will be beaten with a whip.

¶ The tenth [order we give the Indians:] when the priest joins people's hands together [in holy matrimony], he who marries [someone] whom he recognizes as a relative (perhaps his sister-in-law or someone he refers to as a relative,²⁹ when he is interrogated, he who hides the common parentage, whether it is the man or the woman, will be beaten with a whip in public. But if they both know it, if the two of them hid the common parentage, they will both be punished together, they will be beaten with a whip.³⁰

²⁶ This entire item in the *Ordenanza* (185) reads:

Otrosí: que el indio o india que siendo casado a ley y bendición, estuvieren amancebados, sean presos y luego azotados públicamente, si se casare otra vez, y herrados con un hierro caliente a manera de (aquí una cruz) en la frente, y pierda la mitad de sus bienes para la nuestra Cámara, y se entregue a la primera mujer o marido. Y para que esto se ejecute conforme a justicia, sean traídos a la Cárcel de esta Corte, a buen recaudo, con la información que contra él hubiere.

²⁷ quitta misa: see Molina 1984 [1569], 26v.

²⁸ In a more general sense, "edifying speech(es)."

²⁹ The idiom "quen monotza" (and its variants) is used in various ecclesiastical Nahuatl texts in questions concerning parentage. Among other sources see: Molina 1565, 11r; Molina 1984 [1569], 34v; Bautista 1600, *Advertencias*, vol. 1, 81r; Vetancurt 1673, 51r; and Pérez I 713, 141 and 163.

³⁰ This entire item in the *Ordenanza* (186) reads:

Que los que encubrieren la afinidad o consanguinidad al tiempo que se hace el examen para los desposar o casar, sean azotados públicamente, y si ambos lo supieren, y si no el que lo supiere, y el casamiento se deshaga, y para ello traigan a los tales casados o desposados

¶ The eleventh [order we give the Indians:] he who will get drunk, he who gets senselessly drunk³¹ with Spanish pulque called wine or the pulque there of the Indies,³² will be arrested over there and if it is the first time such was done will be publicly beaten with a whip 100 times.³³ But if he does not want to relinquish it, if he again does such, he will be arrested again, beaten with a whip and his head shaved. But if he does not thus hear it [i.e., does not heed this last and final warning], let him be brought before my judges the oidores.

¶ The twelfth [order we give the Indians:] all falsehoods and lies will disappear, [i.e.] what used to be called divining by omens and dreams, divining by nets, divining by cords, or divining by lots, and what they call curing sickness by taking objects out of people's bodies³⁴ and sorcery and other many things [of a similar nature]. He who will do this—whether a man or a woman—will be promptly arrested and taken into custody, and will be publicly beaten with a whip. There in the marketplace they will secure them to the wooden stocks and on his head will be a crown of paper thorns, an instrument of shaming people. There he will be standing until [the

ante el Obispo del Obispado do fuere, para que sabida la verdad, provea en ello lo que sea justicia.

³¹ Regarding idioms that mean "to become drunk" note the following in Bautista 1600, *Advertencias*, vol. 1, 77r-v: "Aduierta el confessor que este verbo tlahuana propriamente no quiere dezir beuer hasta perder el juyzio, o emborracharse, sino lo que in latin, dezimos bibere lautè, que es beuer in abundancia, aunque sin perder el juyzio. Mas estos verbos Xocomiqui, Ihuinti, Nicpolohua in tlalli, nicpolohua in tlantextli, propriamente quiere dezir emborracharse perdiendo el juyzio." There are echoing comments in Vetancurt 1673, 52v, and Pérez 1713, 172, the latter adding some interesting details: "Otras vezes dicen *Onixocomic, onicpolo tlalli, onicpolo in tlalticpactli, ahmo nicmatì quename oninotecato*. En diciendo esto es la vltima ponderacion de embriaguez, porque dice: Perdi totalmente la vista, el juizio, la tierra: no sé como me fui à acostar."

Similar (though not in all cases identical) usage continued into the late colonial period too, as in the following in Velázquez de Cárdenas 1761, 15: "M. Melahuac notatzinè ca onitlahuana, onihuinti, onicpoto tlali, zoquitl, onitadapehui; nacpualpa, yhuac yexpa. C. A *la verdad Padre mio, que me embriague ochenta, y tres vezes*. Cada verbo es una fraze con que explica el Indio la embriaguez." See also *ibid.*, 21: "M. Azo Otùlahua [*sic*], otùladapehui, otùhuintic, oticpoto tlalli, zoquitl, oticpoto Tlalùcpac, otimochicontehui? C. *Quizá te has embriagado? ¶ Y es de advertir, como diximos, que de una coma, á otra se contiene un verbo, ó una fraze que con qualquiera se significa el acto de embriagarse.*"

³² *ÿ castillan octli yn itoca vino anoço ympa yndia octli: "vino de Castilla o de la tierra, o de cualquier calidad que sea" in the Ordenanza (186).*

³³ The *Ordenanza* (186) just says that "sean azotados públicamente" but fails to specify "macuilpoalpa" (100 times).

³⁴ Giving preference to an authority of unimpeachable expertise, the following gloss by the renowned Nahuatl latinist, don Antonio Valeriano, appeared in a sermonario: "in tlatlacuicuilique *q̄ fingē sacar del cuerpo pedreguelas &c*" (Bautista 1606, 17). For some of the other terms in this passage see also: *ibid.*, 17-18; Bautista 1600, *Advertencias*, vol. 1, 112r; and Molina 1984, 20v-21r.

time it takes] to say three Masses [has passed, i.e., two or three hours]. In the same manner will be punished those who go about pimping.³⁵

¶ The thirteenth [order we give the Indians:] he who gives his young unmarried daughter to others so that she will be in concubinage—let him be promptly taken into custody, let them go leaving him over there in the prison, telling my judges the nature of his sins and why he was arrested.³⁶

¶ The fourteenth [order we give the Indians:] if someone will kill people, if someone will eat human flesh, let him be promptly arrested and taken into custody, let them go along delivering him to prison, [i.e.,] the jail of my judges.³⁷ And likewise they will do such if someone sexually assaults a [young]³⁸ woman who is still a complete virgin, if he has sexual relations with her. And if someone commits the frightening absolutely unspeakable sin of sodomy that I [now?] have mentioned here in the fourteenth law, let [this matter] not be neglected; let it be given great favor, let it be well guarded. When those who go about committing it appear, they will be rapidly and promptly seized and taken into custody.

¶ The fifteenth [order we give the Indians:] if some woman took medicine in order to have an abortion let her be promptly arrested and taken into custody, being delivered there to the prison. Also he who is the dispenser of [such] medicines or he who just sees it [happening].³⁹

¶ The sixteenth [order we give the Indians:] he who without consideration or care obliges people who are not sick to bathe in a

³⁵ This entire item in the *Ordenanza* (186) reads:

El indio o india que hiciere alguna hechicería, echando suertes o mieses o en otra cualquiera manera, sea preso y azotado públicamente, y sea atado a un palo en el tiangués, do esté dos o tres horas con una corozá [sic] en la cabeza y la misma pena se dé a los alcahuetas y alcahuetas.

Brackets mine.

³⁶ This entire item in the *Ordenanza* (186) reads:

Que el padre o madre que diere su hija a alguno para que la tenga por manceba, que sea preso y con la información, lo traigan a la Cárcel de esta Corte. Y mandamos que ningún cacique, gobernador indio ni otro principal alguno sea obligado a recibir la tal hija, ni tener ni criar para el dicho efecto ni para echarse con ellas, ningunas indias, so pena que sea privado, y por la presente le privamos del tal oficio que así tuviere, y desterrado de esta Nueva España perpetuamente, y en los primeros navíos que fueren de estas partes para los reinos de Castilla sea llevado preso y entregado a los nuestros oficiales de la Casa de la Contratación de las Indias de Sevilla, para que nos seamos avisados de ello, y en la ejecución de este capítulo se tenga especial cuidado y diligencia.

³⁷ *ŷ vei teilpiloyā yn intecaltzaquayā notecutlatocavā*: "la Cárcel de esta Corte" in the *Ordenanza* (186).

³⁸ In the *Ordenanza* (186) a "moza virgen" is specified.

³⁹ *yn aqn ça no quita*: "o aconsejare" in the *Ordenanza* (187).

sweat bath will be beaten with a whip 100 times and there in the marketplace he will be secured standing up in the wooden stocks until such time as [the time it takes] to say two Masses [has passed, i.e., two hours]; he will be greatly admonished and punished. Finally, someone who has bathed himself in public and stripped before others, whether it was a man or a woman, will likewise be punished.⁴⁰

¶ The seventeenth [order we give the Indians:] those who were married by the church who want to leave each other will be obliged to mutually love themselves so that they will live together. And so that this will be properly done, it is still necessary [that] they will be arrested and taken into custody.⁴¹

¶ The eighteenth [order we give the Indians:] when someone is already sick, let them counsel him with the word of God so that he will confess. Let them go tell the priest so that he will confess him. If [someone] died they will go along following him with a litter to the place where people are buried; a cross will go erect before him. And as for those who see [him?/the procession?]: let them accompany [him?/it?], let them go along in [proper] order, let them go praying to God so that He will have mercy on the soul of the dead person. But absolutely no one will dress people up in shrouds [in the ancient fashion?]. Those who wrap people up in shrouds [in the ancient fashion?] will be promptly seized; they will go deliver them over there to the jail. But if someone who is sick does not want to confess, when he dies he will not be buried in the church [cemetery] but rather in a trash heap or among the chinampas. It means that those who die who go along leaving children who are not yet of the age of discretion and are still very small, abandoning them and what is their property, right away take from their children by stealth. Perhaps some orphan had his property taken away, he no longer has anything to speak about. But if he has something to say then they will question him about what will become the mistreatment done to him. Perhaps they sent him somewhere faraway, or he goes along bearing things on his back for others, or he goes along delivering letters someplace. This is a very great sin, and he

⁴⁰ This entire item in the *Ordenanza* (187) reads:

Que los indios o indias que no estuvieren enfermos, no se bañen en baños calientes, so pena de cien azotes y que esté dos horas atado en el tianguéz, y si se lavaren en agua públicamente delante de muchas personas, descubriendo las partes vergonzosas, sean reprendidos para que no lo hagan más.

⁴¹ This entire item in the *Ordenanza* (187) reads:

El marido o la mujer que no hiciere vida maridable de consuno, que sean compelidos a ello que no lo hagan, y queriéndolo hacer, sean sueltos.

who does such is very worthy of great punishment on earth and would depart right to hell.⁴²

¶ The nineteenth [order we give the Indians:] he who does not kneel down when bells ring out the Ave Maria and it is already dark, whether a man or a woman, will be greatly punished. Also he who does not honor the cross of our Lord or the image of our intercessor Saint Mary. If someone does such, if he has no regard for it, if he just despises the honoring of Him, he will be beaten with a whip in public.

¶ The twentieth [order we give the Indians:] absolutely no one will steal from others, nor will someone take things from people by stealth, and no one will engage in usury. But if someone is a notorious thief he will be beaten 100 times with a whip in public if it is the first time he has done such. But if he does it again then he will be arrested and they will deliver him up to the prison. They will tell my judges the oidores the nature of his sins and why he was arrested.⁴³

¶ The twenty first [order we give the Indians:] no one will make slaves of others. But if someone makes slaves of people he will be promptly arrested. They will deliver him there to the prison. My judges the oidores will be told [the nature of his sins and why he was arrested.]⁴⁴

¶ The twenty second [order we give the Indians:] no one will repeatedly gamble, nor will someone play at ball games. He who does it will be promptly arrested and taken into custody, and he will be beaten 100 times with a whip. But if some ruler or noble does this, or some [other] worthy person, still he will be locked up for 15 days over there where he played ball games or gambled.

¶ The twenty third [order we give the Indians:] no one will embellish cacao, no one will sell cacao under false pretenses. And no one will mix up honey with [other] things, no one will mix it up with lime water or crumbly wood⁴⁵ or water. In such a manner people are deceived; absolutely no one will do this. If someone does such once he will be arrested, beaten with a whip and his head will

⁴² This entire item in the *Ordenanza* (187) reads:

Que los indios cristianos que fallecieren sean enterrados en sagrado, y los lleven en andas con la cruz delante, y los que con él fueren vayan en procesión, rezando por su ánima, y se procure, estando malos, que se confiesen, haciéndolo saber al religioso más cercano.

⁴³ This entire item in the *Ordenanza* (187) reads:

Que ninguno hurte ni tome lo ajeno, y si lo hiciere, le den azotes públicamente por la primera vez, y por la segunda, sea traído a la Cárcel Real de esta Corte, con la información.

⁴⁴ This entire item in the *Ordenanza* (18) reads:

Item: que ninguno haga a otro, esclavo de nuevo, por manera alguna, y si lo hiciere, con la información sea traído preso a la Cárcel de esta Corte.

⁴⁵ quavalavac: tentative translation.

be shaved. But if he is heedless, if he repeats it, he will be arrested again and they will deliver him up to prison. My judges the oidores will be told [the nature of his sins and why he was arrested, thus properly performing] their job of clearly hearing [such cases]. Likewise such will be done to him who will sell what is not true gold, what is just embellished or just some [kind] of mixture [of base and precious metals].⁴⁶

¶ The twenty fourth [order we give the Indians:] a woman will not dress like a man, [i.e.,] as a man dresses. Likewise a man will not put on a woman's blouse nor a skirt. No one will do this. He who does such will be promptly arrested and taken into custody, publicly beaten with a whip and his head shaved, and stood up in the stocks there in the market. If it is a woman who did such she will stand up dressed in [men's] attire so that she will be made to feel shame, and if it is a man he will stand up dressed in a blouse. He will stand up there until for as long [as it would take] to say three Masses [i.e., two or three hours].⁴⁷

¶ The twenty fifth [order we give the Indians:] women will absolutely never commit the frightening sin of female sodomy.⁴⁸ If someone does it she will be publicly beaten with a whip and her head will be shaved if it is the first time she did it. But if she does it again they will deliver her up to prison.⁴⁹

¶ The twenty sixth [order we give the Indians:] he who is not a topile, not a properly constituted authority, cannot arrest people or lock them up. He will not place anyone in jail, nor will he place people in wooden stocks. But if someone does such he will be promptly arrested and taken into custody. They will deliver him up to prison. My judges the oidores will be told [the nature of his sins and why he was arrested.]

¶ The twenty seventh [order we give the Indians:] no one will have sexual relations with his mother or his older sister or his sister-

⁴⁶ This entire item in the *Ordenanza* (188) reads:

E otrosí: que ninguno sea osado de contrahacer cacao, ni echar agua en la miel, so pena que por la primera vez sea azotado y tresquilado, y por la segunda, sea traído preso a la Cárcel de esta Corte, con la información; y ansimismo sea traído preso si falsare moneda.

⁴⁷ This entire item in the *Ordenanza* (188) reads:

Que ningún indio ande en hábito de india ni india en hábito de indio, y si se tomaren en estos hábitos, que sean presos y luego azotados públicamente, y tresquilados, y los tengan en el tianguex atados a un palo con aquellos hábitos.

⁴⁸ The marginal notation "Sodomia mugeril" (see the transcription) is the basis for this somewhat awkward formulation.

⁴⁹ This entire item in the *Ordenanza* (188) reads:

Que ninguna india sea osada de echarse sobre otra como varón, y si lo hiciere, le den de azotes, y la tresquilen públicamente, por la primera vez, y por la segunda, sean traídas presas a la Cárcel de esta Corte.

in-law or his relative or [someone] he refers to as a relative of some sort, for it is a very frightening sin. If someone does this he will be promptly arrested and taken into custody. They will deliver him up to prison. My judges the oidores know how to judge him.

¶ The twenty eighth [order we give the Indians:] no one of his own accord will go about setting his own [land] boundaries for it is a very great wickedness. If someone does such he will be promptly arrested and taken into custody. He will be brought before my judges the oidores and they will be told the nature of his sins and why he was arrested.

¶ The twenty ninth [order we give the Indians:] no one will take the land of others, nor will someone appropriate for himself someone else's house or property . But if someone does such he will be promptly arrested and taken into custody,⁵⁰ and he will be ordered to give people the property he wanted to appropriate for himself.

¶ The thirtieth [order we give the Indians:] if someone gives people a deadly potion, even though he who was given a potion does not die from it, the dispenser of [said] potions will be swiftly and promptly taken into custody and brought before my judges the oidores. They will very [clearly?] announce to them the nature of his sins and why he was arrested.⁵¹

¶ The thirty first [order we give the Indians:] those who serve as rulers and govern, the governors and the nobles, will not pay themselves through [the outside paid work of?] the commoners. If somewhere they do work for others they will not take for themselves what the commoners will be paid; only they will divide up their wages among themselves if they earned it by tilling the soil or erecting houses or hauling wood and [other] things or bearing loads. But if some lord [or] noble does such, paying himself through [the outside paid work of?] the commoners, then he will be deprived of his high office and he will pay them, he will give the commoners what he took from them. But if he is not a lord, if he who does such is not in some leadership position, he will be beaten with a whip.⁵²

⁵⁰ niman analog ylpiloz: "sea preso y le den azotes" in the *Ordenanza* (188).

⁵¹ This entire item in the *Ordenanza* (188) reads:

Que ninguno debe no matar (sic) a otro, porque aunque no muera, es gran delito, y si alguno lo hiciere, sea preso, y con la información, traído para que se haga justicia.

⁵² This entire item in the *Ordenanza* (189) reads:

Que ningún cacique, gobernador ni principal, ni otra persona alguna sea obligado de tomar al tameme que se alquila, de lo que le dan para su trabajo, y si alguno lo hiciere, que le quiten el oficio que tuviere, y torne lo que tomare al tameme, y si no tuviese oficio, le azoten.

¶ The thirty second [order we give the Indians:] let the governors, *alcaldes* and all the *topileque* who live in the *altepetls* everywhere⁵³ keep good guard. If some Spanish person⁵⁴ passes through the *altepetls* and needs a little food they can give it to him but he will not be given it gratis, he needs to pay for it, as we have already ordered them [to do.] But if he takes it from people without paying and upsets them, if he mistreats them, a *topile* will arrest him and he will be sent to Mexico [City] where are my judges the *oidores*. After they have arrested him they will deliver him up to prison. Here is the punishment he will be given. He will give me ten pesos for as many and however many times he will do such. And he will also pay the *topile*, the one who arrests people; he will give him something because he went to arrest him. But as for these my laws: let the *topileque* show them to the Spaniard⁵⁵ who passes through their *altepetl*.⁵⁶ If he settled down let them be shown to him right away so that he will not tarry there long, so that he will not be there very long. If he is not sick⁵⁷ then he will quickly go, not passing [even] two days there.

¶ The thirty third [order we give the Indians:] no one will dance for there begins wickedness, the afflicting of people, drunkenness, and all [manner of] wickedness, pride and concubinage. And some[thing] of idolatry is remembered there. If someone wants to enjoy himself in the home of the ruler, first he will say something to the priests, those who rule people in spiritual matters. But it is not necessary that they sing about devils. No one will sing the songs of long ago where devils are mentioned; rather they will raise up in song what is pleasing and acceptable, what the priests have heard, what has been recently composed where there is no mention of wickedness. But those who raise up in song what we have mentioned here, what we here prohibit people [from doing], will be promptly arrested. How[ever] many there are, each one will be beaten with a whip 100 times, because what they raised up in song was evil.

¶ The thirty fourth [order we give the Indians:] the rulers, nobles and all the commoners will no longer name their children in the way they used to name them long ago nor will they require them to make vows to the devils. Similarly they will not do things to

⁵³ *yn nouiyā altepetl ipan*: "en los pueblos de indios" in the *Ordenanza* (189).

⁵⁴ *castillan tlacatl*: "español" in the *Ordenanza* (189).

⁵⁵ *yn español*: "español" in the *Ordenanza* (189).

⁵⁶ *ymlatepeuh ipā*: no equivalent in the *Ordenanza* (189).

⁵⁷ *yntlacamo mococoa*: "y estando sano el tal español" in the *Ordenanza* (189).

them as they used to do to them long ago, nor will they perforate and make holes in their lips, not leave the hair of the boys long at the back of neck when they shave their heads. And the women will not fix them [i.e., the girls] up, not paint them up [in the ancient fashion?], nor will they adorn them with [traditional?] jewelry. This is evil, and the other [things] are not necessary. He who does such will be beaten with a whip 100 times so that he will never again arrange for such things [to be done] to his children.⁵⁸

Look now, these are all the orders I give to my subjects the Indians.⁵⁹ They will be translated into their language and reported to people. People will be made to strongly take hold of them, especially those who will speak on behalf of them, the governors, alcaldes and all the topileque who were put into office by my orders and by the orders of my representative the viceroy. They will take great care of the task I am entrusting to them. Let them exert every effort for I strongly order them to do it, speak on their behalf, guarantee them, get everyone, the common folk, to listen to them in all the altepetls.⁶⁰ Finally, let all the topileque hear them. I order absolutely each and every one of them to make them their responsibility; let them go about guarding them well. Perhaps some ruler goes about mistreating people, or it is a nobleman or some honored personage or a Spanish person⁶¹ who increases the tribute [exactions]; perhaps not. He only wants all that is being given to be in his hands.⁶² Let those who rent out the commoners in such a fashion go before my representative the viceroy and before the others, my judges the oidores, so that they will make a judgment so that the commoners will not be made to suffer, for we love and esteem them since they are our subjects. Our hearts greatly want them not to be made to suffer. But for now I also order my representative the viceroy to speak on their behalf, to take care of my subjects. May he also personally order that respect be shown to the priests—those who live in a spiritual manner and instruct my subjects in the word of God—for they teach them the study of

⁵⁸ This entire item in the *Ordenanza* (189) reads:

Item: que los dichos naturales no pongan a sus hijos, nombres, divisas ni señales en los vestidos ni cabezas, por donde se representen que los ofrecen y encomiendan a los demonios, so pena que sean presos, y luego sean dados cien azotes, y les sean quitadas las dichas insignias y divisas.

⁵⁹ Yndia tlaca: no equivalent in the *Ordenanza* (189).

⁶⁰ yn imaltepeuh ipan ixquich tlacatl ... y macevalli: "los maceguals y naturales de sus pueblos" in the *Ordenanza* (190).

⁶¹ tlatoani anoço pilli anoço aca mavizti, anoço castillan tlacatl: "español, cacique o principal, o otra cualquier persona" in the *Ordenanza* (190).

⁶² Tentative translation.

Christian life, [what is called] the Christian Doctrine, so that they can recognize the only [genuine] deity [the Christian] God, the [true] Master of Heaven and Earth, and the [true] Giver of Life. So that all this we have said will be done it is written here. It is necessary [that during] one year absolutely everyone will gather together three times in the altepetls, entirely all the common folk who pertain [to] Mexico [City] will be right there. And when all the people have gathered together, the common folk spread out and pressed tightly against one another, promptly there they will be announced and said to the people. He who announces it to people will be one who speaks well so that everyone can hear and understand it, so that no one will have some excuse and say "I did not hear the laws."⁶³

[End of Spanish version, lacking in the Nahuatl text, follows.]

Dada en la ciudad de México, a treinta días del mes de junio de mil e quinientos y cuarenta y seis años.—Don Antonio de Mendoza, el licenciado Tejada, el licenciado Santillán. Yo, Antonio de Turcios, Escribano Mayor de la Audiencia y Chancillería Real de la Nueva España y Gobernación de ella, por su Majestad, la fice escribir por su mandado, con acuerdo de su Presidente e oidores.—Registrada.—Diego Agúndez—Agustín Guerrero, por Chanciller.

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⁶³ This last section in the Nahuatl is much longer than its Spanish original:

Auh ynic vel mochivaz y in ixqch otĩtoqz y nicā ycuilhuhtuh, monequi y ce xiuid expa yn vel necentalilotiaz y altepetl ipā, vel oncā mocemaciz yn ixqch macevalli yn ōcan poui mex.⁶⁰ Auh yn iq̄c onecentecoc yn opachiuhūmotecac macevalli nimā oncan tecaq̄tiloz teilhuiloz, auh yehuat y q̄tecaq̄tiz yn aq̄n vellatoa ynic mochi tlacatl vel quicaquiz ynic ayac ytlac motzinquixtiz yn ayac quitoz amo onicac yn tenavatilli.

The *Ordenanza* (190) reads:

Y para que lo susodicho venga a noticia de todos y ninguno pueda pretender ignorancia, mandamos que tres veces en el año se junte la gente de tal pueblo y sujetos, les den a entender esto por buenas lenguas.

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