WE WANT TO GIVE THEM LAWS
ROYAL ORDINANCES IN A MID-SIXTEENTH CENTURY NAHUATL TEXT
BARRY D. SELL AND SUSAN KELLOGG

Dedicated to Arthur J. O. Anderson
yn cemca huey nahuatlato, yn huel nelli tenachtiani

Over ten years ago in Estudios de Cultura Nahuatl # 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. 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 Tlaloa n #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.

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 from Stafford Poole, C.M.
Kellogg. 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 EVII

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 “Ordenancias”—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 “Ordinanças.” 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. 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. The genesis of the Ordinanças 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.” A similar instruction is in the closing section. The translation into Nahuatl could not have come more than 10 years later. Doña Juana (who appears at the beginning of the Ordinanças) 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 Ordinanças) is included at the end of the English translation.
5 O’Gorman, 181.
6 “Una ordenanza,” 185.
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 Ordenanzas and the Ordinan-
za are:

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

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 Nahua 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 direct­
ed at "los yndios naturales de la prouicia d'Galizia de la nueva Es­

<table>
<thead>
<tr>
<th>Topic</th>
<th>Mexico</th>
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<tbody>
<tr>
<td>No idols</td>
<td>(see Ordenança #)</td>
</tr>
<tr>
<td>Do not eat human flesh</td>
<td>1, 4</td>
</tr>
<tr>
<td>No sodomy</td>
<td>14, 25</td>
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<tr>
<td>No drunkenness</td>
<td>11</td>
</tr>
<tr>
<td>Only one spouse</td>
<td>8</td>
</tr>
<tr>
<td>No marriage with close kin</td>
<td>10</td>
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<tr>
<td>No sex with close kin</td>
<td>27</td>
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<tr>
<td>Respect cross and images</td>
<td>19</td>
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Notwithstanding the similarities, the Ordenanzas 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 Ordí­

The exact identities of those who wrote on the ten pages of the Ordenanzas are unknown. The small well-formed letters of the main text with their 94-37 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 nahuat­

8 For an excellent selection of representative clerical documents see Cuevas 1975.
9 Puga 1945, 156v. The entire document covers ff. 158v-159v.
10 Constituciones 1556, 54v-55r.
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 "temperador" (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,15
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
discipline: 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 "ypalnemo-
nhuani techihuani ylhuicahua tlatlicpaque" (Giver of Life, Progeni-
tor of People, Master of Heaven and Earth), and the Trinity itself is
"can 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 Nahua 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 10 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 Ordinanças 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 confessionario) 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 confessionarios that certain questions and instructions were restricted to older people or youths, women or men, nobles or commoners, etc. 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.

Clerics had been pressing hard for a long time on some of the points raised in the Ordinanças. For example, the struggle by the church against “Indian” idolatry and superstition begins in the earliest ecclesiastical Nahuatl texts. 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 *sermo* (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:

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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 esp. 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 christiana* 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. 24).
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! 

If viewed as model altepetl regulations the royal Ordinanças invite comparison with the similarly Spanish-inspired Cuauhtinchan ordinances of 1559. Both documents cover much of the same ground. Consider, for example, the following points in the Cuauhtinchan text and compare them with Ordinanza # 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, Sigüese unos sermones de dominicos... Edward Everett Ayer manuscript collection, The Newberry Library. This is heavily edited for reasons of presentation.

As can be seen in the above excerpt the Cuauhtinchan ordinances also can expand on issues raised in the Ordinancias. This is especially pronounced in a few cases. While royal Ordinanza # 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. Details also vary. Royal Ordinanza # 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. Such inevitable differences aside, however, the tone —and even the ending— of each text is similar. The royal Ordinancias 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.’”

While more could be said on genre and tone the above suffices to place the Ordinancias 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
structures and policies of Spanish rule in colonial Mexico have been studied. 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 culture 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. 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. 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 Os Capdequé 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. Legal texts such as the Ordinanças also lend themselves to a dialogical and rhetorical analysis. There is not space here to attempt a full treatment but some dialogical aspects of the Ordinanças 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.
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" (§9), 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 Nahua 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, 304-371.
31 Precolonial Nahua 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. 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
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 Ordinanzas 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. 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. 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.

The Ordinanzas 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 Nahua that would have a great impact on gender construc-

33 Borah 1983, 43.
35 For a general discussion of changes in kinship structures and authority relations within kin groups, see Kellogg 1995, chapter 5.
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tions among colonial Nahua. While sexuality within marriage was protected and controlled, virginity prior to marriage was not a major Nahua concern.

In this text, control of women's sexuality receives some attention. Sexual assault, for example, for which Spaniards had different degrees of definition, is defined in this text as forced sexual relations with a woman who is a "complete virgin" (vel ichpochtli). 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 Ordenanças 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. 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. Seven ordinances in this document mandate head-shaving as a punishment. Given that Nahua believed that hair contained tonalli, perhaps they perceived the Spanish appropriation of this punishment as humiliating and stigmatizing as well.

The ultimate impact of the royal Ordenanças 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 "Ordenanças de su mag." provide a lasting

36 On institutionalized patterns of female authority, see Kellogg 1995, 91-105; on Nahua sexuality and friars' efforts to transform aspects of this complex of beliefs, see Burkhardt 1989, 150-159.
37 Motolinía 1971, 319-323.
38 Lipsett-Rivera 1996, 4, 6-7.
39 Examples include Motolinía 1971, 358; and Torquemada 1975, 11, 186, 356.
40 Siete Partidas 7-31-4.
41 Tonalüwas "a kind of animate force or soul which had important effects on one's character and fate" (Burkhardt 1989, 48). Sixteenth-century Maya 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 Ordinanças 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.
Ordenanzas de su mag.  

NEhuatzin nidon felipe niRey castilla yvan nemperador .q.n. tltlic-pac nivye tlaltocatzin yn totoeh in totlatocatzin yn dios: no yehuatzin in vei ciyapillī y noicyhtzin doña Juana can ypal-tzinco in dios Reyna y noviyen vmpa España tonevan ye titotenavatilī y Jn axcā oc cequi navatili monequi macozque yn india tlaca yn quipiaze y quimonemiliztīque, macivi in ye ixquich cavitz y: quimonemachūltītīnemī padreme yn itltenquixtīca yvan ipalnemovīnī tot.  

Auh in yehuat in navatili y macozque, monequi cerca vel quinezcacihavāzque, vel quimocuitlauizque y tepā ma-

ni, yn quitquī yn quimama yn itconi y mamalonei y cuitlapillī y ahnteputalī: auh yn topileque y notençopatīcī oxyquetzaizque y onavitloquo, yvan yn oc cequi quimmixquechilīz yvan oc quimonavigtīviz y niixiptlī y vvisorrey yn tepachozque yn tepā manizque yn avahcā yn tepeuacā Jn axcā ca tiquitononochīltīnīqui, tiquintomaquīltīnīqui yvan navatili ym piazoni, ynic amo quitozque atle tilhuiloloque yn teix topialgazque y tictonemiliztīque: auh yn iuh tichīva y, ca ca ñpampa yn cerca tiquintolaçotītā, ca cerca tiq-

leuia, cenca čonequi y toyollo y ma vel monemītīcī y macatle omone-

nenotinīcā y davelioclavītī: ma vel yxquich qtlalaclavica y aycelī in ahqualli, ma čā y huel quimincavilīcī, ma uel quimiximachūltīcī yniintoeu in itlatocauh in icel teotl in dios yn axcavā in tāchive-

ma, čān vel icelteu quimixcauilicī, ma uel quimiximachūltīcī yniintoeu in itlatocauh in icel teotl in dios in axcava in tlahiv-

ma, ca amonapemecāi ca amo quia axcā ca ceca y vcoeulh yn ipa motecanontoztil-

nīmī y niixiptlī y vvisorrey yvan in oc cequitin y notecuitlaclava ynic mocēltīlītīnemī yvncan notlatocachān y chācēllera yvan vmpa ca me-

xico: ca oitcinoaquilīcī qnic omicuilo ynin navatili y nicā ama-

tlacuiołpān onotūh, ca yehuatacī y tiquitonavatilī, veltiquilaquauh-

iztīzquiltīa tleh quimati, ma quimocuitlavica: auh ma yxquinola ca cu-

(2)tlavilīloca yvan ixquich nican cueliuitūh, ma čān conilcauhi,

ma nen ahquichiuhi ma vel quimonemilitzīca, yvan tlapachoa yvan in topileque y noviyen altepetl ipā ma vel quetiuitlalivtīca ma noviyan chivalo, ye iz ompeva. 

1 To the right in the margin: tiquemeleviltī [2].
Haciendo consideración, se ha establecido esta ordenanza: que se debe obligar a todos los habitantes de la ciudad a que sean fieles, cumplidos y constantes en la observancia de las leyes y estatutos, y a que no hagan daño a nadie, ni se resistan a los impuestos establecidos por los gobernadores y alcaldes de la ciudad, ni a los tributos que se imponen por el bien común. A tal fin, se debe implementar un sistema de vigilancia y control que asegure el cumplimiento de esta ordenanza.
auh yn itlatlacol yn ipampa analo, quimilhuitivi y notecutlatocavá oydores.


1 ynic 5. yn aquí omoquatequi yn aço oquichii, anoco civatl yn amo moyolmelavaznequi yn iquac tenavatia tonáitzin Santa yréna, ma ylpiloz ma analo, ma teyxpá mecaviteco: auh yntla ye oxiviad amo moyolmelava oc ceppa analo ymixpan valhuicoz y notecutlacavan oydores ynic yehuáin quitlatzontequiizque oc céca yehuántin yn teopá omonapauhque yvan yn tlatoque, ychúca tlatacuitilozque./

1 ynic 6. yn aquí momecatitine mi aço ce anoco miequintin y quimomecauíñemi ma can oc tlaltolica nonotzalo, ma can oc quavitl teňe toctilo ynic quicavaz quénévy, (4) auh yntlaco quincuaznequi, ma yequene yquac analo ma ylpiloz, ma teyxpá mecaviteco, auh aço yntla ipá motzonteqüiz yció quezquilhuítica yntla azí in ipampa ytlatlacol.

7. yn aquí monamicti teoyotica yntla momecati can oc tlaltotica nonotzalo quavitl teňe tociloz ynic motlacavaltiz: auh yntlaco quicaquiznequi ma ylpiloz ma teixpan mecaviteco, yn vncan teopá. Auh y čiutl yno monamicti yntla quitlašíima yn inamic, yntla ipá yauh: in yeluáit yn oquichiti yntla quinequi ma quiteixpanvi, yvan ma no analo yn oquichiti yn oteláási in o tepá ya, ma nevan ylpilocac yčiutl ma ymixpan vicoca yn tecutlatoque oydores, yvan vel imixpá momelavacaytoíuy na itlatlacol yn ipápa analo.

1 ynic 8. yn aquí omonamicti teoyotica11 yntla oc ceppa ce čiutl quimonamicti, yn čatepá ocan ma ymomenti ylpilocac, ma nevan teixpá mecavitecoca yvan čatepá tepuzcubí yuhiqui tecamataltoni yfc quimixquatlizque ynic onca tiqüiliviz: auh yn itlatqui motlacoselo centlacol conquiz, auh centlacol notech pouiz, naxcatiloz auh ma yeh conana ma vicaltilo y vel iciuauh yn achtopa

6 To the left in the margin: aoc datecoco.
7 To the left in the margin: neyolmelacoz.
8 To the left in the margin: amo nemecatiño.
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: ynic onca omonamicti qntlatzacuaz.
ORDENANZAS DE SU MAG.T

oqnonamici. Auh ynic vel mochivaz y, monequi yn iquac oanoque ymipan ycozque y no tecutlatocavá oydores.

1 ynic 9. yn aqüi amo quitta missa yn domigo anoço ihuitl ypan yn iquac ca xcauílo qualli yectli yn uh ca navatilli yn uh mo tenavatlía Santa yglesia, yn amo quicaqui yn xpianonemiliznemach- tillí yno itoca doctrina xpiána, yvan yn totlaolli yn temachtilli: yntla quin iyopa o yuh mochiuh omihuitl calttsacuiax teypliyó: auh yntla oc ceppa yuh mochiva mecavitecoz./.

1 ynic 10. yn iquac temanepanoa Sacerdote, yn aqüin quimonamictía yvan yloqui yn quiximati, aço yveol, anoço qué quinotza: yn iquac tlatláníloh yn ac yeh quitlatía yvalocayotl, aço yeh yn oquiçhti anoch yeh yn cíatl teypá mecavitecoz. Auh yntla yn nevan quimá, yltla ymomeñiu oquistkinique vayolcayotl, nevan tlatzacuiltilozque, mecavitecozque./. (5)

1 ynic 11. yn aqüin tlavanan, yn aqüin ye xocomiquiz y castillan octli yn itoca vino anoço vmpra yndia octli analoz vmpra teix- pá mecavitecoz macuilpoalpa yntla quin iyopa iuh omochiu: auh yntlacamo quicavaznequi yntla oc ceppa yuh quichiuac oc ceppa analoz mecavitecoz yvan xinaloz Auh yntlacamo ye quicaqui, ma ymxipá vico y no tecutlatocawá oydores./.

1 ynic 12. mochi poliuiz yn iztlacayotl in iztlacuililtlii un mi- toya tonalpoualizti, matlahpoalizti, mecalapoaizti, anoço tlahpoa- lizti, yvan in quitoah tetlácucuililitlii yvan y navaliot yvan yn oc ce- qui miec tlamentli, yn aqüi quichivaz yn aco oquihiti, anoço cíatl nimá analoz, ylpliyó teypá mecavitecoz, auh vmpra tianquizco quauh- titech quiplineque ycpac maniz amaquavititzli y tepinauhiloni, vncan hicaz yxquich cauitl yn etel mitoa missa. ca14 no yuh tlatzacuiliuloz- que yn aquisque tetlánachiuitiniemi.15

1 15, yn aqüi quitimaca ychpoch iaic cã nemecatiloz16 ma nima ylpito ma vmpra quicavati yn vei tecuatzacualoyá, quimilhuiqvi y no tecutlatocavan yin ihq yatlacol yin iqápa analo.

1 ynic 14. yntla aca temictiz yvan intla aca quiquaz tlacanacatl ma nimá analo ma ylpito, ma vmpra quicavati y vei teylpoyá yn intecal- tzaquayá notecutlatocavá. Auh cã no yuh quichiwazque yntla aca ca can quicuitivetzi yn oc vei ichpochti yntla ytech aqüi, yvan yntla aca qu- china yn temamahuhi tlacacolli y can nimá aytoloni yu cuilloyotl.17 y nicá onicteneuh yn ipá ye matlactlamatl ónavi nauatlí macamo

12 To the right in the margin: 1 misa itoiz.
13 To the left in the margin: 1 ano davanoz.
14 To the left in the margin: sortilejos.
15 To the left in the margin: alcavetes.
16 To the left in the margin: qen da las hijas.
17 To the left in the margin: al quí mata o come carne humana y raptores y sodometicos.
xiccavaloz, ma cëca vel ipan neyxtizalo, ma cëca vel ypan tlapielo.

yn iquac onezque yn aqyique quichiuhinemi, nimâ yciuhca cuìte-xchoque nimâ ypilozque.

1 ynic 15. yntla aca cìvatl mopahiti ynic motlatlaxiliz ma nimâ analo, ylpilo, vmpa cavalotuih yn vei teyipiloyâ no yehuatl yn aqyi tepahitiâni, anoço yn aqên ca no quita.18

2 ynic 16. yn aqui çan quitlacanequiz y motecuitlauiltemaz yn amo mococoa mecavitecoco macuilpoalpa.19 ahu yn (6)ynçan tian-quizco oc quauhuittiech ylpiticaç yxquich caviti y ontetl missa mitoa, ahu cêca ahyoz quavil [sic] tetl tocîloz. yequene yntla aca teixpâ mali yntla teixpâ momahmaxavi,20 aço oquichtli anoço çivatl çan no yuh tlatzacuiltiloz./

3 ynic 17. yn aqyique teoyotica omonamictique21 y mocavaz-nequi cuítlauiltilozque ynic monepantlacoztazque ynic nevan nemizque. Auh ynic vel mochivaz y, oc monequi analozqz ypilozque./

4 ynic 18. yn iquac aca ye mococoa22 ma quinonotzacá teotlatoltica ynic moyolmelavaz; ahu ma quîluhtî y teopixqui yic qui-yolcuitiz; ahu yntla momiquili tlapechica quîtocatiui yntetocoyan, ce cruz yxpan hicatiaz, ahu yn aqyique quita ma quîcaca, ma motec-pantuîyâ, ma quîmotlauültiutîyâ y dios ynic quîmotlacoçoliliz yanima y miccatziintli. Auh çà niman ayac tequímiloz, yn aqyique tequímilozque, nimâ tzitzîlozqz vmpa cavalotui ñ tecaltzaqualoyâ: ahu yntla aca cocoxqui yn amo quînequi moyolcuitiz, yntla miquiz amo teopan tococ çan tlacolpâ anoço chinanpan, yehuatl quîtoznequi yn aqyque momiquili yu quîncauhtîui yu ipilhuá yu ayamo vel ixtlamati yu oc tepititon, ahu yn thein ymxaca quînicuhtiiui, nima quîcuîli yu împilhuá quînnavalchivilxîa: aço aca ycnoptlîzîntli yu ocuíloc yxca, aocmotle vel quîmîtalhuilia, ahu yntla itla quîmîtalhuiznequi nimâ quîtemolìa yu thein ytolînîloca mochivaz, aço cana vêchca quîvah, aço tecquitlamamatiuh, anoço amatlacuilõlli canapa quîcavatiuh. ynic ca cenca vei tlacacollî yu aqyu yu quîchivah y, ca cenca vei teyîalacuilîlonî yu tlatlpeç yu vel miçtal vîlouani./

5 ynic 19. yn aqyi amo motlauquetza yu iquac moçilinìa Aue maria23 in yu tlapoçava, yu aço oquichîli anoço çivatl vel quavil [sic] tetl tocîloz: no yehuatl yu aqyi amo quîmaviztilia yu icruz24 toñ. anoço yu ixîpâtazin yu teyepantlatoçatzin Stà María. yntla aca iuh

18 To the left in the margin: a las ñ 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 ñ se bañan publicamente.
21 To the left in the margin: abe roa.
22 To the left in the margin: enfermos diñitos.
23 To the left in the margin: a la z in ye tlapoyava, yu aço oquichîli anoço çivatl vel quavil [sic] tetl tocîloz: no yehuatl yu aqyi amo quîmaviztilia yu icruz24 toñ. anoço yu ixîpâtazin yu teyepantlatoçatzin Stà María. yntla aca iuh
24 To the left in the margin: cruz.
quichiva y, yntlactle ypa quitta ytl a čan quitelchiva ynv inaviztililotcatzin, teyxpá mecavitecoz.

1 ynic 20. că nimā ayac teychtequiliz anoc teytlanavaichiviliz, ayac tezech tlamiecacauixtiz.25 Auh yntla aca teixpá ychtequ teixpá mecavitecoz macuípoalpa, yntla quin i(7)yopa yuh oquichihu: auh yntla oc ceppa quichiva, nimā analoz vmpa quicavatiui ynv vte tecaltzaqualoya, quimilhuitioi y notecutlatocavá oydores ynv iuhqui ytlacol ynv ipampa analo/. 

1 ynic 21. ayac motetlacavitiz:26 ahu yntla aca motetlacavati nimā analoz vmpa cavalotíui ynv vte tecaltzaqjoyu yhuiloloi y notecutlatocavá oydores./

1 ynic 22. ayc phahpatoz anoc ollamaz,27 ahu ynv aquī quichivay nimā analoz ylpiloz ahu macuípoalpa mecavitecoz: ahu yntla tlaoa·ni quichiva y, anoço pili, anoço aca maviztiliło oc caxtillhuuitl caltzaccutie zvmpa ynv canin oroll, anoço opato./.

1 ynic 23. ayac quichichiavaz cacavatul, ayac čan tlapic cacavatul quitenamaquiltiz: ahu y necutli ayac quitlanellololizio8 ayac nesoyotl anoço quavałavac anoço ať quinezoy yihuqui yct tecanecacavalo, că nimā ayac quichivay ynv yntla aca ceppa yuh quichiva analoz mecavitecoz yvan ximaloz ahu ytlacamo ic quiçaqyi yntla oc ceppa quichiva oc ceppa anoço vmpa cavalotíui în vte tecaltzaqualoya, yhuiloloi y notecutlatocavá oydores, ynv iacaxitçe quyhu: ahu că no yuh chivaloz ynv aqin quitenamaquiltiz ynv amo nelli teocuitlad ynv čan tlachichivalli ynv ačo ytl a čan tlanelolli./

1 ynic 24. ynv civatl amoc mooqichiltalpiliz ynv iuh motalpilia oquichí, că no yvi ynv oquichili amo movipilitiz, amo mocueliz,29 ayac quichivay ynv aqin yuh quichivay nimā analoz ylpiloz teixpá mecavitecoz yvan ximaloz, ahu tíaquíico quetzalo cncan quauhutítec ylpitícaz: yntla civatl yuhqui oquichí motalpilitıcaz ynic pínahuílo, ynv yta oquichili movipilitićac: ahu ynic onca hicaz yxquiç cavitl ynv etel mito amissa./

1 ynic 25. ynv čiva čan nimā ayac quichivaz ynv temamauhu tátlaco lli y nepatlachviliz.30 yntla aca quichiva yvel teixpan mecavitecoz yvan ximaloz yntla quin iyopa oquichihu: ahu yntla oc ceppa quichiva vmpa cavalotíui ynv vte tecaltzaqualoya. (8)

1 ynic 26. ynv aqin amo topile în amo thanatavilii31 amo vel teiápiz

25 To the left in the margin: Robos vusras.
26 To the right in the margin: no Se bapqi eslanos.
27 To the right in the margin: no Jueq a los dodos ni pelom.
28 To the right in the margin: a los [?]mes.
29 To the right in the margin: a los y a lasq se bisté vestidos de mugeres.
30 To the right in the margin: Sodomia mugeril.
31 To the right in the margin: ninguém anda sin autoridad.
amo no tecaltzcauaz, ayc quauihalco quitlaliz ayc no quauic quitecaz. Auh yntla aca yuh quichiva y nimá analog ylpiloz vmpa cavalotiuin i vei tecaltzaqloyá yhluiotliui yu notecutlahtocavá oydore.

1 27. ayc yntla aca yuhen teyeh aciz, anoço yvehiu, anoço yvehpol, anoço yyanolqui anoço quen quinotza,32 ca cécu temamauhú títlacollit, yntla aca quichiva y nimá analog ylpiloz vmpa cavalotiuin i vei tecaltzaqaloyá, yehua quimati y u notecutlacoavá oydore ynic quitelatoqelizq.

1 28. ayc ca moyoyoy a moquaxochtitiinemiz35 ca cencu ytlaveliicoyotl. yntla aca yuh quichiva, nimá analog ylpiloz ymxipan vicoz y u notecutlaicoavá oydore yhluiolozce yu itlatlacol yu ipampa analo.

1 29. ayc tetlalcoz ayc an químaxcatiz yu tecal anoço teaxca.34 Auh yntla aca yuhec quichiva yu nimá analog ylpiloz, yvan navatuiloz ynic quitemacaz yu teaxca y oquimaxcatizneuia./

1 30. yntla aca quiteiti micocni pahiti35 yntlanel amo yuemic miquiu yu aqui pahitiin, nimá yciuhca ylpiloz yu tepahitiin ymxipan vicoz y u notecutlacoavá oydore: ayc vel quilocquiticzaqu yu iuyqui yu talatiloc yu ipampa analo.

1 ynic .31. yu aquique tlachotocci yu tlapacho y u governadores, ym pipili amo yuca molatxlaizque y yu macevatli, yntla ynta yu talilizque amo yuquitechitziqu yu ocin tlaxtlalivllozce y yu macevalti,36 can vel yehuantin xexelhuilozce yu intlatxlaiuil yntla ic oelmiicoz anoço ocalquitzoqu, anoço ovhepanque, otlavillanqz, anoço otelemameique. Auh yntla aca tecutli, pilli, yuh óchiva y, y yu macevalti yuca molatxlauiz, nimá tecutilacazo, ayc quixtlavaz yu tei oquiciuq uquimacz y yu macevalti: ayc yuqacamo tecutli, yuqacamo yuca yu tei hícac yu quichiva y, yu mecavitecoz. /

1 32. yu governadores, yu alcaldes, yu meochiti (9) topileque yu vmpa nemi yu novuiyá altepetl ipan, ma vellapixtineyu.37 yntla aca casillán tlaclatl oncan quicca yu altepepan yntla itech monequi tlacualitzin vel quimomáquilitzquez tel amo ca eno macoz monequi quipatiyotiz ce yu iuh tiquínayatiia Auh yntla ca eno quiteculliz yu yntla quen techiuaz yntla temicuz ce topile canatuí yuqan onivaloz yu México yu yuqan cate notecutlacoavá oydore: yu iquac ocanalo yu yu tecaltzaqaloyá quicavaitui. Auh yzcatqui yu itlatzacuitlioca

32 To the right in the margin: al q tiene aceso a la madre etc.
33 To the right in the margin: terminos.
34 To the right in the margin: nadie (7).
35 To the right in the margin: hechizos.
36 To the right in the margin: no toma el Jornal de los maceval.
37 To the right in the margin: == los pueblos a los (7)
mochiuaz nechmacaz x. pO$s. yequipa yn quetzquipa iuh quichivaz: 58
auh yn topile in teanani no quitlaxilauiz yta quimacaz ynic ocana
to. Auh yna notenavitl yu topileque ma qytica yu espanol yu aqui
onca quica ymaltpeuh ipa, yntla omaltali [sic] ma nima ytutilo
ynic amo onca vecuaux ynic amo miequilhuitiz, yntlacamo mococoa
nima yciuha yza amo onca omilhuitiz.
1 ynic 33, ayac mahuauz ca onca peua yu tlavellolcayotl yu te
tolihuitiz, yu tlavanaliztliz, yu iquich tlavellolcayotl. y nepoaliztliz, y
nemecatiliztliz, ahu cequi onca ylnanico y tlatoquiliztliz. 59 yntla
aca yehan paquizequi yu tlatoani achtopa quimolhuiliz in teopix
to que yu teopycalan tepacho ahu amo monequi yu quinquiuevazque
yu tlavillacatecolo ayac queuaz in ye vecuau cuicatl yu nica teneualo
tlavillacatecolo, can yehuatl queuazque yu tein yu tlavellitalli yu oqui
cacepe padreme 40 yu quin yaucican oniollali yu aile onca notenenau
yu tlavellolcayotl. Auh yu aquique quevazque yu oti.Viewuque y
nican ucatacavaltil nima analozque, yu quezquintin cehcenianca
macuipoca yu mequicetecoque yuamapa yu amo qualllu oqueuizque.
1 34. yu tahtoque, yu pipilti, yva in iquichuitl macevalti yu im
pilhua aocmo yu quiotocayotizque yu ye vecuau ic quintocayotiaya, 41
amo no ynic quineholtizque yu tlavillacatecolo, amo no ylla yntech
quichivazque yu iuh quinchivaya yu uecuauh, amo no quintexapolti
lazque amo no quinyacacoyorizque, amo quimpiyochtizque amo
quicuexpaltizque: ahu yu civa amo quimpapatizque, amo quimicui
loque, amo no quincecatizque yu ahqualli, yva (10) yu oc cequi
yu amo monequi. Auh yu aquin yu quichivaz yu macuipoalpa meca
viteczoc ynic aocmo ceepe yuam vista intech quintilaliz ypihuan.
O ca yuquitlantantl yu ynic niquinonavatila yu nomacevalhuia In
dia tlaca, yntlaolcoca mocupecayotiz y teyihuiloq tecuquilloz vel
tetaquauhuiltizquiltizoloz, oc cenca yehuantin ypan tlatozque yu go
verndores yu ates yu in ye mochtiti topileque y notencapotzinco
oyxqtlaloque, ahu yu itecopa y nixiptla yu visorrey, 42 cenca tieh qui
matli ma iquich yntlahpal quichivaca ca vel niquimotlaquauh
navatia yu yehuantin quichivazque vel ipan tlatozque ypa mixqazaz
que, yu inamalepeuv ypan iquich tlacatl quicaqtizaz yu macevalli,
yequne ma vel quicaquica yu iquichtit topileque vel cehceneyaca
niquimmonavatia, [sic] vel niquintlalacoitca ma vellapixtinencan,
aco aca tetolintinemi tlatoani anoqo pilli anoqo aca mavizi, anoqo
castillan tlacatl cahcoqtza tlacalaquilli\textsuperscript{43} acaçomo çan ixquich yn quimomactlaní y ixqch macotiuh, yn aquique yuhqui yn ipan mo-chiua y macevalti, ma ypátzinco viya y nixiptla visorye yvan ymix-pan yn oc cequín notecutlocaván odores ynic yehuantin tatöte-quizque ynic amo tolinizcoqz macevalti, ca tiqüitotlaçotilia canel tomacavalhuá, ca vel çonequi yn toyollo ÿ macamo tlaçaviltioca ÿ macamo ytlà ic cuecuenochichiualoqua Auh yn axçà ca no noçono- navaülia y nixiptla y visorye impã motlatoltiz ynic quimocuitlaúiz nonaceavalhuác: auh ma no ynoma ye motlanavaüli ma vel mavizu­niloca yn ixquichtíin teopixque ÿ p'ême ÿ teoyotica monemita ca teotloltitca quimixtlamachtüila y nomacevalhuá, ca quimomach­­tília y xpianonemiliznymachtüili ÿ doctrina xpiana ynic vel quimi­ximalizque yn icel teotl in dios, yn ilhuicava y tlaçticpaque yn ipalnemoani. Auh ynic vel mochivaz y in ixqch otiqtoqz ÿ nicà ycuil­liuhtiu, monequi ÿ ce xiuitl expa yn vel necentlalotiaz ÿ altepetl ipá, vel onçà mocemaciz yn ixqch macevalli yn ócan poui mex.\textsuperscript{co} Auh yn iqc onecentecoc yn opachiuhtimotecac macevalli níma on­can tecaqtioz teilhuiloza, auh yehuatl ÿ qtecaqtiz yn aqún vellatoa ynic mochi tlacati vel quicaquiz ynic ayac ytlà ic motzinquixtiz yn ayac quitoz amo oniecac yn tenavaülii./.\textsuperscript{••—}

\textsuperscript{43} To the left in the margin: tributos.
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. 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 topoleque 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. 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. 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

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1 A number of possibilities suggest themselves for "india tiaca" 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 tiaca" is "los indios" (111v); "yn nican india tiaca" is "los de estas indias" (112v); and "nican india tiaca" is "estos naturales" (120v). Several minor abbreviations in the original have been resolved.

2 y tepa mani, yn quitqui yn quirnama yn itconi y mamaloni yn cuitlapilli ynhyn topileque: "los gobernadores, alcaldes y alguaciles" in the Ordenanza (183).

3 yn avahdi yn tepeuaai: "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; 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 topoleque maintain it everywhere in the altepetl, let them really oblige people to it, let it be done everywhere. Here it begins.

The first order we give the Indians who serve and belong to me, along with those who serve the Spanish people: 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. 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 he 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 viceroy and the oidores there in my court of justice. His sins will be said in his presence so that they will judge him.

5 See Molina 1977, 17r: “Cenea de ticmati. mira mucho y ten gran cuidado desto que te encomiendo. Bec” (and see the immediately preceding, if shorter and less informative, entry).
6 ‘In tlapachoa yvan in topoleque y noviyan alteped ipa: “los gobernadores, alcaldes, alguaciles ... en los pueblos de indios” in the Ordenanza (183).
7 ‘In india tiaca: “los indios naturales de esta Nueva España” in the Ordenanza (184).
8 castilla tiaca: “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.
12 Recently the legitimate question of whether tlatlacolli 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 someone 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 who go about doing what we here prohibit people from doing.

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

The fourth [order we give the Indians:] if he who was baptized summons demons, if he again worships them as gods and...
gives them offerings, if accounts are settled with them 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 cus­
tody. 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.

1 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.

2 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 cus­
tody, 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.

3 The seventh [order we give the Indians:] if he who was mar­
mied by the church is living in concubinage he will still just be cau­
tioned 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 ox ceca yejuyantin yn teopá omonopauhque yyan yn tlachtique, yciuhca datsu­
cuitiloquite: no equivalent in the Ordenanza (185).
24 aub yao yipá motontequiz yao quezquihuitica yao ap in ipanpa ydatlaco: no
equivalent in the Ordenanza (185).
25 yn aqui nomamicti 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 bendicición, 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 monzotl" (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 1713, 141 and 168.

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

Que los que en su 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 drunk with Spanish pulque called wine or the pulque there of the Indies, will be arrested over there and if it is the first time such was done will be publicly beaten with a whip 100 times. 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 bodies 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.

Regarding idioms that mean "to become drunk" note the following in Bautista 1600, Advertencias, vol. 1, 77r-v: "Aduíerta el confessor que este verbo tlahuana propriamente no quiere dezir beuer hasta perder el juyzio, o emborracharse, sino lo que en latin, dezimos bibere laute, que es beuer en abundancia, aunque sin perder el juyzio. Mas estos verbos Xoxo­miqui, Ihuinti, Nicapolohua in talli, nicapolohua in stanexli, 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 dícen Otsiconic, otsicpolo in tlahicpalli, otsicpolo in tlanexli, abso rmâna quانma sivocumono. En diciendo esto está la última ponderación de embriaguez, porque dice: Perdi totalmente la vista, el juzgo, la tierra, no sé como me fui a 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 noatzaí ca onitlahuana, onihuinti, oni­cpolohua, zoquitl, onitlatlapehui; yhuana yhuana. C A la verdad Padre mio, que mil embriague ochenta, tres vezes. Cada verbo es una frase con que explica el Indio la embriaguez." See also ibid., 21: "M. Azo Otitlahua [sic], oititlahpehui, oitiuhuitic, ointepli tali, zoquilt, oitcplo Tlatihpoc, oitiuhuachtehui? C. Quái te has embriagado? Y no de aduer te, como diximas, que de una coma, a otra se contiene un verbo, ó una frase que con cualquier se significa el acto de embriagarase.

32 y castillan ocll, en toca vino anco ympa yndia ocll: "vino de Castilla o de la tierra, o de cualquier calidad que sea" in the Ordenanza (186). 35 The Ordenanza (186) just say that "sean azotados públicamente" but fails to specify "macuilpoalpa" (100 times).

Giving preference to an authority of unimpeachable expertise, the following gloss by the renowned Nahua latinist, don Antonio Valeriano, appeared in a sermonario: "in te­tlacuicuilique to sacar del cuerpo pedetfUelas &fc)" (Bautista 1606, 17). For some of the other terms in this passage see also ibid., 17; Bautista 1600, Advertencias, vol. 1, 112r; and Melina 1984, 20-21r.
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

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35 This entire item in the _Ordenanza_ (186) reads:

El indio o india que hiciere alguna hechicería, echando suertes o mises o en otra cualquiera manera, sea preso y azotado públicamente, y sea atado a un palo en el tianguis, do esté dos o tres horas con una coroza [sic] en la cabeza y la misma pena se dé a los alcahuetes 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 y vei telpiloyá yn imecaltaquayá noteutlatocava: “la Cárcel de esta Corte” in the _Ordenanza_ (186).

38 In the _Ordenanza_ (186) a “moza virgen” is specified.

39 yn aqín ca no quita: “o aconsejar” 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 its 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 tianguez, 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 marcial de consuno, que sean compelidos a ello que no lo hagen, y queriéndolo hacer, sean sueltos.
who does such is very worthy of great punishment on earth and would depart right to hell.42

1 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.

1 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

1 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

1 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.

1 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 enterados en sagrado, y los lleven en andas con la cruz delante, y los que con él fueren vien en procesión, rezando por su ánima, y se procure, estando malo, 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].

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].

The twenty fifth [order we give the Indians:] women will absolutely never commit the frightening sin of female sodomy. 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.

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 Ordenanu.a (188) reads:
E otrosía que ninguno sea osado de contraer 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 anásimismo sea traído preso si falsare moneda.

47 This entire item in the Ordenanu.a (188) reads:
Que ningún indio ande en hábito de india ni india en hábito de indio, y si se tornaren en estos hábitos, que sean presos y luego azotados públicamente, y tresquilados, y los tengan en el tiangués atados a un pajo con aquellos hábitos.

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

49 This entire item in the Ordenanu.a (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 sañidas 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.

1 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.

1 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 and he will be ordered to give people the property he wanted to appropriate for himself.

1 The thirtieth [order we give the Indians:] if someone gives people a deadly poison, 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.

1 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.

50 niman analoz ylpiloz: "sea preso y le den azotes" in the Ordenanzas (188).

51 This entire item in the Ordenanzas (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 Ordenanzas (189) reads:

Que ningún cacique, gobernador ni principal, ni otra persona alguna sea obligado de tomar al tameme que se áquila, de lo que le dan para su trabajo, y si alguno lo hiciere, que le quiten el oficio que tuviere, y tome lo que tomare al tameme, y si no tuviere oficio, le azoten.
The thirty second [order we give the Indians:] let the governors, alcaldes and all the topoleque who live in the altepetl everywhere keep good guard. If some Spanish person passes through the altepetl 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 topole 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 topole, the one who arrests people; he will give him something because he went to arrest him. But as for these my laws: let the topoleque show them to the Spaniard who passes through their altepetl. 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 sick 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 something 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. However many there are, each one will be beaten with a whip one hundred 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
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 altepetles.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 Tiene el equivalente in the Ordenanzas (189).

60 yin imaltepeuh ipan ixquich dacad ... y macevalli: "los maceguales y naturales de sus pueblos" in the Ordenanzas (190).

61 tlatoani ano po o pili ano po aca mavizti, ano po castillan dacad: "español, cacique o principal, o otra cualquier persona" in the Ordenanzas (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."^65

[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 Turchis, 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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^65 This last section in the Nahuatl is much longer than its Spanish original:

Auh ynic vel mochivaz y in ixqch otiqtoq y nica yucuiluhuh, monequi y ce xolid expa yn vel nequantilichiay y altepetl ipa, vel onca nocemacit yn ixqch macevali yn ocen pout mex. Auh ynic oncenecceox yn opachihuamotecac macevali nima oncan ocatiuetl huiloz, auh yehuad y giecaciquiz yn aju yveltastoa ynic mochi tlacal vel quicequiz ynic ayac yita ic moztiniquiz yx yac xolid ano onicce ox tenavalli.

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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