Gender in Fulani Proverbs

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ABSTRACT

Presented paper deals with Fulani people of West Africa and with the influence of their way of life on their language. One part of the Fulani people lives nomadic pastoral live, meanwhile another part is sedentary, living in the towns. The authors of the paper pay their attention to the the gender of Fulani proverbs which reflects the way of life of Fulani people.

KEY WORDS: Fulani, proverbs, linguistics, pastoralism, sedentarism, West Africa

The Fulani (after their self-denomination Fulɓe, sig. Pullo) also known as Fula, Afuli, Poular or Peul, are the largest migrant peoples in West Africa (JUNGRAITHMAYR – ABU-MANGA 1989:xvii). Their area of extension reaches from Senegal, Guinea and Sierra Leone up to the Lake Chad and even further to the Republic of Sudan. The vast area they cover is not a unique conglomeration, but a region that spans many national borders, and contains many other peoples with different languages. The number of their speakers is estimated to be around ten to fifteen million. Fulfulde, which is the name of the language (JUNGRAITHMAYR – MÖHLIG 1983:87), can be divided into three major dialects (cf. GOTTSCHLIGG 1992:49f.; KLINGENHEBEN 1963:vii) which are; Western Fulfulde

(Poular, spoken mainly in Gambia, Mali and Burkina Faso), Central and Eastern Fulfulde (both of which are mainly spoken in Niger, Nigeria, Cameroon as well as Chad and Sudan).

According to their basic economic activities and physical traits, the Fulani can be divided into two main groups. These are on the one hand the Nomadic pastoral Fulani (*Fulanin daji*), and on the other hand the sedentary town Fulani (*Fulanin gida*). The former (also named Fulɓe na'i, i.e. cattle Fulani) differ in appearance and in habits from the other Sudanese peoples in whose territories they migrated to. The dialectal differences between the groups within are not as great as among the sedentary Fulani. The sedentary Fulani on the other hand have played an important role in the history of West Africa. As learned men, government officials and even poets, they had a great influence on empires like Mali and Songhay. This centuries-old tradition found its peak in the nineteenth century, when they established the Sokoto Caliphate in Northern Nigeria. The recent importance of their influence has been described as follows (ARMSTRONG 1978:19): "In the development of Africa, the modernization of the Fulani cattle industry can play a great role; and the political talents of the Fulɓe of the cities will continue to be important for the national unification of countries like Nigeria and Cameroun."

The origins of the Fulani are shrouded in mystery. Fantastic theories have been established linking the original homeland of the Fulani to ancient Egypt, India, the Caucasus, Malaysia or even Polynesia. According to the above theories, they are therefore genealogically associated with the Dravidians, Gypsies, ancient Hebrews, Romans, Arabs and Berbers (cf. KRAUSE 1884:10; TAYLOR 1953:iv f.; KIRK-GREENE 1958:22). The most plausible theory is that their place of origin might have been the green Sahara from where they moved down southwards to the Senegambia region due to the progressive desertification of the Sahara.

Their language is classified under the Atlantic family of the Niger-Congo phylum and it is one of the most highly developed class languages in Africa. Many authors have commented on the flexibility, refinement and comparative richness of Fulfulde which might be due to its highly developed class nature (cf. STENNING 1965:364; LEGER *in print*).

Despite their involvement in so many cultures of the Sudan zone, the Fulɓe have preserved a special way of life (*laawol pulaaku*), i.e. the code of conduct of a real Fulani. *Pulaaku* is a Fulani exclusive-marker that describes various components of important values and virtues. It comprises components of which the most important are: *seemteende*, i.e. 'modesty and reserve', *munyal*, 'patience and fortitude', *enɗam* 'compassion and kindness, *ngorgu* 'manliness and bravery', *hakkiilo* 'care and forethought' and above all *neɗɗaaku* 'dignity or self-respect' (cf. RIESMAN 1977:127f.; STENNING 1965:369). These important values and

virtues, always determine their attitude towards various family members in particular and the clan in general. This can be best demonstrated by the many proverbs dealing with this fact. Proverbs basically condense a much more elaborated way of how men should behave to their female partners. This may be illustrated further through the following proverbs which we subsume under the above mentioned corner stone of *Puulaaku*.

Seemteende 'modesty and reserve'

Modesty and reserve are one of the main principles a "real Pullo" must observe during his entire life.

Modesty and reserve does not only concern his individual being, but also effects his behavior towards his family, and here in particular towards his children and his wife(s). The following proverbs may give a clear proof of *seemteende*:

> *Too korema soodi mbeewa cooda fowru.*" If your wife buys a goat, buy a hyena."

This proverb is an excellent statement of how cooperation between men and women should function. At a first glance there seems to be a contradiction. When a married woman buys a goat – although someone not specified, but here evidently referring to the husband – the man should buy a hyena. A hyena basically stands for something which is not of value, therefore not worth possessing, but nevertheless the noun expresses a kind of "reality". The real sense of this proverb is "Everyone is for himself". But the interpretation of the proverb says that everybody should act or behave independently although a husband and his wife should support each other at any time and in any circumstances.

Also in the same way where reserve and modesty is expressed similarly, we find the following proverb with more or less the same meaning described above. It runs as follows:

> *Too korema soodi geroogal cooda muujuuru.*" If your wife buys a hen, buy a cat."

Here goat is substituted by a hen and the hyena by a cat.

> *Debbo mi tuubi rellataa a gorko.*" A woman, who says I am sorry, will not lack a man."

This proverb, in a straight forward manner, indicates the excuse of a woman obviously addressed to a man. The meaning is that a lady used to excusing herself with men will have

no problem in finding a husband. Figuratively it could mean modesty and good behaviour will open all doors. "Courtesy costs nothing."

Another proverb describing modesty is:

'E kuugal meere ndikka kuugal lawriiraawo." It is better to work for a co-wife than sit idle."

The co-wife is a rival, therefore an adversary. This proverb says, instead of sitting idle after the house chores, it is better to put aside the differences and individual pride, and help the co-wife (rival). This means one should not have problems in helping an adversary even if that will take away your free time.

Munyal, 'patience and fortitude'

Patience and fortitude is not only one of the highest virtues among the Fulani, but also in the whole of Africa. The following proverbs may illustrate the above cultural trait.

Nde ɗursol ɓursete yaa daado beera nder leeso waalata." When things were good for the first wife the young girl slept under the bed."

The interpretation of this proverb is that as long as a young girl is not married, she has to be patient and be obedient to her mother. This is expressed by the metaphorical expression "to sleep under the bed". As soon as she grows up and gets married, she can then sleep on the bed. This finally says that as she is in the process of growing up she has to be patient and heed to the advice of her parents. Another proverb depicting patience and fortitude is:

Allah waɗi huunde nden inji bolwoowo teegal mum. "God made this thing said a lady who discusses her marriage."

The deeper sense of this proverb is that God has determined everything including whom the lady will marry in future. So the woman has to be patient since everything is decided by Allah. And the last proverb under this heading runs as follows:

To ɓanngal waddaayimo ay seeruki wadday mo. "If marriage did not bring her, then divorce will bring her."

The literary translation says: "If she hasn't come for good, she will come for bad." The interpretation, however is, be p atient in life, what at first glance seems negative, i.e. marriage, may turn out, to be better after a divorce.

Enɗam '**compassion and kindness**'

Compassion and kindness is reflected in the following proverbs:

Walaa ko ngiɗammi ba giɗanɗo giɗo." There is nothing I like to see (more than) one who loves his lover." The translation gives an idea of persistent love between a man and a woman. The interpretation is that it is always nice to see two lovers.

Another proverb of this type is:

Keenya naa hannde pulodebbo yi'i ceeɗe ngeynaari." Yesterday cannot be the same as today: an old woman saw money given to a lady for marriage."

The deep sense of the above cited proverb is that when an old lady gives money to a young lady for marriage, it reminds her of her own youth and beauty when she got married, even if

it had been a long time ago. Nevertheless she does not feel jealous, but rather contributes financially to the marriage of the young lady.

And the last one for *enɗam*:

Koo moye wi ɓangay annda jangarle duuniyaaru." Whoever says she/he wants to marry, does not know the ups and downs of marriage."

This proverb shows how the excitement of a marriage is, and at same time an exhortation to solve the ups and downs during their life together.

Ngorgu '**manliness and bravery**'

Manliness and bravery also includes how a man should behave towards his family and in particular to his wife. These facts are reflected in the following proverbs:

Giɗɗo sonndu hannyum tokkoto e wuuba. "One who likes birds is the one who will continue throwing stones."

This proverb says that the love for your family means you will continue exerting a positive effect on it. On the other hand "continue throwing stones." means that the love for your family should not prevent you from using unpleasant methods to putting things right.

Hooweeki jeyi manti." She who is in her first husband's house boasts."

This proverb gives another idea of manliness, although not easy to be understood at a first glance. It says that in case the husband marries another woman, he should treat the second wife as good as the first. It should be added here that the first wife naturally has certain privileges which the next wives do not have. (It could also be interpreted as "a woman in her

first husband's house" has the right to be proud because she has never divorced – meaning she has never been rejected by a man).

Hakkiilo 'care and forethought'

Another virtue among the Fulani is *hakkiilo*, which means care and forethought. A real Fulani always has to be wise and careful in his actions and behavior towards society as well as to his clan and family. This virtue is expressed in the following proverbs.

Mi heptiiraanay ɗum ɗum fii ɓii lawliraawo." I could not understand: a co-wife's son was beaten."

This proverb reflects the expectation of the husband for peace within his family. No one in the family, be it the son of a co-wife can be punished without a strong reason. There should

first be a discussion within the family on how to treat a member. And only as a last measure i.e. the *ultima ratio,* might there be a punishment.

In nearly the same way runs the following proverb:

Mi heptaayi ɗum hoosi ɓinngel lawliraawo." I could not understand, a co-wife's child is stolen."

Here, instead of beaten, (see above) the co-wife's son is stolen.

Neɗɗaaku 'dignity or self-respect'

The main virtue above all is *neɗɗaaku* which means 'dignity or self-respect'. For a real Fulani everything centers around *neɗɗaaku*. i.e. expressed in the following proverbs:

Lawliiru ɓoyloowa rewɓe tonga ummake sey ɗum tuutiinga." Jealousy is the nausea of women when it starts it has to be vomited."

This proverb states how it is very difficult to hide jealousy. It is of course not always easy to suppress or even hide jealousy in a polygamous society. But nonetheless, it is considered shameful for a *debbo Pullo* (i.e. Fulani woman). It is an important part of Fulani sense of dignity not to display one's feelings in public.

> *To walaa booraajo walaa moowaajo* (Hausa)." If there is no unloved wife there won't be a loved wife."

This proverb also refers to dignity or self-respect. A woman, who is no more loved by her husband, is not supposed to show her feelings to the other members of the family. Jealousy should be controlled, and not revealed to other family members.

This proverb, in a rather negative way, depicts how difficult cohabitation can be within the family.

> *Debbo to'o yiɗi gorko o huɗa baaba mum to'o wanyii ɗum'o wula wuro, mum.*" If a woman loves a man, she abuses his father, if she hates him, she sets the town ablaze."

The real meaning of the proverb is that once a lady is married, she has to be loyal to her husband much more than to her original family. It furthermore depicts a situation of real unhappiness if disappointed by her husband. Going so far as disobeying a serious cultural norm like "setting the town ablaze".

Conclusion

Our paper cannot fully express the concept of Pulaaku no matter how much one tries to condense it, since apart from the above mentioned cornerstones there are much more important qualities appropriate to a Fulani. Just to mention in addition some few more is the concept of beauty and the way how a pastoral Fulani has to take care about his livestock. A Fulani woman e.g. has to have according to Pulaaku dark hair like the night, dense and long enough to cover the lady´s back down to the waist. Her face is shining like a mirror, so that you can see your own face reflecting in it. The nose is thin and tiny, the mouth is small and to be compared to the local ink pot. The neck is that of a gazelle, the waist is in harmony with the proportions of all other members of the body and usually described as narrow as that of a mason wasp and defeat a soft and small.

What concerns the livestock then a real Fulani has to take care of it day and night, watch about the movements of the cattle and whether there are some hitherto unknown diseases among the animals. However, we strongly believe this paper has shown to a certain extent some important proverbs restricted to how women and men should interact within the framework of the traditional Fulani virtues. It should also stimulate those interested in Fulfulde studies and in particular about the relationship between men and women to read more on this topic. We would like to emphasise the collaboration of Malam Bappayo Bappah Yerima Djibril who has collected most of the proverbs of the Gombe dialect (North Eastern Nigeria) during the special research of the Frankfurt University in the years 1989 to 2003. All the material consists of about 1800 proverbs and wise sayings which were also translated and interpreted with his valuable help. Similarities with other proverbs already published are by chance and not taken from these data.

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Intractable Pernicious Practices in West Africa

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ABSTRACT

Spiteful practices such as human sacrifice and cannibalism have endured the abhorrence of various peoples of the world. However, European powers magnified the proportion of these activities in other parts of the world to justify their colonial agenda of subjugation and exploitation, while they equally partook of it in various shades at different times in their history. This paper, focused on West Africa, explains both the motives fuelling the intractable problems and the obstacles encysting their elimination. Although some solutions were proffered, the ingrained problem will continue to resist change.

KEY WORDS: athropophagy, cannibalism, ritual murder, human sacrifice, West Africa

European colonial administrators did not mask their repugnance to a number of practices during their 'civilising' mission in Africa. In addition, their attempts to rationalise the cultural settings in which they were serving were marred with prejudice. This undoubtedly prompted Philip Curtin to postulate that European images of Africa were more European than African (LAW 1985:63). They could neither fathom nor bother to comprehend the nature of these practices. An assortment of activities that were categorised by the administrators, missionaries, traders, and other Europeans as human sacrifice and allied practices span across a spectrum with blurred demarcations. Hence, addressing matters of this nature is essential,

as Forbes noted that western anthropologists and historians usually stop talking about human sacrifice the moment they shift their gaze from non-Western to Euro-Western societies (FORBES 1995:60).

The author of this article has the experience of visiting a West African country in 2009, a country he last went to in almost two decades. His elderly friend in the country became an ancestor over ten years before the visit. As a mark of respect, he, in the company of the deceased's grandchild went to the grave site to pay his respects and rekindle his memory of his departed friend. He, however, observed that there were numerous potholes in the cemetery. What flashed across his mind was a practice, akin to ablution, performed by some indigenous South Africans. When they return from a burial ground, they customarily wash their hands with water before entering their houses. Out of curiosity, he inquired to ascertain why there were many of such hollows in the graveyard, as he thought that they might be spots where mourners washed their hands before departure. He was dead wrong. To his consternation, he learnt that they were among graves desecrated nationwide. Marauders dug up the corpses nocturnally to cut off essential parts with which they concoct ritual medicines. The discovery could be an infinitesimal fraction of repugnant practices that has stood the test of time, part of the abysmal secrets of the ancients that include cannibalism, human sacrifice, and ritual murder.

Comparable to the author's experience, in April 1996, the city of Monrovia, Liberia was under an unprecedented military siege as belligerent factions, during the Liberia Civil War, vied for its control. Consequently, dead bodies littered the streets and other public arenas. On the bodies were assorted amulets tied on them to make their carriers bulletproof. People were amazed on seeing soldiers and even civilians reaping the corpses open and devouring the flesh and organs, the heart being the choicest. This they did with the notion that consuming the parts of a warrior would enable the consumer acquire the valour of the victim. Some told reporters that "to eat the heart of a strong man makes us strong too" (ELLIS 2001: 222).[1] As the war abated, the interim President of the republic, Gyude Bryant, in 2005 warned all and sundry that anyone convicted of ritual murder would face the wrath of the law, as he will not hesitate to append his signature on such death warrants. He took the stand, as rumours were rife that politicians were committing murder with the motive of concocting ritual medicines

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[1]   In the Aztec cannibal culture, it is believed that the eater could absorb the virtues of the eaten.

with the body parts of their victims. They are of the notion that it would secure them victory in a forthcoming election.

Dearth of information on undertakings of this nature has made it difficult to address, as they are secrets of countless generations that might never fully penetrate public domain. Investigators, like the police, who have attempted to probe the issues, rely on scientific methods in deciphering unscientific beliefs and practices. Besides, such efforts often end in fiasco due to the interference and involvement of influential members of society. The drudgery of addressing problems of this nature should not be the monopoly of social anthropologists. For this reason, this paper aims at unveiling the motives fuelling these pernicious habits in West Africa against the backdrop of similar habits elsewhere. Additionally, the reader will appreciate why, despite already expended efforts, the elimination of the repugnant practices is not in sight, contrary to the wishes of the populace.

The word cannibal is a legacy of Christopher Columbus's second voyage to the Caribbean in 1493 He referred to the Caribs of the Antilles as eaters of human flesh. The word subsequently extended to flesh eaters of other populations (LINDENBAUM 2004: 477). In man, there are varieties of circumstances as there are motives for cannibalism. Any animal or person that consumes any individual of its own kind is a cannibal. Auto-cannibalism is the consumption of cast-off parts of oneself, e.g. hair, nail clippings, placenta etc. in most cases, under duress. Gustatory cannibalism is the satisfaction of one's craving for food through the consumption of human flesh while Epicurean cannibalism is when the consumer equates the victim less than human and therefore treats its flesh as a delicacy. Warfare cannibalism is a final act of annihilating one's enemy, especially war victims, as the reduction of the enemy to faeces is the ultimate humiliation. In exceptional cases, there is survival cannibalism when the will to survive compels one to consume human flesh, especially during starvation. Ritual cannibalism is a product of beliefs and religion, while pathological cannibalism results from cases of mental disorder. Mortuary cannibalism is the consumption of the remains of a family member, normally done as a mark of affection for the deceased.

Therefore, the practice could be either exo- or endo-cannibalism depending on the relationship of the consumed to the eater. For a detailed account of the different forms of the practice (see LINDENBAUM 2004). Cannibalism prevails in other species as a means of population control, a mark of strength in territorial control, and as a source of food. Conversely, human sacrifice is the killing of people in order to secure the favours of supernatural beings (LAW 1985:58). Both practices, though not identical, in some parts of South America, some anthropologists believe that portions of those offered for sacrifice are consumed as well. However, in West Africa, in almost all the places where the practices are

allegedly prevalent, victims were either buried or left to decompose in the open air, especially those who tradition denied burial rites. They were not consumed.

Spatial distribution

Records overflow of nations and peoples who have allegedly been engaged in human sacrifice and related practices, especially cannibalism. "Research has led to the conclusion that the behavioural possibility or potentiality of cannibalism is entertained in all cultures… we have yet to encounter any case of a people bereft of a locally etched understanding of Anthropophagy" noted Isaac (ISAAC 2002:203). There are contentions that the Maori of New Zealand, the peoples of Polynesia and Melanesia (especially Fiji), Sumatra, and Papua New Guinea at various times had a taste of these practices. However, some degree of caution is essential, as there seems to be some manipulation of native stereotypes of savage cannibalism against indigenous people of this part of the globe by European colonizers, Katherine Biber noted (BIBER 2005:623). British colonial administrators in India abrogated the practice of widows voluntarily setting themselves ablaze during their husband's funeral.[2] From diverse accounts, they purportedly sacrificed an unrivalled number of victims, 20,000 annually being the most commonly quoted figure. Harner lamented the silence of cultural evolutionists when it comes to explaining the remarkable and central part of Aztec civilization (HARNER 1977:117, 131). For detailed explanations of Aztec institutionalised cannibalism (see WINKELMAN 1998; GRAULICH 2000).

Turner and Turner (1992), Goldman (1999) and Brady (1982) demonstrated a renewed vigour in researching cannibalism when Arens (1979) impertinently insinuated that institutionalised cannibalism never existed because past reports about it were not based on credible eyewitness accounts (see BRADY 1982:595-561). Other ethnographers fiercely disapproved of Arens' opinion as, for example, the 17-century Iroquois of North America relished cannibalism to the extent of regarding it as a religious fervour meant to ensure success in war. Abler's (1980) stand on the matter is that ethnographers and other social historians should have an obligation to present the truth albeit without exaggeration and sensationalism.

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[2] For a detail account of the origin of the Balinese custom of sacrificing women at cremation ceremonies (see KRAAN 1985).

He added that there was no point in suppressing facts by not having ones, ugly past published (see BINFORD 1981; VILLA 1992; WHITE 1992; TURNER – TURNER 1992).

West African situation

Robin Law's exposition is that in Africa, European observers undoubtedly through ignorance often interpreted as human sacrifice, killings as judicial executions, witchcraft ordeals and even political terrorism (LAW 1985:60). While Conklin wrote in the same vein with regard to the Wari ethnic group of the Brazilian Amazon by asserting that "negative representation of native people as cannibals served as tools of domination, providing moral legitimacy for government officials, entrepreneurs, missionaries and others who promoted self-serving images of savage natives to justify their subjugation" (CONKLIN 1997:68). During the colonial era on the Pacific front, there were 'narratives of native savage become particularly important at moments on the frontier when tensions arose between the coloniser and the colonised. At this point, the narratives supplied the justification for force, violence, and domination.' Biber explained that "… It is important to establish from the onset that there is no credible historical evidence to support allegations that indigenous Australians practised the forms of cannibalism sought by colonialists. '… in the dispassionate language of law reporting, the cold-blooded and wrong reasoned killing of a black man by a white man was dismissed smoothly and unconditionally by the shared belief that the natives ate white people' (BIBER 2005:625).

In 1503, Queen Isabella of Spain permitted enslavement of American Indians identified as cannibals (WHITEHEAD 1984:70). Equally, in 1510 Pope Innocent IV passed an ecclesiastical order declaring cannibalism a sin that deserved retribution by Christians with the force of arms. Hence, "in the conquest of South America, cannibalism provided perhaps the most potent weapon for European control" (WHITEHEAD 1984:72)." It is therefore not astonishing that during the colonial era, in line with practices in other parts of the world, Europeans used cannibalism as an additional weapon in their arsenal. They put it to use while portraying Africans as inferior members of the human race, thereby gaining ground to interfere into their internal affairs. This they did with the intension of absolving themselves of the possible indictment of invasion and genocide during the African colonial wars. Katherine Biber equally asserted that 'the accusation of anthropophagy by the colonialists

functioned as a thinly–veiled disguise for British anthropophagous practices that flourished as a maritime culture developed in the age of imperial expansion' (BIBER 2005:637).

Accusations of ritual murder and similar practices undoubtedly undermined the reputation of Africans largely due to European deliberate misunderstanding of the cultural landscape of the continent. Granted that there were cases of 'ritual' murder and cannibalism and other associated practices, that does not justify colonial domination, as they were not unique to Africa besides, Africans equally demonstrated their repugnance to these practices, particularly cannibalism. The colonising powers at some time in the past, (even at present), were engaged in the same practices in different shades. Problems posed by these acts have remained intractable even after colonialism despite the wish of the populace in Africa to have them confined to antiquity.

European accounts exaggerated the gravity of the problem going by of their experiences in the sub-region. The Ashanti, Benin, and Dahomey Empires, as well as Calabar, and the area once referred to as Upper Guinea[3] were prominent places associated with the practices. Except for Upper Guinea where, going by recorded accounts, cannibalism was prevalent, others were cases of human sacrifice. European administrators and missionaries in particular evaluated the issue of human sacrifice on a Western scale of values, thereby deliberately failing to acknowledge the sharply contrasting differences between African and European burial customs (see THOMAS 1920:379-380 and GRAHAM 1965:330). They could not also comprehend why Africans share the same belief as Christians that without the shedding of blood, be it animal or human, there can be no forgiveness of sins.[4] The account of Whitehouse (1905)[5] centred on the alleged practice of human sacrifice and cannibalism. He narrated how he personally set a shrine on fire in his effort to stamp out the practices among the people of Allabia in the mangrove swamps of what is presently Southern Nigeria. There was no iota of cannibalism in his write-up. Though there were human skulls in the shrine, he did not explain if they were those of executed condemned criminals or witches and wizards, traditionally regarded as the very worst of criminals. Moreover, it is noteworthy that he should be indebted to a local informant who brought the issue to his attention. Ellis indicated that indigenous ideas of what constitutes evil or proper and improper use of violence were

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[3]   Sierra Leone, Liberia and Ivory Coast.

[4]   Sacrifices and offerings are an integral part of Jewish tradition as attested to by accounts in both the old and new testaments of the Holy Bible.

[5]   Probably a District Officer.

quite different from the views of missionaries whose vision of Africa regarded everything African as evil and diabolical (ELLIS 2001:228).

The various versions of events given about the aforementioned places were either contradictory or in most cases blown out of proportion, inconsistent, and portrayed European resolve to be deliberately ignorant of the cultural landscape of the indigenous African peoples (see WILLIAMS 1988; WILKS 1988 and GRAHAM 1965). Graham, for example, explained that during the funeral and interment of the *Oba* (King) of Benin, his principal favourites count it an esteemed honour to be interred with him. This can be interpreted as cases of men who died appreciatively. Tradition demands that an entourage of aides, in a number befitting their status, should accompany dead *Obas* into the spirit realm. Most of such victims were condemned criminals on death row and prisoners who have been reconciled to their death (GRAHAM 1965:328).

During ceremonies, particularly those that were annual, and when prayers for rain in years of drought failed (similar to the Aztecs and Incas of South America), human sacrifices were performed. The executed are often condemned prisoners and persons who died from infectious diseases to whom traditions deny decent burial. The most abhorrent to European idea was the sun and rain sacrifice in which victims were fastened to tree branches, most of whom were witches and wizards who have been adjudged guilty also in the court of public opinion as they were classed among the worst of criminals. Also, erroneously ranked among human sacrifice was the trial of suspected witches and wizards by the administration of poison. This was a widespread scene as society sees them as undesirables. This was a judicial punishment (LAW 1985: 58-59).

Sierra Leone in the spotlight

In Upper Guinea, the inability of European administrators to differentiate the functions of the Poro Society from the activities of criminal organisations or associations such as The Human Leopards Society generated intractable problems, a limitation born out of prejudice and fear as secret orders in the West invoke some degree of fright. The Poro society happened to be the most prominent of the secret fraternities prevalent in the area, comparable to any western secret order, yet perceived by the government as being subversive to foreign rule. Little stated that collectively, Sierra Leone secret societies provide an institutional structure that bears resemblance to the medieval church in England (LITTLE 1949:199). "The purpose of the society was partly religious, partly educational, and partly concerned with the regulations of

social behaviour and before the introduction of British rule, it provided the unifying force in Sierra Leone by playing the role of the de facto government" (HARGREAVES 1956: 68). Hence, as it controlled virtually all forms of economic activities, it acted as the people's shield against colonial abuses. With its own judicial system, it addressed cases pertaining to witchcraft, murder, adultery, etc. It featured prominently during the Hut-Tax uprisings in 1897 and the protectorate disturbances of November 1955 to March 1956.[6] For this and other reasons, the colonial authorities considered its activities insurrectionary. That was when it prohibited the harvesting of palm nuts. The move was regarded as a mortal threat to the very foundation of colonial rule in the country. Hence, the same authority considered a number of its practices that were part of the customs and traditions of the people as unbearably primitive. The society was proscribed in 1897 (see LITTLE 1965 for the history of Poro).[7] Its abrogation is a clear manifestation of the colonial government's inability to know its limit as the association that, to all intents and purposes, governed Sierra Leone before the advent of foreign rule was not that of lawbreakers.

The Human Leopard Society comprised of ritual murderers with no educational purpose. As a sub-set of the Sierra Leone society, they were also members of the Poro Society, a social organisation whose aims were at variance with those of the former. As the colonial administrators have already, out of prejudice, resolved to paint all Africans with the same brush. They could not decipher the differences between the two groups, more so when the criminal organisation held its clandestine conventions in the Poro bush without permission.

Members of The Human Leopard Society have always been the prime suspects in any murder case in the community. Well-meaning members of society, including chiefs, endeavoured to get it exterminated. During an inquiry led by Sir D.P. Chamlers into an 1897 uprising, it was discovered that in 1880-1881 the chief of Tyama burnt nearly 100 members of the nefarious society. Another chief, Cardini also burnt a sub-chief and 80 other people for their membership (WRIGHT 1907:426). Other chiefs similarly adopted stringent measures, yet the society and its sister organisation, The Human Alligator Society, survived. However, the justice system, from the colonial authority's perspective, was barbaric and repugnant to

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[6]   One of the wars of resistance fought against British colonialism in Sierra Leone led by Bai Bureh, a Temene chief.

[7]   For a more comprehensive account of the political function of the Poro (see LITTLE 1965; 1966).

reason. On this ground, the local brand of justice was declared illegal as it could not be viewed with coldness.

With the traditional means of detecting the culprits abrogated, towards the end of 1894-1895, there was a murder bonanza for members of The Human Leopards Society. To tackle the development, in reaction to the endemic cries of the people, and the urgent need for an acceptable justice system, an extraordinary bill, The Human Leopards Ordinance of 1895 came into effect. The provisions of which, *inter alia*, made it penal for any person to possess any instrument identified with The Human Leopards Society and other allied organisations, and their membership was for the same reason declared illegal. In 1897, the hinterland of Sierra Leone became a protectorate (see WRIGHT 1907).

The proscribed society was in actuality a subterfuge to enhance a ritual medicine known as *Borfima*. It is considered to be a magic potion against all evil and supply all good. When its efficacy starts to wane, it requires reinvigoration, or a new one has to be prepared. Either option required human blood and fat. Hence, its procurement often necessitates murder, in which the members consume its parts. Habitually, it is old men and women, children and other less valuable members of society like the physically disabled and mentally retarded that are preferred victims. Marriot indicated that "When a visitor visits a village, he was invited to partake of food, in which was mixed a small quantity of human flesh. He will be eventually invited to join the society (MARRIOT 1899)." Influential members of the society offer their next of kin, even their own children, to further its course. Consequently, members commit murder to procure the relish for propitiating the *Borfima*.

The Colonial Office in London secured the services of the former Chief Justice of Gold Coast, Sir William Bradford Griffith, to preside over a special commission court set up by a clause of the aforementioned ordinance to try murder cases. He arrived in Sierra Leone on December 8, 1912 from England. Sir Griffith was of the opinion that "education and religion were needed to supply the place of the native crude beliefs" (see BEATTY Review by F.W.H.M. [1916]). On the face value, the suggestion seems plausible. However, among those convicted and subsequently publicly hanged for murder, were educated Christian clerks, traders, headmen, and chiefs of the towns as well as catechist and missionaries. A case in point was that of a well-read Christian missionary of The United Brethren in Christ Church, born in the United States. Beatty was of the view that "It was difficult to conceive how a man of his stamp could possibly be connected with a cannibal society, besides, he had allowed himself to be elected a paramount chief of one of the chiefdoms of the protectorate… that he acted in that capacity from 1899 to 1905, connotes much" (BEATTY 1916). The colonial administrators found it incredible that those who had the advantage of prolonged residence

and education in America and England and maintained impressive attendance at places of Christian worship also paid allegiance to The Human Leopards Society (see BURROW 1914).

Religion and education have not driven back these practices under consideration rather; the revitalised deep secrets are becoming abysmal. Though they appear to be waning in the predominantly Muslim parts of West Africa, they are however far from being over. Valentim Fernandes in the 1500s referred to the burial of wives and attendants in the grave of kings in the Mandingo country of The Gambia and among the Beafada of Guinea Bissau (LAW 1985:61). The advent of Islam superficially ended the practices. Nevertheless, there are still cases of nocturnal visits to cemeteries on the instructions of local consultant ritual medicine men, fashioning solutions to their clients wide range of problems that includes court cases. Also, educated indigenes still have a cause to travel to the *Bambara* country of Mali to consult ritualists and cultists traditionally believe to be more potent than those at home, in a predominantly Muslim country.

The Liberia Civil War disinterred the latent tendencies of a people who reverted to practices that were believed to have been confined to antiquity, in the officially recognized Christian republic. Despite the escalating number of educated men and women and the increasing sophistication of modern African states, the dead in cemeteries are not resting in peace. Other manifestations of the assertion are the theft of body parts from medical schools in order to use them for ritual medicinal purposes (see SCHOLTZ et. al 1979; STEYN 2005). Victims of communal feuds and, in some cases, family members, fall prey. Kidnappings of even newly born babies, unclaimed bodies in mortuaries, and afterbirths and shavings of women in labour in maternity wards in some instances disappear. Albinos and those with peculiar deformities such as hunchbacks are equally in demand in diverse places. The root cause is the abyssal secrets fuelling the unconscionable ambitions.

Marriot (1899) asserted that most secret societies of West Africa are tribal and with them are bound up the traditions and customs of the people, so their extinction would be impossible, though the modification appears in some cases desirable (see LITTLE 1949). The assertion is not entirely correct as he failed to acknowledge the difference between secret societies like The Poro and criminal gangs like The Human Leopard Society. The people of Sierra Leone were disgusted in multiple ways. That necessitated the application of the traditional justice system known to the Poro before the promulgation of the ordinance. If the activities of the illicit society were an integral part of the customs and traditions of the people of Sierra Leone, as Marriot probably want his readers to believe, it would have been futile for local initiatives to be set in motion to exterminate its members before the promulgation of the aforementioned

ordinance. As stated earlier, "Research has led to the conclusion that the behavioural possibility or potentiality of cannibalism is entertained in all cultures. Isaac noted that cases of people bereft of a locally etched understanding of anthropophagy were yet to be encountered" (ISAAC 2002: 203). Hence, the claim of missionaries and colonial administrators that they were in Africa on civilizing mission is misleading.

Cannibalism as practiced by members of the proscribed Human Leopards Society is significantly different from what purportedly obtained among the Aztecs, Tupinamba and The Waris of Brazil and Iroquois. Consumers in the former case claim to derive magical powers from the act rather than securing the favour of a deity by eating the bodies (LAW 1985:58). The consumption of human flesh by some degenerates in Upper Guinea emanates from the faith in their *Bofima*. It had no connection with any deity, nor do they eat it to satisfy their appetite for food. In all parts of West Africa, where traits of these practices persist, there was no case of cultural or communal cannibalism i.e. that being part of culture, warfare, or social custom or religion of an entire people. The author knows of no West African society were identified perpetrators went Scot free. In pre-colonial and colonial Sierra Leone, for example, those in possession of 'bad medicine', such as the *Borfima* suffered excommunication, a move that was at variance with European impression. Europeans mistook execution of criminals and undesirables for human sacrifice. The same applies to burial customs, as they, Europeans, could not rationalize why the remains of the dead littered the environment.

Another spurious allegation is that African kings instigated wars designed to generate prisoners used for sacrifices and sold as commodities during the slave trade era. However, there is no fundamental distinction between African wars and the catastrophic European wars in history. These innumerable wars include The Napoleonic Wars, Crimea War, German and Italian Unification Wars, The Spanish Civil War, African Colonial Wars, the World Wars, Vietnam War, Korean War, etc. It should not be a surprise that African wars generated many prisoners, as they were less devastating than the latter. The destructive capability of European wars often results in abnormally high casualties. The case of the World Wars is an example. That partly explains why European wars did not generate as much war prisoners.[8] Another reason is that Europeans maintained armies of occupation; therefore, there was no need to

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[8]   The number of casualties recorded during the world wars is uncertain. However, the common estimates are WWI recorded over 16 million deaths and 20 million wounded while WWII recorded over 60 million deaths, over 2.5 % of total world population making it the most catastrophic conflict in the history of mankind.

cart away prisoners of war. That was not part of the defence strategies of African kingdoms and empires.

The practice of human sacrifice and cannibalism in any part of West Africa is as uncouth as similar practices in other parts of the world, where there is the booming illicit trade in kidney, liver, and other human organs, where it seems that only the perceptible cannibalism can be morally reprehensible. Blood transfusions and organ transplants either for medical research or for educational purposes, raw materials in industries as well as for foodstuff seem inoffensive. Despite the escalating tide of repugnance for the immoral use of human tissue, the political will to enforce legislation banning such practices is lacking. "The organ trafficking market is escalating worldwide. Numerous unfortunate stories of brokers, physicians, and hospitals engage in the illegal trade have featured in high profile media. The profitable enterprises facilitating the unregulated services exploit the poor in underdeveloped countries and offer substandard medical care with unacceptable outcomes to the rich recipients" (JAFAR 2009:1145). Furthermore, Lucas highlighted that during the Great European Famine of 1315, 1316 and 1317 in Livonia and Estonia, in the dioceses of Riga, Osel, Dorpat, and Reval, starving mothers ate their children and famishing men often died on the graves while digging up bodies for food. 'In addition,… in Slavic parts such as Poland and Silesia it appears that the famine and mortality still were common as late as 1319 and cannibalism is said to have been rife. The most revolting facts are recorded of what the starving did to relieve their hunger. Parents killed their children and children killed their parents, and the bodies of executed criminals were eagerly snatched from the gallows (LUCAS 1930:364, 376).

Colonial Africans did not understand the motives behind Europeans presence in Africa nor could they fathom their activities in other parts of the world. European history, according to Biber, is replete with stories of shipwreck (Maritime) cannibalism involving innumerable cases where lots were drawn to determine who will be eaten next, blood was drunk, the flesh was apportioned and bodily externalities (especially the head) were buried at sea (BIBER 2005 : 631).[9] Crain Caleb (CALEB 1994:27-28) uncovered how cannibalism was resorted to among the survivors (seafarers) of *The Nautilus* (1807), *The Essex* (1820), *The George* (1822), *The Francis Mary* (1826), *The Graincus* (1828), *The Dalusia* (1833), *The*

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[9] See the cases of R v Dudley and Stephens (1884) 14 QBD 272 DC, R v Jamieson (1827) NSWSC 31; R v Lowe (1827) NSWSC 32, and U.S. v Holmes 26 F Case 360 (1842) for instances of some celebrated cases of maritime cannibalism.

Lucy (1834), *The Francis Spaight* (1835), *The Hannah* (1836), and *The Earl Moura* (1838). Given up for dissection were anatomised bodies of hanged men. Also, were cases of human induced cannibalism in communist Russia and China that killed thousands of people (see VARDY – VARDY 2007). The survivors of the Uruguayan rugby team in 1972, after suffering an agonizing plane crash in the Andes Mountains, shared their gruesome experiences with reporters on television after their rescue. Sales (1957) explained how the peoples of the Near Eastern world in ancient times practiced human sacrifice, and the difficulties encountered by Bible writers in dissuading them from the habit. The Levantines had cause to revert to it a number of times even after it was replaced with animal sacrifice. The crucifixion of Christ (a man considered to be a criminal by the Jews) at Golgotha was a sacrifice that atoned for the iniquities of the world just like those performed in African societies for the atonement of sins. Forbes is of the opinion that state power wars like the Gulf War constitute a specific variety of human sacrifice, one which at first glance is described as secular, but which almost have a strong religious element. (FORBES 1995:61). During the age of exploration, **s**urvival instinct in hostile environments as the Arctic, compelled men of science to succumb to cannibalistic proclivities (see WESLAWSKI et. al. 2002; DUREY 2008).

Contemporary issues

The practice of cannibalism and human sacrifice in West Africa has been on the same trend with what obtained, and still prevails, in some other parts of the world. However, as it concerns the safety and security of lives, it is an issue that warrants special attention, more so, as it has spanned over the centuries.[10] European colonialists used it as a tool to discredit indigenous people, the world over, to pave the way for eventual subjugation and economic exploitation. Also, it was a strategy used to avert blame for the genocidal wars that ushered in colonial conquest. It is a manifestation of European conspiracies and complicities of the coup d'états perpetrated against the non-European world during the era of imperialism, to

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[10] In the tenth century, Al- Bakir reported cases of female slaves buried with the king in Ghana Empire while Ibn Hawqal in the eleventh century confirmed the burial of servants in the royal grave. Ibn Battuta referred to Gobir in Hausa land where human sacrifice carried out at the funeral of the king, while Al Suyuti referred to substitutionary killing also in Gobir (see LAW 1985:61).

topple legitimate regimes. Hence, they blew even shreds of cannibalism and human sacrifice out of proportion, to justify conquest and domination.

The problem outlived colonial rule, partly because Europeans interest in it centred on its threat to the attainment of colonial objectives. Colonial aims and aspirations would have been unattainable in the absence of peace and security. Despite the draconian measures taken in Sierra Leone (by the indigenes and colonialists) to curb cannibalism and ritual murder, the practices persisted. In the war against these practices, the involvement of indigenous structures like the Poro society would have been more productive. However, as Poro activities were contrary to British colonial interest, its proscription became imperative, especially when it prohibited its members from engaging in palm oil extraction, a principal source of oil to the British economy. The outlawing of Poro was ambiguous as traditional institutions played a key role during the implementation of the British colonial policy of indirect rule. Had the society not impede the colonial interests, it is likely that its presence would have been condoned. However, the colonial action undermined, in a number of ways, the structures and institutions that would have enhanced its interests.

African societies are becoming sophisticated owing to exposure to foreign ideas and customs, as well as refined indigenous thoughts, coupled with the accessibility to formal education. This has made the task of adequately addressing the problem under review more formidable. Rather than having a mitigating effect, Western education, as was noticed in colonial Sierra Leone, is compounding issues. An attestation is that the educated, indeed in some cases, men of letters who are in search of power, position, and wealth are neck deep in ritual activities, particularly murder. They constitute a formidable set of those with the appropriate connections and influence to pervert the course of justice. Besides, they have the expertise and power which the unlettered lack.

Political power in West African states is concentrated in the hands of politicians, a subset of society reputed for their inordinate ambitions. In addition, they have in virtually all cases failed to live up to public expectation. An incident in colonial Gold Coast, now Republic of Ghana, attest to what still prevail among those in search of power:

On Monday, March 19, 1945 during the morning hours, the body of a young girl of ten was found on the beach, a short distance from the town of Elmina. According to the coroner, she had been dead for between 24 and 48 hours. There was no water in her lungs or stomach, which indicated that she had not died by drowning. Instead, her upper and lower lips, both cheeks, eyes, her private parts and anus, and several elliptical pieces of skin from different parts of her body had been removed. Many of these wounds exposed large blood vessels and the coroner concluded that 'death was due to shock and haemorrhage.' The corpse was

identified as Ama Krakraba. She had been missing since the evening of Saturday, March7. Her frantic mother had immediately suspected foul play and had confronted Kweku Ewusie, the Regent of the Edina State, who was later accused of having 'enticed' the young girl to the third floor of Bridge House, where he lived, 'by the ruse of sending her out on an errand to buy tobacco'.' There she had been murdered so that her body parts could be used to make 'medicine' to help the Regent's faction win a court case that was critical for their political standing in Elmina. On March 24, after a preliminary investigation, the colony's attorney-general brought charges of murder against Kweku Ewusie and four others from Elmina: Joe Smith, Herbert Krakue, Nana Appram Esson, alias Joseph Bracton Johnson, and Akodei Mensah. They were tried at the Accra Criminal Assizes from May 6 to June 2, found guilty of first degree murder, and sentenced to be hanged. The West African Court of Appeal turned down their appeal on June 28, 1945 as did the Privy Council on January 14, 1946. On February 1, I946, Kweku Ewusie, Joe Smith and Herbert Krakue were hanged at James Fort in Accra, and on February 2, J. B. Johnson and Akodei Mensah suffered the same fate….All of the five accused were at least nominally Christians. One was a practicing Catholic who had supposedly received Holy Communion the morning before the murder was committed. After their execution in I946, the bodies were buried in either the Catholic or Methodist sections of the Accra public cemetery (GOCKING 2000: 179, 200-201).

There is hardly a month in Ghana whereby the local news media does not report at least a case of ritual murder somewhere in the country. Stories of the nature narrated below often appear to be stale news to members of the public due to its rate of recurrence:

Three women were murdered at Kissi and Besease in the Komenda Edina Eguafo Abirem Municipality of the Central Region in what police suspect to be ritual murders. The women were slashed and their private parts had also been taken away. The gory incidents have left residents in the two towns in utter shock and are calling for adequate security to avert future occurrence. Richard Kwadwo Nyarku visited the community and reported that the decomposed body of the first woman was immediately buried after her body was found. Twelve hours after that discovery, a second woman in her mid-twenties was found dead with machete wounds all over her body. The third was also found ten hours after the discovery of the second victim. She was found dead in a pool of blood with her female sex organ and some internal organs severed. Richard Kwadwo Nyarku noted that: "these events have left a sour taste in the mouth of residents in the Kissi and Besease townships. The youth and women of the two communities who are highly traumatised are in red arm bands". Isaac Dominic Sawyer, an Assembly Member for the Kissi West Electoral Area, told Joy News they had reported the incidents to the police. Isaac Kweku Sam, Municipal Chief Executive and Head of the Komenda Edina Eguafo Abirem Security Council, has asked for total co-operation of

residents to help the police find the perpetrators of the dreadful crimes. The bodies of the two women have been deposited in the Central Regional Hospital morgue while various search parties have been commissioned by the two communities to support efforts of the police to bring the culprits to book.[11]

It is challenging to ascertain if the problem is either waxing stronger or waning. 'In 1979, some prominent figures of the ruling True Whig Party in the Maryland County *of Liberia* were convicted for committing a ritual murder. Ten years later, Liberian Defence Minister Gray Allison was guilty of, and subsequently convicted for killing a police officer apparently used in a ritual sacrifice. The government at the time displayed blood drained in gallons believed to be that of the dead man. This was at a time when a spate of ritual murders was reported' (ELLIS 1995:190).[12]

On the first anniversary of the 1980 coup in Liberia, President Samuel Doe erected a monument on the road outside i.e. Executive Mansion, one of the main arteries of Monrovia, known as the Tomb of the Unknown Soldier. The monument consists of a plinth displaying an inscription commemorating the liberation of Liberia, by soldiers of the AFL,[13] from decades of government by what is termed a 'clique', meaning the American-Liberian elite of the True Whig Party. On top of the plinth is a statue of an AFL soldier with rifle at the ready, bayonet fixed. Monrovians are convinced that Doe inaugurated the statue with a human sacrifice, burying alive an AFL trooper beneath it. True or not and it would certainly be in

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[11]   Source: *Daily Guide Ghana*:
The following headlines appeared in various Ghana newspapers between 2012 and 2013:

Ritual murder scares residents of Bekpo in Volta region	March 27, 2013
Ritual killings hit Wassa Japa	July 24, 2012
Four people murdered in bizarre manner Agona Nkwanta	May 28, 2013
Woman's dead body found near Rawlings' House	May 24, 2012
Woman found dead with breasts, genitals and other body parts…	Aug. 13, 2012
Hunchback Woman killed for Sakawa at Akwatia	May 29, 2013
Ekumfi Chief, Nana Eguase head recovered	June 11, 2012
Four Murdered in Bizarre manner	May 28, 2013
Fante King Nana Kojo Agyase beheaded	June 8, 2012
Naked Woman found dead at Dome.	Feb 10, 2012

[12]   See http://www.globalpost.com/dispatch/news/regions/africa/110728/ritual-killing-liberia-Election-politics.

[13]   Armed Forces of Liberia.

keeping with what is known of Doe's methods to have taken such a precaution many Monrovians are convinced that this was the case. When, in 1990, NPFL[14] forces had invested the University of Liberia, a few hundred yards from the Executive Mansion, where Doe was besieged with hundreds of his soldiers, the NPFL fighters believed that the statue which stood in the no man's land between themselves and Doe's men in the Executive Mansion constituted a powerful magical protection for Doe and that he could never be defeated while it stood. The military under Doe generally cultivated what Sawyer[15] refers to as a 'magico-supernaturalism', believing that their possession of the powerful technology of modern warfare endowed them with spiritual power. So great was Doe's reputation for cultivating occult forces that his suite of rooms in the Executive Mansion remained sealed and undisturbed even after the IGNU had occupied the building in 1990. The Mansion was, in a manner of speaking, haunted by the terrible spirits, which Doe had invoked in the years that he lived there. (ELLIS 1995: 190-191).

In Liberia's Maryland County, Fulton Yancy, the county legal attorney, along with a former senatorial candidate, Dan Morias, were among those tried in 2009, for the ritual murder of a pregnant woman… Ironically, in the 1970s, Fulton Yancy´s elder brother, legislator Allen Yancy, and seven others were executed for committing ritual murder. Also in 2009, Liberian President Johnson Sirleaf warned Maryland County citizens against seeking retribution for killings with a traditional practice of trial by ordeal, a custom she outlawed in 2007 on assuming office (SCHMALL – WILLIAMS 2011). The alarming eruption, which shocked the world, of gruesome pictures of cannibalistic activities during the Liberia and Sierra Leone civil wars of the nineties connote much. The breakdown of law and order during the mayhems resuscitated the public manifestation of the apparently long forgotten latent capability of the practitioners. It will be demanding to determine the degree to which these ingrained practices have been perpetrated behind the scene before the outbreak of hostilities. The ease with which their practitioners went about their cadaverous business, especially the uniform *modus operandi* and tenacity across the country, at the height of the war indicate that the deeds, which were not alien to them, must have been going on clandestinely before the outbreak of hostilities. Throughout the length and breadth of both countries, the slogan was that strength and protection were acquired by eating the hearts of strong men (warriors). It is amazing that

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[14] National Patriotic Forces of Liberia, the rebel movement led by Charles Taylor in his bid to oust the Liberian president, Samuel K. Doe from office.

[15] Interim president of Liberia, head of the Interim Government of National Unity (IGNU).

such horrendous deeds persisted across generations, yet concealed from public view, though there were occasional arrests by law enforcement officers:

Rumours of child kidnappings had been circulating in Owerri, the capital of Imo State in south-eastern Nigeria, for more than a year. One Saturday night in September 1996, a local television station broadcast pictures of a man holding the freshly severed head of a child. The video was accompanied by an announcement that the man with the head had been arrested the previous day. The police did not know the identity of the child and were asking for the public's assistance. Early Sunday morning, the alleged perpetrator died mysteriously in jail. On Monday, the news of the man's death in police custody began to circulate in Owerri. Tuesday morning, a police team moved to the premises of Otokoto Hotel, a popular lodge in town where the alleged murderer had worked. That morning, police unearthed the headless body of the boy from the hotel grounds. A large gathering grew as the police worked. When the police team left the scene with the boy's body, having first arrested the hotel owner and all of the hotel's staff, the crowd became an angry mob. The irate throng burned the buildings and vehicles in the Otokoto Hotel premises. They then moved across the street to burn an upscale supermarket catering to Owerri's elite. From there, the crowd grew still larger and moved across the city burning many of Owerri's most select stores and hotels. In addition, the crowd burned the palace of one of the traditional chiefs of Owerri, as well as the houses of other wealthy men…. The rioting and burning continued into Wednesday, sparked by the alleged discovery the next morning of a roasted human corpse at the residence of Damaco, one of Owerri's young millionaires. In addition, word spread of the purported finding of human skulls and human meat, pepper soup (implying a practice of ritual cannibalism) at the Overcomers Christian Mission, the Pentecostal church where Damaco worshipped. More than 25 buildings and dozens of vehicles were torched before the riots subsided. The cessation of violence was due in part to a strict curfew imposed on the town by Nigeria's military government (SMITH 2001:803)

Conclusion

Diverse motives, mentioned in this article, have fuelled the proliferation of cases of cannibalism and allied practices in various parts of the sub region. This is in line with what prevails, in various guises, in some other parts of the world. It is rational to assume that eradicating them will be virtually impossible in a life time. This write up has shown that even the highly educated and those who maintained impressive records of attendance in places of Christian worship, as well as the rich, and members of the political class, are also implicated.

Experiences have shown that most of them, particularly those of the political class, are virtually above the law. Incontrovertibly, education and the Christian religion have explicitly failed in this regard in achieving their objectives.

In Nigeria, the nauseating activities of secret societies expressly affect civil society in general. During the ephemeral reign of General Murtala Mohammed from July 29, 1975 until February 13, 1976, the federal government had cause to outlaw the membership of all such fraternities in the federation, as their reprehensible activities were intolerable. The proscribed groups have over time resurfaced in other facades with perceptibly unrefined goals. Some of their appalling deeds perpetrated by cultists portrayed in Nigerian *(Nollywood)* movies, though imaginary, depict anthropologically candid events generally believed to be in vogue. Universities are also infested with secret cults whose members (lecturers and students), are known to be nocturnal visitors to cemeteries. These institutions of higher learning have become the nurseries for milling and churning out cultists and 'ritualists' in society upon their graduation. The graves of important people in some places are diligently guarded, long after burial, for fear of ritual medicine men desecrating them in search of human parts. A popular belief has it that using the parts of such personalities to concoct ritual medicines will enhance its efficacy. It is also held that it would enable the owner of such medicines to acquire the qualities that the deceased once possessed.

Some mortuaries are fertile grounds for illicit human organ supply for rituals. The law relating to dead bodies in Nigeria, according to Nwabueze, is ill defined. He attributed this to mistaken identification and swapping of bodies in mortuaries, an indication that all is not truly well with the dead in the country (NWABUEZE 2007:117).

Certain practices, connected with the burial and coronation of traditional rulers are illegal in the whole of West Africa, at least officially. Consequently, animals have been substituted for human sacrifice in all known cases. That is the official position. However, as members of the public are in the dark regarding what transpires during either a royal obituary or coronation ceremony, it is hard to tell what really ensues behind the scene. There are still talks of covert objectionable deeds being perpetrated. In addition, deceased members of some royal families are, by tradition, not interred outside their ancestral homes. Cases of excruciating difficulties being tolerated while retrieving some corpses from distant parts of the earth are not rare. It is demanding to tell what happens to such bodies in obscurity. In his autobiography *Ake, years of childhood*, Wole Soyinka explained how prospective kings, during their coronation, feed on the heart of their immediate predecessor, as a requirement for enthronement.

As reform is not new in the social, cultural milieu of the sub region, there is need for governments to show refined interest in what prevails during royal burials and coronation

ceremonies. Confidentiality should still be guaranteed but with government representation in all aspects of various activities, more so when the upkeep of the traditional institutions rests squarely on taxpayer's money. Any form of intransigence on the part of the royal families should attract penal sanctions, as no facet of the customs and traditions of a people should be immune to change.

Article 3, section 111 of the Economic Community of West Africa Treaty emphasized the removal, between member states of obstacles to free movement of persons, goods, services and capital and the right of residence and establishment. Its implementation could equip and expedite criminal gangs with easy access to travel and other documents. The security checks at embassies, preceding the issuance of visas and other travel permits, before travelling within the sub region are no longer in force. This could escalate cases of human trafficking, a lucrative source of illicit human organs. As the rules regulating residency are relaxed, previously uninfected areas could be prone to risk. Hitherto there seems to be no effective means of keeping track of people's movements due to the absence of national identification schemes in some member states let alone a synchronized regional scheme. As long as this situation prevails, unclaimed bodies in mortuaries will remain vulnerable, as a few countries, if any, maintain registers of missing persons. The French President Nicholas Sarkozey in 2007, on a mission to N'djamena, the Chadian capital, secured the release of three French men and seven Spanish flight attendants, a group of self-styled relief workers, apprehended by government officials in Chad on the verge of transporting 103 African children by air to Europe. The motive of the ill-fated trip has remained mysterious.[16]

Furthermore, closely associated with human sacrifice is the traditional post-mortem examination of corpses for witchcraft potentials. There is the belief, though not widespread, that a wicked man becomes intensely wicked in death if the witchcraft potential in him remains intact before interment. Consequently, this has necessitated the scrutiny of some vital organs, such as the liver, before interment. Moreover, there have been cases of widows, compelled against their will, to drink of the bath water used of their deceased husbands. This

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[16]   See Samper (2002) for an account of South American experiences of missing children.

is designed to clear them of suspicion of complicity in the cause his demise. There is a need for practices of these natures to be made penal as they are repugnant to reason.

However, legislation similar to the failure of education and Christianity, will not address these problems if the laws are either unenforceable or the collective will to do so is lacking. The limited success achieved by the colonial administration in Sierra Leone was to the credit of the indigenes who furnished District Officers with information. Matters of this nature require the collective involvement of the citizenry in collaboration with law enforcement agencies. However, the penal codes of all West African states are modelled on European legal systems; hence they are of colonial origin. Besides, most of them are yet to be adequately reformed. This explains why stipulated penalties for the deeds are not commensurate with the gravity of the atrocities. In Nigeria for instance, the Police Act of 1930 is a product of the colonial authorities which still form the basis of policing the entire country. From the look of things, the political will to reform it, to cater for modern realities, is lacking. The entire police force remains a principal culprit in perpetuating crimes in the country as it is widely whispered that virtually all its members are, in one way or the other, hand in glove with lawbreakers in both high and low places.

Additionally, the popular belief connecting cannibalism, ritual murder and allied practices on one hand with the inordinate acquisition of wealth and power on the other, is waxing stronger. Conversely, the efficacy of government apparatus for tackling the threats to individual and public safety and security is waning. Also, in reaction to complaints from enrage members of the public; the definitive reaction of government does not go beyond the issuance of policy statements after a hearing of a commission of inquiry. Rather than involving members of the public through collective responsibility, the use of lethal force by the police and military, and increasing their number if necessary, are the only weapons in government's arsenal. This has made the identification of the practitioners of acts and their collaborators, especially in time of peace knotty. The situation has been exacerbated by the steady evolution of the individualistic and materialistic nature the society assumed since the advent of colonialism. An outcome of which is the belief that it is better to die trying to get rich than to die in poverty. These have, in no small measure, eroded age long cultural values that were ingrained in high ethical standards.

Lastly, in the light of the global magnitude of black markets fuelling the human organ commerce, as long as the sub region remains an integral part of what is now referred to as the global village, the end to the predicament is evidently not in sight.

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"The History of Human Stupidity": Vojtěch Frič and his Program of a Comparative Study of Religions[1]

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ABSTRACT

The present article represents a partial outcome of a larger project that focuses on the history of the beginnings of anthropology as an organized science at the end of the nineteenth and the beginning of the twentieth centuries, in the broader socio-political context of Central Europe. Attention is focused especially on the nationalist and social competitions that had an important impact upon intellectual developments, but in turn were influenced by the activities of scholars and their public activities. The case study of Vojtěch (Alberto) Frič, traveler and amateur anthropologist, who in the first two decades of the twentieth century presented to European scientific circles and the general public in the Czech Lands his magnanimous vision of the comparative study of religions, serves as a starting point for considerations concerning the general debates on the purpose, methods, and ethical dimensions of ethnology as these were resonating in Central European academia of the period under study.

KEY WORDS: Vojtěch (Alberto) Frič, Náprstek Museum, anthropology, comparative religious studies, history of anthropology

The present article deals with the beginnings of anthropology in the broad socio-political context of Central Europe. It aspires to reveal some of the multiplicity of interests and influences that helped to produce present-day "normal science", in the famous phrasing of

Thomas Kuhn (KUHN 1962), and at the same time to assess the broader socio-political impact of anthropology, and its role in the complicated nationalist, political, economic and cultural competitions in this region.

As the nineteenth century neared its end, anthropology – established as a scientific discipline only few decades before – was undergoing a significant transformation. It developed mostly outside of traditional academic platforms, that is, universities. Instead, it took as its principal platforms museums, international congresses and newly founded journals. Shortly before 1900 the first chairs of anthropology appeared at universities. Publications as well as the numbers of practicing anthropologist multiplied, museums prospered and expanded and systematized their collections. However, the feeling of insecurity persisted, face to face with the established disciplines, such as Orientalist linguistics or classical archaeology, and at the same time an increasing awareness of the need to define the public role of anthropology, to ascertain its ability to contribute positively to the resolution of the pressing needs of contemporary society. The leading representatives of the discipline in Germany, France, Great Britain and the United States formulated and debated their separate, often conflicting visions of future development, in the form of articles, public lectures and polemics (STOCKING 1991; STOCKING 1985; VERMEULEN – ALVEREZ ROLDÁN 1995; PENNY 2002 etc.).

The Náprstek Museum and its Role in the Beginnings of Czech Anthropology

In contrast to this feverish development, for the Czech Lands[2] it is difficult even to speak of "anthropology" in this period. But any discussion on this topic needs to be prefaced by a reminder of the intensifying competition of Czechs and Germans in various fields that had been taking place throughout the whole of the nineteenth century. Both groups tried to prove

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[2]   The Czech Lands, or the Lands of the Bohemian Crown, are the regions of Bohemia, Moravia and Silesia, historically ruled by the kings of Bohemia, from 1526 incorporated into the Hapsburg Monarchy. In 1918 they became – together with Slovakia and Carpathian Ruthenia – parts of the new Czechoslovak Republic. (PÁNEK – TŮMA 2009).

they could qualify as fully-fledged and civilized nations. The strong German ethnic minority that from the 1880s had begun losing the upper hand in politics and economy in the Czech Lands struggled to prove its pertinence to the body of German culture and civilization. The Czechs, in turn, constantly compared themselves with Germans in all types of intellectual and cultural activity. There were however few detailed strategies for institutional or educational development and only minimum interaction with scientific endeavors going on beyond the border of the Czech Lands.

The physician Emil Holub in 1872-1879 and 1883-1887 undertook remarkable expeditions to southern Africa. But in spite of his name being praised throughout Europe and North America, and the grand exhibitions he mounted in Vienna (1891) and then in Prague (1892-93), and even though he gave lectures for such prestigious institutions as the Smithsonian Institution (1894), Holub in fact did not follow up with debates on academic forums, did not test or apply any theoretical approaches, and did not aspire to push scientific standards forward other than by amassing unique collections of African artifacts and specimens and accentuating the fact that these were deposited in Prague (ŠÁMAL 2013). Other Czech "anthropologists" were even more inclined to popularization and addressed primarily the domestic public in a patriotic vein (PŮTOVÁ 2013).

From the 1870s the Náprstek Museum (Náprstkovo muzeum), an institution of distinctive origin and history, constituted a center for knowledge about the lifestyles and cultures of non-European nations for Czech intellectuals. In 1862, during the World Exhibition in London, a group of Czech patriots visited the city and later expressed their opinion that it would be beneficial to establish a technological museum in Prague. It was to be similar to that in Kensington (today the Science Museum), albeit "proportionate to our humbler means", and through documenting scientific and technological progress in the world assist Czech industrialists, at this period still marginalized by their German competitors, to develop their skills (MAJER 1994:16). The idea was taken over by Vojta Náprstek, owner of a prospering brewery and distillery, and his mother Anna. Vojta Náprstek, an open-minded person of broad horizons and education, enthusiastic for progress in both technical and social areas, significantly contributed to the development of Czech cultural and social life. With the support of his mother and later his wife Josefa, Náprstek promoted new ideas popular in the times, such as equal rights and access to education for women. (KLÁPŠŤOVÁ 2016:18-19). Anna Náprstková made a large bequest in her will with the explicit purpose of establishing the industrial museum, and it was opened in 1874 within the very premises of the brewery.

However, from the beginning the industrial collections were being supplemented by exotic souvenirs from all over the world, first those brought by Náprstek himself from his visit to

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North America in 1848-58, then by many other Czech travelers and tourists. Náprstek advocated the need to gain experience abroad in order to serve domestic needs, and at the same time the feverish nationalist competition at this period favored ventures to the furthest possible places to secure for the Czech nation "primacy" in their exploration. Náprstek therefore offered advice and financial support to travelers who reciprocated by sharing their adventures with the patriotic community and supplementing the museum with new objects. Many of the ethnographic artifacts were actually integrated into the collections as demonstrations of early developmental stages of various arts and crafts and as documentation of the progress which supposedly liberated Europeans, and especially women, from the bondage of exhaustive physical labor and freed their minds for intellectual pursuits. But as their numbers increased, the original conception of an industrial museum was seriously disturbed, being transformed into a rather hybrid institution, the more so because "primitive" artifacts from Bohemia and Moravia were also included in the expositions (such as embroideries and laces, under the denomination "Works of our Mothers") (SECKÁ 2011: 211-213).

What developed in this setting can, with a certain exaggeration, be termed the initial phase of Czech anthropology, even though parochial, restricted in scope, lacking theory and developed in a haphazard manner. In fact, the Náprstek Museum was more of a social club, a "salon" for well-to-do patriots, a place for social meetings and polite conversations in an exotic setting, than a platform for developing and précising scientific debates. When Vojta Náprstek died in 1894, the management of the museum was passed to a committee headed by his widow Josefa, who only received the lifelong usage of the inheritance, after which it was all to pass to the museum, and continue its existence as a museum of industry and applied arts. The exotic character of the collections was getting more pronounced, however. Also, there was a new competing institution, the "Czecho-Slavic Ethnographic Museum" that arose from the successful Czecho-Slavic Ethnographic Exposition of 1895. From 1901, the ethnographic collections were presented to the public in the palace in Kinský Garden in Prague.[3] Josefa Náprstková resisted pressures for uniting the two institutions, but after her death in 1907 discussions concerning the future of the Náprstek Museum started again; the

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[3]   Today, under the name Ethnographic Museum (Národopisné museum), they constitute part of the National Museum (FILIPOVÁ 2011).

more so because of efforts, at this very moment, from part of the Czech patriotic elites for establishing a new Museum of Technology, founded officially in 1908.[4]

Vojtěch Frič – traveler, anthropologist, enfant terrible

At this moment Vojtěch Frič entered the scene; adventurer and traveler, botanist and anthropologist, an autodidact who lacked formal education in either of the two disciplines, yet strove to excel in both, a complex and original personality.[5] In 1907 Frič was in South America, in the middle of his third journey to this continent. Already during the first visit (1901-02 to Brazil), which he intended as a botanical expedition, he became interested in the culture of the natives, and on his second trip to Uruguay, Argentina and Paraguay (1903-05) he dedicated himself solely to ethnographic research, amassing numerous artifacts, pieces of costume, weapons and household utensils, which were exhibited at, and partly donated to, the Náprstek Museum. However, as he considered himself underrated in Prague, he established contacts with the ethnographic museum in Berlin, and donated the greater part of the collection to it in exchange for financial support that enabled his return to South America in 1906 (KANDERT 1983; BAĎUROVÁ 2012).

Of all those in the Czech Lands interested in non-European cultures, Frič was the only one who in the opening decades of the twentieth century took an active part in congresses and published in specialized journals approved by the academic community. He struggled to leave a mark, and to influence the state of anthropological theory of his times. His anthropological career was brief, as during and immediately after the World War I he became involved in politics and after the war returned to botany, disappointed by the fact that the international anthropological community refused to accept his theories and despised him personally, due to his eccentric behavior (PENNY 2003). In spite of this, the texts, activities, plans and opinions of Frič can be of great interest for historians of science in general, and anthropology in particular, as they show the reflection of scientific debates in the "margin"

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[4] For the history of the National Technical Museum (Národní technické museum, as the official name is nowadays), see HOZÁK 1997.

[5] After returning from his first trip to Latin America, in public as well as private communication Frič doubled his first name with its hispanized variant so the version Alberto Vojtěch Frič often appears in bibliographic references.

of European intellectual development and give testimony of how the theories were understood and opinions formulated.

While planning to write comprehensive groundbreaking works, Frič was never able to publish anything beyond articles (some of them published jointly with other anthropologists, such as FRIČ – RADIN 1906), mostly outcomes of his presentations at conferences. Even these apparently scholarly texts were often singularly inconsistent as to their content and form. There are also two volumes of essays and remembrances of various journeys, interspersed with ethnographic information, but without any reference apparatus; three adventure novels with strong autobiographical motifs and again containing information on the life and religions of the native peoples of South America; and an anthology of myths adapted for children. There is still however a rather extensive mass of unpublished material, letters received and copies of letters sent, outlines of public lectures, diaries and field notes. After his death in 1944, his widow Draga Fričová deposited part of his manuscript documentation in the Náprstek Museum and another part in the archive of the Institute of Ethnology and Folklore Studies of the then Czechoslovak Academy of Sciences; the rest remained in the family archive. In the 1950s, the Czech linguist and ethnographer Čestmír Loukotka transcribed and translated some of the documents from the Archive of the Academy of Sciences, but the proposed publication of the annotated edition was not realized, and moreover the originals were lost, so only the transcribed Czech version remains.[6]

Through the period 1902-1914 Frič pursued his anthropological study in feverish haste and his opinions developed rapidly. Lacking formal education above the standard Austrian high school-leaving exam (*Abitur*), Frič dedicated himself to self-study in the short interludes between his travels. There were several authors which he quoted extensively, but against whom he also argued (as the preserved correspondence shows, he directed long letters even to authors he did not know personally, in which he formulated his objections or asked for explication of concrete formulations).[7] The disorganized style of his writing gives the

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[6] Nowadays the depositing institution bears the name of the Archive of the Institute for Ethnology of the Academy of Sciences of the Czech Republic (hereafter AEÚAV). See also information given by Yvonna Fričová in FRIČ – FERREIRA FRIČ 2012:84. Several of the notations of myths contained in this transcript were published in the English anthology of Chamacoco mythology (WOLBERT – SIMONEAU 1987). This edition, however, is thus an English translation of a Czech translation (by Loukotka) of what apparently was a mixture of Czech, Spanish/Portuguese and native languages that Frič meant to process later, but never did.

[7] For example, a letter to Charles de la Hitte of 3-IX-1905 (reflecting on his book *La Teo-Cosmogonia. Base de la Filosofía Positivista. Explicada racionalmente según el Guaraní*, Buenos Aires, 1899)

impression that he was formulating ad hoc hypotheses that suited him at that moment. His grasp of theories and facts was also mostly intuitive, marked by an a priori opposition to established, "fossilized" opinions. Still, Frič had very concrete opinions of the task of anthropology and its methods, although these are overshadowed in his texts by numerous digressions and personal attacks on his opponents. At the turn of the nineteenth and twentieth centuries, armchair anthropology, more or less imitating the traditional Orientalism or Classical Studies (what Frič himself called "anthropology from the green table"), still predominated over all other methods of researching non-European cultures. Frič persistently called for field research – instead of mere collecting trips to furnish museum collections – and insisted that anthropologists interpreted the artifacts through the cultural context, and knowledge of native languages.[8]

Frič was an ardent protagonist of "positive science", non-speculative and provable, based upon factual evidence and untainted by ideology. Entering fully into the modernist intellectual position of a researcher detached from the world and bringing order into a chaotic reality, and of nature and society waiting for the scientist to reveal their hidden truths, Frič was convinced that "positive truth" existed, revealing itself to those able to throw away the traditional worldview and adopt a critical posture towards the world (HODAČ 2009:93-95). As was the case with his other inspirations, he imbibed the principles of positivism intuitively and through unsystematic, fragmented readings, and probably never knew – and certainly never quoted – the work of Auguste Comte. However, precisely at the turn of the nineteenth and twentieth centuries, positivism framed the debates on human and social sciences in various Latin American countries, within the frame of the sharp conflicts between Catholics, anti-clericals and governmental agents striving to assert their authority over schools and intellectual development in general, as well as public spaces and national symbols. It was

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and several letters to the religionist Ernst Siecke, all in the documentation transcribed and translated by Loukotka, AEÚAV, Ms. 445, ff. 201-410, 422-447.

[8]   However, Frič's own linguistic capacities had been doubted by his opponents. When in 1907-1908 he became involved in a fierce conflict in Brazil over the alleged massacres of native populations by German colonists, his poor knowledge of native languages was often mentioned by his opponents. (See for example the record of the discussion during the 16th Congress of Americanists in Vienna [1908], in HEGER 1910:lxii.) In fact, Frič himself revealed in his diaries, notes and other materials not destined for publication that he did not have command of the native languages, that he communicated with his respondents through interpreters, and that many of his notes did not come from the "savage" tribes of the interior, but from natives he met at random during his stays in Argentinian and Brazilian cities. See the materials in AEÚAV, Ms. 445: Frič admits that he doesn't speak the Kadiuweo language (f. 112); "I understand badly the language of the Tumraha" (f. 221) etc.

hoped that instead of the representatives of the church it would be scientists who would take up new roles in crafting economic, legal, and political policy, both nationally and regionally. In short, in Latin America secularization was perceived as a prerequisite of modernity, and this was also the position of Frič, who probably found inspiration in these debates during his early journeys and later applied them also to the debates in the domestic context (ARDAO 1963; RODRIGUEZ 2013)[9].

In fact, in the Czech Lands too these issues were publicly discussed. The Czech nationalist movement was marked by a sharp critique of Catholicism, taking as its main topic the Hussite period, the fifteenth century revolt against Catholicism, and connected the renewed Catholic pressure with the taking up of the Czech throne by the Habsburgs. But in contrast to Latin America, radical secularization was never an issue in the Czech Lands (NEŠPOR et al. 2010; BALÍK et al. 2016). Frič himself, however, was an avowed atheist, a member of the Czech branch of the "Free Thought" association, whose ultimate objective was a complete liberation of public life, state and education from confessional influences.[10] While ostentatiously posing as a scientist untouched by the clichés of the times, however, Frič also imbibed thevocabulary of Czech nationalism, based upon anti-Jesuit diatribes. In the popular imagery, Jesuits were presented as the initiators of the intellectual and cultural decline of the Czech nation and the embodiment of obscurantism. For Frič, "Jesuit" was a synonym for "dim-witted".[11] However, he insisted that the Czechs should prove their feeling for their nation by raising it

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[9] Frič also expected such development, see his letter to Theodor Bartošek, Patagones, 1-III-1908, ANpM, fund Frič 12/40.

[10] The association of Free Thought was founded in Brussels under the patronage of Charles Bradlaugh in 1880, as the "Federation Internationale des Societes de Libre Pensée". From 1887 international congresses were held in various European cities and later also outside the continent, usually biannually, and there was an Executive Committee to organize them. But mostly, the national branches acted separately (for the Czech branch, see KUDLÁČ 2005).

[11] For example, in an article dealing with his archeological excavations of the shell heaps (Sambaquis) on the Brazilian coast he laughed at the idea, expressed by some "educated Brazilians", that the origins of the heaps were in the time before the Flood and the skeletons excavated "from the sinners of Noah's time". "It is for them dogma, in which man should believe without thinking. I suppose this opinion comes from the time of the Jesuits" (FRIČ 1907a:118). When describing some native ceremony, he tried to depict the atmosphere: "It was already after sunset, the path was slippery and everywhere darkness as in the brain of the Jesuit" (Unpublished manuscript "Slavnost mrtvých" [Feast of the Dead], undated, translation from German by Loukotka, AEÚAV, Ms. 445, f. 41).

intellectually and learning from the outside world, not by enclosing themselves in a feeling of their own exclusiveness.

Besides positivism, Frič came under the important influence of the evolutionary schemes of Lewis Henry Morgan and Charles Darwin, whose contributions to the development of science he considered groundbreaking, as they undermined the existing Biblical (that is, for Frič, falsified) theories of the origins of man and society. They embodied for Frič "Science", silenced and marginalized; and he labeled those who refused to accept the opinions of Morgan and Darwin as "reactionaries" (FRIČ 1977:27). He also extensively quoted Edward Burnett Tylor (1871), even though he interpreted him in an original way, reducing Tylor's evolutionary scheme to the dichotomy savagery/civilization. Also, while Frič accepted the vision of the progressive development of human societies towards increasing complexity and technological expansion, he did not interpret such development as bringing a favorable change of lifestyle conditions. Even though his highest praise was formodern society, able to make use of the accumulation of scientific knowledge and overcoming the ignorance and superstition of primitive times, as this ideal had not yet been achieved, he gave preference to the "savage" stage. In fact, his understanding of evolution was rather similar to that of the early missionaries, who interpreted human development as the progressive ruin of primitive simplicity.

At the same time Frič refused to accept the basis of evolutionist thought, namely, the idea of the inherent sameness of the human psyche. Therefore, in his study of religions, he also sharply opposed Adolf Bastian and his theory of "elementary ideas" - that all humans share a certain set of basic, fundamental ideas or experiences and there is no profound and unbridgeable difference between "primitive" and "modern" or "religious" and "scientific" humans. Religious diversity was, according to Bastian, to be examined not for the "surface variation" but for the deeper and more universal patterns and truths that were expressed in them.[12] Frič was convinced of the important influence of the natural environment upon human societies, especially of what he called "wilderness" (*divočina*) –untamed nature – upon savages or "wild people" (*divoši*) (HODAČ 2009:81-82). In this, he was in fact approaching the opinions formulated at about the same time by Lucien Lévy-Bruhl, who was convinced that the thoughts and beliefs of "primitive" people came from a completely

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[12]   See among others BASTIAN 1892, also FISCHER – BOLZ – KAMEL 2007. For Frič's opinion on Bastian see e.g. his introduction to a never-realized treatise on the study of comparative mythology, AEÚAV, Ms. 445, f. 386

different way of thinking from that of modern people, the "pre-logical mentality" (LÉVY-BRUHL 1926)[13].

In a way, Frič also anticipated the theories of ecological anthropology, considering cultural evolution to be in an important way dictated by adaptation to the natural environment, but at the same time he accentuated the moral dimension of this adaptation, ascribing to the influence of the "wilderness" the aptitude of the "wild people" for freedom, simplicity, honor, and love for one's neighbor, while he associated the departure from wilderness – that is, the advent of sedentarization, intensive agriculture and the beginning of the cultivation of the wilderness –with the beginning of the progressive decay of these characteristics. As early as during his first voyage to South America, Frič arrived at the conviction that the majority of the indigenous population was destined to perish, and therefore devoted himself to their study, and to salvaging their knowledge for the benefit of mankind. For, as he wrote, "not everything in the wilderness is beautiful and perfect; life there is a grand combat of dark forces, in which those who are ready, brutal and direct always win. But I am convinced that we can find much instruction for ourselves among the people who walk with a naked body but modestly covered soul."[14]

Study of mythology

All of these principles also manifested themselves in Frič's posture towards the study of religions of the "savages". While his early texts displayed interest in all aspects of native cultures (FRIČ 1906a), he rapidly focused his attention in this direction. It seems that the turning point had been his participation in the 37th meeting of the German Anthropological Society in 1906 in Görlitz, the first scientific forum he took part in after returning from his second journey.

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[13]   This theory had been criticized by Edward Evans-Pritchard, Bronislaw Malinowski and eventually by Lévy-Bruhl himself (SALAZAR 2015:7).

[14]   Nots to a public lecture of 1908, transcription of document from a family archive in FRIČ – FERREIRA FRIČ 2012:88.

Frič presented a lecture on "myths and human migrations in South America" (FRIČ 1906b) and on the basis of the subsequent discussion arrived at a conviction that the whole existing concept of anthropological study of religion was wrong. It is interesting that in this period other European anthropologists too were beginning to think over and discuss the future of religious studies. Traditionally, the study of religion often equaled Biblical studies and theology, or, at most, was realized within Orientalist departments. At the turn of the nineteenth and twentieth centuries, however, anthropologists begun drawing attention to non-European spiritual traditions, at the same time legitimizing their being considered as "religions" and taken seriously, and viewing them dispassionately, scientifically and in their proper context, in order to clarify some of the general problems in the study of the human character. Such study added legitimacy to the general program of the anthropological study of non-European cultures.

It is not certain how much Frič was aware of these developments, but he considered the study of mythology more absolutely crucial to historical and anthropological research, more objective and revealing for the earliest history of mankind than the study of linguistics or archaeological excavations. Again, there was a rather restricted number of authors which Frič quoted repeatedly – alongside Tylor, Leo Frobenius and Paul Ehrenreich; apparently, he did not know Frazer or other important theoreticians of religion of his time. Ehrenreich especially he found inspiring, as his theories made it possible for Frič to combine evolutionary approach with diffusionism. In spite of being critical of Ehrenreich's methods (that is, the inadequacy of his field research, FRIČ 1918: 77), he concurred with him in seeing the myths as the heritage of the primitive unity of mankind. Ehrenreich formulated, on the basis of his research of mythology in Matto Grosso and other parts of South America, a theory of the origin of all mythologies at the dawn of mankind, during the phase of development Ehrenreich denominated Homo alulus. (EHRENREICH 1905). Frič speculated that these original mythologies had later been adapted to concrete climates and ecosystems.

However, in contrast to many other protagonists of diffusionism, Frič opposed sharply the idea that the interchange of mythological motives took place along the other cultural diffusion. Instead, he was convinced that each "nation" or "tribe" guarded and protected its myths, so that the spreading of myths marked the migrations of ethnic groups. "We can follow, through myths and legends, the prehistoric migrations with the same certainty as the woodsman reads in the footprints on a prairie. Where archaeology stops speaking to us, the science of comparative religious studies begins" (FRIČ 1912c:149). He was therefore convinced that the study of mythology can help to clarify the oldest phases of the history of mankind, including the problem of the origin of American natives, and their migrations before the European conquest. Frič also asserted that the only cases of myth interchange happened when biological merging of the groups occurred, so that "a mixture of myths means a mixture of blood" (FRIČ 1906b: 147)[15].

Frič was convinced that he would prove the veracity of his hypotheses if there existed "a precise classification of myths, not only of the whole mythological complexes, but the motives and specific details. Ehrenreich and Boas warn against the comparison of individual parts taken out of context, but I consider this to be highly important and useful. […] There are many such parallels and because one thought is expressed by the same words, such details are more important than complete analogies in the whole myths. Such completely identical ideas could not have developed spontaneously in various parts of the world, and thus I am forced to think either in the mutual affiliation of both nations or interchange."[16] Apparently, Frič was not aware of the efforts of Antti Aarne, who published his first version of his catalogue in 1910,[17] but his independent endeavor proves that the anthropological community in Europe essentially headed in a similar direction.

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[15]   In the already quoted introduction to the never finished comprehensive volume on the study of mythology, he repeated: "The Brazilian Indians have as much European or African blood in their veins as many Indo-Europeans, and we find African motifs in their mythology" ("Příspěvky k dějinám náboženství a mytologie jihoamerických kmenů", AEÚAV, Ms. 445, f. 378).

[16]   Ibid, f. 377.

[17]   The American folklorist Stith Thompson translated Aarne's motif-based classification system in 1928, enlarging its scope; but only Thompson's second revision created the "AT number system" (also referred to as "AaTh system"), used until today (AARNE – THOMPSON 1961; also HANSEN 1997).

In view of repeated instigations for using precise terminology in the comparative study of religions, Frič's own definition of the very object of his studies – religion – might seem intuitive. However, it was in accordance with his general attitude to anthropological study and science in general. "I understand under [religion] an aggregate of faith in God, that is, faith in what we cannot prove, and service to that God."[18] Again the centrality of the concept of "truth" appears here, or rather "scientific truth", truth based on proper application of scientific method for Frič, while theories unsupported by factual evidence were for him nothing more than "beliefs", that is, "superstitions". This understanding of "truth" as a product of rational endeavor was precisely the reason why Frič, even though he considered the erasure of the positive influences of the wilderness via the evolution of arts and crafts to be a cause of the general moral decline of mankind, still considered (western) European civilization, or rather, those constituent parts of it that accepted positivist ideas, to occupy the highest rung of the ladder on the evolutionary scale. He saw a central instigation for movement on the evolutionary scale from primitive to rationalist society as a twist from passive act of faith to active search for knowledge. In this he agreed with other representatives of Free Thought, among them Theodor Bartošek: "The organization of Free Thought aims at beginning the third developmental stage of mankind. The child and the savage are playful. Only on a higher scale man comes to work. But there is one more scale to surmount, and transform man into a being capable of thought." (BARTOŠEK 1914:11).

Museum of Religions

At the same time, Frič's positivist ideals were an important influence on the way he approached the study of religions. For Frič, myth was a product of the imagination of men on the lower rungs of the developmental scale, unable to understand the laws of nature surrounding them, as revealed by the title of another unfinished manuscript that Frič entitled "The comparative study of human stupidity (Contribution to the comparative history of religions of South American natives)". He was convinced that "the more ignorant a man is, the greater his fantasy. […] The further we go back into the history of the human mind, the greater fantasy we find, so we can suppose that primitive man had an enormously developed fantasy.

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[18]   FRIČ 1977:75.

It was one of his first characteristics, giving him the illusion that he understood all the mysteries of nature, the origin of sun, moon, stars, storms etc. That is the origin of myths and also the proper interpretation of the word "myth": not only the fantastic explication of natural phenomena, but also naïve and stupid explications that uneducated, primitive man elaborated through his fantasy. […] These products of his stupidity (we should not be afraid to use proper words) often until today constitute the basis of our worldview and our philosophy that we defend stubbornly. But the laws of nature are stronger than this bad human fantasy."[19]

In another text he conceded at least some sense to mythologies, both in the sense of being a "poetic" genre and because "the fundamental wisdom of mankind had been preserved for us in the mythologies of various nations, the story about the flood and the sun hero".[20] Still, unlike Tylor and Frazer, Frič did not approach religions and mythologies as just interesting academic topics, but as something menacing modern society that needed to be understood and then uprooted. He opposed even the genre of fairy tales – in his understanding, vulgarized myths whose true content was forgotten by subsequent generations. "The fairy tales we narrate to children [and other] opinions of our savage forefathers are what delays all progress of mankind, the greatest enemy of positive science. On these are based all tyrannies and slavery, to those we owe all wars" (FRIČ 1912c:153). In another text, he warned: "Our worldview is not up to today based on positive science, but on the opinions of wild, barbarian or half-civilized peoples and their mythology."[21] This was also why, after the death of Josefa Náprstková, Frič maintained persistent correspondence with the committee, offering proposals for the substantial reconfiguration of the Náprstek Museum. Frič never ranked the Náprstek Museum, the "distillery", as he called it,[22] highly. He considered it a hopelessly backward, retrograde institution. He proposed to transform the "warehouse" into an institution with a plan, mission and purpose – namely, a "Museum of Religions" that would serve not only as a repository of artefacts for the use of scientists, but also for educating the

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[19]   "Srovnávací studie o lidské hlouposti (Příspěvek k srovnávacím dějinám náboženství jihoamerických domorodců)" (undated), translation from German by Loukotka, AEÚAV, Ms. 445, f. 393-395.

[20]   Manuscript "Přednáška o mé cestě do Chaka, 1908" [Lecture about my journey to Chaco], 1908, given to Czech journalists in Prague in 1909, ed. in FRIČ - FERREIRA FRIČ 2012:85.

[21]   "Srovnávací studie o lidské hlouposti", AEÚAV, Ms. 445, f. 395-396.

[22]   Letter from Frič to an unidentified member of the "Free Thought" organization, Patagones, 15-V-1908, ANpM, fund Frič, 3/2, unpag.

public in the basics of the Positivist worldview.[23] When the committee of the Náprstek Museum ignored Frič's proposal, he established what he denominated a "Museum of Religions" in his own house.

The Náprstek Museum certainly resembled a "warehouse", as the displays were not arranged according to a premeditated plan. There was the basic evolutionist principle that stood at the very founding of the original Industrial Museum (primitive vs. modern technologies), but became overshadowed by chaos, also because the museum lacked any qualified curators. However, the same resemblance to a chaotic warehouse could be seen in the most prominent German anthropological museums of the period, something Frič was well aware of. The early protagonists of anthropology attempted to create knowledge about humanity free from what many anthropologists perceived to be the weakness of Classical studies: subjectivity, selectivity, and narrative. The Museum für Völkerkunde founded in 1886 by Adolf Bastian in Berlin, that later served as a model to various other institutions, also conformed to this plan.[24] Bastian insisted that the exhibits were to be presented without resorting to what he thought to be a fictitious narrative structure of history. No particular object, grouping, or arrangement was supposed to stand out or be emphasized. There was no developmental series of artifacts, and the museum's goal was not explicitly pedagogical, it was to serve the elected few of the scientific community. However, the resulting effect was what Glen Penny in his analysis described as an "overwhelming mass of artifacts, torn out of their original contexts". Heated debates took place about the very nature and purpose of such collecting and display (PENNY 2007:52; also PENNY 2002).

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[23]   Letter from Frič to Ludvík Kottner, Patagonas, 15-V-1908, ANpM, fund Náprstek, box 101/81. In an article in which he described his visit at the British Museum in London, Frič also condemned "our museums […] amassing things that don't belong there, only tearing apart collections and piling one thing upon the other", where "there is no place, no science possible" (FRIČ 1912d:254).

[24]   The Berlin museum was not the oldest anthropological museum in Europe – the primacy was gained by Basel, where anthropological museum was inaugurated in 1849, followed by Leipzig, Hamburg, Bern and Vienna. However, the Berlin museum was by far the most influential, its concept being imitated also by the earlier institutions (GINGRICH 2017:36).

MARKÉTA KŘÍŽOVÁ
"The History of Human Stupidity": Vojtěch Frič and his Program of a Comparative Study of Religions

Frič commented negatively on the museological ideas of Bastian in the first place because he saw in him "the omnipotent director", the embodiment of established, hierarchized, petrified science – convinced that his theories were respected only because of Bastian's official standing.[25] But more importantly, Frič perceived the necessity of identifying for every individual exhibit the reality within which the item was used and trying to understand how the material culture was linked with the religious beliefs of those who made them (BAĎUROVÁ 2012:15). Only when supplemented with information gained through field research from those who made and used the objects could these be used for scientific research. Also, Frič sharply opposed what he considered "that wrong starting point of ethnographical studies – that every artifact is based on superstition".[26] Repeatedly he pointed out that the anthropologists often wrongly identified objects as "idols" or "amulets" that in fact served secular purposes. "Now that I understood better the so-called religious ideas of the Indians, I can point out how carelessly we identify the objects, whose true meaning we don't know, and how archaeological studies especially are tainted with fantasy. Often it happens that we label as idols or votive objects some artifacts that we simply do not recognize. […] Many wooden, stone and wax figurines I got from the Indians were either decorations or toys, and to term them idols is just as wrong as to label the rubber cow I played with as a child with this word." (FRIČ 1913:401).

There was another important idea behind Frič's vision of the Museum of Religions. As an avowed atheist, he was determined to put anthropology at the service of the "enlightening" of the general populace, thus accelerating the process of change from simple to complex, from irrational to rational, and from superstition to enlightenment. He considered precisely the comparative study of religions to be "one of the most important social sciences" because it could be used for anti-confessional propaganda.

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[25]   "Today the theory is completely invalidated – Bastian is dead – he is no more the director of the museum – and not even the German science believes in the dogma of the identical character of human psyche" (FRIČ 1912c:158).

[26]   Letter from Frič to Ludvík Kottner, Patagonas, 15-V-1908, ANpM, fund Náprstek, 101/81.

Of course, social and cultural anthropology established itself purposefully in the second half of the nineteenth century, as the science whose aim was to assess objectively, rationally, and unemotionally the irrationality of non-European cultures, their savage practices, superstitions and wrong worldviews. Edward B. Tylor had already expressed the belief that science would ultimately destroy religion by showing people the irrationality of their myths and rituals and by improving their lives. Still, Tylor admitted that the myths and rituals of "primate peoples" were "often to a high degree intelligible and rational in their origin, consistent and regular in their structure, […] rational enough from the savage point of view, though apt to seem far-fetched absurdities to moderns in their much changed intellectual condition." (TYLOR 1871, 2: 1-2, 40).However, the ultimate goal for Frič was not to reveal the inner logic of religious thought (as was the aim of his contemporary Rudolf Otto), but to educate the public about atheism. "The comparison of various religions teaches people to find out the mistakes of their own, inherited or inoculated beliefs, and more, teaches them to think about the things they would before not dare to think, and instigates them to think in general. […] The more we compare various religions, the better we can see that they are almost identical in their origin" (FRIČ 1912c:157-158). And, in another text: "The study of mythology can prove how naïve and stupid our wild ancestors have been and what stupidities they believed that had cost so much blood. Through such examples we might change a bit the opinions of present-day or future generations."[27]

This would also make use of the absurd mixture of artefacts in the Náprstek Museum, as the displays of non-European cultures could be complemented by those of Central Europe,

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[27]   "Srovnávací studie o lidské hlouposti (Příspěvek k srovnávacím dějinám náboženství jihoamerických domorodců)", undated, translation from German by Loukotka, AEÚAV, Ms. 445, f. 396. In the same text, Frič also offered the comparative study of mythologies in the service of the Czech nationalist cause. "For example how useful it would be to us Slavs to discover, on the basis of mythological or linguistic studies, the falseness of pseudo-history, namely, that the highly praised German culture that is being exported to the whole world and forced even upon the Africans is nothing else but Slavic culture, after the migrating hordes of Germans attacked the peace-loving, agricultural Slavs that occupied a higher cultural level, and from them learned their mythology and their science and many cultural achievements, such as the plough, honey, beer etc." (f. 397).

influenced by popular religiosity, depriving Catholicism of its label of the most developed religion of all.[28]

Frič sharply opposed the missionaries and their activities among the natives, as well as occultists and spiritualists, at the period under study popular all over Europe.[29] In 1906 he took an active part in the international congress of Free Thought in Buenos Aires, presenting a sharp critique of missionary endeavors among the "savage" peoples of South America, as these hindered their evolution. "Every penny given to the missionaries contributes to the fooling and cheating of uncivilized nations that would need a lot of money to step forward to be our equals" (FRIČ 1907b:130).[30] But he also opposed the "cheating" practices of native healers and shamans. He was convinced that "the priests and sorcerers rarely believe in what they teach others".[31] And more, he was convinced that the "savages", on the eve of evolution untainted even by "superstition", only fell to religious confusion because of unscrupulous sorcerers, who via prophecies, dreams and hypnosis exerted their authority over the people by implanting in their minds the fear from the supernatural. "The sole purpose of religious ceremonies is to increase the trust of the people [in sorcerers]" (FRIČ 1913:400).[32] Left alone,

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[28]   Letter of Frič to Joe Hloucha, Patagones, 15-V-1908, ANpM, ar. Hloucha 1/12. In another letter to Hloucha, Frič offered themes for a proposed journal – that was apparently never put into practice – on enlightening themes, among them "Fairy tales of the Indians in Matto Gross and of the Slavs", but also "Comparison of our priests and the Indian sorcerers" (Letter of Frič to Joe Hloucha, Matto Grosso, 16-II-1905, ANpM, fund Frič, 3/2, copy).

[29]   Frič admitted that in his youth he was much intrigued by the theosophy and spiritualism. "Therefore, I have had enough experience with empty ceremonies" (FRIČ 1977:73-74).

[30]   The original text of the lecture was not preserved, only the subsequently published Czech version (FRIČ 1907b). On this congress, DE LUCIA 1999, Frič's presentation mentioned on p. 191.

[31]   "Přednáška o mé cestě do Chaka, 1908" in FRIČ – FERREIRA FRIČ 2012:67-68.

[32]   Also, he was convinced that the earliest phase of human development was that of democracy and equality, and despotism was established only later, thanks to the activities of the priests (FRIČ 1906b:147-148). In a letter to Argentinian scholar Charles de La Hitte of 1905, Frič asserted: "There exists brotherly equality among these Indian tribes. Somewhere they have hereditary chiefs, but without much influence. They have chiefs of songs and poetry (Bororo). It is a government of arts, of science, of education. They are chiefs in war that gain recognition through bravery or diplomatic capacities. That is the golden age that also existed among the ancient Slavs. […] Progress is when children can draw upon the experiences of their fathers, because the life of the individual is unimaginable without the work and experience of the forefathers. But these bases also bring with them various religious dogmas, certain gods that men cannot get rid of and from which theocracy arises that makes possible for individuals to dominate other people, because every philosophy is powerless against human ambitions" (translation from Spanish by Loukotka, AEÚAV, Ms. 445, f. 423).

the savages would slowly work out the laws of nature for themselves and reach the stage of positive science, instead of plunging deeper and deeper into the darkness of superstition.

Frič himself lacked any respect for religious taboos and restrictions, even though outwardly he conformed to them when necessary. He considered religious rituals devoid of any deeper cultural meaning and to be nothing more than redundant procedures. His role as a researcher was to isolate the objective truth out of these "nonsenses", not to search for their inner logic, albeit different from the logic of European atheist. During his second journey, in 1904, he described vividly in a letter to Josefa Náprstková how he enriched his collection of artifacts by plundering a native cemetery, even though he was explicitly forbidden by the village elders to enter the site. He even prided himself for demonstrating to the villagers the meaninglessness of restrictions based upon superstition.[33]

It is interesting that the Free Thought movement in general ignored the museum as a possible vehicle for educating the population. French, English, German and also Czech "free thinkers" used especially printed materials, journals, brochures and books for propagation of their opinions, and also public lectures and discussions, even though at the same time professional museologists (archaeologists, anthropologists etc.) had been presenting their institutions as crucial in developing worldviews and asserting accepted knowledge about reality. Throughout the nineteenth century museums were purposefully constructed as "temples of science", repositories of knowledge, dedicated to the dissemination of learning and to advocating understanding, tolerance, and the dissipation of ignorance and superstition, where the artifacts of one time and one culture can be seen next to those of other times and other cultures without prejudice (DUNCAN 1995; CUNO 2008, MINUCCIANI 2013).[34] Within this context, it is surprising that the potential of museums was ignored by the protagonists of anti-religious propaganda.

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[33] Letter from Frič to Josefa Náprstková, Gran Chaco, 5-VIII-1904, ANpM, Scrapbook 73 "Vojtěch Frič", f. 97.

[34] In his text about the British Museum Frič also celebrated it as a "temple of science" (FRIČ 1912d:254).

Frič believed that the anthropological museum was to function on two levels, not only as an exclusive scientific site for the selected few, but also as a public place that had to address society at large and upon which the public should have influence. In the same letter in which he demanded the transformation of the Náprstek Museum into a "museum of religions", Frič contradicted what the addressee of the letter – chairman of the curatorial committee – apparently wrote to him previously, namely, that the organization of the museum was "not his business". "There are in the museum collections that I donated, and therefore I have right to express my opinion. And even if you would try to deprive me of this right, Náprstek made his museum a gift to the nation in his will, and so the public has the right to judge the activities of the committee."[35]

It seems that Frič's interest in the potential of the museum as a vehicle for the development of science and of education was of a long-term nature. On a postcard with a depiction of the Grassi Museum addressed to Josefa Náprstková from Leipzig, Frič wrote: "What I would give if you could see these museums and their arrangement. Even though they have exhibits from many fewer places than we do, they surpass us in scientific arrangement and work."[36] He referred to the same problem of the "arrangement" of the museum collections in a letter of 1913, in which he again outlined the project for a Museum of Religions. In this letter, Frič stressed that his planned way of presenting his "new, unknown, scientific material" is completely novel, making it possible for the visitor to grasp from the exhibition the totality of the mythological worldview of the South American natives. "When this new system of museum exhibitions is implemented universally, it will start a new phase in human thought, as only what we educated know will be clearly and comprehensibly presented to the public through it."[37]

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[35]   Letter from Frič to Ludvík Kottner, Patagonas, 15-V-1908, ANpM, fund Náprstek, box 101/81.

[36]   ANpM, Scrapbook 73 "Vojtěch Frič", f. 295. The postcard is undated, but it must have been sent before September 1907, when Náprstková died.

[37]   Letter from Frič to an unknown recipient (addressed as "Herr Consul") of 17-VII-1913, ANpM, fund Frič, 3/3 (copy).

In the first decade of the twentieth century, the idea to establish a museum dedicated exclusively to the comparative study of religions was way ahead of the times. There was the Musée Guimet, founded in 1879 in Lyon and later transferred to Paris, which combined the approach of the history of religions and history of art; but this institution was run along the traditional lines of Oriental Studies (REY et al. 2001). There was also the "Loan Collection of Objects used in Worship" opened in 1892 within the Museum of Archaeology of the University of Pennsylvania to document "the evidences of the unity of the human race to be found in the various religions" and also to offer to the public objects privately owned, "whose possessors were unaware of their significance and value" (anon. 1892:225). But this collection also focused mainly on the Orient. In Europe such a Museum of Religions proper was established only two decades after Frič formulated his proposal: the "Religionskundliche Sammlung" within the Philipps University in Marburg, Germany, opened in 1927 thanks to Rudolf Otto (BRÄUNLEIN 2005). And, finally, there was the State Museum of the History of Religions in Leningrad/St. Petersburg, founded purposefully as an anti-religious institution in 1932 (to become in 1954 the Museum of the History of Religion and Atheism), whose objectives were very similar to those of Frič, that is, the education of the masses in the principles of atheism.

Conclusion

In contrast to his Soviet counterparts, Frič did not succeed in carrying through his vision of a Museum of Religions. Neither did he enforce his way of approaching the study of non-European cultures in the local context of the Czech Lands or at international anthropological forums. As with many other projects, he abandoned these efforts quickly and focused on other debates and clashes. The Náprstek Museum existed as a private institution even after the establishment of the Czechoslovak Republic in 1918. Not until 1932, when the committee was unable to manage the collections and maintain the museum building, was it put under the control of the Czechoslovak state under the name "Náprstek Museum of General Ethnography" (*Náprstkovo museum všeobecného národopisu*) In 1949 it was incorporated into the National Museum (SECKÁ 2011:264); the industrial displays were transferred to the National Technical Museum and the Bohemian and Moravian exhibits to the Ethnographic Museum. Thus at least part of Frič's vision of its reconstruction became true. The heterogeneous "warehouse" was transformed into museum of anthropology.

Karl von der Steinen, contemporary of Frič and famous German specialist in the cultures of Amazonia, was convinced that the task of ethnology was to "understand the strange cultures within the frame of their own style of living and to struggle not to approach them through one's own 'cultural lenses'" (VON DER STEINEN 1894:65). Almost a hundred years later, Clifford Geertz commented: "One of the main methodological problems in writing about religion scientifically is to put aside at once the tone of the village atheist and that of the village preacher, as well as their more sophisticated equivalents, so that the social and psychological implications of particular religious beliefs can emerge in a clear and neutral light" (GEERTZ 1993:123). It is obvious that Frič indeed put on the "cultural lenses" of positivism and atheism, taking upon himself, in the words of Geertz, the role of the "village preacher" of the positive science. However, we can understand his efforts as signaling the beginning of an important transformation of the sciences of men; changes that influence anthropological theory and practice still today. He embodied the confusion and struggles of the period when anthropology definitively changed over from collecting to analysis, and at the same time opened its academic ivory tower and assumed distinctive social appeal.

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Aspects Determining the Auto-identification of Native Communities in Contemporary Peru

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ABSTRACT

The case of Peru evinces quite specific aspects missing in other states with numerous indigenous minorities. During the second half of the 20th century, indigenous communities in local *sierra* were officially renamed as agrarian communities (*comunidades campesinas*), which resulted in wiping their identity away in exchange for land reform and incorporation to state structures. The status of native people has slightly improved since the introduction of a new constitution in 1993 and the implementation of responsive laws later. However, up to the present the self-identification with the terms Quechua, Aymara, indigenous, native, mestizo or c*ampesino* often results in extensive consequences stemming from the persisting racism and hierarchic society. This article deals with the impacts related to ethnicity and auto-identification in contemporary Peru, focusing on variables determining the status of indigenous people within the 25 Peruvian regions. The national census held in autumn 2017 incorporated for the first time in history the possibility of ethnic auto-identification. The anticipated results might outline a new direction in terms of social status and identification within the native communities.

KEY WORDS: Peru, Quechua, native communities, self-identification, racism, census 2017

PAVLÍNA SPRINGEROVÁ – ZDEŇKA PICKOVÁ

Aspects Determining the Auto-identification of Native Communities in Contemporary Peru

Introduction

The rights and status of indigenous people worldwide were given a priority in the last decades and became the key topic for the contemporary democracy. The native question has escalated since the 1990s when the United Nations Organization (UN) issued several conventions and resolutions supporting the rights of native people. In that period many states of Latin America incorporated a status of multiethnic and multicultural state into their constitutions (the vast majority for the first time) and acknowledged the rights of all indigenous inhabitants to use their native language, continue the cultural tradition, provide traditional education or apply the self-government in their lands, including the natural resources etc. The current Peruvian constitution which recognises a multicultural character of the state was released in 1993 and the Convention 169 by International Labour Organization (ILO) was ratified one year later. This convention was ratified by most of the states with numerous native populations. Convention 169 guarantees indigenous people all rights and also prevents their discrimination (ILO 1980).

A geographical barrier of the Andes helped to form the history of Peru, as it divides the state into *sierra* (mountains), *selva* (jungle) and *costa* (coast). The indigenous people inhabiting all three parts formed independent communities with very different styles of life. The greater diversity of native groups can be found in the *selva* region where isolation and inaccessibility enabled the communities to continue the traditional way of living. Even the laws were slightly different in the area of the Amazon forest in comparison with the rest of the state. The crucial document incorporating semi-autonomy and basic rights was the *Ley de Comunidades Nativas y de Desarollo Agrario de la Selva y de Ceja de Selva* (Law of the Native Communities and Agricultural Support in the Amazon Region) No. 20653 released in 1974 (ROBLES MENDOZA 2002:18-19). Due to this law, native communities of *selva* never had any problems with recognition or confirmation of their status. The great cultural diversity includes 15 language families and 47 different languages within 1907 communities (AIDESEP 2017).

In contrast, ethnicity of the communities in *sierra* continues to be a topic of heated discussions not only among the scholars but more importantly among the participants themselves. In general, it is believed that approximately 10 % of local people incline to the category *blancos* (white), nearly 50 % identify themselves as mestizos, only 20 % feel like *indígenas* (indigenous) or *andinos* (Andean) and the rest of the inhabitants consider themselves to be *campesinos* (peasants) (THORP – PAREDES 2011:36). The vast majority of Andean indigenous people live in the five regions (Apurimac, Ayacucho, Cusco, Huancavelica and Puno) that form together so-called *Andean trapezoid*. Although the

proportion ranges from 64 to 77 %, only a few communities use the term indigenous or original (PAJUELO TEVES 2006:42). The main reason originated in 1969 with the *Ley de la Reforma Agraria* (Law of the Agrarian Reform) No. 17716 which was supposed to divide lands larger than 65 ha and redistribute them to the people who actually worked there. Indigenous communities themselves obtained only 8 % since the majority came under the competence of organisations and agricultural cooperatives. The change was all-including, indigenous communities became *comunidades campesinas* (agrarian communities) and even on 24th June, the *Día del Indio* become the *Día del Campesino[1]* (ZAPATA – ROJAS 2013:124). This suggests that the communities accepted a guarantee of ownership and social benefits in exchange for ethnic deprivation, as they converted into the working or agrarian class. The situation remained unchanged until the late 1990s under the strict government of president Fujimori. Only compromise instrumental in maintaining the native culture was an implementation of the Quechua language as an official one. Similarly, the Aymara and other original languages were made official in the area of their predomination (LOMNÉ 2014:76).

Ethnic identity in Peru was shifting and changing throughout the history and regions. Therefore, native people present themselves and are perceived by the society in various ways. Since this seems to be a common problem in many cultures, there is a need for a brief outline of terms used in Peru. As a result of a negative connotation connected to the post-colonial era, it is no longer possible to use the term *indio* (Indian) for the native people in Latin America as nobody uses it for auto-identification or indication. The term *indígena* (indigenous) is the most suitable one for academic papers and government needs, although not even this one is commonly used for self-determination. Among the most controversial ones belongs the term *cholo* which was supposed to distinguish a descendant of mixed parents who tends to prefer traditional culture to the imported one. Nevertheless, similarly to the term *indio,* this word also gained a negative connotation (LOMNÉ 2014:82).

In order to avoid a negative label, a great number of native inhabitants still prefer the socio-economic designation *campesino* (peasant) which only suggests their affiliation to the agrarian sphere of a society. As mentioned above, this term has also deep historical roots. Another politically correct term used either by indigenous people who refuse to be connected with native culture or by non-native inhabitants is *mestizo*, which became popular thanks to its neutrality. After the change of a political discourse in the 1990s, some of the inhabitants gradually accepted the term *indigenous* or *original* communities, even though only for the

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[1]   24th of June was the Day of the Indian until 1969, then it was changed to Day of the Agrarian.

whole group, not as individuals. As indicated above, the term *native* communities is used in Peru mainly for the people living in the Amazon area. Apart from the auto-identification, Peruvian government also used the primordial characteristics, such as biological appearance, language or geographical location in order to complete the statistics (LOMNÉ 2014:82, 84). This changed in 2017 when all people obtained the possibility of auto-identification in the official national census. The most common and most sensible option for the inhabitants to identify themselves is their particular culture. The vast majority would use terms like *Aymara*, *Quechua*, *Wari* or *Chopcca* instead of indigenous or *Shipibo, Asháninka* or *Boras* in place of natives. There are also natives who just simply use the word *people* in their own language to distinguish themselves. This form is popular in the area of Cusco where several communities began to use the word *runa* for indigenous people.

The following pages deal with the Peruvian specifics, complications and challenges connected with all mentioned forms of auto-identification. The 21st century seems to be favourable to indigenous communities in Peru, although there are still many obstacles that need to be overcome. What is more, unlike in bordering states, in Peru does not exist any national organisation or party which could unite and shield all the native people nationwide. In Ecuador, Bolivia and partly in Colombia indigenous people had to fight for their rights and lands which helped to establish national indigenous movements. In spite of numerous indigenous communities in Peru, the agrarian reform prevented the formation of a powerful organisation. In addition, the widespread 1990s ethno-populism never embraced within the Peruvian borders, since that was the era of Fujimori's dictatorship based on populistic and social aspects rather than the ethnicity (MADRID 2011:268). Also, the absence of a national ethnic party makes the participation in decision-making and governance even more difficult. Some of the elites managed to utilise regional organizations for the promotion of indigenous rights, needs and suggestions. Those initiatives inspired the founding of the Ministry of Culture (*Ministerio de Cultura*), enabled the official use of native languages, supported the *Ley de la Consulta Previa* (Law of the Prior Consultation), fought for the possibility of auto-identification or maintained the right to self-governance at their lands. The latest goal of the regional indigenous organisations emerges from the need to restore ethnic pride.

The survey was based also on the field research within the Peruvian indigenous communities living in the regions of Ayacucho, Huancavelica, Huancayo (*sierra*), together with Tingo

María, Pucallpa and VRAEM[2] (*selva*). Apart from that, additional information was provided by the officials of regional municipalities and local governments or by the Ministry of Culture referents. Many studies concerning the lack of indigenous movement in Peru were written either by Peruvian or foreign scholars. The article focuses particularly on the specifics that prevent original people from claiming the allegiance to specific ethnicity or to indigenous origin in general. This phenomenon is also closely related to the (non-)cooperation among the communities and with the municipalities. The additional aim is to point out the influence of the recently taken steps with regard to a perception of indigenous culture and ethnicity in general.

Persisting Racism and Discrimination

Neither in Peru nor in Latin America in general, there exist the laws for determination of the ethnic identity[3]. On the contrary, the ethnic affiliation is becoming even more variable and flexible (PINXTEN – VERSTRAETE – LONGMAN 2004:91). Two types of ethnic identity can be distinguished, the private one which brings no consequences at all, and the public one that becomes a part of a collective action, mobilisation and political choices (THORP – PAREDES 2011:23-25). Many people, who speak the native language at home, follow the original customs, celebrate the important festivities and wear the traditional clothes would still present themselves as mestizos or *campesinos*, since the public connection with the native culture often has a negative impact. Nevertheless, even those who identify themselves as mestizos would not automatically avoid racism, as the perception of others may differ. Discrimination of a specific native group tends to deepen cultural and psychological barriers. By comparison, all the Latin American states with a high proportion of indigenous people, such as Mexico, Guatemala, Ecuador, Bolivia and Peru are forced to apply preventive programs against violence (THORP – PAREDES 2011:26-27). Despite the endeavour of

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[2]   VRAEM is an acronym for *Valle de los Ríos Apurímac, Ene y Mantaro* (Valley of the Rivers Apurímac, Ene and Mantaro) located at the boundary between Ayacucho, Cusco and Junín regions. This area is also known for its poverty and trug trafficking problems.

[3]   Like for example in some states of the USA, where the native person should have at least one sixteenth of the indigenous blood.

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many institutions, organisations or official authorities, racism and discrimination still remain serious issues in Peru.

In the past indigenous people had to overcome colonial racism based on religious beliefs, following "scientific racism" formed on the theory by Joseph Arthur de Gobineau who wrote *An Essay on the Inequality of Human Races* or racism referring to the analphabetism. Sadly, the contemporary racism is even more elaborated. On one hand, indigenous people are discriminated against due to their culture, language, dressing or governing style because that excludes them from the mainstream society[4]. On the other hand, they are disadvantaged owing to the lack of education, health care, good nutrition, hygiene or housing (SIEDER 2002:227-239). The aforementioned Peruvian geomorphology supports the discrimination as well, creating two different areas of indigenous *sierra* and the coast of mestizos. (THORP – PAREDES 2011:20). What is more, discrimination originates not only from "the others" but also from the indigenous people themselves who often label themselves as "ignorant and poor". Mutual confidence is also missing.

The last mentioned phenomenon was confirmed several times during a field research in Peru. The self-confidence and confidence in others are missing from the majority of communities. The illustrative example might be the lack of native people representing their communities at local government or municipalities. People within the Amazon communities San Francisco, Santa Clara and Nuevo Egipto belong to the Yarinacocha district, but they claim too many mestizos and white people live in the area, which means there is no chance to gain a mandate at the municipality. Similarly, other answers were that they would not support the native candidate unless they knew him personally. Within the *sierran* communities, the replies were alike (OCHAVANO CUNAPA 2014, SOTO CRISPIN 2014). The authors Thorp and Paredes presented the survey focused just on the hypothetical support of an indigenous candidate to the national congress with a negative response from 43 % of mestizos and white people and 29 % of indigenous people. The research also confirmed the assumed fact that higher education influenced positively the way of thinking about native people. (THORP – PAREDES 2011:44).

Accordingly, this slightly far-fetched survey revealed that a significant number of inhabitants believe that the indigenous are violent people. Thorp and Paredes published that 62 % of mestizos and white people agreed with the statement, and what is more, 40 % of natives also

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4   For example, children of native parents are often handicapped at school due to language barrier, unfavourable economic situation or different cultural values.

claim that indigenous people are violent (THORP – PAREDES 2011:45). Something of that sort was happening in the majority of the municipalities during the research, including the assurance that it is safe to visit original communities since they are not as savage as before (LÁZARO TORALVA 2014). From these results, it is clear that the situation improves more slowly than expected and a prejudice is often mistaken for a fact. The most effective programs implemented by the state and local governments focus on raising public awareness and education, as well as on the involvement of native people, mainly the vulnerable component of indigenous women, into public social life. It follows that many people feel safer and sometimes more confident as mestizos or *campesinos* rather than face various forms of discrimination.

Indigenous elites and elected officials also make an effort to reverse the stereotypes. However, according to Lomné the perception of a native person with a function is always different. As the anthropologist Eriksen quoted: "Wealth makes people lighter" (ERIKSEN 2012:27). It means, when some indigenous person accepts a public function, the process of *mestizaje* begins and the perception changes (LOMNÉ 2014:82-89), which is unfortunately also a product of racism and thinking that native people should not hold public posts. Several people intended to turn those ideas, most recently three indigenous women who were elected to the national congress for the term 2006-2011: Juana Huancahuari, Maria Sumire a Hilaria Supa. They became famous for wearing traditional clothes and speaking Quechua during the congress sessions. Their mandate was successful and resulted in the new *Ley de Lenguas Indígenas* (Law of the Indigenous Languages) that designates 47 indigenous languages as official ones (CULTURAL SURVIVAL 2017). What is more, another two indigenous congressmen from *sierra* and one from *selva* were elected for the following term (VILLANUEVA MONTALVO 2012:59).

The last of the aforementioned stereotypes that keep repeating is a resilient connection between indigenous and rural or indigenous and poor (CHIRAPAQ 2017:8), which hardens the position of those indigenous who decide to live in a city. According to the author Henri Favre there is no solution to this situation, as "the indigenous becomes the citizen and stops existing". It is nearly impossible to move into a city and not to lose ethnic identity, use the native language and continue with the traditions. (FAVRE 2007:26). Others perceive this process as *mestizaje* when people lose their natural environment and ethnic purity, though they gain better social status and modernisation (CUELTO – LERNER 2011:17-24). In contrast to those ideas, there are many native people actually living in the cities without the necessity of leaving their culture or losing the language. There are positive examples in Mexico, Guatemala, Ecuador or Bolivia. In Peru itself, Ayacucho, Puno, Pucallpa or Tingo María could be named as well. The well-known proponent of the modernisation without

losing the native culture is Juan Ossio Acuña who claims that Quechuas and Aymaras can achieve the incorporation to the modern society without giving up their customs, language, traditional institutions or the cosmovision. In other words, they can maintain the wholeness of their culture (OSSIO ACUÑA 1994:16-17).

As this part shows, education and public awareness hold a key to the way out of the vicious circle of discrimination and unfavourable status of native people. The positive progress continues and some of the results will be mentioned in the last part of this text. Various indigenous organizations deserve the credit for their programmes against racism, even though they realise it is still a long-term process. As the Centre for Indigenous Cultures of Peru CHIRAPAQ[5] quoted on their website: "To eliminate the racism means deep social and economic changes which cannot be realised yet" (CHIRAPAQ 2015).

Weakening Rivalry

The previous part dealt with factors, explaining the inclination to the auto-identification with a social class rather than the indigenous ethnicity, like racism, discrimination of native people, or homogenous politics in the second half of the 20th century. On the other hand, there are also some profits connected with the ethnic identity associated with government social programmes, electoral quotas or NGO's projects. The identification with an ethnic group just to benefit from it was described as the instrumental identity or secondary identity. The identification then turns as a product of rational thinking and (often material) goal achievement (PRŮCHA 2010:121). Sometimes it is difficult to distinguish the motives for the particular ethnic identification, mainly among the communities living close to the towns and cities, where the differences between indigenous and mestizo become more blurred. The second external factor influencing the ethnic identification is based on the sense of an external threat. Individuals tend to identify more easily and tightly with their ethnic group when there is a need for collective action or when they face a serious problem. (THORP – PAREDES 2011:20). This indicates that some of the native communities depend on external motivation to take some action. In case of Peru, this works on the level of districts or regions where the communities fight against mining, oil production, deforestation, uneven economy or

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[5]   The Peruvian organisation CHIRAPAQ (*Centro de Culturas Indígenas del Perú*) was founded more than 30 years ago. Among the main aims belong promoting of indigenos self-awareness, supporting their identity and acknowledgement of indigenous rights.

discrimination. Nevertheless, there is no such appeal that would unite all the indigenous people nationwide.

Up to now, the dividing factors have been stronger than the uniting ones and the existing rivalry tends to weaken the position of indigenous people in general. The cleavages could be divided into the geographical, political, community, social and religious spheres. The geographical one is patterned on the given ethnic, biotope and legal differences between the regions of *sierra* and *selva*. Amazonian native people seem to have a slightly better initial position thanks to the responsive laws and greater autonomy (for example, the autonomous territory of the *Wampis* nation was recognised in the Loreto region in 2015.) (SERVINDI 2015). The majority of the municipalities include a department for indigenous issues, frequently run by native officials commuting from the communities[6]. Also, the funding is sufficient to support several pro-indigenous projects, more gladly those initiated by the communities themselves. The role of the shielding organization in the *selva* region was adopted by the Interethnic Association for the Development of the Peruvian Rainforrest AIDESEP[7], which is the largest organization helping to protect the rights of native communities and provide them with the greatest autonomy possible. The supporting CAAAP[8] organization not only protects the indigenous rights but also helps to research the field and public reference books. Local communities claim to have nothing in common with indigenous people in *sierra* and vice versa.

Original people of the *sierra* began their different history even before the conquest when they were united under the Incan Empire. The aforementioned laws at the end of the 1960s completed the process and shifted their status to the agrarian communities instead of the indigenous ones, and until today many scholars have claimed that those original communities do not even exist (HUAMANÍ 2014). Among many communities labeled *comunidades*

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[6] A living example could be the municipality in Pucallpa with the *Oficina Municipal de Asuntos Indígenas OMAI* (Municipal Office od Indigenous Matters), administrating seven districts with *Awajun, Ashaninka and Shipibo* ethnicities and providing consultations, protecting the natural environment, promoting education and advocating human rights. Another model functions in San Francisco VRAEM with the *Ashaninka* communities.

[7] AIDESEP (in Spanish *Asociación Interétnica de Desarrollo de la Selva Peruana*) was founded in 1979 by indigenous representatives with the aim to represent native communities, support farmers and provide necessary support against the oil companies. The leadership is chaired by the National Assembly elected for three years.

[8] The Amazonian Centre of Anthropology and Practical Application CAAAP (*Centro Amazónico de Anropología y Aplicación Práctica*) has existed since 1974. It facilitates intercultural negotiations, promotes indigenous rights and publishes various academic papers dealing with the *selva* region.

campesinas by the state are very few who see themselves as *comunidades indígenas* or more as proud nations. For example, in the Huancavelica region, there are four large communities who (unlike the hundreds of others) identify themselves as indigenous – *Chopcca, Anccara, Carcapata* and *Llillinta*. The *Chopcca* nation tries to obtain an autonomous status and up to now, they are allowed to apply customary law and continue their tradition (ESCOBAR DE LA CRUZ 2014). Although more similar communities could be found within the *sierra*, especially in the regions of Ayacucho (*Quispicanchi*), Cusco (*Q'eros*) and Puno (*Uros*), they remain underestimated or even invisible. As far as the financing is concerned, the situation is significantly worse and the municipalities struggle with the redistribution of the funding. All the *sierran* indigenous communities lie within the authority of social departments. Similarly, in 1999 the National Federation of Peruvian Communities Affected by Mining CONACAMI[9] (*Confederación Nacional de Comunidades del Perú Afectadas por la Minería*) became the uniting organization, which dealt mainly with communities affected by mining amd omitted the others (LOMNÉ 2014:13).

On this basis, it can be concluded that effective cooperation across the regions is not possible yet. However, the lack of effective collaboration limps along among the authorities and communities as well, which come under political cleavage. The indigenous organizations have the role of an intermediary between the state structures and original population. Apart from the aforementioned ones, a great deal of effort is made by the organisations like CHIRAPAQ that promotes public awareness and dedicate itself to the socio-ethnic programmes or National Organisation of Andean and Amazonian Women from Peru ONAMIAP[10] (*Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú*) collaborating mainly with indigenous women. The mistrust in traditional political structures and limited possibility of (self-) representation still remains an important issue to solve (VILLANUEVA MONTALVO 2012:47-48). Similarly, the negative opinion can be observed even among the officials. Some of the local governments share the opinion that the communities do not seek the change, they are not progressive, always look for easy solutions with no effort etc. (WEBB 2011:173). This problem stems from the shortage of effective communication channels either in the horizontal or the vertical level recognised by the officials and indigenous elites (VILLANUEVA MONTALVO 2012:67), which was

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[9]   CONACAMI was founded in 1999 and helped more of the 1200 communities affected by the mining. However, today it is widely seen as fossilized and little productive.

[10]   ONAMIAP cooperates with indigenous women and native communities since 2009. There are five main aims: autonomy, democracy, equality, interculturlity and reciprocity.

confirmed during the field research. Not only that the communication and information exchange between the communities and municipalities was poor, but also the communication channel between the municipalities and the state does not work well. What is more, some of the communities in the area of Pucallpa region surprisingly refused to cooperate with the AIDESEP or the local municipality and preferred a regular contact with the Municipal Office for Indigenous Affairs in Pucallpa concerning the issues of trust.

In addition, every municipality has a slightly different vision and the officials are rarely re-elected, which makes effective cooperation even more difficult. Elected non-indigenous mayors tend to depreciate initiatives of the communities and, on the other hand, indigenous mayors incline to be exclusive or privilege their own community (OCHAVANO CUNAPA 2014). According to Martí i Puig those mayors keep struggling between the idea of fulfilling the promises given mainly to their voters or making the politics which include all the people of the region (MARTÍ I PUIG 2007:326). As one of the consequences of this divergence, there is almost no collaboration among the neighbouring communities, except traditional reparation of the roads and cleaning of the drains adopted from the Incan times. This leads us to the community sphere, where especially in the *sierra* it is difficult to mobilise the people since the gap between "us" and "them" is too profound. Latent friction exists between the Aymara and Quechua ethnicities and also between those who see themselves as agrarian on one side and indigenous on the other side (ROEDL 2007:135).

An unusual case of rivalry was discovered during the research in the *selva* region of Tingo María. Two native communities *Soibiri* and *Bena Jema* decided to relocate from the region of Pucallpa and started a new life here, one 17 years ago and the other one 5 years later. Although both of them speak the native Shipibo language, use traditional clothing for special occasions and make traditional jewellery and textiles, they have never found the same wavelength and each tries to profit at the expense of the other one. However, this example was exceptional and the tension among communities hardly ever crosses the line of competitiveness. In contrast, inside each community appears to be a large amount of solidarity, all the members help each other and nearly everyone participates in communitarian work. The only problem appears when it comes to the interests of a family, which creates the basic unit of each community. The development projects coming to the area are always designated in a way that supports the whole community, yet when a member is forced to choose between the profit of a community or just the family, the family wins. The other reasons a tension within the community appear to be land disputes or slight cultural, political and religious differences (MARTÍ I PUIG 2007:326). Religion divides people mainly in *selva,* where traditional faith met imported Catholicism, and what is more, a large number of

evangelic denominations became successful by using native languages and searching for isolated communities.

To sum up, the perception of the ethnic identity remains in the process of slow modernisation supported by education and promotion of public awareness by indigenous elites and various organisations. Educated members of the indigenous communities (especially women) are confirmed to have a positive influence on the following generations within the community. Many indigenous people lack necessary information about their actual rights, about the possibilities of elections or awareness about the regional, state or international projects. The number of officials and mayors with claimed allegiance to an indigenous community is continuously increasing, and what is more, new organisations seeking for intercultural dialogue (like CHIRAPAQ, ONAMIAP or SERVINDI[11]) are arising to replace the fossilised ones. Nowadays communities and indigenous populations are perceived as compact collectives, and their ethnicity became politicised[12]. It became more important to enter the public sphere and change the private identity into the public one. Intercommunity dialogue depends on the future will to solve the problems together and promote the importance of ethnic rights across the various communities and different regions.

The New Discourse

The matter of indigenous people has been keeping Peruvian governments occupied since the very beginning of the state, yet the real breakthrough came with the above mentioned multicultural-state constitution from 1993 and the ratification of the 169 ILO Convention a year later. Although this constitution originated from an authoritarian government, it was never changed, only mild adjustments took place in 2002 when the state was decentralised and each region gained a regional government. In the same year, the law about electoral quotas for women, young and native people, was carried through. The last attempts to change the constitution in order to broaden indigenous rights took place in 2003 when the indigenous

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[11] Intercultural Communication for the More Humane and Diverse World SERVINDI (Comunicación Intercultural para un Mundo Más Humano y Diverso) is dedicated to the effective communication among indigenous communities and authorities and spreading the reliable information.

[12] Espinosa, O. – Pajuelo Teves, R. 06/05/2014. La Participacion y Representacion Politica de Pueblos Indígenas. In: Participación y Competencia Politica en el Peru: DESAFIOS DE LA REPRESENTACION POLITICA. Lima: Auditorio del IEP. Available on: http://www.youtube.com/watch?v=ov4Zo3qMo0M.

council with more than 200 members representing the original communities was formed. However, the modifications were declined by 77 votes (COPPIP 2004:1-2). In the course of time, the promotion of the original culture to the key component of Peruvian society became one of the important goals of the state (ZAPATA – ROJAS 2013:80).

The present course of the Peruvian politics supports an idea of multicultural state and a greater autonomy of the communities. That was the reason for the establishment of the Ministry of Culture in 2010 together with the Vice-ministry of Interculturality (*Viceministerio de Interculturalidad*), which communicates with local governments, enforces the indigenous rights and coordinates various activities connected with the original lifestyle. The cornerstone of the active indigenous participation in the national politics was laid with the *Ley de la Consulta Previa* No. 29785 in 2011. Prior Consultation enables the original communities to co-decide about the national programmes and plans that involve their lands[13] (GOBIERNO PERUANO 2011). Among the 42 consultation processes, which have been realised since 2011, the main topics were mining, contracts with PeruPetro or use of hydrocarbons (CAAAP 2017:7). In some cases, the indigenous territories are not respected since the communities failed to be recognised or the local people denied any ethnic affiliation. Another issue is connected with bribery[14] (DAVILA PUÑO 2005:108). Following important step proceeded also in 2011 when the ministry published the *Ley de Lenguas Indígenas* No. 29735, inspired by indigenous congresswomen. Besides Spanish and Quechua*,* another 47 native tongues gained the status of the official language in the districts where the particular language is spoken, in order to maintain the diverse language heritage via bilingual education and literacy (GOBIERNO PERUANO 2011). In general, the government is using the active politics to awake the ethnic pride again and meet the expectations of a truly intercultural and multiethnic state.

Those laws enable to apply the promised autonomy of the communities in practice. According to Davila Puño, there should be five inviolable spheres, such as the right for the autonomous economy (ownership of the lands, projects), independent politics (independent tools), sovereign jurisdiction (customary law), freedom of religion and autonomous education (in native language) (DAVILA PUÑO 2005:16). According to the constitution,

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[13]   The whole process consists in seven steps: 1. specification of the object, 2. identification of the communities involved, 3. presentation of the project, 4. information about the project, 5. evaluation by the indigenous community, 6. dialogue and discussion, 7. final decision.

[14]   For example, some of the communities in *selva* agreed with oil extraction in exchange of financial support from the company.

communities have the right for so-called Peasant Patrols (*rondas campesinas*) to apply a customary law. Those arguments were supported also by Donna Van Cott who stressed that the communities in the Andes have all the legitimate sources for the self-government. The lack of interest from the national government in the past turned into a self-sustainability of the local populations (VAN COTT 2008:14-21). In other words, every original community should be an indisputable owner of the lands within its borders, apply the most suitable form of organisation, have the right to co-decide about the planned projects or have the right to speak and learn in their own language (ROBLES MENDOZA 2002:201-205). It is believed that the Andean culture is strong enough to deal with all challenges, yet the excessive autonomy could cause social isolation. The authors Pinxten, Verstraete and Longman suggest the continuity of the traditional life with an adaptation of some useful elements from other cultures, in this case the dominant Spanish culture (PINXTEN – VERSTRAETE – LONGMAN 2004:95-97).

The greatest achievement is connected with the *Wampis* nation from the Loreto region in Amazonia, which declared the autonomy on 30th November 2015. The autonomous territory comprises of 85 communities, roughly 15,300 inhabitants in total, represented by 96 independent *Irunin* (congressmen). Mr. Wrays Pérez Ramírez was elected to the function of the first *Pamuk* (president) and his primary goal is to protect natural environment of the Amazonia by excluding all the oil companies that entered without a consultation (SERVINDI 2015), promote the unity among the communities and set the rules for the cooperation with indigenous organisations. The national government is not permitted to intervene in internal conflicts and also all the institutions are fully independent. The whole process was enabled by the 169 ILO Convention (AIDESEP 2017).

Furthermore, among the traditional indigenous communities emerged another manner of ethnic presentation or (self-) identification with roots in telurism (*telurismo*). This trend originated in the Andes and it is based on the respect to the natural forces, especially Mother Earth (*Pachamama*) and Father Sun (*Taita Inti*) (FAVRE 2007:65). A special emphasis is placed on the relationship with nature and with the elements. Namely, in the case of Peru, the gradual expansion of Incaism (*incaismo*) could be observed since the half of the 20th century. The main aim is to restore the value of the traditional culture. Since 1944 Peruvians have been celebrating the ceremony of *Inti Raymi*[15] (Sun Ceremony) again, and in the 1960s the

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[15]   *Inti Raymi* held during the winter solstice on the southern hemisphere (June) was one of the most important ceremonies celebrated within the Incan Empire. It also meant the New Year and new

rainbow flag became one of the symbols of new *Tawantinsuyu*[16] (Incan Empire). On one hand, this movement tends to highly idealise life under the rule of Incas. On the other hand, it contributes to the awakening of ethnic pride (FERNÁNDEZ – ASENSIO 2014:255-257). Moreover, the people living in the towns or cities, who have already lost their native language and customs, seem to identify themselves with this particular thinking more easily.

The *Familia Ancestral Kunturkanki*[17](Ancestral Family Condor Virtue) existing in Lima, Cusco and Ayacucho makes an illustrative model of the aforementioned phenomenon. This organisation gathers the people who consider themselves to be descendants of the indigenous culture but have already lost the contact with the language and traditional everyday customs. Still, they identify themselves as indigenous people. Their mission is to restore the ancestral roots and renew the ethnic identity. In order to continue the Incan tradition, the elites of the group use names in Quechua. For instance, the leader is called *Atoq* (Fox) and the deputy leader in Ayacucho is known as *Puma* (Puma). What is more, all the members consider themselves brothers and sisters. The culture of this group is based mainly on the traditional ceremonies worshipping the nature, like spiritual walks to the mountains, ceremonies of the new moon as well as the full moon, equinoxes, winter solstice and the most important summer solstice *Inti Raymi* that takes place at the ruins of Wari near Ayacucho. Incan symbols, such as the Andean cross *Chakana,* the flag *Wiphala* or rainbow flags are essential at every festivity celebrated according to the Quechua culture[18]. Besides promoting the

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beginning. The modern celebration continues with traditional dances, purifying ritual and adoration of the Sun and Earth, just the traditional animal sacrifices were replaced by sharing the food.

[16]   *Tawantinsuyu* means "the realm of four regions" which consisted of *Antisuyu* (east), *Contisuyu* (west), *Chinchaysuyu* (north) and *Collasuyu* (south). The Incan conquest began in the Cusco region in 1438 and whole *Tawantinsuyu* was consolidated in the 1470s. The realm was connected by the system of roads called *Qhapaq Ñan* and Quechua was used as universal language. Most of the inhabitants were working on their fields, breeding animals or serving the nobility, which represented the priviledged class of the society. On the top ruled the sacred *Sapa Inca*, who was considered god, and his royal family. The hierarchical society obeyed three simple laws: *Ama Sua*, *Ama Llulla* and *Ama Quella*, which means do not steal, do not lie and do not be lazy.

[17]   Members of *Familia Ancestral Kunturkanki* try to renew the Incan roots and promote the identification with pre-colombian life style. They share the ideas of reciprocity, great respect to the Sun, Mother Earth and four elements, use traditional symbols, as well as they educate themselves about history, myths and cosmovision. Most of the members live in Lima, nevertheless there are local branches in Ayacucho and Cusco.

[18]   Everyone participates actively in the ceremonies, preparing wood for fire and food, taking part in the purifying act with flower water (*agua florida*) and smoke, obtaining ceremonial ribbon and *quintu* of coca leaves, worshipping the Mother Nature (*Pachamama*), Father Sun (*Taita Inti*) and Absolute Energy (*Pachakamak*), burning the quintu together with a secret wish and finally sharing the moment and eating together. Information based on the field research in Peru.

traditional culture the organisation also dedicates to the education and protection of the natural environment.

Even though the official politics of the Peruvian state continues focusing on liberal economy and supporting the supranational companies, this part proves that the indigenous organisations, leaders of the communities and the dedicated ministries (mainly the Ministry of Culture, the Ministry of Education or the Ministry of Social Development) have a great impact on the improvement of the position of native communities. The current status of the Peruvian indigenous people will become more transparent after the publication of the 2017 census results. However, all leaders of the indigenous organisations and authorities within the original communities are instrumental in building a strong cultural identity and seeking a way of coordinating and representing indigenous people in the largest area possible, which still remains difficult due to deep differences among the communities nationwide or the reluctance to make compromises. To create a successful movement requires the uniting issues, claims and goals (LOMNÉ 2014:30-35). For now, the most important is the positive shift in thinking. Juan Ossio Acuña believes in the possibility of state modernization without losing the traditional ethnics. The other way around, the original means the modern (OSSIO ACUÑA 1994:16-17).

National Census 2017 and the Future of Indigenous Communities

The highly anticipated 2017 national census results should bring more light to the future of the indigenous communities in Peru. Since the beginning of the 21st century indigenous organisations, mainly the CHIRAPAQ intended to include the right for ethnic auto-identification into the national census. The pilot attempt to map ethnicity based on the auto-identification took place in 2001 during the national inquiry of the households. Officially, the 2017 census included the question about the ethnic (self-) identification. For the first time, there will be an almost exact number of people who consider themselves as indigenous without an external label or determination. The preceding campaign *Raíces que Cuentan* (Roots that Count) organized by the ONAMIAP was meant to increase the awareness about the opportunity to demonstrate the ethnicity, personalise the issue and support ethnic pride. The ONAMIAP visited most of the regions with the main motto *Soy indígena, soy del Perú[19]*.

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[19]   I am indigenous, I am from Peru.

Another goal of the organisation was to promote and emphasise the existence of indigenous communities to the national government (ONAMIAP 2017).

The census had to cover 1867 districts and more than 7000 communities during September (in Lima) and October 2017. The Statistic Institute explained the placement of a new question with the necessity to establish a more appropriate politics towards the indigenous communities based on the real data. As a result, the state could also reassess the actual perception of the indigenous and afroperuvian people and apply more sensitive programs to the particular geographic areas, as the ethnic identity plays an important role in three areas – political, cultural and social. Also, the intercultural dialogue would become more objective. The rights for the auto-identification have all the inhabitants older than 12 years of age (INEI 2017). The phrasing of the ethnic question within the 2017 census was: Concerning your customs and ancestors, do you feel like or do you consider yourself as…? And there were the following answers:

Quechua

Aymara

Nativo o Indígena de la Amazonía (with specification)

Belonging to other Indigenous or Original pueblo (with specification)

Black, Zambo, Mulatto, Brown or Afroperuvian pueblo

White

Mestizo

Other (with specification)

An interesting fact is that there is no possibility such as *campesino* or agrarian which means that native communities living in the *sierra* were supposed to decide either for Quechua, Aymara, Mestizo or Other. It is widely known that despite the ethnic awareness, it also depends on the form of the question. Some of the Peruvian inhabitants surely looked for the answer considering their habits and culture of their antecedents[20] (ONAMIAP 2017).

What does it mean to be an indigenous person in Peru? The census triggered a fresh wave of discussions concerning ethnicity, and the auto-identification turned into a decisive factor in the context of recognition of indigenous rights. Apart from the identification, an elimination of the prejudices mentioned in the previous parts also became a priority. Within an informative campaign about the 2017 census, the CHIRAPAQ organization surveyed a common characteristic of the indigenous people from *sierra* and *selva* in order to encourage

the sense of belonging. Respondents suggested traditional clothes, customs, shared history and origin as something they have in common. Accordingly, some of the joint problems were identified as well, like discrimination, lack of opportunities, poverty, analphabetism or malnutrition (CHIRAPAQ 2017:5, 8, 36). From those answers, it is clear that the bond among communities across the regions remains weak. However, the multiethnicity of the state has shifted from theory in the 1990s to the reality in the 2010s when identification with the indigenous origin seems easier than ever before.

Conclusion

In conclusion, it appears that the process of ethnic auto-identification in Peru is far from a simple assignment. On the contrary, the whole complex of factors like awareness, confidence, education, geography, laws, pride, politics, social and economic status or religion are involved. The constitution authorised in 1993 and ratification of the 169 ILO Convention merely started the process of positive changes in the perception of the ethnicity. The real transformation happened with the decentralisation, *Ley de la Consulta Previa* and *Ley de Lenguas Indígenas* that enabled indigenous people to actively participate in the public life. The ethnic identity exceeded the private sphere and actively forms the role of an individual within the society. Although the ethnic variety in Peru is very diverse, a considerable number of native people preferred to identify themselves with a non-indigenous identity until recently. Some of the most discouraging factors for an ethnic affiliation were aforementioned racism and related discrimination, when the words *indio, nativo* or *indígena* gained the connection with various prejudices and stigmas. Unfortunately, similar perceptions exist among the indigenous people as well since they often call themselves ignorant and poor,

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[20]   According to the example found within the statistics of the *Centro de Culturas Indígenas del Perú* CHIRAPAQ (Centre of Indigenous Cultures in Peru) and Marcos Valdés, illustrative example happened in the case of Chile. The Chilean census question for the year 1992 was: As a citizen of Chile, do you consider yourself as a member of some the following cultures? In 2002 the question slightly changed to: Do you belong to some of the indigenous or original *pueblos*? This shift resulted in statistic decrease of members belonging to some of the native cultures, even though the real state remained unchanged (MAPUNET 2004).

which results in debilitating distrust. Dealing with those problems has gradually become one of the priorities of indigenous organisations.

Pro-indigenous associations and indigenous elites have a function of an intermediate between the state and communities. However, their impact still remains only regional or local and there is no nationwide organisation defending the native peoples' rights. Recently, the groups like CHIRAPAQ or ONAMIAP have transformed and now they are trying to include as many indigenous cultures as possible to revalue their ethnic origin. Their influence is noted within many communities that reassessed passive acceptation of a status quo and started to fight for the fair status. Yet, the (self-)confidence of the native people themselves makes only a little difference since there is a need for a society-wide change in the perception of original communities. The best solution with regard to a status of indigenous people within a modern state was outlined by Juan Ossio Acuña with his theory of modernisation without losing the original culture. Some of the cited authors claim that for a strong bond there is a need either for a serious threat or some resulting advantages, which are still missing in Peru. One of the key elements is to find the common platform and cooperate together. When the status of indigenous people, in general, is high, every community included could profit from it, which would make the ethnic auto-identification even more sensible.

In contrast, various researchers showed that the communities still tend to seek for differences rather than similarities. For example, a distinct religious belief could be the reason for excluding people from the community or for a complete change of ethnic affiliation. In addition, the aforementioned social, political or economic differences have also a huge impact on an ethnic perception, as pro-indigenous municipalities tend to encourage the ethnic auto-identification and vice versa. As a result of geographical distinction, it could be anticipated that people living in the *selva* region, especially those who experienced the forthcoming policy of the authorities, are more likely to auto-identify with a native ethnicity in comparison to the *sierra* region. Those differences were intensified with the *Ley de la Reforma Agraria* and continued with uneven funding or under-representation in the *sierra*. The illustrating case of the autonomous Wampis nation was described as one of the most successful steps in order to restore indigenous rights. On the other hand, the *sierran* nations like *Chopcca* are still kept in reference as agrarian communities and their power is limited. Nevertheless, the category *campesino* was missing at the 2017 census, so the results will indicate the current perception of the *sierran* identity. Either it could finally help to change the constitution together with the outer perception or it would show that *sierran* indigenous people have chosen an alternative way.

The 2017 census, in general, was meant to increase the ethnic pride and public awareness about the indigenous question. Although the campaign *Raíces que Cuentan* and the responsive laws proceeded within the last decade are expected to have a positive impact on the ethnic consciousness, the past experience, lack of information or distrust still tend to shift the perception reversely.

Acknowledgements

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Sixteenth-century Mexican Monasteries and Art. An Anthropological Perspective

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ABSTRACT

This paper deals with sixteenth-century Mexican monastic architecture and art. Mexican monasteries were constructed all over the territory of New Spain (1635-1821) in relation to the need to evangelize the native American populations. The article discusses the place of this architecture and art in the historiography of the history of art taking into consideration the changes of paradigms and putting particular emphasis on anthropology and its approaches. In terms of method, it is interdisciplinary and combines synchronic and diachronic perspectives.

KEY WORDS: Mexico, New Spain, sixteenth century, evangelization, native American populations, monasteries, art, interdisciplinarity, history, anthropology, synchrony and diachrony

Introduction

This paper addresses the sixteenth-century Mexican monastic architecture and art which was built in Central Mexico (Ciudad de México, México, Morelos, Puebla, Tlaxcala, Hidalgo) by three missionary orders[1] (BORGES 1992) with the aim of evangelizing the indigenous populations (GÓMEZ CANEDO 1993; GÓMEZ CANEDO 1977; KOBAYASHI 1996; WRIGHT 1998). The majority of these convents were constructed between the years 1550-1570 (RUBIAL GARCÍA 2002:49; KUBLER 2012:403-407).[2] After 1570 the process of Christianization of natives began to be considered to have been accomplished. In consequence, the Spanish Crown ceased to support the religious clergy and initiated a process of secularization of the monasteries. Due to this fact, the monks were forced to leave their monasteries, passing them into the hands of the secular clergy, and move to remote areas like Northern Mexico (where their work was still needed).

As regards my research, I visited Mexico for the first time in 2010, when I discovered the Mexican monastic architecture and art and began to deal with it in more detail. What surprised me while reading the specialized literature was the lack of consensus about art historical terminology in authoritative works, as Rie Arimura, a Mexican art historian, pointed out in her article entitled *Hacia una nueva historia del arte: desmitificación de los conceptos estilísticos del arte novohispano del siglo XVI* (Towards the New History of Art: Demystification of Stylistic Concepts of the 16th Century New Spain Art) (ARIMURA 2005:165-183).

In Mexico, the European taxonomy and approaches of history and history of art began to be implemented – in connection with the constitution of national states – from the nineteenth century. At this time, Mexican and American scholars like Manuel G. Revilla (1864-1924), Manuel Romero de Terreros (1880-1968) and Sylvester Baxter (1850-1927) introduced Mexicans to the history of what was called colonial art (BAXTER 1934; REVILLA 1893; ROMERO DE TERREROS 1922). Afterwards, their work was followed by others, namely by Mexican Manuel Toussaint (1890-1955), Spanish Diego Angulo (1901-1986) and

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[1]   The term "missionary orders" refers to three regular orders, namely the Franciscans, Dominicans and Augustinians, to whom the task of evangelizing the aborigine populations of Mexico was entrusted. They were joined in 1566 by the Society of Jesus, which the Spanish Crown also considered a missionary order from 1568.

[2]   According to George Kubler, a prominent art historian and specialist in Mesoamerican art both pre-Columbian and colonial, in 1550 in Mexico there were only 50 convents; by 1570 there were more than 273. Antonio Rubial García, a Mexican historian, states that in 1570 there were 273.

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American George Kubler (1912-1996) (ANGULO 1950; TOUSSAINT 1965a; TOUSSAINT 1965b; TOUSSAINT 1962; KUBLER 2012). Nevertheless, according to Arimura, the approach towards colonial art and architecture based on European theory and concept did not correspond to the specific American reality and led to the prioritization of documentary evidence written by Europeans over those written by natives and to the persecution of the unique cultural identity of American art and architecture. The origins of revisionist discourse date back to the 1960s, when ideas associated with positivism, Darwinism and evolutionism (e.g. the idea of artistic styles) or the introduction and use of European terms (e.g. high and low art, folk art) began to be criticized. Some authors, such as Damián Carlos Bayón, an Argentine Art critic, stress the absence of chronology as one of the major features of Latin American art in general (BAYÓN 1974:55, 174), and Gauvin Alexander Bailey, an American art historian, who mentions, in connection with the history of Latin America's art, chronological anarchy (BAILEY 2005:15-16). At present, a number of publications with a new perspective seeking for innovative methods and fields of research on colonial art (e.g. discourse analysis) have been published, including authors like Elisa Vargas Lugo (VARGAS LUGO 2005), Elena Estrada de Gerlero (ESTRADA DEL GERLERO 2011) and Gloria Espinosa Spínola (ESPINOSA SPÍNOLA 1999).

The same gap – given by neglecting the indigenous sources – can be observed in the example of classical works on conquest (CHAUNU 1969; PRESCOTT 2001), which are significantly marked by an Eurocentric gaze (i.e. they conceive the European colonization of New World as an act of spreading Western culture and civilization). On the other hand, there are works by Inga Clendinnen (CLENDINNEN 1991; CLENDINNEN 2010), an Australian historian; by James Lockhart (LOCKHART 2013), an American historian of colonial Latin America; and by Miguel León-Portilla (LEÓN-PORTILLA 2013), a prominent Mexican historian, which offer an interesting perspective on the Conquest of Mexico in pointing out the misinterpretation of natives' behavior and Post-Columbian written sources caused by Eurocentrism. Of especial interest are also interpretative works by Serge Gruzinski (GRUZINSKI 2013; GRUZINSKI 2006; GRUZINSKI 1992), a French historian and specialist in Latin America, who frequently comes with an innovative view of the themes associated with Mesoamerica and its cultures (as the title of one of his most renowned books

– entitled *La guerra de las imágenes. De Cristóbal Colón a "Blade Runner" (1492-2019)* – suggests). Furthermore, he prefers to work with visual resources.
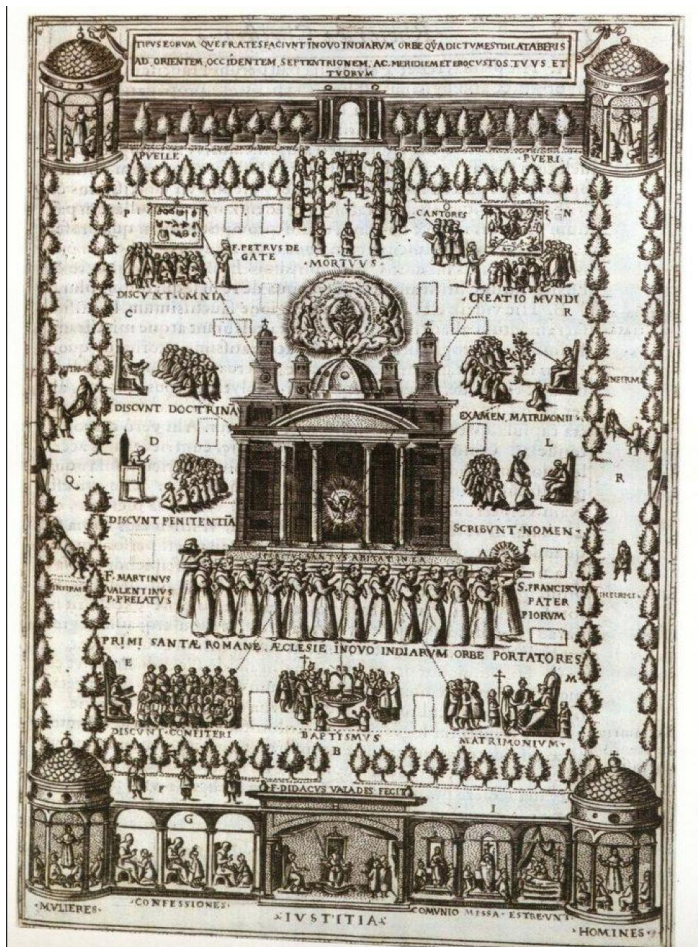

Figure 1: *Atrium Sacramentorum.* Diego de Valadés, "Rhetorica christiana", Perugia. Engraving, 1579. Taken from: Esteban J. Palomera, "Fray Diego Valadés, O.F.M., evangelizador humanista de la Nueva España: el hombre, su época y su obra", México, D.F., 1988.

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As a historian, I was trained to work solely with the documentary evidence deposited in archives and other institutions. The traditional category of "sources" conceived as written documents was never questioned, although many historical schools like the Annales School, History of Mentalities, Cultural History and Historical Anthropology have already pointed out a few decades ago the benefits of using other types of historical evidence, such as visual resources, instead of hand and/or typewritten documents. However, an encounter with Mexican monastic architecture and art (such as my previous university formation in humanities) together with a lack of written resources from the indigenous population of New Spain who would have kept their testimonies, made me think about the firm bond between the history and archival funds, as well as about the use of visual ones. Then, influenced by the historical schools mentioned above together with Gustaaf Renier (RENIER 1950), a British professor of Dutch History, who suggested replacing the classical historical idea of *sources* with that of *traces* (which can be any object such as manuscripts, printed books, buildings, furniture, the landscape, paintings, statues, etc.) of the past in the present, I started to focus on work with visual evidence. As Peter Burke, a British historian wrote, I am convinced that images allow historians "to share the non-verbal experiences or knowledge of past cultures" and enable them "to imagine the past in more vivid colours" (BURKE 2001:13). Further, my former education in humanities (especially in history of art and anthropology) led me to symbolic anthropology. Especially, the works written by its representatives – an American anthropologist Clifford Geertz and his British colleague Victor Turner – made me think about architecture and art as symbolic communication. In an attempt to understand what the sixteenth-century Mexican monastic architecture and its art communicated to the natives and how, I began to prefer diachronic approaches, since they allow the study of inner functions and structural relations of an era and/or a phenomenon instead of the study of their changes and developments in time. Namely, I started to work with the following anthropological notions and concepts: the Arnold van Gennep concept of rites of passage, the Turner notion of *liminality* together with his conception of society divided into two different modalities called *structure* and *anti-structure* or *communitas*, and the Geertz concepts of art as "model of reality" and "model for reality" (GEERTZ 2003:90-92).

As I have already stated, the aim of this article is to interpret Mexican monastic architecture and art from the point of view of symbolic anthropology. This architecture together with its artistic decoration was meant as one of the main tools of evangelization and as such it has been already studied by many Mexican, American and French scholars, namely the historians and art historians (BALLESTEROS GARCÍA 2000; CÓMEZ RAMOS 1989; DUVERGER 2003; ESPINOSA SPÍNOLA 1999; GÓMEZ MARTÍNEZ 1997; KUBLER 2012:289-437; MCANDREW 1965:121-597; MELI PIRALLA 2011; RUBIAL GARCÍA 2002). The artistic decoration in form of murals and sculptural reliefs was generally created by Indian artists and craftsmen in collaboration with European missionaries and as such it combines Western and Mesoamerican artistic forms and techniques. For this reason this art was labelled mestizo, *tequitqui* (MORENO VILLA 1986), or lately Indochristian (REYES-VALERIO 2000), and lately there has been a large discussion concerning the appropriate terminology (BAILEY 2005:79-97; ESCALANTE GONZALBO 2008). Turner's concept of *liminality* can be used for the study of architecture and art, as well as for understanding the socio-historical context and its inner processes. Turner conceived *liminality* (TURNER 1982:26-42, 52-59; TURNER 1969:95-96) as a transitional space-time that lies between two spaces or people with different social statuses. It plays a role of a threshold between the two worlds and provides a safe place for people in transitional social status. It follows, that we can conceive sixteenth-century Mexican monastic architecture as a liminal area, because it was designated to evangelize the indigenous people of Mesoamerica[3] (KIRCHHOFF 1943:92-107), who found themselves after the arrival of Europeans in in-between position – since they belonged neither to the pre-Colombian world of their ancestors, nor to the new colonial arrangement. Within the monastic architecture, other spaces can be conceived as liminal, especially the atrium, the entrance called *portería* and all types of portals and walls separating two spaces for different purposes.

An atrium[4] is a space that consists of a walled courtyard, four corner chapels called *posa*, a monumental stone cross termed atrial located in its center and an open chapel in its front, which was usually accessible through three arched gates. It was intended solely for

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[3]   Mesoamerica is an anthropological concept designating the region of Central America (Mexico, Guatemala, Belize, El Salvador, Nicaragua, Honduras and Costa Rica) where an array of advanced civilizations (Aztec and Maya civilizations) with common cultural elements was formed. The notion of Mesoamerica comes from the Mexican anthropologist with German origins Paul Kirchhoff, who introduced it in 1940s.

[4]   The term atrium comes from Spanish, atrio. Originally it was called "patio", the term "atrio" became common in the early seventeenth century.

indigenous neophytes and catechumens, who were not allowed to enter the church. It served for doctrinal, liturgical, educational and processional activities and for other social practices like funerals (Fig. 1). The architecture and spatial organization of atriums allowed the missionaries to follow selected autochthonous traditions, such as religious processions, ritual dances called *mitote* or markets termed *tianguis*, and to preserve the outdoor form of rituals – one of the most characteristic traces of pre-Columbian religious cults. The use of selected features coming from Mesoamerican religious tradition was intentional and its aim was to facilitate the conversion of indigenous populations to the Christian faith. From the anthropological point of view, the baptisms and religious processions represent one of the most interesting activities carried out in atriums. The baptism is the crucial rite of passage in a life of Christian. Arnold van Gennep distinguished three different stages of the rites of passage:[5] preliminary rites (separation), liminal rites (liminality) and postliminal rites (incorporation) (VAN GENNEP 2008). In the first stage, phase of separation, the participant of the rite is separated from the symbols and customs associated with his/her previous status in society. In the second stage, liminal phase, the participant is at *limen*, at a threshold; this stage is marked by depersonalization and ambiguity. Eventually, in the third stage, the incorporation phase, the participant goes through a public ritual whose objective is to present him/her in front of the society with a new social status and reintegrate him/her into it. On the example of baptism, we can observe all these three stages of rites of passage that I have already mentioned: first, the catechumen must separate himself/herself from the world of his/her ancestors, its traditions and religion; second, he/she must undergo a catechesis-time, during which he belongs neither to the world of its ancestors, nor to the world of the Spanish newcomers; and third, after receiving baptism, he/she will become a part of the Catholic

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[5] Arnold van Gennep does not offer any clear definition of rites of passages; he conceives them as "[…] acts of especial type that suppose a certain inclination of sensibility and a certain mental orientaion […]," (from Spanish, "[…] actos de un tipo especial que suponen una cierta inclinación de la sensibilidad y una cierta orientación mental […].", the translation is of the author of the paper). (VAN GENNEP 2008:14).

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Church; i.e. he/she will gain a new social status, rights and obligations and will be able to incorporate into early colonial society.[6]

Figure 2: *Baptismal font.* Stone carving, 16th century, San Juan Bautista ex-convent, Teotihuacan, México State. *Photo:* Daniel Pajas, 2013.

Getting back to sixteenth-century Mexico, the Franciscans, the promoters of the process of evangelization of the native population of the New Spain, carried out in the first phase of Christianization (1520-1530) mass baptisms. Unfortunately, the monumental baptismal fonts usually did not persist in their original location within the atriums (e.g. Xochitepec, Tepoztlan, Milpa Alta) and more often can be found in the interior of the churches, either in

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[6]   Due to the fact that most mural paintings were elaborated between the 1560-1570, we cannot conceive, in my opinion, adult natives as neophytes, since the second and third generations of the indigenous population were baptized as children.

baptismal chapels or in *sotocorro*[7] by the entrance to the church (Oxtoticpac, Epazoyuacan, Acatzingo, Izucar, Epazoyucan, Tecali, Tecamachalco, Zinacantepec, etc.) (BRENIŠÍNOVÁ 2017:85-86) (Fig. 2).

As regards society and its organization, sixteenth-century Mexico was a dominion of Spanish Crown, with a king on one side and its people on the other. The population of the Viceroyalty of New Spain (1535-1821) was divided into two "republics": the Republic of Spaniards (from Spanish, *república de epañoles*) and the Republic of Indians (from Spanish, *república de indios*) (BERNAL et al. 2009:254, 273). The first consisted of Spaniards (born in Europe and/or in America) coming from all layers of society and was relatively culturally homogenous.

The second involved a rich variety of indigenous ethnics being linguistic and ethnic diversity its main characteristic. While the indigenous communities lived mainly in countryside and were supposed to pay tribute and provide the Spaniards with food and labor, the Spaniards resided in the cities and represented power and the sacred. This division occurred in the sixteenth-century through the quarrels between the regular clergy and the indigenous populations on one side and the secular clergy and the Spaniards on the other and it influenced the entire colonial history (e.g. such phenomena as hacienda and/or latifundism and monoculture).

In terms of anthropology, Turner discerned two different social modalities – *structure* and *anti-structure* or *communitas* (TURNER 1969:96-97, 125-30; TURNER 1982:44-51, 58-59). The structure is the structured and hierarchized society, where diverse social statuses can be differentiated. The *anti-structure*, on the other hand, is non-hierarchized society based on equality and unity. These two forms of social organization are complementary. While the presence of permanent structures is typical of *structure*, the existence of *communitas* is usually limited by time. The *communitas* use to emerge in liminal periods and, vice versa, the *liminality* conditions the formation of feelings of unity characterizing *anti-structure* societies. In this paper, I will conceive the Republic of Indians as *communitas*, while the hierarchized Republic of Spaniards will embody the *structure*. Of course, the given model can be applied to all components of early colonial society, including the native communities;

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[7]   *Sotocoro* is a Spanish term typical of Latin America colonial architecture. It designates the lower part of a choir.

nevertheless the main goal of this text is to capture and clarify the process of formation of sixteenth-century New Spain society.

Getting back to the religious processions, the tradition of making processions existed in both cultures – the Mesoamerican, as well as the Occidental. For example, Davíd Carrasco, a Mexican-American historian of religion, describes some of the contemporary Maya Catholic processions, in which some of the pre-Hispanic characteristics are still preserved (CARRASCO 1998:116-119, 194-201). After the arrival of Spaniards, autochthonous religious cults were banned and a set of new religious practices and beliefs related to Christianity was imposed. Among these "new" practices were Catholic processions. These were held at regular intervals in atriums and later also within the monastery, as Richard E. Phillips suggests (PHILLIPS 1999:225-250).

The processions started by gathering at the northern portal of the monastic church (in the case of Franciscans called *porciúncula*)[8] and continued in an anti-clockwise direction, making pauses at *posa* chapels. The objective of making processions (especially the direction of the movement together with themes of artistic decoration and sermons) was to introduce the indigenous people into the History of Salvation and to familiarize them with the Occidental notion of linear time (running from the Creation to the Last Judgement) (Fig. 3). The central point of Christian history was stressed by the position and decoration of atrial crosses. These were generally carved with the Instruments of the Passion (*Arma Christi*), and stood in the middle of atriums, and thus pointed to the redemptive role of Jesus Christ (Metepec, Alfayuacan, Calpulalpan, Tlahuelilpan, Mixcoac, Jilotepec, Tepeapulco, Mazatepec, Oxtotipac, Tlalnepantla, Tecamachalco, Tepotzotlan, Chalco, Tezontepec y Cuauhtitlan), who brought the people the possibility of Salvation and freed them from the "second death" (Fig. 4).

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[8] The *porciúncula* is a small church included within the Basilica of Santa Maria degli Angeli in Umbria in Italy, where the Franciscan movement began. It is also a term used for naming the plenary indulgence that the Catholic faithful can win on August 2, and in colonial Mexico is used to designate the northern portals of Franciscan monastic churches.

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Figure 3: *The posa chapel of Saint Michael the Archangel.* 16th century, San Andrés ex-convent, Calpan, Puebla State*. Photo:* Daniel Pajas, 2013.

The organization of atriums with four *posa* chapels in the corners reflected the world view (*imago mundi*) of both cultures being involved, in which the world extends from a center into the four cardinal points. Moreover, this world view embodied the original organization of Nahua societies in clans called *calpulli*[9] (GONZÁLEZ TORRES 1995:33-34), as well as the pre-Hispanic calendar system, namely the agricultural year divided between the season of rain and the season of drought, and a critical transition between them. This fact can be illustrated by an example cited by Inga Clendinnen, according to which the Franciscans organized masses and processions for rain in attempt to compete with the native gods and agricultural calendar (CLENDINNEN 2010:158). Thus the atriums have allowed the persistence of the pre-Columbian agricultural calendar, as well as some of the most important pre-Hispanic festivities (e.g. the Santa Cruz festival), related to Mesoamerican agriculture and the cultivation of its emblematic plant, corn, although in the form of Catholic holidays (BRENIŠÍNOVÁ 2017:95-101). For example, the Maya cosmos and its development over the last three centuries were studied in a collective monograph entitled *Maya Cosmos, Three Thousand Years on the Shaman's Path* (FRIEDEL – SCHELE – PARKER 1993.) In this book they demonstrated the connection of the church area with Mayan cosmology, its worldview, and the concepts of time and space. From the anthropological perspective, the religious processions strengthened the fellow-feeling of *communitas* and consolidated it.

The *porterías* represent another liminal space that can be distinguished within the monastic area. Generally, a *portería* is a vestibule in form of a vaulted structure opened by arcades to the atrial space and annexed to the western wall of the convent, which serves as an entrance to the cloister (Atlixco, Huaquechula, Huejotzingo, Epazoyucan, Actopan, Calpulalpan, Tacubaya, Coyoacan , Azcapotzalco). In some cases (when there is the furniture necessary for the Eucharist in form of an altar or even a pulpit), they served as an open chapel (Cuernavaca, Jilotepec, Tlalnepantla, Zinacantepec, Yecapixtla, Otumba). In the past, the *porterías* served as a threshold between the two worlds – the world of the regular clergy and the world of laymen providing a shelter for travelers and all persons who wanted to enter the cloister.[10] From the anthropological point of view, the main purpose of these areas was to make possible the encounters of people with different social statuses (lay men and regular clergy, Indians and Spaniards, pagans and Catholics, rich and poor, etc.) by giving them a transitional space-time, where common social statuses lack their usual significance. With regard to the artistic decoration, the *porterías* were usually accompanied by a specific iconographic program stressing the role of missionary orders (and/or the Spanish Crown) within the process of the evangelization of the native American populations, which will be discussed below.

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The doorways of monastic churches – both the main ones, generally oriented towards the west, together with the north ones – represent another liminal area. In terms of Christian symbolism, the Church represents the Heavens, where the Holy Family and Saints reside, and where eternity reigns. On the contrary, the people's existence is temporary, limited by time. Thus humans are separated from eternity by death on the individual level and by the last judgement on the universal one. From the anthropological point of view, the doorways symbolize a threshold, since they separate the sacred space of the church from the profane outer space. In addition, in Western Christian tradition these spaces are frequently decorated by what are called liminal motives.

The term *liminality* can be applied to the study not only of architecture but also of its artistic decoration. The liminal motives represent people in liminal situations, whether it is some transitional moment of human life (e.g. baptism, marriage or death), history (e.g. Creation, Life and Death of Jesus Christ, Last Judgment) or behavior that is considered to be marginal (e.g. sin, idolatry, barbarity). The liminal motives that I will now discuss, include iconographic representations such as eschatological and apocalyptic themes (e.g. *Last Judgement*, *Apocalypse*, *Woman of the Apocalypse*) and themes related to death (e.g. *Triumph of the Death*, *Dance of the Death*, patron saints against death, etc.).

After 1570 the process of evangelization began to be considered accomplished as I have already mentioned above and in consequence of that, the atriums ceased to be used. It follows that there are very few examples of atriums in their original arrangement with four corner chapels (Calpan, Cholula, Huejotzingo, Tepoztlan, Epazoyuacan, Yecapixtla, Tepeji del Río, Tlaquiltenango, Tepeyanco, Atlatlahucan, Tlayacapan, Totolopan, Tochimilco, Tezontepec, Acatlan, Metztitlan), open chapel (Cholula, Actopan, Tepotztlan, Tlaxcala, Tizatlan, Tochimilco, Epazoyuacan, Alfayuacan, Atlatlahucan, Huaquechula, Tlahuelilpan, Tepeji del

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[9]   The term *calpulli* (in Nahuatl, "large house") designates a Nahua society organization unit, which refers to a city quarter, land holding or group of craftsmen. It comes from the original clannish organization of Mesoamerican societies.

[10]   The Mexican monasteries served also as a public houses offering housing to guests from remote destinations.

Río), atrial cross (see above) and original artistic decoration (in particular Calpan, Huejotzingo, Tepoztlan, Actopan).

Figure 4: *The atrial cross.* Stone carving, 16th century, San Francisco ex-convent, Tepeapulco, Hidalgo State. *Photo:* Daniel Pajas, 2013.

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Despite the fact that the low number of atriums conserved in their original appearance along with their sculptural decoration does not allow one to make certain judgments, on the basis of a comparative study of iconographic programs represented within the sixteenth-century Mexican monasteries (Actopan, Cuitzeo, Calpan, Huaqechula, Ixmiquilpan, Acolman) and *visita* chapels (Santa María Xoxoteco, Tizatlan) along with the documentary evidence from the sixteenth century – solely in form of the theatre of evangelization (ARACIL VARÓN 1999; ARRÓNIZ BÁEZ 1979; PARTIDA 1992; STEN – GARCÍA – ORTIZ BULLÉ GOYRI 2000)[11] – it seems very likely that the missionary orders stressed the apocalyptic and eschatological motives in their endeavor to evangelize the indigenous populations, since the Last Judgement is the unique iconographic depiction of Western Christian artistic tradition that represents a universal picture of the world, its categories and organization (ESTRADA GERLERO 1978; SCHUESSLER 2014:150-151).

For illustration, let us have a look at the Augustinian ex-monastery of San Nicolás Tolentino in Actopan in the Hidalgo State and at its open chapel where the original iconographic program in form of polychromatic murals has been preserved. This open chapel is the largest open chapel in Mexico and the most frequently studied and mentioned (Fig. 5). The front wall of the open chapels is decorated with scenes of the *Last Judgment* and the *Creation cycle*, while the side walls are equipped with the images of *Hell* and eternal punishments. The scene of the *Last Judgement* creates a dramatic atmosphere of the approaching end of world and time, while the images of *Creation Cycle* and *Hell* show the natives the causes and consequences of the original sin for humanity. These iconographic programs stress the Salvation and show that Jesus Christ is the unique tool by which one may enter Heaven and receive eternal life (John 10:7-9). So the representations of the *Lust Judgements* on portals and frontal walls aimed to stress the necessity to receive baptism and hence Christianity and make possible the transition between the spaces of different statuses and purposes like church and outer space (Huaquechula), open chapel and atrium (Actopan, Santa María Xoxoteco, Cuitzeo, Tizatlan) or can be used within the processions (Ixmiquilpan, Acolman). In terms of American anthropologist Cl. Geertz, the iconographic program of atriums showed the natives the "model of reality", i.e. how the Occidental world is organized and the "model for reality" (GEERTZ 2003:91-92), and how to live in it. In brief, the representations of the *Last Judgment* represent Occidental society as hierarchized and subordinated to a supreme authority in form of God (on Earth embodied by a king and authorities), where the forces of

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[11] For example, the first known preserved play, authored by Padre de Olmos, is called *Auto del Juicio Final* (Last Judgment).

good and evil struggle for a human soul, the Christian faith being a unique path both for the earthly destiny of man (the incorporation in the structured society), and for his posthumous destiny (Salvation).

Figure 5: *The open chapel.* 16th century, San Nicolás de Tolentino ex-convent. Actopan, Hidalgo State. *Photo:* Daniel Pajas, 2010.

Concerning the iconographic representations of *Death* in the sixteenth-century Mexican monastic art only two examples can be found as far as I know – one mural in Augustinian Divino Salvador ex-monastery in Malinalco in the Estado de México State and the second one in Franciscan Santa María de los Reyes ex-monastery in Huatlatlauca in the Puebla State. The first one is a monochromatic mural painting with the local use of sienna depicting the *Dance of the Death* (BRENIŠÍNOVÁ 2017:162, 163). It is located in a niche embedded in the northern wall separating the area of the cloister and the monastery church. This niche served as a confessional. The representation portrays a monk and Death and it served as *memento mori* reminding the penitents of the need to purify themselves from their sins before the last hour comes. The second case is represented by a polychromatic mural in Augustinian

ex-convent of Santa María de los Reyes in Huatlatlauca in the Puebla State, which depicts the *Triumph of Death* (Fig. 6). This painting is particularly interesting, because it represents the sixteenth-century New Spain society – as first we catch sight of the Indians, then the regular clergy (nuns and monks) and eventually a group of representatives of secular clergy and Viceroyalty of New Spain – threatened by Death represented as an archer with a bow in one hand, an arrow in the other and a quiver with arrows on his back (BRENIŠÍNOVÁ 2017:162-164). This representation allows us to unveil the way the missionaries perceived and conceived the early colonial society. While the members of the Republic of Indians are anonymous and represented in a standardized way (as well as the regular clergy), the Republic of Spaniards is portrayed as hierarchized since its representatives are depicted with the signs of their social position. Hence we can recognize the viceroy Martín Enríquez (1510-1583) and Pope Pius V (1504-1572). From the anthropological point of view, we can say that while in the case of the Republic of Indians the communitarian character based on equality is stressed, in the case of the Republic of Spaniards structure and hierarchy (state and ecclesiastical authorities) are highlighted.

A further example of liminal motives is represented by the paintings of patron saints against death like *Saint Christopher* (Tlatelolco, Xochimilco, Tlaxcala and Oxtotipac), who offered a protection to travelers and against sudden death (*mors improvisa* or *repentina*). Generally, he was depicted as a giant man with a small Jesus on his shoulder and a baton in one hand while crossing a river, as we can observe in the San Bernardino de Siena convent in Xochimilco or in the Santiago convent in Tlatelolco, both Franciscan ex-monasteries situated in the capital (Fig. 7). The anthropological significance of these paintings is the same as in the case of the representations of *Death* and the *Last Judgment* that we have just seen. It is significant that all these images are located on the northern walls, a direction which was related to the religious instruction of catechumens and neophytes in the Western tradition and which was associated with the drought and hence also with death and Mictlan, the Nahua underworld in Mesoamerican practice (FERNÁNDEZ 2000:142-144; MATOS MOCTEZUMA 2010:101-107; SPRANZ 1993:262-285 – VAILLANT 1965:179). So the location of these liminal motives corresponds not only to the Occidental, but also to the

Mesoamerican world view and testifies to the effort of missionaries to communicate their messages by symbolic forms which would be comprehensible for the indigenous populations.

Figure 6: *The Triumph of the Death*. A *fresco secco* wall painting, 16th century, cloister, Santa María de los Reyes ex-convent, Huatlatlauca, Puebla State. *Photo*: Daniel Pajas, 2013.

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Another useful concept in the study and analysis of Mexican monastic art is the system of binary oppositions (TURNER 1969:106-107). This concept stems from classical structuralism, according to which signs gain their meaning from their relationships and contrasts with other signs. Analyzing sixteenth-century Mexican monastic art, several sets of binary oppositions can be discerned such as life and death, virtues and vices, and Christianity and paganism. This system aims to structure the human behavior by presenting the dominant worldview and its cultural categories and values.

As an example, let's take the binary opposition between virtues and vices as they were recognized by the Catholic Church. The concept of holy virtues (chastity, temperance, charity, diligence, patience, kindness, and humility), whose practice should protect one against the temptations of the seven deadly sins (lust, gluttony, greed, sloth, wrath, envy, pride), became significantly popular in the Middle Ages and forms an integral part of the catechism, so it is not surprising that it was used also for the religious instructions of Indians (HACKEL 2005:147). Some of the themes related to the Christian concept of virtues and vices are displayed in the open chapel of the ex-monastery in Actopan mentioned above, as well as in the nearby small church Santa María Xoxoteco, a former *visita* chapel. Both are former Augustinian missions situated in the Hidalgo State and provided with the same iconographic program (BRENIŠÍNOVÁ 2017:142-145; ESTRADA GERLERO 1978:271-275; VERGARA HERNÁNDEZ 2008:184-187). The scenes that are of interest to me form part of the *Hell* paintings decorating the side walls. Despite the fact that there is no consensus among historians of art regarding the iconographic topic of murals being discussed (most frequently it is supposed that they represent the *Genre scenes* or the *Seven Deadly Sins*)[12], the important thing for my interpretation is that they display human behavior (both of Spaniards and Indians) as it was seen by missionaries. There are six Actopan scenes, but they are so deteriorated that their study is possible only due to the existence of the similar iconographic program of Santa María Xoxoteco church (ARTIGAS 1979; BALLESTEROS GARCÍA 1999). Here we observe five scenes, framed by a black line, which display from

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[12]   The murals in Santa María church in Xoxoteco were discovered in the 1970s by Juan Benito Artigas, a naturalized Mexican architect and academic.

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the right to the left the following motifs: *Pulque drinking scene*, *Spanking* (from Spanish, *azotes*), *Idolatry* (Fig. 8), *Marriage* and *Lust*.

Figure 7: *Saint Christopher*. A *fresco secco* wall painting, 16th century, monastery church, San Bernardino de Siena ex-convent, Xochimilco, México, D.F. *Photo:* Daniel Pajas, 2013.

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The first scene represents the natives drinking *pulque*, a traditional Mesoamerican beverage made from fermented *maguey* juice, originally called in nahuatl *octli*. In the painting we see a triad of Indians – a sitting couple drinking from their cups and a standing servant attending them – along with an equal number of demons prompting them to drink the alcohol, and the objects used for the consumption of *pulque*. In the background we observe the Mexican landscape. From the point of view of Christianity, the consumption of alcohol represents one of the seven deadly sins – gluttony. And according to Catholic doctrine committing a mortal sin without doing a proper penance leads directly to the hell (which corresponds to the location of the pictures). It turns out that the significance of this image is moralizing and the missionaries wanted to demonize the natives' behavior and discourage them from opening themselves to the Satan and forces of evil. After the conquest, the traditional indigenous world, as well as the *structure* of its society disintegrated. The strict norms of behavior that had dominated in the Mexican state disappeared (LOCKHART 2013:165)[13] and the Indians found themselves in a transitional period without clearly defined norms, rights and obligations. After the arrival of Spaniards, many natives, forced to survive, tried to adapt to the new conditions and ways of life of the structured society, becoming alcoholics, as Sonia Corcuera de Mancera asserts in her monograph *El fraile, indio y pulque* (CORCUERA DE MANCERA 1997). Despite the efforts of the friars, the problem with alcoholism became one of the most serious problems of indigenous communities in the colonial era.[14] Moreover, Serge Gruzinski suggests that the New Spain Church faced alcoholism only at the moral level through the posthumous infernal penalties and the doctrine of sin based on concepts such as

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[13] Before the arrival of Spaniards, the consumption of alcohol was subordinated to a series of rules. At least among the Nahua communities, alcohol was used during the religious rituals and as an offering for the gods. Drunkenness was considered a sacred state and the free consumption of alcoholic beverages was allowed only to priests, rulers or elders (older than 70 years) who had already fulfilled all their obligations towards the society. On the other hand, James Lockhart, is convinced that the hypotheses about the explosion of alcoholism among indigenous people after the Spanish conquest is wrong and he states that the natives were accustomed to drink alcoholic beverages, namely *pulque*, before the conquest. (LOCKHART 2013:165).

[14] E.g. the religious processions, so popular among the natives, frequently ended in true ritual drunkenness.

subjectivity and/or free will, which were new for natives and hence difficult to understand
and internalize (GRUZINSKI 2013:205).

Figure 8: *Idolatry (a detail from the Hell scene).* A *fresco secco* wall painting, 16th century, Santa
María de la Purísima church, Xoxoteco, Hidalgo State. Photo: Daniel Pajas, 2013.

The second scene represents a Spaniard spanking a native. The painting consists of two scenes. In the first one, we see two figures – a native kneeling by a Spaniard – who holds the unfortunate native by his hair and is beating him with a stick. In the second, a devil, who is fighting for the soul of the poor native with the Spanish man, joins them. The scene represents earthly castigations. The use of violence in form of physical punishments towards the natives was a common practice not only in pre-Hispanic Mexico (GIBSON 2012:119-120),[15] but also in the colonial period, as shown, for example, by the good life handbooks called *Enchiridiones*[16] (GONZÁLEZ SÁNCHEZ 2011:213; LYNN 2013:98-100; PARDO 2004:118). These manuals were very popular among Spaniards and recommended the use of violence as a legitimate device in the struggle between the forces of good and evil. From the anthropological perspective, the use of physical force was conceived as a tool of incorporation of natives into the structured society aiming to change their behavior and adapt it to Occidental norms. Thus this depiction should legitimize the violent behavior of the structured society in the eyes of indigenous communities pointing to the sacred mission of the salvation of natives' souls. The way the scene is represented, depicting the standing master holding his kneeling subject by the hair on the top of his head, corresponds to both traditions, and it would be interesting to consider in future the universal comprehensibility of this motif and its depiction.

The third scene, and the first on the opposite side wall, represents idolatry. In the middle of the scene, a *teocalli* (i.e. a pre-Columbian temple pyramid[17]) (GENDROP 1977:160, 197) appears with two idolaters on one side and a Christianized Indian together with a Spaniard on the other. This mural is particularly interesting, as it is likely to display a Nahua category for sin called *nepantla*.[18] This category, unlike the Christian one, lacks moral content, since it refers simply to the liminal space (the space between two worlds), a transitional, changing situation or behavior that does not fit in any known category (TORRE 2009:85; WILCOX

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[15]   According to Charles Gibson the beating for the absence at catechism or at the mass was prohibited already in 1539. Albeit this practice persisted throughout the sixteenth century. (GIBSON 2012:119-120).

[16]   The manuals called *Enchiridiones* like *Camino al cielo* (The Path to Heaven) were distributed among the Spaniards by missionaries and authorities. They warned the Spaniards of the constant danger that threatened man (especially the natives) from the devil. And they reminded them that their sacred obligation was to convert sinners to the Christian faith and to teach them the Christian virtues.

[17]   The term temple pyramid is typical of Mesoamerican art and architecture and designates a pyramid in the form of a stepped pyramid with a small shrine on the top.

[18]   The term *nepantla* means in the Nahuatl language "in the middle, or the middle places".

2013:249). As we can read in *Historia de las Indias de Nueva España e Tierra Firme* (c. 1581) by Diego Durán, a Dominican friar and missionary, where an Indian explains his bad behavior by following words:

> "we are still nepantla" [...] what does it mean? to be in the middle? [...] He told me that, I should not be astonished, that since they were still not well rooted in the faith; they were still neutral, that they did not turn properly nor to the one law, neither to the other, or more precisely, that they believed in God and that at the same time they turned to their old costumes and rites of the devil, and by that he wanted to say on his abominable excuse that they are still in the middle and were neutral."[19] (DURÁN 1967:237).

This category was represented in art by fur, or by blurred contours in the way, as we can observe here. Before the arrival of Spaniards, the Nahua indigenous communities believed that the afterlife was determined by the way of death. The Christian category of sin reversed this outlook, when the afterlife of man began to be conditioned by the way of life. That does not mean, in any case, that the pre-Columbian societies would lack norms and morality, but they used to associate them with the effort to maintain a balance with the supernatural forces and gods. Nevertheless, it turns out that the natives could and did have difficulties with the understanding (and hence also the internalization) of the Christian category of sin, its moral dimension along with the causes and consequences for life after death.

The fourth scene represents marriage. There are four figures – two men and two women – with a landscape in the background. In the center of the representation is a Spanish couple holding hands. Unfortunately, the image of the native couple has deteriorated. As in the case of *pulque drinking*, the persons represented are tempted by demons trying to dissuade them from marriage and thus to deviate from the right path to Salvation.

The Catholic Church considers matrimony one of the seven sacraments (baptism, confirmation, eucharist, penance, holy orders, matrimony, extreme unction), a sign of God's presence and a means of his grace. Monogamous matrimony represents, according to the Catholic Church, the prototype of a relationship between man and woman which is based on the model of Adam and Eve, the original ancestors of all humans. After the conquest, the

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[19]   Translation by the author. The original text reads as follows: "todavía estamos nepantla" [...] que quiere decir? estar en medio? [...] Me dijo que, como no estaban aún arraigados en la fe, que no me espantase; de manera que aún estamos neutros, que ni bien acudían a la una ley, ni a la otra, o por mejor decir, que creían en Dios y que juntamente acudían a sus costumbres antiguas y ritos del demonio, y esto quiso decir aquel en su abominable excusa de que aún permanecían en medio y eran neutros." (DURÁN 1967:237).

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Europeans began to dismantle the traditional *structure* of the pre-Hispanic indigenous societies based on *altepetl*, *calpulli*, extended family and a complex system of religious ideas and beliefs by prohibiting the pre-Hispanic religious cults and imposing new *structures* such as city councils, confraternities, the Catholic faith and a nuclear family based on monogamy. Before the arrival of Spaniards, polygamy was – especially among the nobles – a common part of natives' life. From the anthropological perspective, marriage represents one of the rites of passage *par excellence*, which usually introduces a married couple into adulthood, establishes new relations between them and society and thus helps to consolidate it. So after the conquest, the only right and legal way to found a family was via marriage in the Catholic Church. The fact that the Catholic Church along with Spanish authorities took hold of the institution of marriage (among others) speaks volumes about the way in which the European colonizers together with missionaries imposed on the indigenous communities the *structure* of Western society in form of institutions such as monogamous matrimony. Albeit the presence of the demon in this painting suggests that the natives were not always obedient and searched for ways to avoid this institution (GRUZINSKI 2013:265; LOCKHART 2013:163, 293).[20]

The theme of the last, fifth, scene is probably greed, which is, according to Christian doctrine, one of the seven deadly sins. An open chest, full of gold ducats and surrounded by an Indian and three demonic figures is a central motif of the scene. Unfortunately, the scene is so deteriorated that it complicates the exact identification of the actors' activity. However, I am convinced that they are fighting over the money and/or are counting it. The aim of this representation was moralizing and salvific. In addition, taking into consideration the changing situation of the regular clergy in the last third of the sixteenth century (the secularization of Mexican missions and the loss of the support of the authorities), we can also consider the intentional effort of Augustinians to gain part of indigenous financial means

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[20]   According to Serge Gruzinski, the Indians sought and found throughout the sixteenth century ways to legalize their illegal and/or polygamous relationships (or relationships considered immoral from the point of view of Western society and the Catholic Church such as premarital cohabitation, an incestuous relationship or a marriage contracted between non-single spouses), for example by contracting several marriages in several parishes (GRUZINSKI 2013:265).

(e.g. donations, inheritances and indulgences) in exchange for Salvation pointing to the fatality of the accumulation of tangible property within the Christian system of values.

Figure 9: *El Árbol genealógico de San Francisco*. A *fresco secco* wall painting, 16th century, *portería*, San Arcángel Miguel ex-convent, Zinacantepec, México. *Photo:* Daniel Pajas, 2013.

The last interesting example of liminal motives discussed in this article is represented by the monumental murals depicting the genealogical trees of missionary orders (Zinacantepec, Atlatlahuacan) (BRENIŠÍNOVÁ 2017:151-152). Although these mural paintings have their European roots, solely in the form of illuminations of medieval manuscripts,[21] in sixteenth-century New Spain they developed into a new monumental form. As an example, let us take

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[21]   Examples of the genealogical trees of the mendicant orders have been preserved, for example, in the Musée Condé de Chantilly in France, where the San Benito genealogical tree from 1431 (ms. XIX B1, fol. 126) can be seen.

the genealogical tree of Franciscan Order, which is represented in the form of a branched tree growing from the chest of Saint Francis of Assisi, the founder of the Third Order (Fig. 9).

The mural is located in the doorway of St. Archangel Michael ex-monastery in Zinacantepec in the Estado de México State. It is polychromatic and decorates the front wall, which is oriented towards the Orient. In ancient Mexico, the priests had great responsibility and this not only in regard to religion and ritual, but also in regard to education and therefore also the rules of human behavior and morals. Moreover, these were perceived as one of the means which served to keep society in harmony with supernatural forces. In my opinion, this type of painting shows the missionaries as the backbone of the newly formed society based on Christian ideas and categories. Nevertheless, other scholars, such as Louise M. Burkhart, associate these paintings with a specific pre-Columbian Nahua vision of paradise filled with flowers and trees (BURKHART 1992:91). This type of mural is firmly bound to the transitional space of the *porterías* mentioned above and its iconography emphasizes the foundational and salvific role of missionary orders within the early colonial society of the New Spain.

Conclusion

We have seen that art and ideas about it are changing with every generation. The changes in paradigm and methods always bring new perspectives and ways of study. The aim of this article was not to present another "true picture of historical reality"; my objective was to propose one of the possible perspectives of conceiving sixteenth-century Mexican monastic architecture and art and contributing to the discussion about the nature of colonial art and its functioning. Thus, from the perspective of symbolical anthropology, my research has shown that:

1) the existence of two social modalities (*structure* and *communitas*) together with liminal areas, such as atriums, allowed the Indians the transition from one social status to another and hence incorporation into the early colonial society;

2) the fact, that the Republic of Spaniards represented the *structure* (it was a hierarchical society with the access to power and to the sacred) should legitimize its dominant position and motivate the natives to go through the liminal phase and a set of rites of passages (like baptism or marriage);

3) the *communitas* and *liminality* are temporary, for this reason they are associated with the regular and not the secular clergy;

4) despite the deeply religious character of the evangelization task, the mission to Christianize the natives has among other clearly political objectives – to legitimize the conquest of Mexico and to incorporate its inhabitants peacefully into Occidental society.

In brief, the fact that Indian society found itself after the arrival of Spaniards without access to power and the sacred was a strong motivation both on the individual and collective level to reject the old structures in form of pre-Columbian religious cults along with its system of values and beliefs and to accept new ones in the form of the Christian faith, as well as the standards, values and style of life of Western society embodied in monastic art and architecture. Mexican convents with their artistic decoration introduced the natives to the Christian worldview, showed them how to live in the new social arrangement and thus played a significant role in the process of conquest and colonization of the New Spain.

Acknowledgements

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The Laws of Motecuhzoma Ilhuicamina

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ABSTRACT

The article deals with contents, as well as social contexts and functions of sixteen laws enacted by Motecuhzoma Ilhuicamina or Motecuhzoma I, the fifth ruler (ruled ca. 1440-1460 AD) of a pre-Hispanic city-state Tenochtitlan, the principal capital of the Aztec Empire. The author also focuses on the problem of Motecuhzoma I´s laws´ factual enforcement and discusses its possible limits.

The enactment of Motecuhzoma I´s laws was an important part of state formation process in Tenochtitlan. These laws reinforced the internal hierarchy of Tenochtitlan society and the privileged social position of a tiny ruling class (ruler, nobles by birth, merited non-noble warriors and their quasi-noble descendants), particularly by excluding masses of ordinary people from the exercise of political power, as well as the acquisition, ownership and public display of the so-called "prestige objects", which were markers of a higher social status (i.e. belonging to the ruling class). Further they established a complex state apparatus of Tenochtitlan (a system of both central and local city-state administration and judiciary), which was headed by a ruler (*tlatoani*). The laws also helped spread Tenochtitlan official ideology of a religious nature among the population, as they created a mechanism to introduce virtually all nobles and commoners (of both sexes) to the ideology (public schools compulsory attended by all later pubertal and adolescent youth of Tenochtitlan), as well as an organization of priests who dramatized the ideological doctrines by their (mostly public) ritual performancies. Finally, there were also laws concerning the punishment of adulterers and thieves. The factual enforcement of Motecuhzoma I´s laws by Tenochtitlan ruler/state apparatus was limited due to several reasons, e.g. the rise of local autonomous and autarchic

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socioeconomic units resisting to some degree the power of state and the law enacted by the state.

KEY WORDS: pre-Hispanic period, Tenochtitlan, Motecuhzoma Ilhuicamina, Motecuhzoma´s laws, Motecuhzoma´s laws´contents, Motecuhzoma´s laws´social contexts and functions

Introduction

Motecuhzoma Ilhuicamina or Motecuhzoma I (ruled about 1440-1469 AD), the fifth ruler (*tla[h]toani*; plur. *tla[h]toque*) of the pre-Hispanic Mexican Valley city-state Tenochtitlan,[1] principal capital of the Aztec Empire,[2] is reported in historical sources not only as a capable statesman and successful conqueror, but also as a legislator. Among his sixteen documented laws, called "Motecuhzoma´s laws" in the present article, were: five laws related to the state organization and ideology of Tenochtitlan, namely the office of *tlatoani*, city-state administration and judiciary, public education based on compulsory school attendance and priests performing the state cult; nine sumptuary laws, i.e. laws regulating the acquisition, ownership and public display of the so-called "prestige objects", which, *inter alia*, established and reinforced, respectively, a hierarchy of Tenochtitlan inhabitants; and two penal laws, one concerning the adultery and another one the theft. All addressees of Motecuhzoma´s laws were men.

Motecuhzoma´s laws were enacted – according to a chronicle with a general consent of Tenochtitlan, as well as other city-states´ rulers and elites, with a stamp of divine approval and having a systematic support of the power of the state (DURÁN 1994:208, 210-211) – during an internal sociopolitical transformation in Tenochtitlan – shortly said, a pre-state

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[1]   On Tenochtitlan rulers (kings) see GILLESPIE 1993.

[2]   The Aztec Empire, also called Triple Alliance Empire, had been built by three allied neighbouring city-states Tenochtitlan, Texcoco and Tlacopan from the second quarter of the 15th century to the Spanish conquest of the Empire (1519-1521) in both central and southern parts of today's Mexico. Each city-state was Aztec Empire´s capital, however, during the second half of the 15th century Tenochtitlan´s political, military, ecomomic and ideological power increased considerably and Tenochtitlan became the principal capital. The basic residential, sociopolitical and economic unit within the Aztec Empire was a city-state (*altepetl*; plur. *altepeme[h]*). On Aztec Empire in general see BERDAN et al. 1996; CARRASCO 1996.

chiefdom-like society evolved to a state[3] –, that had started with the reign of Motecuhzoma´s predecessor Itzcoatl (ruled about 1428-1440 AD) and ended under the rule of Motecuhzoma I. Due to this transformation, and especially due to Motecuhzoma´s laws as an integral part of it, a strongly stratified society, a complex state organization, as well as an elaborated state ideology, emerged in Tenochtitlan. Subsequently, Motecuhzoma´s laws had been used, among other means, to enforce the new social order of Tenochtitlan. However the application of Motecuhzoma´s sumptuary laws by *tlatoani*, i.e. the state apparatus, was rather limited in actual everyday life of Tenochtitlan inhabitants, as both elites and ordinary people were acquiring certain important prestige objects regardless these laws and *tlatoani* (the state) who theoretically (but not in practice) was the only distributor of prestige goods (ANAWALT 1980; BERDAN 2014:272; OFFNER 2017).

Based on historical sources and secondary literature providing information about Motecuhzoma´s laws and related topics I shall examine the contents and the (intertwined) social, political, economic, religious and ideological contexts of these laws in the present article. The exploration of Motecuhzoma´s laws in the article is preceded by a terminological note and a brief characteristic of historical sources informing about Motecuhzoma´s laws.

The article is not intended as an exhaustive analysis of Motecuhzoma´s laws. It is rather aimed at attracting attention to an issue which is almost unknown to legal historians, although it represents a remarkable and quite complex case study of the phenomenon of pre-modern codification of law.

Terminological note

Before we proceed, one terminological clarification should be made. It concerns the addressees of Motecuhzoma´s laws who were, first, the inhabitants of Tenochtitlan, and, second, the inhabitants and especially the rulers, elites and warriors with merits of the city-states (*altepeme*; sing. *altepetl*) that existed both inside and outside the core area of the Aztec

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[3] On the process of state formation in Tenochtitlan see e.g. BRUMFIEL 1983:261-284; KURTZ 1978:169-190; VYŠNÝ 2012.

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Empire, i.e. the Mexican Valley (Valle de México), main part of broader Mesoamerican[4] region known as Central Mexico (Centro de México).

Scholars call the inhabitants of Tenochtitlan "Aztecs", "Mexica(h)", "Tenochca(h)" or "Mexica(h)-Tenochca(h)". I prefer here the denomination "Tenochca", since it is the only term to apply exclusively on Tenochtitlan population. Although the denomination "Aztecs" is wide-spread (especially in Europe and the U.S.A.), the way scholars use it is not unified: some scholars call "Aztecs" the inhabitants of Tenochtitlan, others the inhabitants of the first (city-state of Tenochtitlan), second (city-state of Texcoco) and third (city-state of Tlacopan) capital of the Aztec Empire, and still others virtually all Nahuas. Nahuas were a dominant central Mexican native culture composed of approximately 20 ethnic groups (SMITH 2012:4), including the Tenochca (or Mexica) as one such group. Nahuas lived in many city-states, most of which became parts of the Aztec Empire.

To name the Tenochca "Mexica" (frequently "mexicanos", i.e. Mexicans in historical sources) is also possible, but to Mexica belonged the Tlatelolca as well, who were the immediate northern neighbours of Tenochca, living in an initially independent city-state of Tlatelolco, which was later (in 1473) annexed by Tenochtitlan. Therefore, the term "Mexica-Tenochca" is more precise than "Mexica", when refering to the Tenochca only, but I prefer to it the simpler term "Tenochca".

The ethnonym "Tenochca" comes from nahuatl, the language of the Nahuas. "Tenochca" is plural. The singular form is "Tenochcatl".

Historical sources informing about Motecuhzoma´s laws

The most complete and systematic information about Motecuhzoma´s laws provides the *Historia de las Indias de Nueva España e Islas de Tierra Firme* [*The History of the Indies of New Spain*] (DURÁN 2002, I:264-267; see also DURÁN 2002, II:118-124), a historical chronicle composed in New Spain by Dominican friar Diego Durán (1537?-1588) of Spanish descent between 1579 and 1581. According to Miguel León-Portilla (LEÓN-PORTILLA et al. 2013, 1:123-124) this information is credible since Durán´s *Historia* is based on authentic

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4   Pre-Hispanic Mesoamerica was a cultural historical area on the American continent. It covered the territory between approximately the 22nd and the 10th grade of northern latitude (e.g. KATZ 1989:31).

Tenochca and other Nahuas´ historical traditions,[5] both written in Nahua scripture[6] and oral, that Durán had systematically consulted before he wrote down his work.

The native historical traditions upon which Durán´s chronicle should be based are to be associated with a hypothetic but very probably once existing and now lost *Crónica X* [*Chronicle X*]*,* an early 16th century (post-conquest) primary historical source of Nahua provenience (BARLOW 1945:65-87; PEPERSTRAETE 2007; TENA 1997, 2:163-178). *Crónica X* [*Chronicle X*] should be a native (Nahua) prototype not only of Durán´s *Historia*, but also of some other sources, notably the *Crónica Mexicana*[7] [*Mexican Chronicle*] (c. 1598) of *tlatoani* Motecuhzoma II Xocoyotzin´s (ruled 1502-1520) grandson H(F)ernando Alvarado Tezozomoc (c. 1525-c.1610), the two versions of the original work of Jesuit Juan de Tovar (1543-1623),[8] known as *Manuscrito de Tovar* [*Tovar manuscript*] and *Códice Ramírez* [*Ramírez Codex*] (both around 1585), and the *Historia natural y moral de las Indias [The Natural and Moral History of the Indies*] (1590) of Jesuit José de Acosta (1539/1540-1600).

I have no doubt that the historical traditions utilized by Durán to compose his *Historia* were authentic, i.e. of Nahua origin, but I wonder if they would reflect the "historical truth" entirely, considering the pre-Hispanic history of Tenochtitlan (as well as of other Nahua city-states) was manipulated and to some extent even artificially fabricated both before and after the Spanish conquest of the Aztec Empire.

Before the conquest, *tlatoani* Itzcoatl ordered all previous historical records (in Nahua writing) be burned and created a new version of Tenochca history that legitimized the beginning expansion and the internal sociopolitical transformation (development towards a

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[5]   On Nahua historiography and other literature genres see BOONE 2000, 2007; GARIBAY 2007.

[6]   Nahua scripture consisted of pictograms, ideograms, logograms, and to a very limited extent also of phonetic elements (LOCKHART 1992:327-330).

[7]   *Crónica Mexicana [Mexican Chronicle]* describes the reign of Motecuhzoma I at considerable length (see TEZOZOMOC 1997: 120ff.), while frequently referring to various prestige objects which were both extracted (as tribute of the conquered city-states) and distributed (as reward for Tenochca elites and non-noble warriors with military merits) by this *tlatoani.* The distribution of such objects was regulated by several strict rules according to *Crónica Mexicana* (cf. TEZOZOMOC 1997:174ff.), i.e. by sumptuary laws, which substantively coincide with Motecuhzoma´s sumptuary laws registred in Durán´s *Historia* (DURÁN 1994:208ff.).

[8]   Tovar´s original work had the following title: *Historia de la venida de los indios a poblar a México de las partes remotas de Occidente los sucesos y perigrinaciones del camino a su gobierno, ídolos y templos de ellos, ritos, ceremonias y calendarios de los tiempos.*

stratified society and a state organization) of Tenochtitlan (CASTAÑEDA DE LA PAZ 2005:115-147; LÓPEZ AUSTIN 1998:173-176; VYŠNÝ 2012:42ff.). This event had surely influenced the native traditions upon which Durán based his *Historia.*

After the conquest, Spaniards as well as Nahuas (Nahua local elites, respectively) had been modifying along with "inventing" the pre-Hispanic history in order to justify the conquest (Spaniards), to legitimize their specific political and economical interests (Spanish colonists as well as Nahua local elites) and the like (BERDAN 2014; FLORESCANO 1999; LOCKHART 1992; ROZAT DUPEYRON 1993; WOOD 1998:201-231), which also could influence the source material involved in Durán´s chronicle. The same might result from a more or less hybrid character of concrete Nahua historical traditions that was due to a certain fusion or mutual influence of these and Spanish traditions (NAVARRETE LINARES 1997:155-179; SALOMONS 2006:1192-1315). For example, in Durán´s *Historia*, including the text of Motecuhzoma´s laws, as well as in other sources, are frequently used Spanish concepts and terms to describe various aspects of Nahua culture which distorts, to some extent, its image.

It also should be mentioned that the native fundament (Nahua historical traditions) of Durán´s chronicle and other alphabetical sources does not guarantee automatically a certain higher degree of their credibility. Nahua historical traditions, both oral and those captured in Nahua scripture after the Spanish conquest of the Aztec Empire (to some extent upon now lost pre-Hispanic prototypes), were transcribed into the alphabetical sources (BOONE 2000:6-7), whereby such transcription was surely connected with Spanish cultural influences on the transcribed contents (i.e. Nahua authentic forms of expression) and unconscious, as well as conscious manipulation, and even fabrication, of historical facts (FLORESCANO 1999:211ff.). On the other hand some scholars have argued persuasively that the criticism and scepticism towards the textual sources based on a transcription of Nahua oral and in Nahua scripture registered traditions, resting upon the premise that the transcription was indeed a very imperfect translation, may be overdue in many cases (BERDAN 2014:6-7; LEÓN-PORTILLA 1993:397ff.).

Last but not least, it is possible that Nahua historical traditions modified, to some extent, Nahua pre-Hispanic past in order to accord with some preferred narrative patterns which, for example, glorified the consolidation of Tenochtitlan city-state and the establishment of the Aztec Empire and in this way could attribute the enactment of a series of laws to a ruler (Motecuhzoma I) who in fact did not enact them. As Sylvie Peperstraete suggests, the laws we are examining in the present arctcle could be enacted under the rule of Motecuhzoma II Xocoyotzin (1502-1520), who should intentionally be interchanged with his same-name

predecessor in native historical traditions (PERPERSTRAETE 2007:143). Tenochca could shift the enactment of the laws, an important city-state and empire building action, from the period of Motecuhzoma II´s rule, when the city-state of Tenochtitlan and Aztec Empire ceased to exist, to a "more famous" period when they experienced a prosperous development (rule of Motecuhzoma I). In addition, by such retrospective projection of Motecuhzoma´s laws, Tenochca, I suppose, also could demonstrate to their Spanish lords, that they had a legal code, along with other conveniences (e.g. a complex state apparatus), and in that sense were "fully civilized" yet in their more remote past.

Peperstraete´s hypothesis is surely interesting, but it can not be verified sufficiently. Thus, the current state of knowledge allows to consider the author of the laws studied in the present article to be rather Motecuhzoma I than Motecuhzoma II. On the other hand, it is possible, that sumptuary laws, even if enacted (as other Motecuhzoma´s laws) during the reign of Motecuhzoma I, started to be enforced more systematically and rigorously yet under Motecuhzoma II´s rule (BERDAN – RIEFF ANAWALT 1997:25), which would have corresponded with the effort of this ruler to reinforce the social hierarchy and especially the status of hereditary nobility (nobles by birth; *pipiltin*, sing. *pilli*) at the expense of persons who became quasi-nobles (*quauhpipiltin*, sing. *quauhpilli*) by their military achievements and their descendants (TRIGGER 2007:161-162).

The contents and social contexts and functions of Motecuhzoma´s laws

Durán´s *Historia* involves a list of individual Motecuhzoma´s laws which resembles a legal code. The total number of Motecuhzoma´s laws recorded by Durán is 16, however, we will see that there existed a few other pre-Hispanic legal customs or laws enacted by unknown legislator (Motecuhzoma I? another ruler(s)?), which seem to have been substantively related to those of Motecuhzoma´s.

In the following text I successively quote all laws and comment on them. The quotations of individual laws are taken from Doris Heyden´s English edition of Durán´s *Historia* (DURÁN 1994). Contrary to the standard Mexican edition of Durán´s *Historia* (DURÁN 2002), the individual laws of Motecuhzoma´s are numbered in Heyden´s edition. It makes the list of laws clearer and thus I reproduce it below with the ordinal numbers of individual laws.

I divide Motecuhzoma´s laws into three categories: laws related to state organization and ideology (laws number 1, 11, 12, 13 and 16); sumptuary laws (laws number 2-10); and penal laws (laws number 14 and 15). Such categorization of the laws is useful, since it enables to

point to certain interconnections of certain laws (their contents and contexts). On the other hand, utilizing the categorization below, the original sequence of individual Motecuhzoma´s laws as reproduced in Durán´s chronicle must be ignored partially (the first category contains laws that are not organized one by another in the source text).

I. Laws related to state organization and ideology

"1. The king [i.e. tlatoani] must never appear in public except when the occasion is extremely important and unavoidable" (DURÁN 1994:208).

This law may be related to the process of state formation in Tenochtitlan, of which the emergence of a tiny ruling class, having the ruler on its top and separating itself systematically from the massess of ordinary people, was an essential part. Besides, the law may be connected to Tenochca complex conception of the office of *tlatoani*, who as "mother and father" of Tenochca nation, a powerful dreaded king, a guarantee of the provision of public services and a kind of gods´ terrestrial representative and speaker, endowed with their supernatural forces, had an exclusive status radically distinguishing him and thus relatively isolating him from his subjects. Let us look at the origins of the ruling class at first.

Although a state can arise in many concrete ways,[9] I believe, following Bondarenko (2008:19-53), that the traditional model of state formation, coined by Lewis H. Morgan and Friedrich Engels, is the most appropriate to explain the very essence of a social transformation that leads to consolidation of a state organization, be it in Tenochtitlan or elsewhere. The model considers the state formation a transition from a stateless (pre-state) society, fragmented into self-governed lineages, clans, tribes or similar personal units, to a state as a relatively coherent society governed centrally by political, i.e. on personal units and their authorities independent power institutions (state apparatus), and organized territorially, i.e. the state´s population is permanently distributed into administrative districts and there directly controlled by the state via its local institutions, subordinated to its central institutions. In other words, in a stateless society the power is exercised toward the members of personal units (lineages and the like) by their own authorities, i.e. towards relatives by

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[9] On state formation in general see e. g. BONDARENKO 2008:19-53; BONDARENKO 2014:215-232; CLAESSEN – SKALNÍK (eds.) 1978; CLAESSEN 2010:3-51; GRININ – KORATAYEV 2012:191-204; GRININ et al. (eds.) 2004; KRADIN 2009:25-51; TRIGGER 2007.

their relatives, while in a state the power is exercised towards the residents of territorial units (administrative districts) by state´s (not individual personal units´) representatives unrelated by personal ties to those they "govern". In addition, the representatives of the state would become a tiny endogamic ruling class, isolated from the masses of ordinary people (JOHNSON – EARLE 2000:304). The members of the ruling class have an exclusive right to exercise the state (political) power (or at least its major part), although not on their own, but on behalf of the state, i.e. the ruler (monarch), who was the symbolical embodiment of the state in many historical contexts including Tenochtitlan. The state/ruler controls the persons who exercise the political power, however the extent of such control is variable in concrete cases.

The emergence of a ruling class in Tenochtitlan was due to several factors. In Tenochtitlan, from its founding (ca. 1325 AD) on an island of lake Texcoco (central part of the Mexican Valley) to its liberation from Tepanec rule in late 1420s (Tenochtitlan, supported mainly by Texcoco and Tlacopan, conquered the Tepanec Empire´s capital Azcapotzalco), existed a type of stateless society which I have described elsewhere and classified there as chiefdom (VYŠNÝ 2012:24ff.). The basic unit of that society was *calpulli* (plur. *calpultin*). It was a landowning and thus sedentarized group of a certain number of extended families/households and was self-governing, having a representative (*calpulec*) who with a few dignitaries formed a council of elders (*calpulhuehuetque*) as an administrative body. Although having remained stateless prior the liberation from Tepanec rule, the then society of Tenochtitlan experienced some changes which gradually instigated her transformation to the state. Among these changes were: the emergence of the office of *tlatoani* in the 1370s, to whom all city´s inhabitants/*calpultin* became subjects (i.e. the centralization of power in Tenochtitlan as an important prerequisite of state formation began); and the emergence of an elite (*pipiltin*, sing. *pilli*), the posterior ruling class of the Tenochca city-state, whose members were both closer and more distant relatives of Tenochtitlan rulers, as well as commoners with greater military merits and their descendants, called *quauhpipiltin* ("eagle nobles").

Beside a small circle of *pipiltin*[10] there were masses of ordinary people called *macehualtin* (sing. *macehualli*). In the pre-state period of Tenochtitlan internal sociopolitical development *pipiltin* (at least sometimes) participated on administrative, diplomatic, military and cultic activities of *tlatoque*, but were not yet a ruling class in proper sense, which would arise after

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[10]   It is assumed that ca. 25.000 people lived in Tenochtitlan on the eve of the liberation war waged against Tepanec Azcapotzalco. Ca. 6 % of these people could belong to *pipiltin* (LEÓN-PORTILLA 2003:254-255).

the liberation of Tenochtitlan from Tepanec rule. By a ruling class in proper sense I mean, in context of Tenochtitlan history, a privileged group of people who held both central and local offices within the state apparatus and exercised the state power (they administered the city, collected tributes, resolved the conflicts of Tenochtitlan inhabitants, prosecuted and punished criminals, organized cultic ceremonies and performed religious rituals, commanded the Tenochca soldiers when on battlefield and the like), using physical enforcement, institutionalized administrative mechanisms, legal rules and sufficient economic resources, and resting upon an ideology that legitimized their actions. How such a ruling class emerged in Tenochtitlan?

The first step to create the Tenochca ruling class in proper sense should have a curious form of a "social contract" that might conclude *pipiltin* and *macehualtin* before the war against Azcapotzalco started. According to some sources (e.g. CLAVIJERO 2003:136; DURÁN 2002, I:126) *macehualtin* were reluctant to take part in the war that should liberate Tenochtitlan. *Pipiltin*, who, on the contrary, supported the war, made an agreement with *macehualtin* in order to carry it out. It was agreed that if Tenochtitlan would be defeated, *macehualtin* could kill and even consume *pipiltin*, but if Tenochtitlan would conquest Azcapotzalco, *macehualtin* would accept *pipiltin* as a privileged ruling class and would serve them in various ways (they would cultivate *pipiltin* fields, pay tributes to *tlatoani* and *pipiltin*, participate in military campaigns organized by *tlatoani* and *pipiltin* and the like). After the victory of Tenochtitlan a public assembly of *macehualtin* should confirm their commitment and take decision to start its fulfillment (DURÁN 2002, I:129).

It is obvious that the consolidation of ruling class in Tenochtitlan can not be reduced on the conclusion of a "social contract", the more it can not be verified.[11] Thus, other historical circumstances, which are much more credible, are to be taken into consideration when the emergence of Tenochca ruling class is explored.

The upper social status and various privileges of *pipiltin* resulted from their separation from *macehualtin*, as well as their wealth and political power. Besides, they had great social

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[11] The founding of the Tenochca state by conclusion of a "social contract", mentioned in Durán´s chronicle and other sources derived from the *Crónica X* [*Chronicle X*], may be due to possible influence of the authors of these sources by the scholastic political philosophy, which operated since the 13th century with a certain kind of social contract theory (RECASENS SICHES 2003), also processed by Spanish (Salamancan) 16th century second scholastics (e.g. Francisco de Vitoria). On the other hand, the contract concluded by *pipiltin* and *macehualtin* could be a result of the manipulation/fabrication of Tenochca historical tradition that occurred during Itzcoatl´s reign and was in benefit of *tlatoque* and *pipiltin* and their political and economical interests.

prestige, since they (along with *tlatoani*) were ensuring the fulfillment of Tenochtitlan´s vitally important supernatural mission to maintain a proper everyday "course" and thus the very existence of the world (cosmos). The mission, as it is well known, rested in regular "nourishing" of the gods in order they would constantly be able to perform their supernatural actions which maintained the world´s existence and "course". Gods were "nourished" by supernatural energies released mainly from ritually sacrificed humans.

According to Friedrich Katz *pipiltin* evolved to a ruling class once they definitively had abandoned their *calpultin*, as well as farming, the prevalent occupation of ordinary people (*macehualtin*) living in *calpultin*, and subsequently could become full-time representatives of the state/*tlatoani* (administrative functionaries, judges, priests, military commanders and the like) and exercise the state power continously and effectively. After pipiltin left *calpultin*, their personal ties to *calpultin* members, i.e. to their closer or more distant relatives and neighbours, weakened and finally disappeared. Thus emerged a gulf between "those, who govern" (= *pipiltin*) and "those, who are governed" (= *macehualtin*), which is a phenomenon typically connected with the state formation process (KATZ 1956:110).

Katz has stated that *pipiltin* who had left their *calpultin* lived (with their families) in *tlatoani´s* palace, where all highest (central) state authorities resided, or on conquered territories where they served as administrative functionaries (KATZ 1956:110). This is true, but there were also *pipiltin* who never moved away from their *calpultin*, in which they lived in their palaces (PAREDES GUDIÑO 1986:251). There were about 12 palaces of *pipiltin* in Tenochtitlan. These palaces, along with estates attached to them (both inside and outside of Tenochtitlan), worked by local *macehualtin*, and became relatively autonomous socioeconomical units (ROVIRA MORGADO 2011:75-85). Thus, the separation of *pipiltin* from *macehualtin* was no physical isolation of the former from the latter to some extent, but rather resulted from a considerable difference of their life-styles: *pipiltin* distinguished from *macehualtin* by living in palaces (see also the eighth Motecuhzoma´s law below), great wealth, they publicly displayed, non-productive nature of activities, they performed, and the like.

The economic situation of *pipiltin* was favourable. They were supported by the state, being its representatives. They theoretically could not acquire land in Tenochtitlan, for it was owned by *calpultin* and used by their members only who *pipiltin* ceased to be (ZORITA 1963:30), however, in practice they very probably captured themselves some part of *calpultin* land (REYES GARCÍA 1996:33) and/or were granted parts of such land by *tlatoani* as recompensation of their participation on state administration. In addition, *pipiltin* were

gaining lands on conquered territories (DURÁN 2002, I:129-131 et passim).[12] *Pipiltin* were also owners of various prestigious moveable objects, what I will examine later.

The monopoly of *pipiltin* (including *quauhpipiltin*) on political power resulted from the way the state functionaries were recruited: the highest dignitaries of the Tenochca city-state, acting in the spheres of administration, judiciary, military and cult, could be only the closest (male) relatives of *tlatoque* (so-called *tlazopipiltin*; sing. *tlazopilli*); other state officials, both central and local, generally called *tetecuhtin* (sing. *tecuhtli*), could be *pipiltin* as well as *macehualtin* on condition they (both *pipiltin* and *macehualtin*) had greater military merits (*macehualtin* with merits became *quauhpipiltin* whose social status was hereditary and higher than that of *macehualtin*, but inferior to that of *pipiltin* by birth). However, to achieve greater military merits and thus become a state functionary was only possible for a smaller part of *macehualtin*, since the majority of them, contrary to *pipiltin*, should dedicate themselves to subsistence activities and could not take part in military campaigns regularly. In addition, the highest (central) offices were not accessible to *quauhpipiltin* (LÓPEZ AUSTIN 1961; VYŠNÝ 2012).

Tenochtitlan state apparatus, dominated by *pipiltin* and *quauhpipiltin*, was centralized and complex. It consisted of central administrative, judicial, military and cultic institutions, residing in *tlatoani´s* palace, and of local state officials, who resided in all *calpultin* of Tenochtitlan and administered them, however, not on their own completely, but cooperating with their councils of elders (ALCÁNTARA GALLEGOS 2004:167-198; LÓPEZ AUSTIN 1961; VYŠNÝ 2012).

Considering 1. the central (i.e. the most important) state institutions resided in *tlatoani´s* palace, 2. *tlatoani*, the head of the entire city-state and at the same time the major exponent of *pipiltin*, should leave the palace and show himself publicly only exceptionally (in principle only when attending cultic ceremonies or on battlefield), 3. the state functionaries recruited mostly from *pipiltin* and only to a limited extent from former *macehualtin* (i.e. from *quauhpipiltin*), and 4. *macehualtin* were prohibited, under the death penalty, from entering

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[12]   The lands of *pipiltin* were called *pillalli* or *tecpillalli*. Some scholars have concluded that *pillalli* lands were private property of *pipiltin* (e.g. KATZ 1956:35ff.), while others have asserted that state/*tlatoani* owned all these lands and *pipiltin* possessed them (their parts, respectively) only for a time period they held state offices, which could be life-long at the most (i.e. *pillalli* lands were not hereditary) (e.g. CARRASCO 1978:24-29). According to the current state of knowledge *pillalli* lands were owned collectively by members of extended *pipiltin* families (e.g. KALYUTA 2008), even if private property of these lands could also exist to limited extent (LOCKHART 1992:153-155).

*tlatoani´*s palace or at least those palace rooms where state institutions dominated by *pipiltin* exercised their powers (see the eleventh Motecuhzoma´s law below), it is possible to conclude that in Tenochtitlan a systematic separation of the ruling class from "the governed" occurred. Such separation prevented inevitably the *macehualtin* from a participation on the exercise of political power, now concentrated in the hands of *pipiltin* and *quauhpipiltin* on both central and local levels and exercised on behalf of *tlatoani*.

On the other hand, the separation of *tlatoani* and *pipiltin* from *macehualtin*, as well as the monopolisation of political power and acquisition of great wealth and privileges by the former, was at odds with Tenochca state ideology which viewed the ruling class and ordinary people as two unequal, but essential and complementary parts of the society who should peacefully coexist, provide certain services to each other and collaborate in order to fulfill properly the vitaly important supernatural mission (KOVÁČ 2002:210; TRIGGER 2007:490-494). Theoretically, "those who govern" and "those who are governed" were, similarly as in other Claessen´s and Skalník´s world "early states" or Trigger´s world "early civilizations",[13] interdependent and their mutual relations were dominated by a principle of asymetric reciprocity (i.e. a reciprocity which was advantageous for both the ruling class and the ordinary people, but for the former to a greater extent), however, this ideal differed considerably from actual life of Tenochtitlan *macehualtin* who had in their hands but minimal political power, were significantly poorer than *pipiltin*, lacked their privileges and the like. Among the strategies to overcome or rather to obscure the gulf existing between the ruling class and the masses of ordinary people was, similarly as in other Mesoamerican states (CHASE – CHASE – SMITH 2009:175-182), a paternalistic conception of political power.

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[13] "Early state" and "early civilization", evolutionary concepts coined by Henri Claessen and Peter Skalník (the former concept) and Bruce Trigger (the latter concept), attach to certain types of society which occurred, in different time periods, in the sociopolitical development of many world territories, including the pre-Hispanic Central Mexico/Aztec Empire. According to its general definition, an "early state" is "[a] three tier (national, regional, local level) centralized socio-political organization for the regulation of social relations in a complex, stratified society divided into at least two basic strata, or emergent social classes – the rulers and the ruled – whose relations are characterized by political dominance of the former and the obligation to pay taxes of the latter, legitimized by a common ideology of which reciprocity is the basic principle." (CLAESSEN – SKALNÍK 1978:640; CLAESSEN 2010:15-16). An "early civilization" can be summarily defined as "[t]he earliest and simplest form of *class-based* society" (TRIGGER 2007:46; emphasis in original), which emerged on a given territory. Class structure of an early civilization is its most important atribute, from which unfold all material and symbolic social relations, existing among social classes, among their members, as well as between social classes and the supernatural realm of gods (see TRIGGER 2007:passim).

Tlatoani, the major exponent of the ruling class, was considered, for example, *inan, ita altepetl*, i.e. mother and father of the city-state (Tenochtitlan and its inhabitants),[14] while *macehualtin* were referred to as a kind of less perfect persons (as compared to *pipiltin*), or even as children, who were not fully capable to take care of themselves, and therefore needed to be guided and protected by more perfect persons, *tlatoani* and *pipiltin* (SULLIVAN 1980:227). Thus, *tlatoani*, being not only a ruler, but also "mother and father" of his subjects, had a quasi-familiar relation to them, which symbolically substituted the personal ties of the ruling class and ordinary people, existing before the emergence of social stratification and state organization, and at the same time could make it easier for *tlatoani´*s subjects to accept his rule, since they were used to obeying the (male) heads of the families they lived in, whose position *tlatoani* so to say imitated, when he became "the mother and father" of Tenochca.[15]

*Tlatoani´*s but extraordinary presence in Tenochtitlan public life can be explained by non-existence of personal/familiar ties, and thus a natural solidarity, of the ruling class and "the governed". Yet the absence of such ties was disguised by *tlatoani´*s assuming of the role of Tenochca nation´s "mother and father", which established a quasi-familiar relation between *tlatoani* and his subjects. Paradoxically, that role could lead to limiting of physical contact between *tlatoani* and his "children" (subjects), in order they get an impression their ruler was an exceptional and even mysterious personality whom they could see, listen to or eventually talk to but rarely. Thus, when it happened, they could consider it a very special and important

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[14] According to the tenth book of Bernardino de Sahagún´s Florentine Codex (SAHAGUN 1974:15), a principal source on pre-Hispanic Nahuas and especially on Tenochtitlan, Tenochca should view their ruler, for example, as follows: "The ruler [is] a shelter – fierce, revered, famous, esteemed; well reputed, renowned. The good ruler [is] a protector; one who carries [his subjects] in his arms, who units them, who brings them together. He rules, takes responsibilities, assumes burdens. He carries [his subjects] in his cape; he bears them in his arms. He governs; he is obeyed. [To him] as shelter, as refuge, there is recourse. He serves as proxy, as substitute. The bad ruler [is] a wild beast, a demon of the air, a demon, an ocelot, a wolf – infamous, deserving of being left alone, avoided, detested as a respecter of nothing, savage, revolting. He terrifies with his gaze; he makes the earth rumble; he implants, he spreads fear. He is wished dead."

[15] On fictitious, but generally respected quasi-familiar relation between the ruler/ruling class and "the governed" see BONDARENKO 2008:26-30.

event in their lives and could want it was repeated, which in turn reinforced their loyalty to *tlatoani*.

The distinctness and relative separation of *tlatoani* from his subjects was also due to a fear from *tlatoani*, spread by *tlatoani*´s and other state authorities´ public speeches (van ZANTWIJK 1980:71-87) and actions in public (e.g. brutal executions of criminals).

The last circumstance that distinguished *tlatoani* from his subjects was his unique political and religious status, briefly described in the following text.

The office of *tlatoani* experienced considerable changes during the reigns of Itzcoatl and Motecuhzoma I. After the succesfull liberation war waged against Tepanecs, Itzcoatl, now ruler of a sovereign city-state, formed a political, military and economic alliance with Texcoco and Tlacopan, known as Triple Alliance (*Excan tlatolayan* in nahuatl), which had succesively created a vast empire. Already during his reign, the Triple Alliance gained power superiority in the Mexican Valley, which later became the core zone of the Aztec Empire. At the same time, there was also significant progress of state formation in Tenochtitlan, as a ruling class emerged, an apparatus for both central and local state administration (including administration of justice) was created, and a state ideology was formulated, that legitimized the existence, social order, as well as the imperial ambitions of Tenochtlitlan.

Motecuhzoma I continued the military expansion, whereby extended the empire beyond the Mexican Valley. The appropriation of great wealth constantly flowing from the conquered territories to Triple Alliance cities by their *tlatoque* and *pipiltin* deepened the hitherto moderate economical and political differences between *macehualtin* and *pipiltin* and contributed to a considerable inequality of both social classes that enshrined, *inter alia*, the Motecuhzoma´s laws (VYŠNÝ 2012:42ff.).

The just mentioned developments also instigated a transformation of *tlatoani*´s office. *Tlatoani* became a sovereign monarch with universal competence (he was the executive head of the entire state apparatus, the highest judge, military commander and priest, a legislator and the like). In addition, the actual power of Tenochtitlan *tlatoque* was increasing during the reign of Itzcoatl´s successors, mainly that of Ahuitzotl (ruled 1486-1502) and even more that of Motecuhzoma II Xocoyotzin (ruled 1502-1520) (VYŠNÝ 2012:64ff.). On the other hand, at least in the plane of Tenochca state ideology, none of Tenochtitlan *tlatoque* can completely be considered a "despot" in the sense of Michael Mann´s theory of despotic

power, as distinguished by him from the so-called infrastructural power (MANN 1986, 2008).

According to Mann, both despotic and infrastructural (public) powers are centralized and exercised by state apparatus evenly within the entire state territory, but the former power is exercised "over" a society ("the governed"), while the latter one "through" a society. A government (i.e. a ruler and a ruling class or a state apparatus, respectively) exercising the despotic power unidirectionally imposes its will on a state population, which basically can not participate in formulation and execution of that will. A government exercising the infrastructural power relies on mutually advantageous cooperation with "the governed" – "the governed" support the government by, for example, tax payments which is compensated by important services provided to them by the government (e.g. military defense, administration of justice, redistribution of wealth, making of religious rituals, etc.), which is the only institution capable to provide such services effectively and virtually for all citizens. In other words, the infrastructural power, contrary to the despotic power, is exercised, to a certain greater extent, in favor of "the governed", who thus accept it a lot more than the despotic power. On the other hand, in practice any political power is both despotic and infrastructural, however, a power can be more despotic and less infrastructural or less despotic and more infrastructural (MANN 1986; 2008).

In my opinion, the infrastructural dimension of the power of *tlatoani* (and the ruling class/state apparatus) prevailed over its despotic dimension. It resulted from the complexity of administrative, judicial, economical, military and cultic functions which the state apparatus of Tenochtitlan, headed by *tlatoani*, daily fulfilled in favor of broad population, i.e. *pipiltin* and *macehualtin* alike. For example, *tlatoani* used to supply *macehualtin* who were attending public works, became orphans or widows losing their breadwinner in war or became war invalids, had bad harvest and the like with food and dress (KATZ 1956:95-103). In addition, beside various practical services which *tlatoani*/state apparatus provided to population, there was also the cult which performance, determining the persistence of the world, was seen as *tlatoani*´s primary obligation by his subjects, as well as the main reason

because of which he was given the political power by the highest civil and military elites of the state which elected him *tlatoani*[16] (BRODA 1978:221-255; SAHAGÚN 2001, II:453ff.)

*Tlatoani´*s political power was surely strengthened by his religious status. *Tlatoani* was not considered a god, but a person endowed by certain gods with certain vital supernatural forces (these forces can be remotely compared to Western concept of a soul) to an extent that was significantly higher than the extent all other people were endowed by them (BRUMFIEL 2000:134). Based on the presence of these forces in his body, *tlatoani* had a very close relation to gods, along with the possibility to communicate with them, which made him a kind of gods´ terrestrial representative and speaker and an executor of their will. This may seem a way to legitimize the eventual willfulness of *tlatoani*, however, during the ceremonies of new-elect *tlatoani´*s inauguration a public speech was delivered which explicitly pointed out *tlatoani´*s duty to use the supernatural forces he had gained to optimize his government and in favor of his subjects (SAHAGÚN 2001, II:453ff.).

It was believed that all *tlatoani´*s power had a divine origin (LÓPEZ AUSTIN 1961:87). Although *tlatoani* appeared as the earthly representative of *Tezcatlipoca*, *Huitzilopochtli* and possibly some other gods, his power came from the fire god *Huehueteotl Xiuhtecuhtli*, the manifestation of the supreme god *Ometeotl*, who had created *Tezcatlipoca* and the other "younger" gods who, in turn, created the age/world (*nahui ollin*) in which Tenochca and other Mesoamericans (according to their belief) lived. This idea should be an important source of legitimacy of *tlatoani´*s power, as its origin attributed to the highest of the gods (SULLIVAN 1980:233; TRIGGER 2007:83).

In addition, *tlatoani* was also a representative of god *Quetzalcoatl*, who was ruler of a celestial city, which was considered a mythical original homeland of the humankind by Mesoamericans living in postclassic period (ca. 900/1000-1520 AD). That city had several names, for example Nahuas called it "Tollan", Mayas "Zuyá" etc. As at some point groups of people left Tollan, i.e. celestial (divine) world, for human world, i.e. Mesoamerica, the god Quetzalcoatl created from himself certain gods subordinated to him, which became central gods of these groups[17] and founded for them cities throughout Mesoamerica, including Tenochtitlan. The cities were terrestrial copies of Tollan and were governed by *Quetzalcoatl*, even if not directly, but through gods which founded them and were

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[16]   It is not completely clear which concrete elites of Tenochtitlan were the electors of *tlatoani*.

[17]   The central god of Tenochca/Mexica was *Huitzilopochtli*.

represented by cities´ human monarchs who came from cities´ royal dynasties founded by these gods (LÓPEZ AUSTIN – LÓPEZ LUJÁN 1999; LÓPEZ AUSTIN – LÓPEZ LUJÁN 2014:281ff).

Before we turn to other Motecuhzoma´s laws concerning Tenochca state organization and ideology let us conclude that there were various factors clearly distinguishing and at the same time separating *tlatoani* and *pipiltin* from *macehualtin*. Such separation was surely advantageous for the former, since it enabled them to concentrate great political, economical and ideological power in their hands and exercise it with but minimal participation of *macehualtin*. No suprise that in such a situation the isolation of the ruler, the major exponent of the ruling class, from masses of ordinary people, was legally enshrined. On other hand, the political power was more infrastructural than despotic in Tenochtitlan and thus exercised to some extent in favor of *macehualtin*.

"11. In the royal palace there are to be diverse rooms where different classes of people are to be received, and under pain of death no one is to enter that of the great lords or to mix with those men [unless of that class himself]. Each one is to go to the chambers of his peers. A tribunal is to be set up to resolve complaints, disputes, and possible damage caused." (DURÁN 1994:210).

It will be useful to describe briefly the state institutions residing in *tlatoani*´s palace, before we comment on this law.

In *tlatoani*´s palace resided the central organs of the city-state which can be devided into monocratic and collective ones.

To the monocratic organs (i.e. individual dignitaries) belonged: *tlatoani* and a certain number of *tlazopipiltin*, from which the most important were: *cihuacoatl*, in principle a co-ruler of *tlatoani*, but not completely equal to him, and four *tecutlatoque* (two of them were the highest military commanders and the remaining two the highest judges), only of which the next *tlatoani* could be elected (LÓPEZ AUSTIN 1961:87ff.).

Collective organs residing in the palace were:

a. courts:

a1. inferior tribunal (*teccalli*) with jurisdiction over civil and minor criminal cases concerning *macehualtin*;

a2. superior tribunal (*tlacxitlan*) with jurisdiction over *macehualtin* who committed serious crimes, as well as over civil and criminal cases concerning *pipiltin*;

a3. tribunal called *tecpilcalli* with jurisdiction over delinquents pertaining to *tlazopipiltin* and other *pipiltin* living in *tlatoani´*s palace and the highest military dignitaries;

a4. tribunal of *cihuacoatl* which was the supreme court and had universal jurisdiction. It was chaired by *cihuacoatl* or, once every twelve days in principle, by *tlatoani*;

b. the office of *achcacauhtin*, who maintained the public order during public religious festivals, had detained the delinquents before their trials began and made executions;

c. the council of the highest military dignitaries (commanders, respectively), residing in the room called *tequihuacacalli* or *quauhcalli*;

d. the assembly of tribute collectors (*calpixque*) who were gathering in a room called *calpixcalli* or *texancalli*. On the assembly, the tribute collectors were both given instructions concerning their activities and controlled wether they fulfilled their obligations properly;

e. the assembly of lesser military dignitaries (*tiachcahuan, telpuchtlatoque*), who were meeting in a room called *cuicalli*. These dignitaries worked as teachers in public schools (*telpochcalli*) residing in all *calpultin* of Tenochtitlan and attending mostly by later pubertal and adolescent *macehualtin* (SAHAGÚN 2001, II:663-668).

Motecuhzoma´s eleventh law fits well into the just described structure of central state organs. *Macehualtin* were prohibited from entering *tlatoani´*s palace, except for meet the *teccalli* or *tlacxitlan* judges who were competent to resolve their cases. The law, on the one hand, reinforced the above discussed separation of "those, who governed" and "the governed", as the latter, unless they had greater military merits (a minor part of *macehualtin* had such merits), not only could not participate in the exercise of state power, but they even could not get into physical contact with persons exercising that power. On the other hand, the law also reflected the complex character of Tenochca central state organs system, within which a specialization occurred (we can distinguish administrative, judicial and military organs with their respective separated rooms in *tlatoani´*s palace and respective specific powers), as it established: "In the royal palace there are to be diverse rooms where different classes of people are to be received... Each one is to go to the chambers of his peers." (DURÁN 1994:210).

The jurisdiction of palace courts seems to have been based, according to the law we are now examining, on the principle *iudicium parium*, i.e. any person may be tried only by persons having the same social status. However, *macehualtin*, be it at *teccalli, tlacxitlan*, or tribunal of *cihuacoatl*, were judged by persons who were not socially equal to them, i.e. they had a higher social status. Namely, to become a judge (at least a palace, i.e. a higher judge), one

should meet strict requirements, beside to have greater military merits, to be *pilli* or *quauhpilli*, graduate from an elite school (*calmecac*), be wealthy, not to consume *pulque* (an alcoholical beverage) etc. (SAHAGÚN 2001, II:672), which was imposible for *macehualtin*.

The eleventh law is substantively connected with the twelfth law which focuses on the judiciary.

"12. An order of judges is to be established, beginning with the judges of the supreme council. After these would come regular court judges, municipal judges, district officials, constables, and council-men, although none of them may give the death sentence without notifying the king. Only the sovereign can sentence someone to death or pardon him. (Even in this they wished to act like gods.)" (DURÁN 1994:210).[18]

Motecuhzoma´s twelfth law enshrines a complex system of Tenochtitlan courts which was centralized and hierarchic. There are some terminological and factual uncertainties concerning this system in the sources, which, however, López Austin has largely resolved (LÓPEZ AUSTIN 1961: 97ff.).

 The central (palace) courts were mentioned above. Here should be added that "the judges of the supreme courts"[19] were either the judges of the tribunal of *cihuacoatl* or members of *tlatocan*, a supreme council of Tenochtitlan with, *inter alia*, a judicial power, which members were *tlazopipiltin* and other high dignitaries, both military and civil (LÓPEZ AUSTIN 1961:94-97). Considering that *tlatocan* was no permanent organ, i.e. its members gathered but occassionally (irregulary) (LÓPEZ AUSTIN 1961:94-97), I believe that "the judges of the supreme courts" were rather the members of the tribunal of *cihuacoatl* who in principle judged on a daily basis.

The "regular court judges" and "municipal judges"[20] were probably the judges of *tlacxitlan* (the former) and *teccalli* (the latter). The court *tecpilcalli* seems no to be mentioned in

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[18] In the Mexican edition of Durán´s *Historia* the first sentence of the twelfth law partially differs from Heyden´s edition. Cf. "ordenose que uviese justicias á quien acudiesen EN los pleitos y quejas y agrauios. Despues de los oydores, que eran del supremo consejo..." (DURÁN 2002:266).

[19] In the Mexican edition of Durán´s *Historia* these judges are called "oydores del supremo consejo" (DURÁN 2002:266).

[20] In the Mexican edition of Durán´s *Historia* these judges are called "alcaldes de corte" and "alcaldes ordinarios" (DURÁN 2002:266).

Motecuhzoma´s twelfth law, from which results it was established somewhere later (not during Motecuhzoma I´s rule).

On a local level, i.e. in individual *calpultin*, the judicial power held "district officials", "constables" and "council-men".[21] District officials were administrators of individual *calpultin* (*tetecuhtin*, sing. *tecuhtli*), appointed by *tlatoani*, who exercised their judicial power (along with their certain administrative powers) with aid of an auxiliary personnel (= constables) and *calpultin* councils of elders (ALCÁNTARA GALLEGOS 2004:187ff.). According to López Austin, *teccalli* was not a palace court, but a *calpulli* court chaired by *tecuhtli* who minor cases judged on his own and major cases ceded to *tlacxitlan* judges (LÓPEZ AUSTIN 1961:97-99). This is quite possible, however other scholars consider *teccalli* a palace court.

The following two laws concern Tenochtitlan state ideology. The law number 13 establishes the compulsory school attendance which enabled the Tenochca state to acquaint, as well as to identify virtually all population with the axiological and normative foundations of Tenochtitlan social order and especially its supernatural mission, the central axis of the state ideology and religion. The law number 16 enshrines a privileged status of priests whose spectacular rituals were a complex means through which the ideological/religious doctrines were actualized and the mission carried out.

"13. All the barrios [calpultin] will possess schools or monasteries for young men where they will learn religion and correct comportment. They are to do penance, lead hard lives, live with strict morality, practice for warfare, do physical work, fast, endure disciplinary measures, draw blood from different parts of the body, and keep watch at night. There are to be teachers and old men to correct them and chastise them and lead them in their exercises and take care that they are not idle, do not lose their time. All of these youth must observe chastity in the strictest way, under pain of death." (DURÁN 1994:210).

Minimally in Triple Alliance cities existed the compulsory school attendance. All population and both sexes started, at the age between 12 and 15 years (sometimes perhaps 10 years old),

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[21]   In the Mexican edition of Durán´s *Historia* these judges are called "corregidores", "alguaciles" and "regidores" (DURÁN 2002:266).

to be educated in a public school, and continued in education until reaching the age of marriage (girls: 15-18 years; boys: 20-22 years) (HINZ 1990:191-192).

The descendants prevalently of pipiltin attended an elite school (*calmecac*) providing a higher education. The school resided in the sacred precinct in central Tenochtitlan and was administred by priests (*tlenamacac, tlamacazqui*). Its divine patron was god *Quetzalcoatl*. *Calmecac* was a school for boys only. Girls belonging to *pipiltin* were educated by priestesses in an separate institution, residing in the sacred precinct (HINZ 2002:112-113; LÓPEZ AUSTIN 1961:117ff.).

The descendants of mostly *macehualtin* attended schools called *telpochcalli* residing in all *calpultin*. The schools were consecrated to god *Tezcatlipoca* and administred by lesser military dignitaries (*telpochtlato, tiachcauh*). Girls belonging to *macehualtin* were educated separately from boys by local elder women (HINZ 2002:112-113; LÓPEZ AUSTIN 1961:117ff.)

Tenochtitlan schools have been instrumental in their pupils´ general socialization. The didactic programs of *calmecac* and *telpochcalli* differed, but both were complex. In *calmecac* were educated mainly future priests, high officers and judges, while in *telpochcalli* primarily warriors were trained who later (based on their eventual military merits) could become (lesser) military dignitaries. Pupils of *telpochcalli* used to attend regularly public works (they constructed or maintained palaces, temples, roads, causeways, canals and the like). Although their education was prevalently a practical one, they also were acquainted with the fundaments of religion. Pupils of *calmecac* worked physically (usually in the school edifice, not on public works) and were military trained as well, but their education was primarily focused on retorics, etiquette, ethics, law, astrology, whole religious theory and practice, history and the like. They had a lot more specific religious duties (e.g. bloodletting), were subject to a stricter discipline (e.g. absolute sexual abstinence) and were punished more rigorously than pupils of *telpochcalli*. In addition, they lived isolated from their families in

their school, while pupils of *telpochcalli* were visiting their parents at times in order, for example, to help them with their field works (HINZ 2002:112-113).

"16. Great privileges and exemptions are to be given those who dedicate themselves to religion, to the temples and the gods. Priests will be awarded great distinction, reverence, and authority." (DURÁN 1994:210).

The priests, generally called *teopixque* (sing. *teopixqui*), were professional managers of the city-state cult life and performers of cult rituals. Their activities, essentially atributing to successfull fulfillment of Tenochtitlan´s mission, were highly appreciated by the state/*tlatoani*. No suprise a large organization of priests as a relatively autonomous part of the state apparatus emerged. The organization was hierarchical and had its own economic ressources, including land (KATZ 1989:253-256). On the other hand, priests were subject to a strict discipline. For instance, a priest who did not maintain the celibacy had to be executed, according to a law, mentioned in manuscripts *Historia de los mexicanos por sus pinturas* [*History of the Mexicans as Told by Their Paintings*] and *Éstas son leyes que tenían los indios de la Nueva España, Anáhuac o México* [*These are the laws of Indians of New Spain, Anáhuac or México*][22] (*Las literaturas indígenas* 1985: 716, 751). Priests also had many religious duties, as various complicated rituals, including spectacular public ceremonies, should be made in each 20-day "month" of the year, having 18 "months" (*veintenas*) plus five extra days (GRAULICH 1999). The proper fulfillment of these duties was systematically controlled by the priests themselves who monitored each other and pointed to other priests´ delicts. Priestly delinquents were physically punished by other priests and/or could loose their priestly offices, unless they paid a fine (they gave e.g. a certain amount of textiles that were a kind of money) to priests who denounced them, which probably was possible only when the delicts they had committed were not serious or repeated (SAHAGÚN 2001, I:119-120, 164ff.).

Let us conclude here that the Motecuhzoma I´s laws examined above reflect a great complexity of Tenochca state organization. Such complexity was also due to various penal laws (they were not part of Motecuhzoma I´s legislation), which established, *inter alia*, that state officers and judges, as well as military dignitaries were responsible for their activities and conduct and thus neglect of duties, disobedience to orders and various delicts considered serious crimes, e.g. abuse of authority, bribery or alcoholism, of these persons lead to loss of their posts and a rigorous punishment, in certain cases even to their execution (VYŠNÝ 2012:182ff.).

II. Sumptuary laws

Before I examine concrete Motecuhzoma´s sumptuary laws I will briefly summarize the main features of sumptuary legislation and its social functions, as well as point to some Tenochca empiric correlates of these features and functions.

Sumptuary legislation is a phenomenon that can be find world-wide (in various time periods). Simply put, such legislation regulates the acquisition, ownership and public display of prestige objects, also called "prestige goods", both moveable (e.g. dress, jewelry, food, power or military insignia, ritual objects) and immoveable (e.g. palaces). More generally expressed, it regulates who can and who can not perform a luxurious life-style. It has several social functions outlined below, one of which, the most obvious, is deepening and stabilization of social hierarchy: there are people who can not gain the prestige objects, as well as people who can gain such objects (on condition they meet certain criteria), however, some of these people have not access to all or but to less prestigious objects. In other words, it is legally enshrined who can/can not acquire any or concrete prestige objects. The just mentioned function had also Motecuhzoma´s sumptuary legislation, as it established (even if not completely clearly) three unequal social classes: a ruling class (*tlatoani*, *tlazopipiltin* and *pipiltin*), *macehualtin* with military merits who became certain military dignitaries and in principle can be identified with *quauhpipiltin*, and masses of ordinary *macehualtin*. We will see below that *macehualtin*, unless they had certain military merits, could gain no prestige objects, although in practice were acquiring some of them. *Macehualtin* with military merits could gain prestige objects, theoretically only from *tlatoani* (the state), but such objects had to be less prestigious than those *pipiltin* were receiving from *tlatoani*. Prestige objects of *tlazopipiltin* (or at least some of them) seem to have been more prestigious than those of *pipiltin.* Finally, there were special prestige objects which only *tlatoani* could own.

Thus, at least in theory, prestige objects could be property of only *tlatoque*, *pipiltin* and merited warriors/*quauhpipiltin*. This state of affaires was not only legally enshrined, but also mythically legitimized. According to *Crónica Mexicayotl* Tenochca, in an early period of their history (before they settled down on a lake island which later would convert itself to the city of Tenochtitlan), were promised by their god *Huitzilopochtli* that they would successively conquer all other states and make them – as "lords of all the world" – to pay rich tribute, including multiple prestige objects, to Tenochtitlan, the "centre of the world"

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[22] Both manuscripts pertain to an anthology of thirteen 16th century manuscripts which is known as *Libro de Oro y tesoro índico* or *Libro de oro* since 1702 (TENA 2006:29-37).

(TEZOZOMOC 1998:23-25). León-Portilla has related *Huitzilopochtli´*s promise with an important Tenocha myth which narrates how *Huitzilopochtli* defeated and killed his divine siblings (sister *Coyolxauhqui* a 400 brothers), in order to prevent them from killing their and *Huitzilopochtli´*s mother (goddess *Coatlicue*), and seized their precious miraculous things, i.e. prestige objects, making them a part of his *tonalli*, i.e. his "destiny" or supernatural essence (LEÓN-PORTILLA 2003:240-241). Considering the prestige objects owned by *tlatoque* a *pipiltin* were referred to as *in-tonal* ("their destiny") and *tlatoque* and *pipiltin* were *Huitzilopochtli´*s terrestrial representatives acting on his behalf (DURÁN 2002, I:111), it may be concluded, that the Tenochca military expansion and prestige goods extraction from the conquered states was an imitation of an archetypal god´s deed by his human proteges. Since *macehualtin*, contrary to *tlatoque* and *pipiltin*, were not *Huitzilopochtli´*s representatives, nor were organizing and leading military campaigns, they had no right to gain prestige objects, and this could change only when they achieved certain military merits and only to a limited extent, as clearly results from the fact, that the prestige objects of merited warriors/*quauhpipiltin* were inferior to those of *pipiltin* and *tlatoque*.

To understand sufficiently the above mentioned as well as other social functions of sumptuary legislation it is necessary to render the essence of prestige objects. The prestige objects have certain typical features, usually more features at the same time, which I briefly describe below.

Prestige objects are not only luxurious (rare, precious, very valuable, not for use as, for example, working instruments intended and the like) material things in the economic sense, but also - and this above all – items with specific meta-economic (symbolic) meanings, which they both bear and nonverbally communicate to people who appear in the vicinity of prestige objects´ owners. The basic meaning of prestige objects is clear: they are material, and thus well visible, markers of a higher social status of their owners. However, there are yet other, more complex meanings of prestige objects.

Prestige objects often symbolize certain greater personal qualities of their owners (their superior knowledge, abilities and skills), as well as their collectively important deeds, because of which (both qualities and deeds) they were awarded with such objects (PLOURDE 2008). This was also case of Tenochtitlan where a special category of prestige objects, the military insignia, existed. These insignia symbolized certain greater military deeds/merits of their owners who were various military dignitaries. The principal military

insignia were: a feathered (*tlahuiztli*) or skirted (*ehuatl*) warrior suit, a headdress and/or back device, and a shield (BERDAN 2014:262).

Tenochca military insignia seem to have had a great importance. These were prestige objects whose distribution (to warriors with merits) was systematically monopolized by *tlatoani*, although such monopoly, the same as in case of other prestige objects, was surely not absolute (e.g., some insignia were sold/bought on markets at times) (BERDAN 2014:266-268). In addition, the military insignia could basically be considered the so-called "inalienable wealth", which means, *inter alia*, that they should be *res extra commercium* (it was not possible to trade with these objects) and be inheritable (there was a custom to burn these objects with their deceased owners, as the military merits they symbolized were but personal, i.e. not transferable to their owners´ heirs). However, as already mentioned, military insignia were not completely *res extra commercium* and their status as inheritable objects is questionable as well, as sometimes these objects may have been inherited (BERDAN 2014:266-268).

Concrete military insignia symbolized concrete extent of military merits of their owners, which was "measured" by, *inter alia*, the number of enemies individual Tenochca warriors had captivated on battlefield and transported to Tenochtitlan where the captives were sacrificed to gods. The more people Tenochca warriors captured, the greater were their military merits, the more prestigious were the insignia by which they were rewarded (by *tlatoani*) and the higher were the military ranks they were given (by *tlatoani*). To hold civil offices was in principle impossible for both *pipiltin* and *macehualtin* unless they had achieved certain military merits/ranks (SAHAGÚN 2001, II:684-687).

The obtaining of military insignia elevated not only the social status and personal prestige of a warrior, but also the extent of his responsibility for the maintenance of the supernatural world (cosmic) order. Namely, to be Tenochca warrior meant to be a person who in long-term and actively, mainly by frequent participating in military campaigns and capturing of enemies, contributed to the fullfilment of Tenochtitlan mission "to nourish" the gods. Thus, the distribution of military insignia by *tlatoani* was not only rewarding, but it also was supposed to motivate the rewarded warriors to continue in their military activities/captivating enemies in the future, which is in accordance with Tenochca authentic notion of a prestige object as something that so to say ties its owner to his primarily military obligations (BRODA 1977:53). In other words, the obtaining of a prestige object implied a permanent moral duty for its owner to contribute to the maintenance of the world order, which Tenochca, similarly as many other pre-modern world cultures, understood as a positive situation which, however, should both gods and people maintain by ritual actions (people by, even if not only by, human

sacrifices), in order to prevent it from its decline to a chaos. The duty of Tenochca owners of military insignia to contribute to the maintenance of the world order found its expression mainly in their obligation to take part in military campaigns and, if necesary, readily die in a battle, as Sahagún *expressis verbis* has put it in his description of military insignia distribution ceremony held in the eleventh "month" *ochpaniztli* (SAHAGÚN 2001, I:197).

Also holding of civil (administrative, judicial, priestly) offices can symbolize (and confirm) certain prestige objects (power insignia) belonging to officers, who were *pipiltin* and *quauhpipiltin* in Tenochtitlan. In this relation, it is worth mentioning that after the Spanish conquest of the Aztec Empire, i.e. in a colonial society, Nahua elites used to ground their superior social status on their ownership of pre-Hispanic or upon pre-Hispanic prototypes produced power insignia (OLKO 2011:455-469).

Further, prestige objects may have religious meanings and be involved in religious practices. In Tenochtitlan it was believed, for example, that prestige objects were sacral entities in which *tonalli*, a supernatural vital force identified with light and heat (CARRASCO 1998:78, 97, 98, 121) of their owners was concentrated (OLKO 2006:67), or which gave a greater *tonalli* to their owners (BRUMFIEL 2000:134-137), respectively. Thus, a Tenochca who gained a prestige object, not only reconfirmed or gained a higher social status, but also experienced a progressive, even supernatural change of his body/personality, which acquired a certain new – and superior – quality. Prestige objects also manifested a direct and intensive involvement of their owners into the functioning of the world order, based on a circulation of, *inter alia*, *tonalli* (BRUMFIEL 2000:134), to which the owners were contributing, as they were regularly "releasing" *tonalli* from bodies of (mainly) enemies they captured and sacrificed. Prestige objects were a special reward for this vitaly important activity.

Last but not least, prestige objects may bear ideological meanings which may have a political importance at the same time. This was also in Tenochtitlan case, as many prestige objects were considered to have Toltec origin (SAHAGUN 1979:165-169). Toltec Empire (ca. 950-1150 AD) existing in central Mexico was a remote predecessor of the Aztec Empire, glorified by Nahuas and other Mesoamericans as a place where a high civilization emerged and a legitimate imperial rule was established. Tenochtitlan *tlatoque* as indirect descendants of Toltec rulers claimed to be their political successors and restorers of their sway, in order to reinforce the legitimacy of their own rule and imperial expansion. Thus, the prestige objects of Toltec origin (or produced upon Toltec prototypes) manifested links existing between their owners (*tlatoani*, elites) and the primary source of legitimate power (Toltec Empire). This function of prestige objects yet had been reinforced by an identification of Toltec capital Tula with the celestial city of Tollan, the seat of *Quetzalcoatl*, which in turn enabled the Tenochca

rulers to declare themselves terrestrial deputies of this divine ruler of mankind, who founded – through his *alter ego*, the god *Huitzilopochtli* –, among other Mesoamerican cities, also Tenochtitlan (see above). In addition, a doctrine of divine or semidivine origin of *tlatoque* and *pipiltin* emerged who – contrary to *macehualtin* – should be descendants of a ruler of Tollan whom either *Quetzalcoatl* himself or his human deputy (priest) endowed with his divine force was (TRIGGER 2007:145).

From the brief characteristics of prestige objects results that in a society such as, for example, the Tenochca one was, a considerable demand for prestige objects should exist. The members of Tenochca society, both *pipiltin* and *macehualtin*, could not occupy certain higher positions in the sociopolitical hierarchy, nor could elevate from their positions to higher ones, unless they had gained prestige objects which materially manifested and symbolically confirmed, as well as nonverbally, but understandably for society members communicated a superior social status of their owners in the public.

It can be the case, that the demand for prestige objects is satisfying exclusively the ruler/state and this, moreover, in accordance with sumptuary laws he himself has enacted, which gives him an opportunity to manage and control the distribution of prestige objects and thus the titles, offices, military ranks, palaces, estates and the like, which acquirement (from the state/ruler) the obtaining of respective prestige objects (from the state/ruler) symbolizes and confirms (BOURDIEU 1998:69ff.). It follows that there may be another important function of sumptuary legislation which can be defined as subordination and creation of loyalty and obedience of the recipients of prestige objects to the state/ruler, the only distributor of prestige objects. In Tenochtitlan, however, *tlatoani´s* monopoly on distribution of prestige objects was not absolute. Besides the providing of persons meeting respective criteria with prestige objects by *tlatoani,* who was gaining these objects as a war booty, tribute paid by provinces, gifts or from artisans working exclusively for him, individuals could obtain multiple (but surely not all) prestige objects on their own (to some extent) (BERDAN 2014:271ff.), however, the non-elite owners of prestige objects may have been prohibited from displaying them publicly (BERDAN 2014:274). Thus, some prestige objects were occasionally bought on markets, inherited, gained as a war booty, privately produced, received as gifts, privately provided/sacrificed to idols representing gods and the like. The fact that there existed non-state production of some prestige objects and trade with such objects is to be associated with an internationalization of middle to late postclassic (ca. 1200-1520 AD) Mesoamerican economy (e.g. long-distance trade), as well as with her commercionalization (e.g. the rise of markets) and especially the commercionalization of certain prestige objects (BERDAN – SMITH 2004). In other words, partial circumvention or moderate application, respectively, of Motecuhzoma´s sumptuary laws, was present in

Tenochtitlan and the Aztec Empire. This phenomenon, probably reduced yet during the rule of Motecuhzoma II, also may have been in accordance with a typical feature of legislation existing in Claessen´s and Skalník´s early states – a legislation, i.e. a law enacted by the ruler, should not essentially differ from a customary, i.e. a traditional law, otherwise the early state ordinary population, well self-identified with the traditional law and long-term paying respect and obedience to it, would very probably be strongly reluctant to abide the legislation, the more it used to favorize (to some extent) a tiny ruling class at the expense of ordinary people (CLAESSEN 1998). Having been Motecuhzoma´s sumptuary laws rather a new law, their acceptance by masses of *macehualtin,* who were disadvantaged by it, could be low, and thus the ruling class, at most 10 % of the society (VYŠNÝ 2012:65), could prefer a moderate application of sumptuary laws in order to avoid a protest or even a rebellion of *macehualtin*. In addition, there was one exemption from the sumptuary laws which concerned the professional merchants (*pochteca*, sing. *pochtecatl*). Merchants, to an uknown, but rather greater extent, could gain prestige objects on their own, particularly buying them on markets throughout, as well as beyond the Aztec Empire, and display them publicly (cf. SAHAGÚN 2001, II:706ff.).

On the other hand, whatever limited the actual enforcement of sumptuary laws in daily life of Tenochca could be, it is indisputable that the legal regulation of acquisition, ownership and public display of prestige objects as items with multiple deep meanings outlined above, had to have a certain greater social significance (see OLKO 2014). There surely existed a permanent demand of Tenochtitlan *pipiltin*, as well as *macehualtin* with military merits for prestige objects, and such demand existed also among provincial rulers, elites and non-noble warriors with merits, whom also *tlatoani* of Tenochtitlan (occasionally) provisioned with prestige objects, establishing thus between him and the recipients of prestige objects firm relations, considerably contributing to the integration of the otherwise strongly decentralized Aztec Empire (BREUER 1988:58-59). Such relations were both political (they emphatisized the subordination of provincial rulers to *tlatoani* of Tenochtitlan) and personal (provincial rulers were a kind of partners or clients of Tenochtitlan *tlatoani,* having the former and the latter some common political, economic and religious interests). At the same time they were mutual, as, for example, provincial rulers the prestige goods were not only receiving from *tlatoani* of Tenochtitlan, but also they were donating some to him. In other words, there were complex links between Tenochca and provincial rulers and elites, maintained, *inter alia*, by mutual giving of prestige goods. Upon such links was based a mode of metropolitan and

provincial rulers´ and elites´ international cooperative coexistence, known as "elite culture" (SMITH 2008:11-12).

Mutual relations between a distributor (ruler) and recipients of prestige objects, which enabled the former to control the latter, his subjects, "from above" (as a supreme power authority) and centrally, were also crucial inside Tenochtitlan and other Nahua city-states. As some scholars assert (e.g. LOCKHART 1992; ROVIRA MORGADO 2014) the structure of Tenochca society, as well as broader Nahua society, was not only hierarchical, but also – and this possibly to a major extent – heterarchical.[23] This means that in Tenochtitlan and elsewhere two opposed tendencies of sociopolitical development co-occurred. One tendency was to maintain (or to reinforce) the all-society hierarchy/stratification with *tlatoani* and a tiny ruling class on its top and to concentrate the political power in the hands of *tlatoani* in order he could exercise it on both central and local levels, to which the emergence of a centralized pyramidal state apparatus headed by *tlatoani* was instrumental. Another tendency, existing among both *pipiltin* and *macehualtin*, was to evade the power of the state/*tlatoani* to the most possible extent and pursue they own interests whose presence in Tenochtitlan may confirm, for example, a transformation of *pipiltin* and *macehualtin* landpossessing households (palaces in case of *pipiltin*, respectively) into relatively closed, autonomous and autarchic residential, familiar and socioeconomic units (ALCÁNTARA GALLEGOS 2004; KALYUTA 2008). As is obvious, the second tendency desintegrated Tenochca society to some extent and weakened the factual power of *tlatoani*. Thus, the distribution of prestige objects by *tlatoani* (the state) on condition that their recipients had provided and would further provide certain services to him had to be an important strategy to overcome such situation.

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[23] Hierarchy is a vertical form of social inequality. It resembles a multilayer pyramid, while all people on a given level have better social position than people on lower level(s) and worse social position than people on higher level(s). The heterarchical social organization is a network whose nodes have more or less the same social position and mutual relations involving cooperation, competition and conflicts. In any complex society can be found both hierarchy and heterarchy, however, the extent to which they occur is variable in concrete cases.

One more function of sumptuary legislation may be specified. The owners of prestige objects display them, at least occasionally, publicly. In Tenochtitlan they were doing this mainly during frequent religious festivals, whereby they so to say outbragged themselves before people who could not or could only to a limited extent have prestige objects, but who were aware of their great value and who thus gave admiration and recognition, and even become loyal and relatively obedient, to prestige objects´ owners. In other words, the public display of prestige objects by their owners, regulated by sumptuary legislation, is a form of conspicuous consumption, i.e. a means by which a higher social status is reconfirmed and political power gained or augmented (TRIGGER 2007:541, 669).

Let us continue with concrete Motecuhzoma´s sumptuary laws which were nine.

"2. Only the king may wear a golden diadem in the city, though in war all the great lords and brave captains may wear this (but on no other occasion). These lords and warriors represent the royal person when at war and thus could at that time wear the golden diadem and royal insignia." (DURÁN 1994:208).

Besides the royal crown-like diadem (*xiuhuitzolli*) made of gold and covered with a turquoise mosaic, mentioned in this law, there were multiple prestige objects, for example a blue cape adorned with turquoise (or designed in a turquoise color), turquoise nose plug, lip plug and ear plugs, decorated sandals, certain military insignia, a wowen reed seat used by *tlatoani* as a throne etc. (BERDAN 2014:151), which were considered royal insignia, i.e. insignia which exclusively *tlatoani* could have (except for the situation when some high elites represented him on the battlefield).

A deep symbolism concerned the royal diadem, which was especially related to the materials – gold and turquoise – from which the diadem was made. Both materials linked *tlatoani* to celestial world of gods and to important gods and their supernatural activities, which can be seen already from the etymology of Nahua expression for gold, *teocuitlatl,* meaning "gods´ excrement". Gold connected *tlatoani* with, for example, *Xipe Totec*, a divine patron of goldsmiths and god of new (spring) vegetation, fertility, agriculture, as well as war. Since a support of rain, rich harvest, successful military campaign etc. was not only an activity of *Xipe Totec*, but also a responsibility of *tlatoani,* who was fulfilling it mainly making respective rituals, it may be observed, that tlatoani had frequently been acting as a terrestrial representant, or even an embodiment, and a collaborator of god. Golden diadem and other royal insignia made from this metal also connected *tlatoani* with the principal Tenochca god *Huitzilopochtli* which deputy *tlatoani* was etc. (BAQUEDANO 2005).

The symbolism of turquoise (*xihuitl*) was also complex. Primarily it linked *tlatoani* to fire god *Xiuhtecuhtli*, which was seen as a principal divine source of terrestrial rulers´power (TAUBE 2012:130).

Beside turquoise, there was another stone considered prestige object, the jadeite (*chalchihuitl*). According to a Tenochca law, *macehualli* who stole such stone had to die by lapidation, executed in public (on the marketplace) (*Las literaturas indígenas* 1985:751).

"3. Only the king and the Prime Minister Tlacaelel may wear sandals within the palace. No great chieftain may enter the palace shod, under pain of death. These noblemen are the only ones to be allowed to wear sandals in the city and no one else, also under pain of death, with the exception of men who have performed some great feat in war; because of their valor and courageous deeds they may wear sandals, but these must be common and of low quality. The gilded, adorned ones are to be used only by noblemen." (DURÁN 1994:20).

This law clearly reflects the Tenochca social hierarchy, as well as the opportunity of merited warriors to ascend to a more favorable social position. Sandals could be worn only by *pipiltin* and warriors with military merits (*quauhpipiltin,* respectively), however the sandals of the latter had to be a lot simpler than those of *pipiltin*. On the other hand, both *pipiltin* and merited warriors had to take their sandals off when they dwelled in royal palace, wherein only *tlatoani* and the highest dignitary after *tlatoani* (i.e. *cihuacoatl* who in times of Motecuhzoma Ilhuicamina was Tlacaellel), could be shod. The supremacy of the ruler and *cihuacoatl* over *pipiltin* and merited warriors was thus emphasized. *Macehualtin* could not be shod, unless they had certain military merits.

The following four laws are substantively interlocked (they regulate the use of prestige dress by *tlatoani* and social classes). I will quote them one after another and comment them altogether.

"4. Only the king is to wear the fine mantles of cotton brocaded with designs and threads of different colors and adorned with feather-work; these will be worked with gold and embroidered with royal insignia. The king is to decide which type of cloak is to be used by

the royal person and at which times, in order to distinguish him from the rest.“ (DURÁN 1994:208-209).[24]

“5. The great lords, who are twelve, may wear special mantles of certain make and design, and the minor lords, according to their valor and accomplishments, may wear other.“ (DURÁN 1994:209).

“6. The common soldiers are permitted to wear only the simplest type of mantle. They are prohibited from using any special designs that might set them off from the rest. Their breechcloths and waistbands must be in keeping with the simplicity of the mantle.“ (DURÁN 1994:209).

“7. The commoners will not be allowed to wear cotton clothing, under pain of death, but can use only garments of maguey fiber. The mantle must just cover the knee and not be worn longer than this. If anyone allows it to reach the ankle, he will be killed unless he has wounds received in war on his legs [then he will be permitted to cover these with the longer length].

(And so it was that when one encountered a man who wore his mantle longer than the law permitted, one immediately looked at his legs. If he had wounds acquired in war he would be left in peace, for in this way he was able to cover those wounds he had been given by being valiant, and if he did not have those wounds he would be killed. People would say, “Since that leg did not flee from the sword, it is just that he be rewarded and honored.”)” (DURÁN 1994:209).

The dress code enshrined in the just quoted sumptuary laws made the Tenochca social hierarchy well visible – the higher social status of a Tenochca male individual was, the more luxurious his mantle. On the top of the hierarchy was *tlatoani* and after him were: “(twelve) great lords”, i.e. *tlazopipiltin*, “minor lords”, i.e. *pipiltin*, “common soldiers”, i.e. merited warriors or *quauhpipiltin*, respectively, and, finally, “the commoners”, i.e. *macehualtin.*

The mantles by which Tenochca men distinguished from each other, called *tilmatli*, were draped garments which acted as capes or cloaks worn around the shoulders and the entire individual´s figure, while larger *tilmatli* (*quachtli*) were also used as a kind of money. *Tilmatli* was tied either over the right shoulder (*macehualtin*) or in front so that the knot lay

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[24] In the Mexican edition of Durán´s *Historia* the sentence “...in order to distinguish him from the rest“ is absent (cf. DURÁN 2002:265).

over the breastplate (*pipiltin*). *Macehualtin* owned two or three *tilmatli*, *pipiltin* owned many more (AGUILAR-MORENO 2006:365).

From the above-mentioned laws results that differences of *tilmatli* worn by *tlatoani*, *tlazopipiltin*, *pipiltin*, merited warriors and *macehualtin* concerned the materials from which the mantles were sewn, their cut (i.e. length), as well as their ornamentation. Thus, *macehualtin* were prohibited from wearing cotton mantles or mantles longer than to their knees (unless they covered the wounds they had received on battlefield), the mantles of non-noble warriors with merits had to be simpler than those of *pipiltin* etc. Some special mantles could wear only *tlatoani* (such mantles were royal insignia).

Another sumptuary law illustrates that prestige of a Tenochca man depended also on the type of house he lived in:

"8. Only the great noblemen and valiant warriors are given license to build a house with a second story; for disobeying this law a person receives the death penalty. No one is to put peaked or flat or round additions [towers? gables?] upon his house. This privilege has been granted by the gods only to the great." (DURÁN 1994:209).

In other words, "great noblemen" (*pipiltin*) and "valiant warriors" (*quauhpipiltin*), had, contrary to *macehualtin*, the privilege to live in luxurious houses to which scholars refer as to "palaces".

Pipiltin lived in palaces, either in *tlatoani´s* palace or in their own (smaller) palaces, which, as already mentioned, were at least twelve, and were unevenly distributed throughout Tenochtitlan and Tlatelolco. On the other hand, not all Tenochca elites lived in palaces. Although some *tetecuhtin*, the state administrators of *calpultin* recruiting from both *pipiltin* and *quauhpipiltin*, may have lived (in respective *calpultin*) in certain palaces (ROVIRA MORGADO 2011:77ff.), the majority of them seem to have lacked a palace-like housing and resided in the *telpochcalli* buildings (ALCÁNTARA GALLEGOS 2004:173).

To palaces (*tecpan*) of *pipiltin*, who were sometimes *tetecuhtin* at the same time, were attached some lands, and over time palaces could become, in Tenochtitlan, as well as in other Nahua city-states, autonomous and autarchic social, economical and political units (*teccalli*) resembling feudal domains (ROVIRA MORGADO 2014). However, in the western Nahua area (Mexican Valley and Mexican state Morelos), where also Tenochtitlan was situated, such palaces/domains participated in local administration exercised on behalf of the state

(ruler) and were controlled by the state (ruler) to a major extent than in the eastern Nahua area (today Mexican states Puebla and Tlaxcala) (LOCKHART 1992:102ff.).

There had always been a striking difference between large stone palaces and a lot more smaller, mostly from adobe bricks constructed and considerably poorer equipped houses of *macehualtin*. Although the physical appearence of palaces was not unified, they had the same basic structure. A palace consisted of a closed rectangular inner court (patio) with a single entrance from ouside and several rooms arranged around the court, which were built in a certain height above the ground level (SMITH 2008:115ff.; TOBY EVANS 2004:7-58).It is worth mentioning that the law we are examining emphasized that the privilege to live in palaces had a divine origin. This statement was connected with a peculiar religious status of *pipiltin* which provided them – contrastively to *macehualtin* – with a close relation to gods – not only Tenochtitlan rulers, but also *pipiltin* (rulers´ relatives) considered themselves a kind of *Huitzilopochtli*´s and other gods´ terrestrial representatives, and this already in times of Huitzilihuitl (ruled ca. 1396-1417), the second *tlatoani* of Tenochtitlan (DURÁN 2002, I:111). No surprise then that such prestigious relation *pipiltin* intended to demonstrate. Thus, their palaces had a certain greater altitude and vertically, up to celestial gods´ world oriented disposition.

The remaining sumptuary laws concerned various jewels, made from e.g. gold, which, similarly as other Tenochca prestige objects, had the social functions outlined above. I will qoute these two laws together:

"9. Only the great lords are to wear labrets, ear plugs, and nose plugs of gold and precious stones, except for commoners who are strong men, brave captains, and soldiers, but their labrets, ear plugs, and nose plugs must be of bone, wood, or other inferior material of little value." (DURÁN 1994:209).

"10. Only the king of Tenochtitlan and sovereigns of the provinces and other great lords are to wear gold armbands, anklets, and golden rattles on their feet at the dances. They may wear garlands and gold headbands with feathers in them in the style they desire; and no one else may use them. These kings alone may adorn themselves with chains of gold around their necks, with jewelry of this metal and of precious stones, such as jade, all made by master jewellers; and no one else may. Other valiant soldiers who are not considered noblemen may wear common garlands and eagle, macaw, and certain other feathers on their heads. They may adorn themselves with necklaces of bone and of small snails, small scallop shells, bones

of snakes, and common stones. (Some of the latter, though, were so well polished, carved, and painted that they were very handsome and looked fine.)" (DURÁN 1994:2010).[25]

It is clear that also these sumptuary laws were supposed to reinforce the Tenochca social hierarchy, as well as to manifest supernatural connections between certain deities and human owners of the jewels mentioned in the laws, which unfolded from the symbolism that surrounded the materials from which these jewels were produced, as well as their forms and ornamentantion (BAQUEDANO 2005; JANSEN 1997; LOWE 2004; OLKO 2006; TORRES MONTÚFAR 2015).

As already mentioned, there were a few other sumptuary laws which may or may not have been part of Motecuhzoma´s laws. Among these laws were, for example, alimentary prohibitions: *macehualtin*, contrary to *pipiltin*, were forbidden, under the pain of death, to consume a cacao beverage (SAHAGÚN 2001, I:609), as well as an alcoholic beverage (*pulque*) (ALBA 1949:12), having both specific religious meanings and being involved into religious rituals, although it is possible, that during public religious festivals both prohibitions were applied moderately in relation to *macehualtin*.

III. Penal laws

Motecuhzoma´s penal laws were the following:

"14. There is to be rigorous law regarding adulterers. They are to be stoned and thrown into the rivers or to buzzards." (DURÁN 1994:210).

"15. Thieves will be sold for the price of their theft, unless the theft be grave, having been committed many times. Such thieves will be punished by deaths." (DURÁN 1994:210).

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[25] In the Mexican edition of Durán´s *Historia* the sentence "... all made by master jewellers..." is absent (cf. DURÁN 2002:266).

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The Laws of Motecuhzoma Ilhuicamina

The laws quoted are only two and are formulated quite shortly. This is in a striking contrast with a great complexity of Tenochca penal law (VYŠNÝ 2012:170ff.) and especially a complex legal regulation of adultery (*tetlaximaliztli*) (VYŠNÝ 2012:193-194) and theft (*ychtequiliztli*) (VYŠNÝ 2012:198-201) which distinguishes, *inter alia*, several forms of both crimes regarding the extent of their seriousness etc. It is my hypothesis that the very little attention the legislator (Motecuhzoma I) had paid to penal law was due to a characteristic feature of ancient legal codes, namely their incompleteness. Such codes involved only a certain part of a society´s law, while its another part, sometimes even a major part, was a long-term legal tradition (customary law), deep-rooted in a society and observed by the majority of their members, as well as accepted and enforced by the state (ruler, ruling class), and thus it was not necessery to incorporate it to a legal code.

On the other hand, the incorporation of adultery and theft into Motecuhzoma´s legal code may point out that these crimes, considered serious, were in Tenochtitlan wide-spread, which could resulted in a need for more systematic and rigorous prosecution and punishment of their perpetrators which only the state (concretely the judiciary) and only clear codified all-society legal rules enacted and enforced by state could assecurate.

Conclusion

The laws of Motecuhzoma Ilhuicamina were possibly arranged into a coherent legal code, which seems to have encompassed only a small part of Tenochca law. However, it was an important, even fundamental part, relating to Tenochca complex mechanisms of social control such as: centralized state apparatus theoretically acting on the entire city-state territory and beyond it, throughout the Aztec Empire; social stratification and existence of a privileged tiny ruling class; penal law; state distribution of prestige objects as special rewards of services provided to state by the rewarded, enabling them certain ascension in the social hierarchy; ideology, to which young *pipiltin*, as well *macehualtin* (of both sexes) were obligatory introduced in public schools, in order to be able realize it later, especially by taking part in military campaigns and "nourishing of gods" with enemies they had captured on battlefield, and so on.

Similarly as in many other historical contexts, also in Tenochtitlan was the enactment of a series of law an integral part of the process of state formation. Thus, Motecuhzoma´s laws should stabilize and reinforce the Tenochca state as a new complex sociopolitical order. It is nevertheless questionable to what extent they succeeded in it, since their enforcement in Tenochtitlan inhabitants´ daily life was rather limited, as was the case, primarily, but not only, of Motecuhzoma´s sumptuary laws (probably prior the reign of Motecuhzoma Xocoyotzin). According to these laws was the only distributor of prestige objects the state (i.e. *tlatoani*) and the acquiring of such objects was determined by e.g. military services provided to distributor, however in practice both *pipiltin* and *macehualtin* were gaining some prestige objects on their own, buying them on a market, for example. Motecuhzoma´s laws relating to Tenochtitlan state apparatus reflect its hierarchical and centralized character, i.e. local state organs, residing in individual *calpultin*, were subordinated to and directed by central state organs (*tlatoani*´s palace), but despite of it, was the power of state (*tlatoani*) sufficiently exercised in *calpultin*? Namely, a tendency to create local autonomous and autarchic socioeconomic units (not only in Tenochtitlan) occurred, which surely was weakening the state (*tlatoani*´s) power, along with its capability to enforce properly Motecuhzoma´s legal code (or other laws enacted by the state). Such units resisted the state power to some degree, which thus probably could not enforce the state law evenly on the entire territory of Tenochtitlan. Situation like this had been common in world legal history since at least the highly-developed and very comprehensive, but never systematically applied Babylonian Code of Hammurabi (18th century BC).

The laws of Motecuhzoma Ilhuicamina, as well as Tenochca law as a whole, should be explored in broad context of Tenochca, Nahua and even all-Mesoamerican general history, society and religion. Only to a lesser extent was possible to do this in the present article, but further investigation of pre-Hispanic Nahua law is planned by the author.

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