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The last twenty years have seen a broad and vital reinterpretation of the nature of literary texts, a move away from formalism to a sense of literature as an aspect of social, economic, political and cultural history. While the earliest New Historicist work was criticised for a narrow and anecdotal view of history, it also served as an important stimulus for post-structuralist, feminist, Marxist and psychoanalytical work, which in turn has increasingly informed and redirected it. Recent writing on the nature of representation, the historical construction of gender and of the concept of identity itself, on theatre as a political and economic phenomenon and on the ideologies of art generally, reveals the breadth of the field. Cambridge Studies in Renaissance Literature and Culture is designed to offer historically oriented studies of Renaissance literature and theatre which make use of the insights afforded by theoretical perspectives. The view of history envisioned is above all a view of our own history, a reading of the Renaissance for and from our own time.

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10 History, law, and the eyewitness  
 Protocols of authority in Bernal Díaz del  
 Castillo's *Historia verdadera de la conquista de  
 la Nueva España*

Rolena Adorno

Historical writing on the Indies constituted a significant new branch of prose production in the early modern period. Generated by the Caribbean and mainland conquests, the accounts of what was found and what was done occupied the pens of a gamut of writing subjects that ran from the exalted court chronicler to the modest foot soldier. In order to take a penetrating look at the intersection between written history, law, and eyewitness testimony in the sixteenth century, I take the rich and revealing example of Bernal Díaz del Castillo in his *Historia verdadera de la conquista de la Nueva España* (True History of the Conquest of New Spain) (written 1550–84, published 1632). Bernal Díaz emerges as a proto-historian who exemplifies a uniquely Spanish-American discourse of history, the echoes of which would reverberate well into the next century and beyond.<sup>1</sup>

The interpretation of recent events occupied many minds in New Spain in the decades following the conquest of Mexico (1519–21), and it was carried out in the exercise of daily affairs in the *audiencias* (highest judicial courts) of the viceroyalty and its provinces, their city councils, and the palace of the viceroy. It was also undertaken in the petitions and writings of the “old *conquistadores*,” their letters to the king, the civil suits they filed against those who contested their interests, the notarized reports of their merits and services and, in the case of a few, historical writings such as Bernal Díaz's *Historia verdadera*.

The interpretation of law and that of history converged in dramatic and urgent ways in the writings on the Spanish conquests in the New World, and Bernal Díaz's work allows us to focus more sharply on the role of law in the historiography of the Indies, that is, where the quest for royal reward met the writing of history. Bernal's chronicle reveals the pressure of particular social, economic, and near-term historical imperatives, and combines distinct sources of authority to justify the conquest in a kind of test-case for the emerging modern discipline of history, particularly that of the Indies. The present task is to explore the relationship between sixteenth-century judicial practice, the Castilian

legal tradition, and the writing of history.<sup>2</sup> My overarching argument is that the *Historia verdadera* exemplifies the capacity of prose exposition to contain and conceal the argumentation that drives it.

Like many historical works of his day, Bernal Díaz's chronicle contributed to a broader debate concerning the relationship between Spanish peninsular history and recent events in the Indies. There existed great chronological continuity between the reconquest of Spain and the Spanish establishment in America; on 2 January 1492, the Muslim kingdom of Granada fell to Ferdinand and Isabella, and by Christmas of that year, thirty-seven members of Columbus's first expedition made preparations to spend the winter in a fortified outpost on the north coast of the Caribbean island of Hispaniola.

The conceptual continuity between these series of events, however, was challenged from many quarters. The detractors included, on one side, colonial reformers such as Bartolomé de Las Casas, other members of the regular clergy, and royal officials who saw night-and-day differences between the defeat of Granada and the fall of the Aztec capital Tenochtitlán; on the other side were advocates of conquest – governors and judges – who exercised their authority to enhance the positions of newcomers to the Indies like themselves. In a 1552 letter to the emperor, Bernal Díaz complained that the president of the high court in his jurisdiction, the licentiate Juan López Cerrato, had rebuffed his petition for an assignment of Indian laborers with the challenge: “Quién os mandó venir a conquistar? ¿mandóos S.M.? mostrad su carta: andad, que basta lo que habéis robado” (Who commanded you to come here and conquer? Did the king command you? Show me the letter! Go on, you have robbed enough!).<sup>3</sup> The pretensions of the men Charles V had reluctantly designated “first discoverers and conquerors” were thus challenged not only by those who condemned the conquests, but also by those recent arrivals against whose interests the old soldiers now had to compete.<sup>4</sup> I take this situation to be paradigmatic for understanding the underlying tensions involved in Bernal Díaz's apprenticeship for becoming the historian of his own deeds.

Bernal Díaz's claims to “plain speech” and “unvarnished truth” belie a highly mediated and nuanced account that has much to tell us about the blurring of discursive boundaries between history, jurisprudence, and eyewitness testimony in the Spanish Indies of the early modern period.<sup>5</sup> His work is remarkably revealing in this regard, often disguising polemical argumentation as neutral historical narration and, more important, offering an undisguised and candid commentary on the values and craft of the writing of history. His metacritical commentary is the focal point of this discussion, and the explanatory power it wields – often in spite of

itself – can be understood by drawing close two related fields of observation: pertinent historical trends of the period when he began writing shortly after 1550, and the rewriting of conquest history by seventeenth-century heirs to the conquistadores. Reconstructing these domains of activity as significant contexts for Bernal Díaz's writing, I seek to foreground the importance of the nexus of law and history in his prototypical "true history."

Bernal Díaz's ruminations on the writing of history reveal the dilemma he had faced as a soldier-cum-*encomendero* who entered a field of activity customarily occupied only by the learned. Two types of authority – one of humanist learning, the other of Castilian law – were called up; Bernal Díaz acknowledged that he could not meet the demands of the former (which he then condemned), but he strove mightily to master those of the latter. We turn now to his views in the debate on authority in history. He casts his argument in the form of a conversation he presumably had with two learned gentlemen.

As Bernal Díaz told the tale, two gentlemen with university degrees asked to read his just-finished account of the conquest in order to determine if and how his version differed from the *Historia de la conquista de México* (1552) of Francisco López de Gómara and the account given in the *Historia peritífica y católica* (1565) of Gonzalo de Illescas.<sup>6</sup> Bernal Díaz loaned them his manuscript and warned that they were not to change anything in it because its contents were all true ("todo lo que escribo es muy verdadero" [Sáenz I: 658]). After having read Bernal's narration, one of these readers later rebuked him for writing about his own deeds: the old conquistador should have relied on the historians who had written about them, because a man could not serve as a witness on his own behalf (Sáenz I: 659). In a single stroke, Bernal Díaz's sole claim to authority – that of the eyewitness – was dismissed and his monumental effort brushed aside.

Bernal Díaz responded to this challenge from within his own frame of reference by proclaiming the authority of the mundane documents that certified his achievements. The Marqués del Valle, Hernán Cortés, had made a report to the emperor in 1540 commending Bernal Díaz's deeds and services; the viceroy Antonio de Mendoza had done the same.<sup>7</sup> Alongside these witnesses, Bernal Díaz declared, stood the *probanzas* (the certified testimony of witnesses to his deeds) that he had presented at the Council of the Indies in Spain in 1540. If the marquis and the viceroy and the captains (the latter as witnesses in his *probanzas*) and the *probanzas* themselves were not enough, he would call as witness the emperor, whose "royal letter, sealed with his royal seal" ("sus cartas selladas") had been sent to the viceroys and presidents on Bernal Díaz's

behalf (Sáenz I: 659). For Bernal Díaz, historical authority rested on sworn testimony of the type taken in a legal proceeding and relying on eyewitness validation.

Bernal Díaz's tactic in the face of his opponents was a clever one. Used as part of his argument, his *probanzas* of 1539 and the royal decrees they generated in 1540 authenticated his military service in the conquest.<sup>8</sup> His participation as a witness in some ten or more *probanzas*, dating from 1557 to 1576, attested to the importance and prestige he would have considered them to hold.<sup>9</sup> Bringing them to the attention of his erudite interlocutors, he used the confirmation of his deeds as a soldier to speak for his credibility as a witness and therefore his appropriateness as a reliable source for his own history.

The *probanzas* also guided him in setting his own standards for truth in history. Bernal Díaz spelled out the reasons for the inadequacy of the historians: they had not been present at the conquest themselves, and they had failed to overcome this shortcoming in the appropriate manner, that is, by employing witnessed, certified testimony ("*verdadera relación*") on which to rely. Bernal could only explain their unforgivable omissions of the deeds of the captains and soldiers of Cortés by the fact that they had taken their accounts from conversations with the marquis: "y sin tener verdadera relación, ¿cómo lo podían escribir, sino al sabor de su paladar, sin ir herrados, salvo que en las pláticas que tomaron del mesmo marqués?" (Without having true [verified] accounts, how could they write, except by following the taste of their palates, without being armed, except by the conversational accounts they took from the marquis himself? [Sáenz I: 660]).

With this complaint Bernal Díaz distributed blame between the historical distortions rendered by Cortés and the carelessness of his supposedly prestigious historians; Bernal effectively chastised them for relying on gossip and hearsay when they should have sought out certified legal testimony that would have given them a broader (and presumably more objective) pool of sources from which to elaborate their accounts. Cortés's social soirees were a far cry from the judicial *junta*, and his casual conversation did not have the weight of law because it was not testimony taken under oath. As to Bernal Díaz's own writing of history, how could his critics be so obtuse as to not understand that he had met these criteria of responsible reporting? Did his presumptuous interlocutor not understand that the letters of Cortés and the viceroy and Bernal Díaz's own *probanzas* were the witnesses (Sáenz I: 659) that this haughty fellow demanded? With his views as preamble, let us take a closer look at the institutions by which the old soldier set his historiographic standards.

### Probanzas and the writing of conquest history

As an "old conquistador" of Mexico, Bernal belonged to a generation of those whose claims to royal reward and influence in local affairs depended on testimony and credentials whose referents were the events that constituted major episodes in the history of New Spain. The historical actor gained an authority as witness from the juridical means used to assess the conquests and reward their protagonists. Paradoxically, the need to verify those services to the crown appeared just as the rights to reward of the claimants met their most serious challenge: the New Laws of 1542, which sought to abolish *encomienda*, the grants of native labor and tribute that were the most highly prized reward a "first discoverer" could receive.<sup>10</sup> The granting of such concessions from king to vassal had their origins in the Christian reconquest of Muslim Spain, and men like Bernal Diaz sought to exploit the connection by emphasizing the fulfillment of their own obligation to provide the indigenous polities under their jurisdiction with Christian religious instruction. I will return to this issue of Christianization later.

In order to calm the fears of the *encomenderos* of New Spain after news of the New Laws of 20 November 1542 reached them in 1543, the viceroy Antonio de Mendoza sought to postpone their publication and enforcement in 1544, and made promises to the *encomenderos* for appropriate recognition and possibly further rewards.<sup>11</sup> On Mendoza's request for information about current *encomienda* holdings under these circumstances, there was not a single settler, rich or poor, who did not register, hoping for greater rewards or the confirmation of those he possessed.<sup>12</sup> A total of 1,385 persons inscribed themselves in the register; only fifteen or twenty did not plead extreme poverty.<sup>13</sup>

Mendoza's request has been interpreted as merely a "pretext of making certain that deserving persons who took part in the conquest, or were among the early settlers, were adequately rewarded, while in reality [he was] taking inventory of individual holdings as a step toward satisfying royal desires to dissolve the *encomienda* system."<sup>14</sup> Whatever Mendoza's motives had been, antecedents for gathering information about the military service of vassals had included King Ferdinand's request for an inventory of persons and property after the 1490 siege and capture of Málaga, and the Second Audiencia of New Spain's invitation to settlers to disclose their holdings in 1531,<sup>15</sup> all of which required that the claimants reiterate the services they had originally performed on behalf of the emperor.

In the 1540s the *encomenderos'* problems escalated for several reasons. The most dramatic was the demographic collapse of the native Mexican

population due to the epidemics of 1545–48; another was the increased competition from royal officials and other newcomers to the Indies for royal rewards, and a significant third was the increasing criticism launched against the conquests themselves, which culminated in the request by the Council of the Indies on 3 July 1549 to halt all conquests, and the official suspension of conquests by the emperor on 16 April 1550, and the famous junta that convened in Valladolid in the summer of 1550, pitting Bartolomé de Las Casas against Juan Ginés de Sepúlveda.<sup>16</sup> By the time Bernal Diaz began writing, therefore, to be a self-interested historian of the conquest generated a double challenge: to prove one's honorable and valorous participation in order to earn the right to tell the whole story, and to demonstrate the justice and honorable conduct of the war in order to lay claim to reward and earn a place in history.

The complementary goals of immediate economic reward and eternal fame and glory stand in an uneasy tension in the *Historia verdadera*. The abundant evidence of both attests to their simultaneity, and it would be erroneous to suppose that the long-term goal of fame took over and the quest for immediate reward faded as the decades passed. Indeed, the two final chapters Bernal Diaz added to the Guatemala manuscript (which do not appear in the version he sent to Madrid in 1575) consist of a defense of Indian slavery in New Spain (ch. 213) and a survey of its governors which is, in effect, a recital of how the *encomenderos'* interests had fared in the decades since the conquest (ch. 214).

As is apparent from Bernal Diaz's remarks cited above, the juridical forms provided the standard against which novice historians such as himself wrote. The writers of eyewitness *relaciones* were simultaneously stimulated and frustrated by the criterion against which their first-person writings could not compete: the collective and corroborative model of assertion, claim, and proof found in the *probanza* or *información de méritos y servicios*. This realization must have troubled Bernal Diaz as he wrote a monumental history whose ultimate and humble origin had been the first-person *relación de méritos y servicios*, the account of his inherited merits and personal deeds accomplished in service to a higher authority.<sup>17</sup> Although writers like Bernal Diaz could not duplicate the *probanza*-as-standard of truth in their own writings, his example shows that they often sought to overcome it. We turn now to the particulars of the institution in question.

The *probanza* was a written document consisting of the plaintiff's statement of his case, along with the testimony of friendly witnesses who corroborated his petition. As a form of legal testimony, a *probanza* or *información* was an *ex parte* proceeding (that is, representing one side of the case only) taken under oath. Witnesses were called and an

interrogatory (*interrogatorio*) was presented to them to bring out the points the party sought to prove. Designed to clarify facts that the plaintiff wished to set forth in perpetuity, the *probanza* was the means by which lawyers or advocates informed the judges about the claims of the parties they represented.<sup>18</sup> The practice of oath-helping was common, and there was a tendency to call the largest number possible of witnesses on one's behalf to testify to the same set of facts.<sup>19</sup>

The interrogatorio was "a highly formalised and obviously highly important step in the procedure and the skill employed in framing it might affect the result considerably."<sup>20</sup> It consisted of three parts: a series of general questions prescribed by law and designed to discover the character of the witness being interrogated, his interest in the case, and the degree of credence to be given to his statements; a series of particular questions relating to the case, drawn up by the litigant or his advocate; and a general question concerning hearsay evidence about the litigant, under the heading *de pública voz y fama*.<sup>21</sup>

The *probanza* would be presented to a judge in the absence of the interested party and his representatives; the law required merely that they be summoned to hear the final judgment. The *relator*, an official of the court, presented the case for its first hearing, and only the advocates (*abogados*, qualified lawyers) were always present, but spoke only when asked. Witnesses were normally not examined in person. The danger of the privacy of these proceedings, leading to the sale of justice, was self-evident in the admonitions against irregularities.<sup>22</sup>

The surviving 1539 *probanza* on Bernal Díaz's behalf contains an interrogatorio of twenty-one questions probably drawn up by Bernal himself. There he sought favorable testimony as to his participation in the expedition of Francisco Hernández de Córdoba to Mexico in 1517, his service to Cortés from the time of their arrival in Mexico to the death of Moctezuma's successor Cuatémoc (1519–25), his participation in the conquest of Coatzacoalcos (1522) as well as in the expedition to Tabasco and Chiapa (1525), and the injustice of the 1528 removal of encomienda grants he had received in those areas.<sup>23</sup> The character of the *probanza* and its effective legal validation or rejection in court underscores the reasons why Bernal Díaz would have insisted on the importance of such documents when he answered the licentiate's challenge to his authority. We turn once again to his commentary in the *Historia verdadera*.

The sworn *probanza* and the grants and decrees that resulted from their royal acceptance were the very basis – and the highest possible legal ground – on which Bernal Díaz could stake his claim to write the history of the events in which he had participated. When he declared that he would bring as a witness on his behalf the emperor himself, he meant

that Charles's royal seal was the ultimate proof of his services and his truthfulness in reporting them.

Once again, legal practices reveal the shortcomings of the professional historians from Bernal Díaz's perspective. Not only had they used inadequate sources of information under inappropriate circumstances, but they had failed to obtain information from Cortés as a witness to the deeds of others. It was bad enough that when Cortés wrote to the king, "instead of ink, pearls and gold always dripped from his pen" in his own praise but he fell silent regarding his men's deeds ("siempre por tinta le salían perlas y oro de la pluma, y todo en su loor, y no de nuestros valerosos soldados" [Sáenz I: 660]). Worse still, Bernal Díaz lamented, was the fact that neither Gómara nor Illescas had written about the deeds of the soldiers, having failed to interrogate properly their principal informant, Cortés. In contrast to this irresponsibility, Bernal Díaz conscientiously had written of the others as well as of himself. How could his critics, he asked rhetorically, thus fail to understand that he, in contrast to Cortés, was writing not merely on his own behalf, but for all the captains and soldiers of the conquest and Cortés too? He was, in other words, taking the broader standard set by the *probanza* as a witness for many others, whereas his learned predecessors had contented themselves conceptually with the narrow limits of a single source (akin, in Bernal Díaz's view, to the model of the *relación de méritos y servicios*).

Here, in the final chapters of his work, Bernal Díaz sought to evoke the collective ethos of the conquistadores and to assume the proper role of witness to his fellow soldiers. He made a revealing textual emendation in the Guatemala manuscript, changing an earlier statement about retelling his own deeds ("the battles in which I fought and all that happened") to one emphasizing those of the entire company ("the heroic deeds of the valorous Cortés as well as my own and those of my companions").<sup>24</sup> Furthermore, he devoted chapters 204 through 206 to the great achievements of his fellow conquistadores.

Why, in the last chapters of his chronicle, did Bernal Díaz attempt to evoke the *probanza* that testified to the services performed by all the "first discoverers" of Mexico? Bernal's effort to move from the autobiographical and self-referential *relación* to the illusion of the extra-referential *probanza* reveals that the stakes involved were wider than his own self-interest. In conducting the affairs of his daily life, he was accustomed to such collaborative effort. In 1549, for example, he was sent to Spain as an advocate representing the city of Santiago de Guatemala, seeking before the Council of the Indies the repeal of the order of the President of the Audiencia de los Confines to liberate

Indian slaves.<sup>25</sup> Apart from defending Indian slavery, he also appeared in 1550 at a royal junta on the question of granting *encomiendas* in perpetuity, in which he again represented the larger group (Saenz I: 655–58).<sup>26</sup> Such efforts corroborate what we discover in his writing. His objective to save the glory of the conquests for posterity was an ever more pressing need as the 1550s and 1560s passed: his conceptualization of this pursuit historiographically relied in part on the spirit of the collective *probanza*.

### The *Siete partidas* and the conquest of Mexico

One of the most effective ways to counter the condemnation of the conquest was to link recent events to a more distant past. Like Cortés at the time of the invasion of Mexico, Bernal Díaz appealed to hallowed Castilian traditions. Whereas Cortés had done so to legitimize at the time his unauthorized and illegal conquest of Mexico, Bernal Díaz now used that Castilian heritage to counter the disrepute into which the conquests had fallen three decades after the fact. The great thirteenth-century body of Castilian law, the *Siete partidas* (1256–63) of Alfonso X, codified those traditions, and their role as ideological underpinnings of the writings of Cortés has been amply demonstrated.<sup>27</sup> As we shall see, they were also foundational to Bernal Díaz's historiographic efforts.

The *Siete partidas* effectively regulated the institutions of civil and criminal law in the juridical life of the Indies in Bernal Díaz's day.<sup>28</sup> Most relevant were the principles concerning the relationship of vassal to sovereign, combining the absolutism of Roman imperial law with the socio-feudalist mandates of medieval doctrine according to which the king should live in organic unity with his subjects, and they with him.<sup>29</sup> With respect to the rule of law, four principles were significant. The first was that the will of some ought not to override the good of the many. Second, the right to rescind unjust laws required appropriate consultation and consensus. Third, the exercise of *jus gentium*, derived from natural law, was necessary to keep the peace.<sup>30</sup> Finally, the *caballero* should be a selfless vassal who always honored his lord by speaking only the truth ("*palabras verdaderas*") to him.<sup>31</sup> With respect to the notion of the just war, Alfonsine tradition named three causes: to enlarge the faith and destroy those who would oppose it; to serve, honor, and protect one's lord; and to defend, enlarge, and honor one's homeland.<sup>32</sup>

On balance, the Alfonsine principles most prominent in Cortés's writings had been the recognition of the need to abolish and change laws in conformity to new situations and the requirement to serve the greater good of king and commonweal over private interests.<sup>33</sup> The same may be

said for Bernal Díaz.<sup>34</sup> Like Cortés, he was a highly subtle and astute interpreter of the conquest years, and he took an active, not a passive role in crafting (at least retrospectively) Cortesian politics *vis-à-vis* the crown.

To demonstrate that Bernal Díaz interpreted past history by using Alfonsine precepts in order to legitimize past actions and insure their continued reward in the future, we turn again to the later chapters of his work. He approached the task by creating a series of reflections on the conquistadores, their good works, and the hard times they endured due to the vicissitudes of local colonial government. He framed these arguments-by-narration with a contrastive chapter, 204, recounting Cortés's life and ascent to the aristocracy once back in Spain. He then went on to discuss, among other things, the "valorous captains and brave soldiers" who accompanied Cortés from Cuba to conquer Mexico (chs. 205 and 206) and the merits of the "true conquistadores" (ch. 207). Here we see most clearly his aspirations to privilege such as those enjoyed by medieval warriors in the reconquest of Spain.<sup>35</sup>

Making an argument for their inherited merits and performed services, Bernal Díaz asserted that the conquistadores of New Spain distinguished themselves much more than soldiers of earlier times. However, having read the old histories, he said, he had learned that many knights had been elevated to great estate in Spain and other places, either for serving in war or in other ways. Indeed, some knights would not go to war without first being paid, and beyond being salaried for their services, some also received titles of nobility, towns, castles, estates, and lands in perpetuity. Furthermore, those privileges were now enjoyed by their heirs. "Yet we," he declared, "won New Spain without the king even knowing about it!" (Saenz I: 645).

Bernal Díaz made his judgment very clear: like the warriors who fought for Jaime of Aragon against the Muslims, and those who won Granada and Naples, the true conquistadores should be remunerated and rewarded. Here he followed the argument elaborated earlier (in ch. 36) about Cortés's establishment of authority independent of Velázquez; he expressed implicitly that same argument in chapter one of the Guatemala manuscript, namely, that they had conquered, pacified, and settled Mexico as good and loyal servants of the king whom they were obliged to obey, and then advised Charles of what they had done. In other words, he intimated, they disobeyed direct orders only in order to comply with a higher mandate, serving their king with their conquest and their faith with new souls to convert (Saenz I: 3–4).

Before resting his case, and by way of conclusion, he proclaimed himself among the most valiant of soldiers and the oldest of them all:

y digo otra vez que yo, yo, yo: digolo tantas veces, que yo soy el más antiguo, y lo e servido como muy buen soldado a su magestad, y digolo con tristeza de mi coraçón, porque me veo pobre y muy viejo, y una hija para casar, y los hijos varones ya grandes y con barbas, y otros por criar, y no puedo ir a Castilla ante su magestad para representalle cosas cumplideras a su real serviçio, y también para que me haga merçedes, pues se me deven bien debidas. (Sáenz I: 652)

(And I say again that I, I, I, – I say it so many times – that I am the oldest and I have served His Majesty as a very good soldier. And I say it with sadness in my heart, because I find myself poor and very old, a daughter to marry, and sons now grown and with beards, and others to raise, and I cannot go to Castile before his majesty to inform him of things I have done in the fulfillment of his royal service in order that he make me rewards, as they are owed to me, well deserved.)

Underneath the apparent self-promotion lie the traditional precepts of the reciprocal relation of king and vassal, the communication from one to the other and the king's obligation to honor the *hidalgo*. Bernal Díaz understood that the vassal was honored by his lord, "according to his rank and the services performed by him," that is, according to his merits and services.<sup>36</sup> Bernal Díaz increasingly joined his claims to service as a soldier to his presumed merits as an *hidalgo*. To make his point, he invented a dialogue in which his interlocutor was the allegorical figure of Fame (Sáenz I: 652–53).

In this and successive chapters he launched into the humanist commonplace of the invented conversation, one example of which we saw at the outset. The technique he used – reminiscent of the *probanza* – was to create an authoritative interlocutor to whom he could respond as witness on behalf of his comrades; in these exchanges we, his readers, become the *oidores* or judges. In these dramatized encounters, he cleverly presented the illusion of escaping the bonds of first-person narration and participating in a judicial proceeding, that is, moving from the role of the petitioner in the relación to that of witness in the *probanza*. By illusion at least, Bernal Díaz succeeded in becoming a witness for himself.

After writing the episode with Fame, he passed on to a more mundane but important interlocutor: a judge of the Audiencia of Guatemala. The judge asked why, if Bernal Díaz and others had done so much, the now-titled Cortés had not sought reward for them. Bernal Díaz offered several reasons. First, Cortés thought that he would be absolute lord and that it would be in his hands to give Indians or take them away. But then the king refused him the governorship and gave him instead a title and huge private estates. Second, although Cortés could have divided the territories at the time of the conquest, he had not done so, and the soldiers, says Bernal, did not know what it meant to demand justice, nor to whom

to appeal except Cortés for reward for their services. (Here he reveals, with some pain, the awkward circumstances produced by the unauthorized conquest.)

Later they discovered that those who had gone before the king had been rewarded, and so he and his companions sent an agent to Spain to request that properties vacated be granted to them in perpetuity. The king responded by sending Nuño de Guzmán as president of the first Audiencia of New Spain; he was instructed to make the grants. But Guzmán was persuaded that to do so would make the conquistadores impossible to rule, so he refrained from carrying out the royal will completely. However, he and the judges did distribute some lands, not badly says Bernal Díaz, before being removed because of conflicts with Cortés and the scandal over branding free Indians as slaves (Sáenz I: 654–55).

Bernal offered as his next piece of evidence an account of the royal junta on perpetuity, and the impasse with which it ended (ch. 211). Finally, he closed his book (ch. 212) with his conversation with the licentiates, with which we began, on the problem of self-praise in the writing of history. He reiterated the absence of the soldiers' deeds in the histories of Gómara and Illescas, insisted that he deserved part of the credit given to Cortés, and concluded, "y demas desto quiero poner aqui otra plática, porque vean que no me alabo tanto como debo" (and besides this I want to set forth another matter so that it be evident that I do not praise myself as much as I should [Sáenz I: 660]). He ended the chapter and the first version of the book with the battles and encounters in which he had served (Sáenz I: 661–62).

Closely scrutinized, these final chapters constitute an advocacy almost parodic in its self-portrait of the questing petitioner and yet systematically argued with the persuasiveness of a lawyer who transformed himself from plaintiff into witness. The dialogue with allegorical Fame allowed him to make continual comparisons between the conquistadores of Mexico and the medieval warriors who became the *grandees* of Spain; the question from the judge of the Audiencia of Guatemala allowed him to reiterate the history of how the conquistadores missed out, time after time, in obtaining their due. Particularly poignant is Bernal Díaz's revelation of what the unauthorized conquest of Mexico meant; after the fact, the soldiers could turn only to Cortés for reward, and the latter's efforts on his own behalf to take the best lands of New Spain were patent (Sáenz I: 653–54).

By the time the issue of appropriate reward was considered by the court and the Council of the Indies in 1550, action on making encomienda grants in perpetuity had been effectively blocked by Las Casas

and his allies. Thus it is not surprising that in Bernal Díaz's chronicle he staked his ultimate claim to reward on having brought the Christian gospel to the Indians. Once again the intimate relation between the shape of the narration and legal precept comes into view. On the matter of religious indoctrination of the Indians, he expressed a theme common to other conquistadores who found themselves similarly vexed and unsatisfied with their rewards and reputation. One, a veteran of the conquest of Mexico, an encomendero and city councilman of Mexico-Tenochtitlán, also laid claim to great conversion and the salvation of countless souls that were being lost to the power of the devil.<sup>37</sup> With this argument, the conquistadores appealed ultimately to the papal bulls of donation of 1493 that constituted the fundamental legal claim to the Spanish presence in the New World. In asserting these claims, they took the position opposite to Las Casas, against whom they complained bitterly for his attacks on the historical reputation of the conquest and the right to enjoy its rewards.

The three papal documents – the bulls of donation, demarcation, and extension of donation – were widely debated in the period: did the Catholic kings hope to achieve a juridical title that would allow them to justify the dominion over those islands and lands, or did they seek merely the confirmation of the right acquired through the discovery itself? Had the pope conceded political dominion or only the authority to propagate the gospel?<sup>38</sup> Whatever the original intent had been, the pontifical decrees were used to produce the *requerimiento*, the judicial tool which offered the indigenous peoples of America the option of accepting the gospel and Spanish rule or facing a war of conquest. The jurists who devised it rested their claim on one of the means proposed by Alfonso el Sabio to establish kingship.<sup>39</sup> The first was by inheritance, the second by election, the third by marriage, and the fourth by the pope or emperor when either appointed kings to those lands over which they had right and dominion.<sup>40</sup>

This is the resolution Bernal Díaz appealed to in his petition of 1549 to rescind the prohibition of slavery as well as in the *Historia verdadera*. There he paraphrased the *requerimiento* in Cortés's speeches to local *caciques* en route to Mexico as well as prior to the decisive battle at Cholula, the latter of which had been interpreted by Las Casas and others as an unprovoked massacre (Sáenz I: 115, 157–58).<sup>41</sup> These had been crucial moments in the conquest and responded to the current critical debates taken up in Bernal Díaz's conquest history. By breaking the law of Velázquez, Bernal Díaz thus argued, Cortés and his army had served the greater good by conquering Mexico, to honor not only their king but their god. They did so by executing a juridical protocol

instituted for New World conquests by the Roman Catholic pope. The papal decrees, Bernal Díaz argued, constituted the highest authority by which to justify the (officially unauthorized) conquest of Mexico.

In this manner, he probed and refined – through his “plain talking” narrative – the relationship between legal tradition, juridical practice, and the interpretation of the Mexican conquest. Modernity (or the lack of it) was conceived in terms of medieval legal principles, and historical authority was sanctioned by everyday judicial practices. The remarkable resilience and deeper implications of this approach as exemplified by Bernal Díaz are borne out well into the seventeenth century.

### The battles of conquest history renewed

Seventeenth-century writings shed considerable light on the particular irritations of Bernal Díaz and his peers and the urgency with which they had reconstructed conquest history. These commentaries include those of heirs to the conquistadores (Bernal Díaz's regarding the conquest of Mexico, Francisco Pizarro's concerning the conquest of Peru) and the sentiments that attended the first publication of Bernal Díaz's chronicle in 1632, almost fifty years after his death. We consider first the accounts of those responsible for publishing his work. The posthumous publication of the *Historia verdadera* was involved in a propaganda war of international proportions – one much broader than the Castilian Indies debate with which Bernal Díaz had been concerned.

The official chronicler of the king and *cronista mayor de las Indias*, Luis Tribaldos de Toledo, lauded “the captain” Bernal Díaz's history for being that of an eyewitness of everything that had occurred in its course. Such exaggerated claims, of which Bernal Díaz himself had been innocent,<sup>42</sup> allowed Tribaldos to underscore the work's virtues over against those written from secondhand sources and to find in the *Historia* what had been lacking in many others, namely, the “exact truth” of all the important events.<sup>43</sup> Fray Diego Serrano, Master General of the Mercedarian Order, also lauded the work for being an eyewitness account for protecting “with holy zeal the reputation of our Spain, defamed in the histories by foreign envy.”<sup>44</sup> The anonymous biographer of Fray Alonso Remón, who had edited Bernal Díaz's 1568 manuscript but died before the edition appeared, lauded “el capitán” Bernal Díaz and declared that Spain owed him a share of conquest glory for the domestic good and all the credit *vis-à-vis* foreigners; without embellishments he had told the truth that had been absent from previous histories.<sup>45</sup> The royal chronicler's criticism of secondhand accounts immediately suggests, of course, the deleterious role played by Las



Casas's *Brevísima relación de la destrucción de las Indias* and his advocacy of the 1542 New Laws to abolish encomienda.

Just a few years after Bernal Díaz's *Historia* was published, one of the heirs of don Francisco Pizarro, Fernando Pizarro y Orellana, brought out his *Varones ilustres del Nuevo Mundo* (1639) to support the pretensions of his cousin Juan Fernando de Pizarro. This catalogue of Castilian heroes of the New World conquests further reveals the juridical role assigned to historical treatments of the conquests of a century earlier. Pizarro y Orellana cited Fray Prudencio de Sandoval, the imperial chronicler of Charles V, on the point that the tracts written by Las Casas in 1542 in support of the New Laws had done great harm to the conquistadores, giving foreigners in their histories the means to speak ill of the Spanish nation of which they had a "natural hatred."<sup>46</sup> Pizarro y Orellana argued that now at all costs Pizarro's heirs should be rewarded in order to avoid the condemnation of foreign nations, who would judge the conquest as unjust upon seeing his heirs ignored and unrewarded by the crown.<sup>47</sup> Thus he argued that the lack of royal reward would have the effect of publicly undermining the veracity and value of efforts made in the king's service a century earlier. In the same way, Bernal Díaz and his fellows' lost bids for grants of encomienda in perpetuity in 1550 would be interpreted as deepening the plight of their descendants, depriving them of material wealth and the royal recognition and attendant social status to which Bernal Díaz and his fellows had aspired.

In 1672, forty years after the publication of the *Historia verdadera*, Bernal Díaz's great-great-grandson, Francisco Antonio Fuentes y Guzmán, discovered the manuscript of the *Historia verdadera* that had remained in Guatemala. Don Francisco was able to "follow its accredited truth" in his own *Historia de Guatemala o Recordación florida*.<sup>48</sup> Relying directly on the accounts of his ancestor, to whom he refers as "mi verídico Castillo,"<sup>49</sup> Fuentes y Guzmán's goal was to celebrate and defend Pedro de Alvarado's great deeds. With a clever sleight of hand, he suppressed the 1520 massacre of Aztec nobility in Tenochtitlán for which Alvarado had been responsible.<sup>50</sup> He manipulated it in order to avoid rehearsing once more an event that had become notorious. He focused instead on Cortés's simultaneous and successful defeat of Pánfilo de Narváez's forces on the coast, lauding Cortés's victory over Narváez's army as a cause of "silence and confusion for those Spaniards who say that the conquistadores of these kingdoms did nothing of great valor fighting only against naked Indians" ("confusión y silencio para los españoles que dicen, que los conquistadores de estos reinos no hicieron cosa de valor peleando con indios desnudos").<sup>51</sup> Fuentes y Guzmán thus rebutted Las Casas's account in the *Brevísima*, in which the Dominican

friar had described the scene of unsheathed Spanish swords attacking naked Indians,<sup>52</sup> and he explicitly refuted Las Casas on the point that the Spaniards had allowed their Indian allies to butcher and eat captive Indian enemies because the Spanish could not feed their multitudinous armies.<sup>53</sup>

Fuentes y Guzmán's account reveals the ongoing need in the seventeenth century to defend the sixteenth-century conquests from the persistent influence of Las Casas's work. In this regard, a notable omission in Bernal Díaz's *Historia verdadera* is any discussion of the New Laws, promulgated in 1542 but never enforced in Mexico and rescinded three years later. Their relatively rapid repeal had given hope that encomienda grants might yet be made in perpetuity. The failure of the 1550 junta to produce them, duly recorded by Bernal Díaz, helped bring him to the decision to write the history of the conquest of Mexico. That this is so is evident from the importance that he attached to written history as a weapon by which to promote his interests and those of his remaining peers and their heirs.

### Bernal Díaz and the ethos of the historical protagonist

There is no doubt about the significance that Bernal Díaz attributed to written history as the second battleground, the one on which to defend territories and wealth already taken and to seek the right to more. Writing his history of the conquest was not an idle pastime but rather the ground on which to defend and expand the encomenderos' diminishing opportunities for perpetual rewards. This much may be clear from studying him in a head-to-head confrontation with Las Casas,<sup>54</sup> but what about his disgruntlement with Gómara, whose history he had read, he says, after already being at work on his own? How do Gómara and his colleagues fit into this picture of history-as-advocacy? What is the ultimate source of Bernal Díaz's complaints against him and his fellow historians?

The standard (and generally accepted) answer has been that Gómara and the others emphasized the achievements of Cortés to the exclusion of his five hundred and fifty soldiers. This is so, but as an explanation it does not go far enough. Another answer has been Bernal's complaints about Gómara's factual errors and high style, but this has now been demonstrated to be a hollow charge.<sup>55</sup> Bernal Díaz's criticism of Gómara has, I would argue, a different target. Bernal's quibbles over historical fact and rhetorical style reflect not his disinterested devotion to historical accuracy nor a preference for simplicity of prose expression. They speak to a deeper type of truth in history: the capacity to recreate not only the

specific outline of events but the ethos of the culture of its protagonists, in this case, the conquistadores. The anonymous biographer of Fray Alonso Remón in the 1632 edition of the *Historia verdadera* gave a clue to this assessment by signalling two chapters, eighteen and thirty-four, that would reveal Bernal Díaz's search for particular kinds of historical truth.

The first instance puts it most bluntly: about Gómara, Illescas, and Jovio, Bernal Díaz stated simply, "[at] beginning and middle and end they do not address what actually happened in New Spain" ("y desde el principio y medio ni cabo no hablan lo que pasó en la Nueva España"). He was chagrined because the learned historians exaggerated the violence of the conquistadores' deeds. Such remarks are centrally relevant to his position when we understand that it had been an embattled one. He stated clearly, "the chroniclers mentioned by me write that we were responsible for more deaths and cruelties than Athalric, the most blood-thirsty king, and Attila, bellicose warrior" ("Y escriben los coronistas por mí memorados, que hazíamos tantas muertes y crueldades, que Atalarico, muy brabosísimo rey, y Atila, muy soberbio guerrero") (Sáenz I: 34). His other accusation against the historians concerns the participation of the soldiers and the arbitrariness with which the historians wrote about them, raising some and lowering others, putting in the conquests men who had not been there and, even worse, declaring that Cortés's decision to scuttle the ships was taken secretly when it had been done with the counsel of most of his companions (Sáenz I: 34). Gómara's history, Bernal Díaz argued, did not begin to comprehend the dynamics of the conquistadores' collective efforts or the standards of conduct they observed.

In chapter thirty-four his complaint took a different twist: the spotlight that should have fallen upon the soldiers' valor in Gómara's account was cast instead on miraculous appearances of Santiago Mayor (Saint James Major) or Saint Peter. All Bernal saw at the time, he said, was Francisco de Morla on a chestnut horse! Until he read Gómara on this point, he had never heard of such visions. Indeed, if such had occurred, the soldiers, who always attributed their victories to God, would have taken testimony of the event, built a church upon the spot, and named the settlement Santiago or San Pedro de la Victoria (Sáenz I: 63–64). Gómara obviously knew nothing about the way conquistadores conducted themselves; had he had such knowledge, he would have questioned the account he had received and avoided the mistake of making the conquistadores guilty of failing to observe traditional religious protocols.

Overall, Bernal Díaz's arguments against Gómara were not that he did

not "get the facts straight" but rather that he represented an external perspective that was incapable of understanding the conquistadores' actions or outlook, that is, of understanding the conquest from the inside. For this reason, the ironic conclusion must be drawn that, for Bernal Díaz and his fellows, not only Las Casas but also the pro-conquest historians were perceived as damaging to the cause of the conquistadores. Fundamental to the misapprehension of conquistador culture by the historians, argues Bernal Díaz, was their failure to appreciate the juridical and ethical code by which he claimed they lived.

Still, there is no question that the anti-conquest writers had a more protracted negative effect on the encomenderos' plight. That this crisis was real for Bernal Díaz and members of his generation is borne out by those seventeenth-century advocates of the conquistadores' heirs considered here. Pizarro y Orellana concluded that Francisco Pizarro's assassination could be appropriately attributed not to tyrannical soldiers but rather to interested historians and malevolent writers of history.<sup>56</sup>

More than half a century earlier, Bernal Díaz would have agreed. It is quite possible that Cortés's self-serving, published letters to Charles V and Las Casas's sensational tract and legislative efforts had served as a catalyst to Bernal Díaz as he initiated his historical project; it is even more probable that the learned histories of Oviedo, Gómara, and Illescas confirmed for him the necessity of the decision he had taken. For the conquistadores as well as their heirs a century later, the writing of history took up where the filing of probanzas, petitions, and relaciones left off. With its origins in the mundane documents of historical testimony, the historiography of the Indies bore in its development the juridical principles of legal testimony and the values and traditions of Alfonsine law. The "plain talk" of the curmudgeonly Bernal Díaz, who wrote, according to his interlocutor, in the manner "common to men of Castile," leads us to contemplate again the peculiar powers of prose and the presumably "plain speaking" narratives of sixteenth-century Castile and Spanish America which are, after all, best known for their incandescence.

#### NOTES

1 New work in colonial Spanish-American historiography of the seventeenth century reveals that a reconsideration of the writings of the conquest era (1492 to about 1580) was central to the greater preoccupation of rewriting history to include the Indies. See Kathleen Ross, *A New World Paradise: The Baroque Narrative of Carlos de Sigüenza y Góngora* (Cambridge: Cambridge University Press, 1994).

2 I continue here a line of investigation begun earlier in my essays "Discourses

- on Colonialism: Bernal Díaz, Las Casas, and the Twentieth-Century Reader," *Modern Language Notes* 103 (1988): 239–58, and "The Discursive Encounter of Spain and America: The Authority of Eyewitness Testimony in the Writing of History," *The William and Mary Quarterly*, 3rd series, no. 49 (1992): 210–28.
- 3 "Carta de Bernal Díaz del Castillo al emperador don Carlos, 22 de febrero de 1552," in *Historia verdadera de la conquista de la Nueva España*, ed. Joaquín Ramírez Cabañas, 2 vols. (Mexico City: Porrúa, 1977), vol. II, p. 444. All translations of Spanish texts are my own, unless otherwise noted.
  - 4 J. H. Elliott, "The Spanish Conquest and Settlement of America," in Leslie Bethell, ed., *The Cambridge History of Latin America*, 8 vols. (Cambridge: Cambridge University Press, 1984), vol. I, p. 191.
  - 5 Bernal Díaz del Castillo, *Historia verdadera de la conquista de la Nueva España*, ed. Carmelo Sáenz de Santa María, 2 vols. (Madrid: Consejo Superior de Investigaciones Científicas, 1982), vol. I, pp. 658–59 (ch. 212) thus identified his plain-talking Castilian manner ("común hablar de Castilla la Vieja") which he contrasted to the embellished reasoning and gilded discourse that obscured truth. All citations refer to Sáenz's transcription of the autograph Guatemala manuscript that Bernal Díaz worked on until the time of his death in 1584, rather than Sáenz's reconstructed text which is based on a second, augmented printing of the 1632 edition (the text of which was concluded in 1568) and the Guatemala manuscript (Sáenz ed., vol. I, pp. xi, xxxvi, xxxvii). Subsequent citations of Sáenz's edition appear in the main text.
  - 6 José A. Barbon Rodríguez, "La conquista de América en la *Historia Pontifical* de Gonzalo de Illescas," in *Estudios de literatura española y francesa: siglos XVI y XVII. Homenaje a Horst Bader* (Barcelona: Hogar del Libro, 1984), pp. 207–18, studied the heavy reliance of Illescas on Gómara's work and determined that the *Primera y segunda partes de la historia pontifical* were first published in 1565 and again in 1569, 1573, 1574, and 1583. According to Irving A. Leonard, *Books of the Brave: Being an Account of Books and of Men in the Spanish Conquest and Settlement of the Sixteenth-Century New World*, introd. Rolena Adorno (1949; Berkeley and Los Angeles: University of California Press, 1992), pp. 163–64, 208, Illescas's papal history was a popular item in the Spanish colonial book trade.
  - 7 Letters reproduced in Luis González Obregón, *Bernal Díaz del Castillo: Notas biográficas y bibliográficas* (Mexico City, 1894), pp. 73–75.
  - 8 Documents reprinted in Bernal Díaz, *Historia verdadera*, ed. Ramírez Cabañas, vol. II, pp. 407–31, 437–40.
  - 9 Carmelo Sáenz de Santa María, *Introducción crítica a la "Historia verdadera" de Bernal Díaz del Castillo* (Madrid: Consejo Superior de Investigaciones Científicas, 1967), p. 130.
  - 10 Henry Raup Wagner and Helen Rand Parish, *The Life and Writings of Bartolomé de Las Casas* (Albuquerque: University of New Mexico Press, 1967), pp. 108–16.
  - 11 Arthur Aiton, *Antonio de Mendoza: First Viceroy of New Spain* (Durham: Duke University Press, 1927), pp. 97–98.

- 12 Francisco A. de Icaza, *Diccionario autobiográfico de conquistadores y pobladores de Nueva España*, 2 vols. (Guadalajara, Mexico: Biblioteca de Facsímiles Mexicanos, 1969), vol. I, pp. xxvi, xxxiii.
- 13 Joaquín Ramírez Cabañas, "Introducción," in Díaz, *Historia verdadera*, ed. Ramírez Cabañas, vol. I, p. 13.
- 14 Robert Himmerich y Valencia, *The Encomenderos of New Spain (1521–1555)* (Austin: University of Texas Press, 1991), p. 301.
- 15 *Ibid.*, p. 315.
- 16 *Ibid.*, pp. 15–17; Juan Manzano Manzano, *La incorporación de las Indias a la corona de Castilla* (Madrid: Ediciones Cultura Hispánica, 1948), pp. 166–73; Helen Rand Parish and Harold J. Weidmann, *Las Casas en México: Historia y obra desconocidas* (Mexico City: Fondo de Cultura Económica, 1992), pp. 79–80.
- 17 See Murdo J. MacLeod, "Self-Promotion: The *Relaciones de Méritos y Servicios* and their Historical and Political Interpretation," a paper delivered at the conference "The Book in the Americas," John Carter Brown Library, 20 June 1987.
- 18 J. H. Parry, *The Audiencia of New Galicia in the Sixteenth Century* (Cambridge: Cambridge University Press, 1948), p. 156; Henry Raup Wagner, "Three Studies on the Same Subject," *Hispanic American Historical Review* 25, no. 2 (1945): 26; Sebastián de Covarrubias Horozco, *Tesoro de la Lengua Castellana o Española* (1611), ed. Martín de Riquer (Barcelona: S.A. Horta, 1943), p. 604.
- 19 Parry, *Audiencia*, p. 156.
- 20 *Ibid.*
- 21 *Ibid.*, p. 157.
- 22 *Ibid.*, p. 158.
- 23 The probanza is reproduced in Francisco Antonio Fuentes y Guzmán, *Historia de Guatemala o Recordación florida*, ed. Justo Zaragoza, 2 vols. (Madrid, 1882–83), vol. I, pp. 369–81.
- 24 His statement ("asi que no es mucho que yo ahora en esta relación declare en las batallas que me hallé peleando") from the published version of 1632, finished in 1568, is contrasted to the Guatemala manuscript on which Bernal Díaz continued working until his death in early 1584 ("y así que no es mucho que yo escriba los eroicos hechos del valeroso Cortés, y los míos y los de mis compañeros que se hallaron juntamente peleando . . .") (Sáenz vol. I, p. 660).
- 25 The petition he presented is reproduced in Lesley Byrd Simpson, *The Emancipation of the Indian Slaves and the Resettlement of the Freedmen, 1548–53* (Berkeley and Los Angeles: University of California Press, 1940), pp. 33–36.
- 26 Wagner and Parish, *Life and Writings*, pp. 211–12, analyze the more limited scope of this junta on perpetuity of encomenderos' privileges; it is not to be confused with the famous junta of Valladolid where Sepúlveda and Las Casas debated one another.
- 27 Victor Frankl, "Hernán Cortés y la tradición de las Siete Partidas," *Revista de Historia de América* 53–54 (1962): 9–74; J. H. Elliott, "The Mental World of Hernán Cortés," *Spain and its World, 1500–1700* (New Haven: Yale

- University Press, 1989), p. 30, has described the *Siete partidas* as "a code of military and legal conduct, capable of providing the Castilian *hidalgo* with an admirably coherent framework of ideas."
- 28 Frankl, "Hernán Cortés," 33; Charles Sumner Lobingier, "Introduction," *Las siete partidas*, trans. Samuel Parsons Scott (Chicago: American Bar Association, 1931), p. liii.
- 29 Frankl, "Hernán Cortés," 33–41. See Alfonso X, *Siete partidas* (Valladolid, 1587), Part. 2, tit. 10, prol., Part. 2, tit. 21, law 23.
- 30 *Siete partidas*, Part. 3, tit. 28, law 8; Part. 1, tit. 1, law 18; Part. 1, tit. 1, law 2.
- 31 *Ibid.*, Part. 2, tit. 21, law 12; Part. 2, tit. 13, laws 5 and 7.
- 32 *Ibid.*, Part. 2, tit. 23, law 2.
- 33 Frankl, "Hernán Cortés," 69, 73.
- 34 *Ibid.*, pp. 29–33; Sáenz vol. 1, pp. 68–69.
- 35 José Durand, *La transformación social del conquistador* (Mexico City: Porrúa y Obregón, 1953), pp. 79–87, took Bernal Díaz as a typical example of the conquistadores' ambitions to aristocracy.
- 36 Alfonso X, *Siete partidas*, Part. 2, tit. 10, prol.: "Comunaleza deue el rey auer a todos los del su Señorío, para amar, e honrrar, e guardar a ca [sic] uno dellos, segun qual es, o el seruício que del rescibe."
- 37 Arthur P. Stabler and John E. Kicza, "Document: Ruy González's 1553 Letter to Emperor Charles V: An Annotated Translation," *The Americas* 42, no. 4 (1986): 476.
- 38 Juan Manzano Manzano, *La incorporación de las Indias a la Corona de Castilla* (Madrid: Instituto de Cultura Hispánica, 1948), pp. 26–27.
- 39 Alfonso X, *Siete partidas*, Part. 2, tit. 1, law 9; Manzano Manzano, *La incorporación de las Indias*, p. 30.
- 40 Alfonso X, *Siete partidas*, Part. 2, tit. 1, law 9.
- 41 Raymond Marcus, "La Conquête de Cholula: Conflit d'Interprétations," *Ibero-Amerikanisches Archiv*, ns, 2 (1977): 199–201; Adorno, "Discourses on Colonialism," 246–50.
- 42 Adorno, "Discourses on Colonialism," 249–50, and "Discursive Encounters," 214–16. Bernal Díaz served in the conquest of Mexico as a foot soldier in Pedro de Alvarez's company; although he claimed to have held the rank of captain in the Honduras expedition, it was at best only a temporary appointment (Wagner, "Three Studies," 6).
- 43 Bernal Díaz del Castillo, *Historia verdadera de la conquista de Nueva España*, ed. Fr. Alonso Remón (Madrid, 1632), f. 2<sup>v</sup>.
- 44 *Ibid.*, f. 3<sup>v</sup>: "con santo zelo de la reputación de nuestra España (menoscabada en las historias por la embidia extranjera)."
- 45 *Ibid.*, f. 4<sup>v</sup>.
- 46 Fernando Pizarro y Orellana, *Varones ilustres del Nuevo Mundo* (Madrid, 1639), p. 363.
- 47 *Ibid.*, pp. 47, 71.
- 48 Fuentes y Guzmán, *Recordación florida*, vol. 1, p. 8.
- 49 *Ibid.*, p. 113.
- 50 *Ibid.*, pp. 116–19. Guzmán employed Bernal Díaz's (chs. 125–26) defensive account of Alvarado's massacre of Aztec nobles in 1520 during the fiesta of Toxcatl.

- 51 Fuentes y Guzmán, *Recordación florida*, vol. 1, p. 119.
- 52 Bartolomé de Las Casas, *Brevissima relación de la destrucción de las Indias*, in *Obras escogidas de fray Bartolomé de Las Casas*, ed. Juan Pérez de Tudela Bueso, 5 vols., Biblioteca de Autores Españoles 95–96, 105–06, 110 (Madrid: Atlas, 1957–58), vol. V, p. 49 ("De la Nueva España").
- 53 *Ibid.*, p. 153 ("De Guatemala").
- 54 See Adorno, "Discourses on Colonialism."
- 55 See Ramón Iglesia, "Las críticas de Bernal Díaz del Castillo a la *Historia de la Conquista de México* de Francisco López de Gómara," *Dos estudios sobre el mismo tema* (Mexico City: Revista Tiempo, 1940), pp. 23–35; Robert Lewis, "Retórica y verdad: Los cargos de Bernal Díaz a López de Gómara," in Merlin H. Forster and Julio Ortega, eds., *De la crónica a la nueva narrativa mexicana: Coloquio sobre literatura mexicana* (Oaxaca, Mexico: Oasis, 1986), pp. 37–47.
- 56 Pizarro y Orellana, *Varones ilustres*, p. 71.