Mauricio Novoa

The Protectors of Indians in the Royal Audience of Lima: History, Careers and Legal Culture. 1575–1775. Leiden: Brill, 2016. Pp. 325. Hb, 129 euros.

The Peruvian historian, Mauricio Novoa, has produced a landmark study of a pivotal institution in colonial Peru: the office of the protector of Indians in the Royal Audience of Lima. An institution that spanned almost the entire colonial period in Peru, from 1575 to 1775, the protector of the Indians was an administrative office responsible for addressing the needs of the indigenous population, and in particular for representing native parties in court. As such, the office touched upon many of the topics relevant to historians and anthropologists today, such as native elites as political actors, the social and cultural networks of baroque Lima, and the appropriation and expansion of European concepts of *jus* (“rights”) in the colonial setting. Novoa’s work goes well beyond the scope of earlier studies of the institution, most notably that of the famous Jesuit historian, Constantino Bayle, S.J., *El protector de indios* (Seville: Escuela de estudios hispano-americanos de la Universidad de Sevilla, 1945). The author brings a host of exciting new archival evidence to bear on this thorough examination of the men and the cases that comprised the office of the protector of Indians in Lima for two hundred years.

This book focuses on three vital questions that have been overlooked in earlier studies. First, Novoa’s book proves the secular status of the institution for most of its history; it was not primarily clerical, as some have argued. His first chapter examines how the protectorship, although initially a prerogative of Peruvian bishops, became a secular office under the control of the viceroy by 1575. Second, this book considers the legal ideas used to create and justify the office and its efforts on behalf of the natives. Novoa traces the idea of the protectorship beginning with the edicts of Emperor Constantine (c.272–337), which granted legal protections to persons considered “miserables,” that is widows, invalids, the dying, the disabled, and the mentally ill. The author demonstrates how Peruvian jurists applied this category to the native populations of Peru, justifying the legal privileges that were part of the protectorship.

Finally, Novoa examines the lives of the men who served as protectors, analyzing their social characteristics (chapter 3), their advancements and careers (chapter 4), the wealth and economic status (chapter 5), and their legal education and libraries (chapter 6 and appendices). These chapters of cultural analysis form the bulk of this work, and represent an impressive amount of new data. We learn that most of the advocates and protectors were not peninsular Spaniards but creoles, that is, men of Spanish descent born in the Americas; that most of them married (although there were notable bachelors); and that most

of their wives were likewise members of the Peruvian creole elite. Novoa demonstrates how the protectors formed part of highly urban, elite social networks centred on the capital of Lima. Contrary to previous assumptions by scholars, Novoa reveals that the protectorship, as a viceroy appointed post, provided a good career starting point that led other high government offices, to well paid chairs at the University of San Marcos, and to profitable private legal practices.

One of the more fascinating aspects of this study is the analysis of the protectors' educational backgrounds. Because most of the protectors and advocates were creoles, they were educated, for the most part, in Lima and not in Spain. Initially, most of the protectors and advocates studied at the University of San Marcos whose legal curriculum was modelled upon that of the University of Salamanca. However, after 1623, when the Jesuit College of San Martín received royal approval to teach law, we find that many of the future protectors and advocates were trained at the Jesuit institution. By educating these future leaders in Jesuit ideals, the Jesuit faculty at San Martín played a central role in protecting the rights of native plaintiffs in the Viceroyalty of Peru. It is important to note that, while the education at San Marcos and San Martín was inspired by European models, the Peruvian scholars who taught there developed their own legal culture, founded on the work of South American writers such as the Jesuit Juan Pérez Menacho, the Franciscan Jerónimo Valera, and the creole bishop, Pedro de Reina Maldonado. To further the understanding of Peruvian legal culture, Novoa provides transcriptions of the impressively large libraries of two protectors based on their unpublished wills of Cipriano de Medina (1635) and García José Lasso de Vega (1775).

In the final chapter of the book, Novoa examines the cases litigated by the protectors and advocates in the Royal Audience in Lima. His evidence reveals that the advocates of Indians undertook the defense of Indians at the Royal Audience mainly in land disputes and cacicazgo successions. Throughout the seventeenth century, he writes, the protectors seem to have been largely successful in obtaining victories for their Indian clients. However, by the beginning of the eighteenth century, the protectorship became increasingly less involved in indigenous litigation, as these cases were taken over by the procurator general of Indians. By the mid-eighteenth century, the Council of the Indies ruled that protectors would no longer be considered ministers of the Royal Audience; eventually appointments to the position in Lima came to a virtually standstill. As Novoa writes, "the abrogation of the [protectorship] in 1821 only confirmed the trend that had started more than half a century previously" (70).

Novoa's clear and succinct writing style presents complex legal ideas and social history in a forthright manner. His research in archives in Peru and the United States for a period covering two hundred years provides a wealth

of new information about the protectors and their office. This nuanced, well-researched and well-written study is an essential read for historians, anthropologists, and legal scholars of colonial Latin America, and will be considered the defining book on the topic for many years to come.

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