

Byron Hamann, who prepared the index; Laura Lobera Argüelles, who offered me her house and plotted a visit to Minorca; and Yuval Erlich, for being there.

Born in Lima, this book first took shape as a research project at the Institute for Advanced Study at Princeton. It matured at the University of Chicago and saw completion at the European University Institute in Florence, Italy. Its different parts were discussed in the meetings of the Society of Spanish and Portuguese Historical Studies, the American Historical Association, the Forum on European Expansion and Global Exchange, and the Association of European Latin American Historians, and in the seminars of Juan Carlos I of Spain Center at New York University, Johns Hopkins University, the International House of the University of Michigan–Ann Arbor, the Center for Early Modern History of the University of Minnesota–Twin Cities Campus, the University of Kansas at Lawrence, the University of Toulouse–Le Mirail, the Autonomous University of Madrid, the Max Weber College in Erfurt, Germany, and the Truman Research Institute of the Hebrew University, Israel. I would like to thank the faculty, students, and staff of these institutions for their support and encouragement. I would also like to thank the Yad Hanadiv Foundation and the Social Sciences division of the University of Chicago for supplying the funds necessary to conduct the archival research.

This book is dedicated to the memory of Francisco Tomás y Valiente and Luis Castro Leiva, professors and friends, and to that of Jorge Díaz Giménez, whose love for Spain and the Hispanic world accompanies me despite his absence.

Introduction

The construction of a community of natives of the kingdoms of Spain, one that in the early nineteenth century would be defined as the “Spanish community,” is at the center of this book. I argue that this community emerged as a result of the establishment of a distinction between immigrants who were willing to integrate themselves into the community and take on both the rights and duties of membership, and those who were not. In the Middle Ages, this distinction applied only to immigrants. In the early modern period, however, it became instrumental in defining the status of people already living in the community. The distinction between “good” and “bad” immigrants was first elaborated in Castilian localities, where it found expression in the term *vecino*, designating people who were entitled to certain rights as long as they complied with certain duties. It was then applied to the kingdom of Castile as a whole. In the sixteenth to the eighteenth centuries, this distinction served to define the natives (*naturales*) of the kingdom, and by the seventeenth and eighteenth centuries it also defined a Spanish community, including natives of all Spanish kingdoms first in Spanish America and then in Spain itself. This distinction explained how Spaniards and Spanish citizens were defined in the first Spanish constitution (1812) and how European Spaniards were distinguished in the eighteenth and nineteenth centuries from Spanish Americans by a Creole discourse that affirmed the uniqueness of those inhabiting the New World. The

subjection result from the way historians have reconstructed the past. Most research has centered either on local communities or on national structures, either on law and doctrine or on social practices. The assumption was that early modern communities were fundamentally similar to our own. Historians studied communities with the aim of affirming that they were national or not, artificial or not, state generated or not. This method reduced communities to legal definitions, which depended on a dichotomy between a law of birth (that ascribed individuals to a community by virtue of birth in a given territory) and descent (that classified individuals in accordance to their genealogy).¹³ People participating in the debates about the natural or constructed nature of nations viewed communities as ensembles whose membership could be reconstructed and defined conclusively. They gathered that the identification of people as insiders or outsiders was stable rather than contingent, and they assumed the transhistorical nature of identity politics. They also supposed that answering the question of who was a member of the community and who was not was important to contemporaries a priori and irrespective of conjuncture and circumstances, and that individuals and local and state authorities invested time and energy in the identification of people and in establishing their rights.¹⁴

If we consider that early modern communities were profoundly different from our own, then answering the questions currently asked by historians, and engaging in the above-mentioned debates, is both impossible and unnecessary. Instead of asking when the current structures emerged, we need to ask what kinds of communities existed in the past, how people belonging to them perceived their participation in them, and how they argued in favor of excluding or including others. This task is especially important given the nature of the primary sources at our disposal. Most historians considered letters of citizenship and naturalization as the only method by which individuals could obtain classification as insiders or outsiders. Yet, unlike today, early modern categories of belonging were not embodied in legal definitions or in acts of authority. Instead they were generated by the ability to use rights or to be forced to comply with duties. The question was never who was a Spaniard, who was a Frenchman, or who was a citizen of a local community. At stake was always the question of who could enjoy a specific right or be obliged to perform a certain duty. Under such a system, the use of rights of citizens and natives implied the claim that one was a citizen or a native, and the silence of those allowing it (both the authorities and other individuals) implied consent. This meant that most people acted as citizens and as natives and were allowed to do so without their status ever being questioned or affirmed.¹⁵ Indeed, by enacting the role of citizen or native they created a public image that they were citizens or natives, and this image in turn allowed them to become citizens or

natives. The ability to act as citizens or natives and thus become citizens or natives without any formal declarations explains why citizen lists in European cities were short in comparison to the actual number of people who identified or acted as citizens.¹⁶ It also explains how the majority of natives were in fact natives without formal declarations or the elaboration of lists. Indeed, under such a system, the issuing of formal declarations of citizenship or nativeness, such as those embodied in letters of citizenship and letters of naturalization, was the exception and not the rule. Formal declarations were issued only in a small minority of cases, in which a conflict either occurred or was imminent, or in which the authorities wished to grant status to people whose circumstances did not allow them to make a legitimate claim to membership. In these cases, the authorities used the letters as both instruments and proofs of their sovereignty. The letters enabled the municipal authorities or the king to disregard normal procedures and to intervene by constituting as citizens or natives people who were not, or by aiding others whose status was questioned. It should therefore not surprise us that, as historians have affirmed, most letters of naturalization were granted to wealthy people who were interested in obtaining a certain right. Far from being the only foreigners acting, or wishing to act, as natives, as other scholars have assumed, wealthy people simply tended to encounter opposition where other people did not.¹⁷ They therefore invested the effort and resources needed to secure an official recognition that other foreigners found unnecessary. And, since the question of who was worthy of which treatment could be pursued in certain moments and abandoned in others, and since it could become meaningful under certain circumstances, or be completely irrelevant in others, the status of certain people could be consensual at one moment and questioned at others. This is why people who had lived in a community for twenty, thirty, or even forty years without their status being an issue suddenly had to prove they were citizens or natives.

Since the documents at our disposal describe the exceptions, not the rule, in each case we must ask ourselves why status was questioned and what agents and interests were involved. Yet, first and foremost, we must ask what happened in other cases, indeed, in most cases, where consensus reigned. Moving beyond existing documentation will, as a rule, enable us to avoid overemphasizing the importance of formal procedures and state structures and to discover the power of implicit social categorizations and ongoing social negotiations in the creation and definition of early modern communities. This move will demonstrate that, rather than a status leading to entitlement to rights, as would be the case with citizenship and even nationhood today, belonging to a local community or the community of the kingdom in the early modern period was a process.¹⁸ As Margaret Sommers has noted, this process was contingent upon

and constituted by networks of relationships and political idioms. It generated citizenship rather than administered it.¹⁹ If we wish to comprehend early modern communities, we must analyze local actions and everyday interactions that classified people, allowing some to enjoy the benefits of the community while excluding others. We need to abandon the quest for "identity" and examine instead processes of "identification," that is, the processes through which people claimed to be or were identified as members of the community.²⁰ This will enable us to look at the history of state and nation formation in Europe by linking immigration policies to the construction of communities and by arguing that the exercise of rights, rather than legal enactments or official declarations, defined the boundaries of early modern communities.

In this book I look at these questions by analyzing the case of Spain and Spanish America and trace the evolution of two categories of rights: *vecindad* (which denoted the rights of citizens) and *naturaleza* (which captured the relationship people had with the community of the kingdom). *Vecindad* was a term that originated in Castile in the eleventh and twelfth centuries during the reconquest and resettlement period. It initially designated the privileges and duties of individuals who were willing to abandon their communities of origin and come to settle in lands recovered from the Muslims and now under Christian control. By the seventeenth and eighteenth centuries, the *vecindad* status lost its immediate relation to immigration on one hand, and to a factual situation of residence on the other. Instead, it came to imply a wide range of fiscal, economic, political, social, and symbolic benefits in return for the fulfillment of certain duties. These rights and duties varied from one community to the next and changed over time. In most communities *vecinos* could use the communal property, especially communal pastureland. In small communities, they participated in managing local affairs through their membership in the local council (*concejo*). In large communities, only individuals who purchased their office, or responded to special criteria of "honor" or seniority, participated in the local council. *Vecinos*, however, could still influence local politics by electing their representatives to the council, by being elected to certain offices, or by participating in public meetings (*concejo abierto*). In some cases, *vecinos* also enjoyed special commercial privileges, such as lower tariffs or the right to introduce certain products into the local markets. Among the duties of *vecinos* was the obligation to submit to the local authorities. *Vecinos* had to pay their fair share of the taxes levied on the community as a whole (most taxes) and contribute to other public expenses, such as hiring a professional surgeon or subsidizing public works. They were expected to join the local militia and reside in the community.

Beyond its practical implications, *vecindad* denoted a social and cultural distinction. It identified people as both members of the community and "civilized." Membership was important in itself, and people who were denied *vecindad* complained about their inability to exercise certain rights, but they mainly expressed their resentment in social terms. As far as they were concerned, being a *vecino* meant acceptance and not being one meant rejection. Men and women could lead a civil life only when integrated into a community. Those who were not integrated were the ultimate outsiders, the true barbarians. Through making use of their rights and fulfilling their obligations, *vecinos* thus indicated that they were socially and politically members of the local community. This condition was granted to people residing in both royal and seigniorial jurisdictions, and in urban and rural communities alike. It was applied to individuals of all three estates and, in the sixteenth century it was generally granted to all Castilian heads of households.²¹ By the eighteenth century, *vecindad* was presented as their "natural right."

Most historians of Spain have argued that *vecindad* was a status that depended on compliance with certain legal requirements.²² According to these scholars, *vecindad* was generated by formal declarations issued by competent authorities. Yet other historians noted that *vecindad* was an important institution, which lacked clear criteria, was extremely flexible, and was linked to reputation.²³ As I argue in this book, both groups of historians looked at the picture from a restricted point of view. In spite of their ostensible similarity to modern definitions of citizenship, early modern legal enactments did not enumerate requirements for *vecindad*.²⁴ Instead, contemporaries viewed these enactments as examples of a more general rule, which the legislation did not enumerate. Since the general rule was more important than the examples, these legal enactments could be disregarded in specific cases in which they conflicted with the general rule without it constituting a legal violation or a corrupt practice. By the early modern period, and certainly in the eighteenth century, all communities in Castile shared this general rule. Inspired by Roman law as applied and interpreted under Castilian conditions, this rule held that *vecindad* was constituted on its own, at the moment when people acted as if they felt attached to the community. Complying with military duties within the community, for example, affirmed peoples' inclusion in the community and bestowed on them *vecindad*.²⁵ The same was true of rights. Exercising the rights of *vecindad*, for example, taking one's goats to the common pasture, was both a claim and a confirmation of membership. There was no need for official declarations, and, indeed, *vecindad* was generated largely by what could be described as reputation. The gap between one group of historians studying laws and institutions, and another studying social practices, is thus closed.

Similar affirmations can be made with regard to the implementation of Castilian *vecindad* in Spanish America. Historians of Spanish America have affirmed that either late medieval Castilian practices continued to operate in the Americas or that, in the Americas, *vecindad* lost its original meaning becoming a simple honorary title. This misunderstanding arose from the concentration on legal enactments and formal procedures, on one hand, and the consideration of social practices alone, on the other. As I argue in this book, by the mid-seventeenth century, Spanish American practices took a different path than the Castilian ones. Yet this path introduced in Spanish America policies that were more natural and more in tune with the Castilian theory than was the practice in Castile itself. It "essentialized" the idea of *vecindad* by allowing Spanish Americans to exclude all non-Spaniards from citizenship and by expanding citizenship inside the Spanish community. At the same time, citizenship, which originally applied only in the Spanish community, gradually found its way to the Amerindian one, eventually creating a citizenship regime common to both Spanish and Indian communities.

The second category of rights that operated in early modern Spain and Spanish America was *naturaleza*. *Naturaleza* (translated here as "nativeness") was a status that appeared in Castile in the late medieval period and was immediately distinguished from vassalage and subjection. By the fifteenth century, it defined a particular community of people who enjoyed exclusivity in office holding and in the use of ecclesiastical benefices in the kingdom. In the sixteenth century, legislation granted natives the exclusive right to legally immigrate and to trade in Spanish America. These rights initially defined a Castilian community of natives, which was distinguishable from the other communities of natives existing in the other kingdoms of Spain. Yet, over the years, a community of "natives of the kingdoms of Spain" also made its appearance. In 1596, natives of all Spanish kingdoms were officially allowed to cross the Atlantic and engage in the transatlantic trade. In 1716, they were permitted to hold offices and benefices everywhere in Spain. The definition of this community of "natives of the kingdoms of Spain" largely followed the Castilian model. The importance of this model was clear in Spanish America, which, as a Castilian territory, was subjected to Castilian law, institutions, customs, and practices. Yet it was also clear in Spain, where the rights of natives of all kingdoms were made equal in the beginning of the eighteenth century precisely because Castilian public law was applied also in the Crown of Aragon.

In return for their privileges, natives had to be loyal to king and community. They had to obey the local and royal laws that protected them in some ways, yet limited their liberty in others. These limitations became apparent in the eighteenth century, when many native merchants complained that their for-

eign competitors received better treatment in Spain.²⁶ They enjoyed the protection of their national laws and consuls and could produce, buy, or sell goods without being members of a guild. Most important, they did not have to pay royal or local taxes.

As happened in the case of *vecindad*, most historians have assumed that nativeness had a clear legal definition.²⁷ They reproduced the few legal enactments that mentioned nativeness, without taking into account the fact that they all referred to specific situations and specific rights or duties. They disregarded all contemporary mention of rules absent in the legislation and refused to take seriously a discourse emphasizing the importance of love among community members. They also considered all failures to observe the requirements enumerated in the laws as cases of corrupt and illegal practices.²⁸ Although historians argued that nativeness was a condition denoting integration in a political community, one that in contemporary terms would embody the idea of "nationality," they maintained that it operated separately in each Spanish kingdom.²⁹ Historically, there were natives of Castile, natives of Aragon, natives of Catalonia, but never "natives of Spain." During the early modern period, they concluded, "Spain" was meaningful only as a religious creed and as a community of descent.

When the evidence is studied it becomes apparent that the few cases presented by historians are more the exception than the rule. It becomes clear that contemporaries considered legal enactments and formal declarations as examples. Rather than a fragmentary regime suggested by the various legislative pieces, or a regime totally dependent on the king as letters of naturalization indicated, nativeness had a logic of its own. This logic determined that people who were integrated in the community and were willing to comply with its duties were indeed natives, independent of their place of birth or descent and independent of formal declarations.

Despite their different genealogy and origin, and despite representing different interests and apparently different community levels, in the early modern period *vecindad* and *naturaleza* came to be associated with one another. In the seventeenth and eighteenth centuries, *vecindad*, which originally defined only local immigration policies, influenced nativeness, which designated a relation to the kingdom. During this period *vecindad* was instituted as a mechanism of naturalization, allowing foreigners to become natives and inducing the classification of natives who lost their *vecindad* as foreigners. It was through their relation to a local community that people took their places in the kingdom, and it was the lack of such a connection that made them foreigners. Although religion was important, and Catholicism was indeed a precondition for achieving recognition as citizen or native, religion was not

sufficient on its own. Vassalage, on the contrary, was the result of, and not a condition for naturalization.

Spain, therefore, was not defined solely by reference to religion, vassalage, or even descent as historians have argued in the past. Rather than constituting a "nation," *naturaleza* constituted a community that defined who could enjoy the rights of Spaniards. This definition depended on implied categorizations and norms, and it varied according to the interests of individual agents or groups and the specific circumstances of time and place. Reconstructing the boundaries of the community by examining who was allowed to use which rights enables us to step aside from most affirmations concerning the nature of both state and nation in early modern Spain and Spanish America.³⁰ In Spain, these affirmations confront a first group of historians who argue that during the early modern period "Spain" was only a geographical idea or a political project, and a second group who believes that "Spain" had always existed. According to the first, until the eighteenth century, and possibly even later, the only bond among the different Spanish kingdoms and communities, which were politically, culturally, legally, and linguistically differentiated, was a common allegiance to the monarch and the Catholic church.³¹ According to the second, inherent and natural ties connected Spaniards to one another from as early as the fifth century.³² In twentieth-century Spain, these visions led to debates between regional nationalists, who affirmed the existence of separate nations in each of the Iberian kingdoms, and Spanish nationalists, who denied it.³³ It allowed claiming that local communities and the state were antagonists, and that only when local allegiances were suppressed could a national identity come into being.³⁴ The importance of integration as a mechanism by which people could become worthy of rights and communities could be defined also led to a well-known controversy between Américo Castro and Claudio Sánchez Albornoz. The former attested that Spaniards forged themselves historically by mixing with other cultures and races, and the latter insisted that a "Spain" existed since the early Middle Ages and that it had constantly fought against all external influences, including but not limited to the presence of Jewish and Moorish populations.³⁵ In the Spanish American case, claims were made for the existence of a "national" discourse during the colonial period, or on the contrary, for the construction of nations only after independence. It was generally assumed that people were classified according to their place of birth and not according to their activities or wishes.³⁶

If *vecindad* and *naturaleza* operated on a daily level in social settings where the ability of individuals to use rights could be consensual or not, affirmed or denied by a multiplicity of agents, some of whom were "official," and some not, how can one speak of an "invented" or a "natural" community? How can local

communities and the state or nation be antagonistic to one another in a situation where the kingdom was always perceived from the local point of view and people integrated in a the local community were by definition Spaniards? How can one maintain a distinction between patriotism and nationalism? Indeed, in early modern Spain there was no need to "imagine" — as Benedict Anderson has led us to believe — being familiar or similar to other members, because all members belonged to the same local community and only by extension held rights in the kingdom. Close scrutiny reveals that membership in local communities defined the relationship linking individuals to the kingdom and that a "law of domicile" was as important, if not more important, than the law of birth (*ius soli*) and descent (*ius sanguinis*).³⁷

Conflicts regarding the classification of individuals as good or bad, members or nonmembers, were frequent. They could be tied to economic interests and competition for resources. This clearly happened in Spanish America, where, as I will argue in this book, merchants classified economic rivals as foreigners to prevent them from immigrating and trading in the New World (chapter 5). Competition for resources was also evident in Castilian local communities, whose members often sought to exclude as many people as possible from using the common pasture, or where special campaigns were carried out against people deemed too rich or too powerful (chapter 2). Personal animosity or rivalry also motivated conflicts. The nature and extent of competition could change over time. These changes could be justified by changing economic conditions or by shifting alliances. They could be induced by the improved social or political status of a rival.

Although conflicts concerning individual status were always tied to the specific circumstances of place, time, case, and parties, they also expressed some more general concerns. In seventeenth- and especially in eighteenth-century Spain, for example, conflicts regarding nativeness forced the kings to confront their subjects in a constitutional debate (chapter 4). The kings argued that naturalization was a royal prerogative and that, as sovereigns, they could naturalize whomever they pleased whenever they pleased. They portrayed the community of natives as an agglomeration of people directly subjected to royal authority and claimed the right to introduce into it their foreign vassals and servants. The communities and organs representing the kingdom argued otherwise; natives were distinguished from foreigners by virtue of natural laws that the king could not modify. These laws indicated that integration and compliance with duties tied people to one another and made them members of the same (local) community and, by extension, the community of the kingdom. In their view, the king's vertical notion of community disappeared; instead, the community was portrayed as one based mainly on horizontal ties.

Although debates concerning individual status could occur in cases of the native born whose families had “always” resided in a particular jurisdiction, they were probably more acute, and more frequent, when they involved newcomers who could not point to a history of integration or of love and loyalty to the community. Attitudes towards migration could change over time, according to local conditions as well as the particular characteristics of each migrant. In Spain, the freedom of all people to choose their place of residence was continuously affirmed at the same time it was questioned. When it was useful to their interests, for example, to restrict commercial competition, some Spaniards claimed that a permanent difference should be instituted between “natives” and “naturalized,” and between those born in the community to citizen and native parents and those who were not (chapter 5). On other occasions, the same people insisted that all foreigners permanently residing in Spain were true natives (chapter 4). Social attitudes towards migrants were just as ambiguous. Many foreigners lived in Spanish territories.³⁸ They were concentrated in port cities, where they easily came to represent as much as 10 percent of the population.³⁹ Some foreigners integrated into the Spanish community by hispanizing their names, actively participating in communal life, obtaining citizenship, or marrying a Spaniard. Others maintained a separate or semiseparate existence by constituting national associations, merchant organizations, and confraternities; marrying inside their group; living in compact neighborhoods; employing servants from their countries of origin; and sending their children to be educated abroad. Conflicts between natives and foreigners were frequent, and so were complaints that foreigners accumulated too much economic power, which they used to benefit their homeland rather than Spain or Spanish America.⁴⁰ Hostility towards foreigners was also expressed by calling into question their faith and their loyalty and by mocking their customs.⁴¹

Another source of conflict regarding individual status was the conviction that individuals also formed parts of groups, and as members of groups they were granted special treatment. This treatment was based on the conviction that group membership was telling; that people who belonged to certain groups or categories tended to act in certain ways that were different from other people. It was often stated that people who worked for a salary, for example, surgeons, barbers, or shepherds, resided in communities only as long as they had work there. Their residence was never truly voluntary, and as such communities considered it as less meaningful than that of others who actively chose to live in the jurisdiction (chapter 2). The same kind of reasoning led to the stereotyping of all Gypsies as nomadic and “badly behaved,” even though it was clear to contemporaries that “good” citizen Gypsies also existed (chapter 6). It was under these circumstances that, in 1812, people of

African descent were declared foreigners: they belonged to a group whose progenitors—slaves—were said to have never expressed their intentions to become natives (chapter 7). Indeed, discussions on good and bad immigrants not only fixed the internal membership criteria, it also allowed the community to portray people of different ethnicities, races, or cultures as foreigners or semiforeigners, therefore justifying their rejection. A theory centered on integration, and apparently allowing all good-willed people to become members of the community, could thus lead to exclusion, and a practice theoretically classifying people according to their individual behavior could classify them according to their perceived membership in a group, such as the Gypsies or the Africans.

Because status verification and registration occurred only in exceptional cases, we must use the information they provide to deduce what was so obvious and so unquestionable that it was never openly discussed. The importance of this task is demonstrated in chapter 2, where I contrast formal citizenship procedures with their “hidden” meaning. The importance of the unspoken is also made clear in chapter 6, where I examine the role of religion in the formation of communities. It is also present in other chapters, where I study what early modern Spaniards and Spanish Americans meant when they affirmed their *vecindad* or nativeness, or when they classified their colleagues.

The need to deduce the rule from the exceptions requires engagement in comparative research. The size, social structure, and economic orientation of each of the enclaves I study (Seville, Madrid, municipalities included in the jurisdiction of the court of Valladolid, Caracas, Lima, and Buenos Aires) were different. Also different was the identity of people engaged in debates on *vecindad* and *naturaleza*, the dynamic between them, and the interests they represented. This diversity allowed me to ask questions that a microhistory, for example, would not. Diversity facilitates the construction of the rule because it permits the location of subjects, considerations, and themes that were only hinted at in some places yet openly discussed in others; that were consensual in one locality yet conflictual in another. Looking at similar questions in very different local settings also allows us to appreciate similarities and to ascertain that if these similarities existed in such different contexts, they could not be accidental. By comparing the practice of *vecindad* and *naturaleza* in different centers, I was able to gain a better understanding of my sources, which I was forced to rethink constantly. For example, it was only after I read discussions about nativeness in Spanish America that I recognized the operation of nativeness by integration (prescription) in Castile and Spain. Put simply, Spanish American discussants openly mentioned naturalization by integration when they asserted that their practices were different. I then returned

to the documents I had studied in Spain and realized how important and how pervasive naturalization by integration was. I "suddenly" discovered it in the legislation and in court cases. I "suddenly" understood that debates in the Spanish parliament (*cortes*) dealt only with one type of naturalization (by royal letter), but not another (by integration). Without comparative cases, such insight would not have been possible. Comparison was also the motivation behind looking at the Iberian world on both sides of the Atlantic. Rather than wanting to explain New World orders, I perceived Spain and Spanish America as a single space, and I attempted to understand developments in both by constantly looking at one side and the other. Although I learned that Castilian practices changed in the New World, I often discovered that these changes illuminated what was happening in Spain as much as they told about the conditions in Spanish America.

Another way to reconstruct the rule by using the exceptions was to consult a wide array of sources—legislation, legal and political literature, administrative records, administrative correspondence, and political debates, especially those taking place in the parliament (*cortes*) and among cities with voting rights in parliament. I studied some 3,500 cases in which the classification of people as citizens or natives became necessary, including formal petitions for citizenship or nativeness and instances where the status of individuals was called into question when they sought to do something that was restricted to citizens or natives. These sources proceed from municipal records and from the archives of merchant guilds and other economic bodies, such as the *juntas* of agriculture and commerce. They are included in the documentation generated by the Council of the Indies, the Council of Castile, and the Council of State, the House of Trade (*Casa de Contratación*), and the local American authorities. I also considered a wide array of other materials, such as lists of citizens, taxpayers, and militiamen and letters of citizenship and naturalization.

Throughout this book, I translate *vecindad* as "citizenship." In doing so I follow the path already taken by other historians.⁴² This translation does not imply that *vecindad* was identical to present-day citizenship. Within the scope of Old Regime societies, however, *vecindad* was certainly similar to other contemporary institutions that described the relationship between individuals and local communities, such as citizenship in Italian city-states.⁴³ Translating *vecindad* as citizenship is also authorized by the fact that the Spanish term currently indicating citizens (*ciudadano*) was completely absent in early modern legal and administrative records.⁴⁴ In contemporary political literature, this term was either used as a synonym for "subject," or it was modeled according to classical authors. In the first case, it designated a relationship with the monarch, one that in legal, administrative, and social settings corre-

sponded to the term *vasallo* (vassal).⁴⁵ In the second case, it designated the perfect citizen who lived in a city and who had certain moral and behavioral traits that were considered essential for the well running of a perfect republic.⁴⁶ On both accounts, *ciudadano* fails to describe citizenship as practiced in early modern Castile; *vecindad*, on the contrary, does so perfectly.

In this book I write about Castile, Spain, and Spanish America. By "Castile" I mean the crown of Castile. I use this term mainly to study the local communities included in the jurisdiction of this crown or to examine the evolution of nativeness (*naturaleza*) before the early eighteenth century. "Spain" designates the collectivity of the Spanish kingdoms as defined in Spanish America in the late sixteenth century ("natives of the kingdoms of Spain") and as created in the Iberian peninsula in the beginning of the eighteenth century. By "Spanish America" I refer mainly to the Spanish territories in the Southern Hemisphere. Wishing to circumscribe the object of my inquiry, I decline to explore the specific ways by which the Spanish community interacted with the Indian one. This interaction, I believe, is well covered in contemporary research, as well as in different studies centered on the formation of purity of blood (*limpieza de sangre*) and *mestizos* categories in Spanish America. Instead, I center my attention on the processes by which Spaniards distinguished themselves from one another and from other Europeans, and the ways they justified giving membership privileges to certain people. For lack of space and because of the highly casuistic nature of the privileges attached to citizenship and nativeness, I decline to analyze their material ramification in each individual case. Instead, I study debates about the ability to enjoy privileges not in order to evaluate these privileges, but in order to examine processes of identification. For the same reason, I use no quantitative analysis, nor do I necessarily mention the specific results obtained in each case. My goal is not to determine how frequently this or that opinion was pronounced or who was successful in his claims. Instead, I look at the ways communities were described in social processes of inclusion and exclusion.

Although centered on early modern Spain and Spanish America, this book calls into question our understanding of other early modern communities. There are many indications in the literature on Italy, France, and England that status was just as ambiguous and contingent in these countries as well; that on most occasions status was neither requested nor acknowledged but was instead a byproduct of the enjoyment of rights; that a direct relation existed between membership in a local community and in the kingdom. It was also clearly the case that in all three countries formal rules were modified by social practices. The rules themselves were highly complex, and they included both local and royal laws as well as a great diversity of other norms, such as

ciudadano
es!

Old Regime

"natural law," "common law," or "Roman law," which seriously modified the nature and extent of rights, and thus of status. Indeed, a preliminary review of the existing literature on Italy, England, and France (chapter 8) suggested that Spain was exceptional. A closer reading indicates that it was not. The need to redefine the object of study, the questions asked, and the methodology used is thus as pertinent to other cases as it is to Spain and Spanish America. Further research needs to be done if we wish to fully understand the way early modern European communities were formed over time. This understanding will clarify the relation between local communities, citizenship, state, and nation. Observing the intersection between state and nation and between social practices and legal enactments in this way, we can provide an alternative vision of European history, one that explores the (neglected) connection between horizontal and vertical social ties and that looks at the construction of communities from both below and above.

drafts
Spanish
"povosados"

Vecindad: Citizenship in Local Communities

Castilian citizenship originated in the Middle Ages. During this period, the northern provinces of Castile gradually expanded southward, conquering territories previously under Muslim domination.¹ This effort, though cast as a "reconquest" in an attempt to stress continuity between the pre- and postconquest periods and to claim legitimacy, was clearly the beginning of a new age, in which Christian control was extended throughout Spain and in which new forms of government and territorial management gradually emerged. From the eleventh century onward, people moved to the lands reclaimed from the Muslims and formed new communities or transformed existing ones. Often spontaneous in nature and dependent on individual or collective agency and on the activities of the church and the military orders, this movement was also encouraged by the Castilian crown. Royal decrees recognized most new or transformed communities as corporate entities, and they allocated specific rights to those who were willing to come and settle in them. Granted equally to all permanent settlers by virtue of their settlement, these rights were extended to people irrespective of their religion, their vassalage, and their status as villains or nobles, ecclesiastics or not.²

By the twelfth and thirteenth centuries, the kingdom of Castile consisted of a great diversity of communities, each with its own legal regime and its own set of privileges, which were extended to all permanent settlers.³ The disparity of

a constitutional reality of a multiplicity of kingdoms, each with its own laws and institutions. In both Spain and Spanish America, royal efforts to do the same were only partially successful. The authority of the king in issues of naturalization was indeed strengthened during the eighteenth century, yet the power of municipalities to naturalize foreigners, and the idea that integrated foreigners could automatically become natives, persisted to the liberal revolution (1808–14) and beyond. The transfer from citizenship to naturalization, from local to national, as described in France and as operative in England, never took place in Spain. Local citizenship and naturalization continued to be closely associated with one another, and foreignness still operated on both the local and the kingdom level.

The sovereignty of Spanish kings was limited in other respects as well. Until the end of the eighteenth century, the Spanish parliament and the cities with a vote in parliament continued to exert at least some control over the king's power to naturalize foreigners. Just as limited was the ability of Spanish kings to create a single community of natives in Spain. Although such a community existed in the New World from the late sixteenth century, its success in European Spain was only partial. Even after the *nueva planta* decrees (1706–16), the Spanish community was, at least in some respects, a “composed” community. Natives of Majorca still held the monopoly on office holding in their community, and they were likewise excluded from benefices in Spain; Castilians could occupy offices in Catalonia only by virtue of a fiction that maintained that they were collectively naturalized. Last but not least, Spanish practices never denied people the right to change their community because of their permanent and unalterable allegiance to the monarch, as was the case in England and France. On the contrary, Spanish debates affirmed again and again that people could migrate to or depart from the community and in doing so recreate themselves anew. There was no presumption of an *esprit de retour* as in France and no obligation to continue under royal allegiance as in England.

Conclusions and Afterthoughts

In February 2001, Spanish television aired a mock newscast staged by a comedy puppet troupe.¹ It presented Spain's minister of the interior on board a helicopter. Looking down at boats carrying immigrants trying to reach the Spanish coastline and illegally enter the country, he ordered the “good” immigrants who wanted to work and integrate into Spain to stay on the boats. He then instructed the “bad” immigrants, those who wanted to commit crimes, to jump in the water and disappear. The same idea was expressed years earlier in a pop song that invited immigrants to integrate into Spain. The song suggested that immigrants are welcomed to Spain with their “eyes, dances, and lips that promise kisses,” but it rejected those who come with “smoke that does not allow to breathe, with anger and bad dreams.”² Although the newscast and song represented the feeling of many both inside and outside Spain, they left unsolved the problem of how to distinguish good immigrants from bad, and who has the authority to make this decision. It also failed to address the problem of how in the process of distinguishing good from bad immigrants the receiving society defines itself by establishing its criteria of membership and fixing its boundaries.

The question of which immigrants should be accepted and which should not was also important to early modern Spaniards. The distinction between citizens and noncitizens, natives and foreigners was ultimately presented as an

opposition between goodwilled people who were integrated into the community, wished to remain in it permanently, and were willing to comply with its duties and bad-intentioned people who did not. These latter were transients who refused to tie themselves permanently to the community, who avoided integration into it, and who wished only to benefit from privileges.

The distinction between good and bad people was reproduced on all levels. It first appeared in Castilian and Spanish American local communities, and by the seventeenth century, it operated throughout the realm of the kingdom of Castile and in the Spanish kingdoms. This distinction originally defined attitudes towards immigration, yet it eventually constructed notions of membership and belonging. Independent of their origin and place of birth, in order to qualify as members, people had to be want to be members, to act as members, and to comply with duties. These requirements were applied to both newcomers and the native born, yet those born into a community usually enjoyed a presumption of goodwill. Although they did not receive a truly differential treatment, on a day-to-day basis, social norms and understandings that rarely questioned their status protected their standing. This lack of conflict made the condition of native born as both citizens and natives appear automatic. However, such was not the case. Native-born persons could be required to prove that they were "good" if and when their condition came under scrutiny. Therefore it should not surprise us that the distinction between good and bad immigrants was determinant in the construction of the category of "Spaniard" and "Spanish citizen" as defined in the first Spanish constitution (1812). Nor should it surprise us that, in Spanish America, the same distinction was helpful to the elaboration of a Creole discourse that eventually justified the break with Spain and the formation of new states and nations.

The distinction between good and bad immigrants allowed the easy inclusion of foreign Catholics to the community, and it provided a means of explaining the rejection of other people who were classified as "bad." The classification of people as good or bad depended on the identities of the parties and their interests and on the circumstances of place and time. It was linked to the willingness to presume the presence of goodwill or to demand that candidates supply ample proof of their situation and intentions. In some cases people classified as bad—for example, the *Chueta*, the Gypsies, and Spaniards of African decent—were different in ethnicity, race, and customs from most other citizens and natives. Yet even though discussants recognized the importance of these differences, their exclusion was still argued by reference to their quality as bad. This quality did not truly depend on individual behavior but was a byproduct of membership in a group to which Spanish society attributed certain intentions and certain ways of being.

This differential treatment resulted in some people acting as citizens and natives without their status being questioned or verified, while others had to fight for recognition. For some, these challenges were random and singular; others were scrutinized again and again. A discourse focused on integration, and one that apparently allowed people to become members by virtue of their decision and their decision alone, could thus justify exclusion. Indeed, as the eighteenth century drew to a close, it became increasingly clear that either people acted as citizens and Spaniards or they lost the right to remain in local communities and, by extension, in Spain.

Apparent agreement on criteria did not mask real differences in their application. Individuals, collectivities, and authorities could disagree about what "good" and "bad" meant and who should be classified in which way. This disagreement confronted real actors with real interests, possibilities, desires, and fears. These actors engaged in long and often tedious discussions in which they attempted to "discover," but also to construct and imagine, the intentions of their fellowmen. This process of discovery had formal rules and ceremonial procedures, but it also depended on the interests at stake, the capacity of the parties to negotiate or impose their views, and the dynamics among several actors. Commonsense assumptions, ideas about justice, and perceptions of the common good were also important. Under circumstances of disagreement, identifying the authority that could decide on these issues became crucial. Yet in seventeenth- and eighteenth-century Spain and Spanish America no such authority existed. Citizenship and nativeness were generated on their own by the mere fact that people acted and were allowed to act as members. In most cases, no official recognition followed, and there was no final arbiter who could decide who was worthy of which treatment. Written law gave some indication as to how these processes should happen, the courts intervened when requested to do so by the parties, and municipal and royal authorities voted in favor of one solution or the other. Nevertheless, the question of who was good and who was bad could never be resolved conclusively. No single authority could decide it; it was negotiated socially, in day-to-day interactions, and depended on reputation and on changing circumstances. Rather than a status, citizenship and nativeness were a situation. They crystallized in a certain moment and were lost in another.

Over the years, different individuals and groups in both Spain and Spanish America expressed frustration with this situation. According to them, the Spanish regime did not obtain a sufficient guarantee that people who enjoyed the rights of membership would also comply with the corresponding duties. First in Spanish America—because of the alleged need to protect the community from greedy newcomers—and then in Spain—because of the desire that

permanent residents would comply with membership obligations — these individuals and groups called for the institution of formal procedures and permanent classifications. Yet until the early nineteenth century and probably beyond, in both Spain and Spanish America a regime of legality defining citizens and “nationals” failed to emerge. Discussions in 1812 in Cádiz demonstrated that the categories adopted by the first Spanish constitution continued to rely on reputation: that is, they continued to classify people by reference to their activities as comprehended and measured by the other members of the community. The same was true with regard to the Creole discourse, which defined people as members of the Spanish American commonwealth.

In Castile, Spain, and Spanish America, citizenship and nativeness depended on social negotiation and on an ongoing conversation among different actors, local groups, and even royal agencies. Rather than imposed from above, the distinction between citizens and noncitizens, natives and foreigners came from below. It was a byproduct of the activities of people and groups fighting to defend their interests and to best protect what they argued was the common good. These people and groups might have not been interested in fixing immigration policies or in defining the boundaries of their community. Nevertheless, their activities did both. State and king were to a large degree external to these processes. In the normal course of things, people became citizens and natives, or lost their status as such, without any official intervention. Royal and municipal authorities intervened only when the members of the community failed to negotiate these arrangements on their own. Unable to control the economics of the Spanish American trade, Spanish monopolist merchants demanded the assistance of the state to distinguish natives from foreigners and to expel the latter from Spanish America. Not only did they initiate these classifications and insist on their faithful application, the monopolist merchants also prompted the state's action by elaborating lists of foreigners and by appearing in the courts and supplying proofs and arguments. At the same time, these merchants rejected the intervention of the state when royal organs claimed the right to decide who the foreigners were, or to convert them into natives. While the royal administration helped the merchants by guaranteeing protection of commerce, the monopolist merchants aided the administration by allowing its intervention in some cases, by recognizing its authority, and by helping it implement certain measures. Mercantile activity also forced the royal administration to refine and clarify its position, for example, with regard to the differences between naturalization by integration and by royal letter.

The same dynamics was also present in Spain: local communities requested the help of royal courts when they disagreed with candidates about their correct classification. Royal intervention in these cases of unresolvable conflict

was justified and legitimate — and was even requested by individuals, groups, corporations, and local communities — in all other cases it was not. The authorities, it was endlessly argued, did not create the community but simply administered it. Therefore, while naturalization by integration was natural, letters of naturalization were artificial. While naturalization by integration was a regular practice, letters of naturalization were extraordinary grants. They confirmed royal sovereignty precisely because they ignored law and custom and because they modified the community in ways that were otherwise impossible.

Looking at official records and the legislation in order to examine the citizenship and nativeness of people is therefore insufficient. These records only include the minority of cases that provoked debate and they only describe how a person should be treated in a given moment governed by the existence of a specific set of circumstances. In the vast majority of cases, on the contrary, individuals were subject to classification by people around them in day-to-day interactions. This classification was social rather than legal, implicit rather than formal. Belonging to a local community or to the community of the kingdom allowed individuals to enjoy the rights allocated to members; enjoying these rights automatically converted foreigners into citizens and natives. Rather than an aberration, the transformation of people in this way was considered natural. Society was not governed by man-made law, nor was it truly controlled by the authorities. It was organic, and it experienced natural processes of inclusion and exclusion.

The study of *vecindad* and *naturaleza* thus demonstrates the degree to which the early modern state, at least in Spain and Spanish America, was far from commanding or engineering society. Rather than imposed from above, pressures from below generated *vecindad* and *naturaleza*. Rather than being identified in law and legislation, *vecindad* and *naturaleza* were defined by social practices applied by individuals, groups of individuals, and corporations. These called upon the local authorities and the king to intervene only on certain occasions; intervention was rejected at other times. The interplay between the state and local communities, authorities and individuals, implicit and formal categorizations demonstrates that rather than communities creating a state, or states creating communities, it was the dynamic relation between one and the other that mutually constructed both.

From the perspective of *vecindad* and *naturaleza*, the Spanish communities, as well as “Spain,” were neither a natural phenomenon nor an artificial creation. They were continuously constructed by a multiplicity of agents working to defend particular interests, yet through this process constructing a community. Individual engagement in fixing communal boundaries both constituted

and confirmed these boundaries. "Centralized" state structures legitimized the privileges and duties discussed and helped to impose them. Yet the conservation, meaning, and application of these privileges and duties depended on social interaction and day-to-day encounters between individuals and corporations with similar or contrasting interests. The community that emerged in consequence was a social and not an institutional or a legal creation. It depended on a complex relation between interests and norms, individual agency, and social and theoretical constraints. It was in this nexus between legal arrangements and their instrumentalization, state mechanisms and private initiatives, local arrangements and kingdomwide solutions, everyday interactions and larger issues that eighteenth-century Spanish communities and "Spain" came into existence.

The implementation of the categories *vecindad* and *naturaleza* also demonstrate that, in Spain and Spanish America at least, there was no inherent opposition between local communities and the community of the kingdom. Invoking human law arrangements and natural law doctrines, individuals, local communities, and merchants insisted that integration was the principle mechanism that allowed individuals to enjoy rights. Because integration was always carried out within the confines of the specific local community where one settled, owned a house, and demonstrated in other ways that one sought and deserved membership, it was through their adhesion to local communities that people, both native born and immigrants, became eligible to rights in both the local community and the community of the kingdom. This association between local membership and kingdomwide membership was clear in Spanish America in the seventeenth century, and it was formally declared in Spain in the eighteenth century when local citizenship—attained either by formal letters of citizenship or through activities as a citizen—was instituted as a mechanism also allowing the naturalization of foreigners. At the end of this process, a general regime of citizenship and naturalization was created in Spain and Spanish America without excluding local definitions and without truly limiting the power of local communities to define the kingdom and its natives. Royal attempts to transform this conglomerate of local communities into a single kingdom and then a single Spain, and to reduce the complex relationship between citizenship and nativeness into a simple relationship of vassalage and subjection, mostly failed. Until the end of the Old Regime and in both Spain and Spanish America, individual municipal communities continued to be essential participants in the definition of both natives and subjects.

Nineteenth-century Spain and Spanish American states thus inherited a strong localism that recognized at the same time that larger structures, such as kingdoms, also existed. Through integration in a locality, one became by ex-

tension a member of the kingdom. This heritage privileged social classification over legal definitions and constituted society as a body autonomous of government and responsible, among other things, for identifying people as insiders and outsiders. It looked with suspicion at the intervention of the state, and it embodied a conviction that local society can and must regulate itself. This heritage stressed social consensus regarding a few basic premises, yet it allowed for acute conflicts regarding their interpretation. Embracing the ideal of freedom of immigration, it demanded conformity and argued that either integration is complete, or it does not exist at all.

Many of these factors might have been particular to Spain and Spanish America, yet there are many indications that similarities between them and practices in Italy, France, and England might have been greater than recognized by the current literature. Integration was an important element also in Italy, France, and England, and in all of them a common and often unwritten law coexisted with formal legal arrangements. There was some relation in all three countries between local definitions of membership and kingdomwide categories of belonging. There were also clear indications that status depended on social interaction as much as it depended on laws and formal definitions.

The reading of Spanish history from Spanish America and vice versa demonstrates that the one cannot be understood without the other. Castile exported to the New World many of its practices. Implemented in the Americas, these practices underwent important modifications. These modifications reflected the American reality as much as they revealed the potentialities inherent to the practices themselves. The operation of the Castilian citizenship regime in Spanish America, for example, seems more natural and more in tune with Castilian theory and its implications than its operation in Castile. On occasion, developments in the New World preceded similar developments in Spain. A community of natives of the kingdoms of Spain appeared in Spanish America in the late sixteenth century but in Spain only at the beginning of the eighteenth century. The same happened with the identification between citizenship and domicile and citizenship and nativeness. Both were crucial factors in eighteenth-century Spain, yet indications for their existence were already present in seventeenth-century Spanish America. Spanish American practices were also revealing because authorities and litigants involved in their implementation often explained their understanding of the nature and meaning of Old World practices in order to distinguish them from those of the New World. Consensual and obvious notions, which were never explained in Spain, were spelled out in Spanish America. Such was the case, for example, regarding the requirement that all Spaniards be Catholic and the importance of naturalization by integration (prescription). If Spanish America is

instrumental to the understanding of Spain, the reverse is also true. Citizenship as practiced in Spanish America cannot be understood without grasping its meaning in Castile. Nor can we really understand debates about the rights of foreign merchants to trade in the New World if we fail to grasp the meaning of Spanishness as generated within peninsular Spain. Even Creolism, which is traditionally interpreted as a genuinely American phenomenon, should not be divorced from concurrent debates taking place elsewhere in the Spanish world. Indeed, the colonial experience was instrumental to the understanding of Spain, and vice versa, in ways we have not yet sufficiently explored.

Abbreviations

AA	Sección Autos Acordados of the AN/Q
AC	Sección Archivo del Cabildo of the AGN/BA
ACV	Archivo de la Chancillería de Valladolid
AGI	Archivo General de Indias
AGN/L	Archivo General de la Nación/Lima, Lima, Peru
AGN/BA	Archivo General de la Nación/Buenos Aires, Buenos Aires, Argentina
AGS	Archivo General de Simancas, Simancas, Spain
AHN	Archivo Histórico Nacional, Madrid, Spain
AJ	Sección Acuerdos de Justicia del SG
AM/Q	Archivo Municipal, Quito, Ecuador
AM/S	Archivo Municipal de Sevilla, Seville, Spain
AM/V	Archivo Municipal de Valladolid, Valladolid, Spain
AN/Q	Archivo Nacional, Quito, Ecuador
AP/LP	Archivo Provincial, La Plata, Argentina.
ASSCE	<i>Actas de las Sesiones Secretas de las Cortes Extraordinarias de la Nación Española</i> (1810–13), Madrid, J. A. García, 1874
AVM	Archivo de la Villa de Madrid, Madrid, Spain
BNE	Biblioteca Nacional, Madrid, Spain