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Review of Christoph Rosenmüller, *Corruption and Justice in Colonial Mexico, 1650-1755*

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Rosenmüller, Christoph. *Corruption and Justice in Colonial Mexico, 1650-1755*. Cambridge Latin American Studies. Cambridge: Cambridge University Press, 2019. xv + 341 + 4 maps + 7 tables + 5 fig.

In his latest book, Christoph Rosenmüller proposes to disassociate corruption from modernity and questions the idea that the development of the rule of the law made possible the emergence and use of the term. For Rosenmüller, corruption has deeper historical roots. Greek and Roman philosophers criticized the decay of their political systems, and, in the pre-modern era, legal writers and theologians as well as common people regarded irregularities in the administration of justice as corrupt.

Rosenmüller defines corruption in colonial Mexico as “impeding the process of establishing justice” (53). Judicial pluralism prevailed in this period. Consequently, judges instead of the law were at the center of adjudicating justice. Judges reached their verdicts not only by weighing the evidence but also by selecting legal arguments from multiple sources of jurisprudence (canonical, royal, Roman, and natural), which they frequently adjusted to local customs and particular cases. Thus, judicial corruption was focused on the personae and behavior of judges who were deemed corrupt when they engaged in bribery, extortion, and malfeasance, or when they obtained judicial appointments despite their unsuitable birth, blood (race), or occupation. Finally, Rosenmüller proposes that the concept of corruption evolved between 1650 and 1750 to include the colonial administration, a process the author believes has been ignored by other historians.

Historiographically, Rosenmüller revises the two dominant explanations of judicial corruption for the colonial period: one that regards corruption as an excess of widely accepted practices and the other that contends that the concept did not exist because judges primarily acted as mediators between their own interests and the need for social harmony. Despite the malleability of the term, Rosenmüller believes that corruption as doctrine was accepted and applied outside educated circles.

To flesh out the elusive concept of corruption, Rosenmüller’s first chapter offers a thorough explanation of the functioning of the judicial system as well as the important role played by judges under the paradigm of judicial pluralism. Based on sources in English, Spanish, German, and French, this erudite overview is the strongest section of the book. Additionally, the chapters dedicated to Francisco Garzarón's judicial *visita* (inspection), carried out between 1716 and 1727, are very-well researched and of great importance. Chapters 5, 6, and 7 analyze the methods employed by Garzarón to elucidate the accusations of bribery and extortion put forward against Novohispano judges. These chapters uncover the legal bases of Garzarón’s sentences and demonstrate that judges drew

on multiple juridical sources from throughout the Atlantic and Western Europe. Moreover, commoners were aware of corrupt practices and actively denounced them. Rosenmüller additionally analyzes the social and political contexts of Garzarón's inquiry and proposes not to exaggerate their influence as Garzarón studied and adjudicated each case individually and separately.

To Rosenmüller, Garzarón's investigation primarily aimed at diagnosing shortcomings in order to propose a plan of comprehensive reform prior to José Galvez's well-known general *visita* (1765- 1772). The identification of other processes and periods of reform prior to Bourbon rule are welcome and, hopefully, they will inspire other studies along the same lines. However, Rosenmüller does not expand on the careers of the judges after they had been sentenced by Garzarón. Since it was common for judges serving in the Spanish empire to serve in other jurisdictions after their performance had been legally questioned, following these judges' later careers would have provided a comprehensive and, perhaps, more nuanced assessment of Garzarón's interventions.

In Chapter 2, Rosenmüller links judicial corruption to bribery, extortion, and barratry (*baratería*). Judges accused by Garzarón denied their engagement in these practices, although, in their defense, they justified their questionable actions by arguing that they lacked malicious intent (*dolo*). Judges structured their defenses against these charges by drawing on the same sources they utilized to adjudicate cases, making evident that judicial pluralism also functioned as an efficient tool for neutralizing accusations of corruption. Although Rosenmüller does not emphasize this point, accusations of corruption promoted a conservative agenda as discourses condemning it were grounded in perceived defects of race and social origin which, ultimately, sustained the status quo and limited social mobility. Regarding the extension of corruption from the judicial to the administrative sphere, the author states that, in the mid-eighteenth century, the term included the misconduct of treasury officials and, probably, the entire administration. Rosenmüller admits that more research is needed but, nevertheless, links these changes to a tighter supervision of judicial and political appointees; the change in emphasis in their qualification from lineage to professional performance; a decline of judicial pluralism; and the concomitant expansion of the scope of legislation issued directly by the monarch. However, the lack of archival evidence illustrating these changes and the author's use of imprecise terms such as "judicial bandwidth" to refer to changes in the scope of the courts make it difficult to conclusively extend the use of corruption beyond the judicial sphere.

Focused on the *reparto de mercancías* (forced distribution of goods), Chapter 3 studies the administration of justice from below. Counting on their status as *miserables* (indigent) and by strategically using the legal protections

granted to them (such as *laesio enormis*, *restitutio in integrum*, lack of *dolo*), Indians legally challenged the enforcement of commercial agreements they perceived as unfair while they simultaneously defied the power of the *alcaldes mayores*. Although Rosenmüller acknowledges that those legal protections increased the risks of engaging in business with the Indians, his discussion does not address how the different parties involved in these transactions accessed credit. Nor does he elaborate on the relationships between *reparto de mercancías*, market participation, and tax collection. The author concludes that justice standards evolved, enabling Indians to contest injustices they had previously tolerated. However, it is not clear whether they lost their protections with the decline of judicial pluralism. This section could have been strengthened by incorporating the literature available on Indigenous women as litigants and the works that, in Alto Peru, linked judicial politics to Indigenous political action.

Chapter 4 links the sale of *alcaldias mayores* to discussions concerning the judges' ability to serve with integrity in spite of questionable births, lineages, and occupations. It concludes that sales did not necessarily undermine the administration of justice. Rather, they reinforced the monarch's authority at the expense of the patronage of noble councils and viceroys, an argument that aligns well with existing studies for the eighteenth century.

Overall, Rosenmüller's book makes an important contribution to the study of corruption in Spanish America. Readers will learn from this ambitious project and be inspired to draw connections across regions and time periods.

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