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John Leddy Phelan

Authority and Flexibility in the Spanish Imperial Bureaucracy

The approach to the Spanish colonial bureaucracy is that of the "conflicting standards analysis," first suggested by Andrew Gunder Frank. Given the ambiguity of goals and the frequent conflict among the standards, all the laws could not be enforced simultaneously. The prevalence of mutually conflicting standards, which prevented a subordinate from meeting all the standards at once, gave subordinates a voice in decision making without jeopardizing the centralized control of their superiors. Historians have traditionally assumed that the Spanish administration had a nonambiguous set of goals and that standards of conduct for its administrative agents were not mutually conflicting. The conflicting-standards hypothesis, however, provides a more satisfactory explanation of the wide gap between the law and its observance in the Spanish empire. Particular emphasis is given to an analysis of elements of centralization (the residencia and the visita) and those of decentralization ("I obey but do not execute" formula). This approach not only applies to the Spanish-American administration; it may also throw some light on the structure and nature of several kinds of bureaucratic organizations.

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SOCIETAL and political stability was a predominant feature of Spain's vast overseas empire. In an age of slow communications Spain was able to preserve her widely scattered colonial dominions

in both America and Asia against frequent foreign threats and occasional internal revolts without heavy reliance on military coercion.¹

Two institutions were primarily responsible for the maintenance of a social status quo that endured for three centuries. They were the Spanish Catholic Church—and it was more Spanish than Roman—and the imperial bureaucracy. The effectiveness of these two institutions became apparent in the period following the wars of independence. Political emancipation swept away the imperial bureaucracy, and the Church emerged from the struggle with its traditional sources of power considerably undermined. Political instability resulted. The new republican ideology inspired by the American and the French revolutions did not fill the vacuum created by the abolition of the colonial bureaucracy and the weakening of the Church. Actually the military organization seized control after independence, and the various ideologies were scarcely more than a façade for masking this control.

In view of the predominate role of the colonial bureaucracy in creating conditions of durable social stability, the dynamics of this system merit some scrutiny. The aim of this essay is to examine the Spanish bureaucracy in terms of a thought-provoking hypothesis recently advanced by Andrew Gunder Frank. Although Frank's hypothesis was inspired by his study of the operation of the industrial system in the Soviet Union, his model illuminates the functioning of other bureaucratic systems as well.

THE HYPOTHESIS

Mr. Frank outlined his model as follows:

More than one hierarchal channel of communication is maintained. Multiple and, at least, in part conflicting standards are set by superiors for subordinates. Conflict may arise among standards set within each hierarchy as well as among those set by different hierarchies. Subordinates are free to decide which of the conflicting standards to meet, if any. However, subordinates are responsible to superiors for their performance with respect to all standards; and subordinates may be

¹We would like to take this opportunity to express our appreciation to James D. Thompson, director of the Administrative Science Center at the University of Pittsburgh. This paper was discussed at a meeting of the Center May, 1959.

held responsible for failure to meet any standard. The relative importance of standards is neither well, nor completely defined, nor is it entirely undefined. The priority among standards is ambiguous. Subordinates make their assessment of priority to guide their decision making and task performance. Each subordinate appeals to those standards which are most in accord with his incentives and the circumstances of the moment and to those which are most likely to be invoked by superiors in evaluating his performance. Superiors in turn make their assessment of priority to guide their necessarily selective evaluation of subordinates' performance and enforcement of standards. The entire process is continuous: superiors modify the set of standards to comply with their changing objectives; subordinates adapt their decisions to changing standards and to changing circumstances; superiors enforce standards in accordance with the changing priority.²

In this model two outstanding features are flexibility and authority. Flexibility encompasses (1) the response of subordinates to changing objectives of their superiors, (2) the adaptability of subordinates to adjust to changing circumstances, and (3) the initiative of subordinates in sponsoring innovations. In this context of the term, authority means sensitivity of subordinates to their superiors' objectives rather than mere adherence to their rules. The Weberian distinction between formal rationality and substantive rationality is pertinent. Formal rationality refers to rational calculation and predictability based on adherence to specified procedures, which result in task performance; substantive rationality refers to the achievement of task performance itself regardless of the means employed. The bureaucratic systems under discussion exhibit substantive rather than formal rationality.

The multiplicity of standards permit superiors to make their ever-changing wishes felt by adding new standards or shifting the emphasis among existing ones. By their very incompatibility, multiple standards allow a wide latitude of discretion to subordinates, resulting in the decentralizing of decision making. Selective evaluation of performance and selective enforcement of standards makes the incompatibility among the standards operationally feasible.

²Andrew Gunder Frank, *Goal Ambiguity and Conflicting Standards: An Approach to the Study of Organization*, *Human Organization*, published by the Society for Applied Anthropology, 17 (1958-1959), 11.

This system also generates authority. Superiors can invoke, if they wish, one of the many standards that has not been met. Selective enforcement permits superiors to convert potential authority into real authority at any given time. Hence subordinates remain sensitive to the wishes, both formal and "real" of their superiors. The existence of multiple hierarchies and alternative channels of communications prevent subordinates from obstructing the upward movement of information about their own malperformance. By providing superiors with a wide fund of knowledge about conditions below, subordinates are made more responsible to their superiors.

In applying this hypothesis to the Spanish imperial bureaucracy, the structural features of the colonial administration must first be outlined. Then the kinds of standards imposed on the colonial magistrates by their superiors in Spain must be classified before the nature of the magistrates' response to the superiors can be assessed. Finally superiors' evaluation and enforcement of their subordinates' conduct in the colonies will be considered.

The illustrative data will be chosen from events connected with the Indian policy of the Crown during those decades spanning the end of the sixteenth and the beginning of the seventeenth century. The illustrative material could equally well have been selected from the eighteenth century. The essential organizational features of the bureaucratic system created by the Habsburg monarchs were not appreciably altered after the advent of the Bourbon dynasty in 1700. In the eighteenth century, however, the change of emphasis was the effort to make the system more efficient to increase the Crown's revenues. This study offers few new data. Its primary purpose is to outline a working hypothesis which may provide a new conceptual framework for fresh research.

THE STRUCTURE OF THE COLONIAL ADMINISTRATION

At the summit of the Spanish colonial bureaucracy was the king. Directly under the monarch was the Council of the Indies, exercising by royal delegation supreme jurisdiction over all phases of the colonial administration: legislative, financial, judicial, military, ecclesiastical, and commercial. Only at the top was the imperial

bureaucracy highly centralized in the persons of the king and his Council. The Crown's agents in America and in the Philippines were the viceroys, the governors, and the Audiencia. The viceroys and the governors ostensibly held supreme sway in both civil and military matters;³ in their territories they were the immediate representatives of the king. Command of the military establishment and the secular aspects of church government were under their jurisdiction. They nominated most of the lesser colonial officials subject to the eventual confirmation of the Council in Spain.

The centralization of authority in the viceroys and the governors was, however, more apparent than real. In various spheres the jurisdiction of those magistrates was rigidly limited. Many of the viceroy's subordinates as well as the judges of the Audiencia and the exchequer officials, who were his quasi peers, were appointees of the Crown. They corresponded directly with the Council. Under these circumstances the control of the viceroy over some of his subordinates and his quasi peers was frequently nominal. Although the viceroys had virtually unchallenged freedom in matters of routine administration, even in this their powers were limited; for every aspect of colonial life down to the most minute and insignificant details was regulated by a voluminous body of paternalistically inspired legislation issued by the Council. Viceroys and governors were under standing orders to enforce these mandates. These regulations were codified by 1681 in the celebrated *Recopilación de leyes de las reynos de los Indias*. In matters of policy the viceroys were supposed to refer all decisions to Spain.

The viceroy shared many of his powers with the Audiencia, the second hierarchy in the system. Those bodies were the highest court of appeal in their respective districts. The Audiencia also

³Before the eighteenth century there were two viceroyalties in the New World. That of New Spain embraced all of Spanish North America, and that of Peru included all Spanish South America. The viceroyalties were divided into Audiencia districts headed by a governor, a captain general, or a president. In the viceroyalty of New Spain there were Audiencia districts for Mexico City, Guadalajara, the Antilles, Central America, and the Philippines. Although the viceroy enjoyed greater social prestige than the chief magistrates of the Audiencia districts, the latter in their districts exercised substantially the same powers as the former did in theirs. For purposes of discussion the viceroys and the governors may therefore be included in the same classification.

served as an advisory council to the viceroy or governor and exercised certain legislative functions. In any clash between the two, ultimate authority usually rested with the viceroy. Yet a vacillating presiding officer or a refractory Audiencia could easily upset this rather delicate balance of jurisdictions.

In addition to the viceroys and the Audiencia the two other administrative hierarchies were the ecclesiastical and fiscal. Under the system of the *real patronato de las Indias* the king, as patron of the Church of the Indies, acted as the Pope's vicar in ecclesiastical administration. Royal agents administered ecclesiastical taxation, and they nominated all church dignitaries from archbishop to parish priest. Discipline and doctrinal matters were the only significant spheres beyond the immediate control of the Crown. Although the viceroy acted as vice-patron of the Church in his district, the ecclesiastical hierarchy enjoyed a wide degree of quasi-independent action. The prelates could appeal directly to the Council in Spain. They often played the viceroy off against the Council and vice versa.

In ecclesiastical administration the bishops were responsible to the king as patron of the Church of the Indies. In matters of faith, morals, and sacerdotal discipline, however, the episcopacy was accountable to the Pope, and under him the sacred congregations in Rome. There were no substantive conflicts between the Spanish Crown and the Holy See in the area of dogma and doctrine. Jurisdictional clashes, on the other hand, were endless and violent.

Nor was the authority of the bishops over all the priesthood unchallenged. The regular clergy, who initially bore most of the responsibility for converting the Indians, exercised powers often at variance with episcopal prerogatives.⁴ This brief survey is meant only to suggest that the government of the Church in the Indies was of such a character as to constitute a partly independent and a partly interdependent hierarchy.

⁴For a survey of the *Patronato* see Clarence Haring, *The Spanish Empire in America* (New York: Oxford University Press, 1947), ch. x. For a discussion of the jurisdictional conflict between the episcopacy and the regular clergy in the Philippines see the author's book, *The Hispanization of the Philippines, Spanish Aims and Filipino Responses, 1565-1700* (Madison, Wis., 1959), pp. 32-35. The Inquisition, which did not have jurisdiction over the Indians, formed another semiautonomous administrative hierarchy inside the Church.

The officers of the royal exchequer, while of lower rank than the viceroys and the governors, were of co-ordinate authority in their sphere of administering royal revenue.

The viceroy, in reality, was the co-ordinator of the various administrative hierarchies. He served as the presiding officer of the Audiencia in its role as a Council of State, as vice-patron of the Church, and as president of the *junta superior de la real hacienda* (the exchequer office). Furthermore, the functions of each hierarchy were sometimes exercised by members of another. In the event of the sudden death of the viceroy, the Audiencia assumed supreme command of the government until a successor arrived from Spain. Archbishops sometimes served as viceroys. In spite of these occasional mergers of offices and the nominal centralization of power in the viceroy, the three other hierarchies retained a substantial amount of autonomous power, and each one was responsible directly to the Council of the Indies in Spain.

The Crown deliberately maintained several channels of communication with its colonial agents. The purpose was to ensure that superiors in Spain would have multiple sources of information as to actual conditions. As Clarence Haring has put it:

The only real centralization was in the king and his Council in Spain. Spanish imperial government was one of checks and balances; not secured as in many constitutional states by a division of powers, legislative, judicial, executive, but by a division of authority among different individuals or tribunals exercising the same powers. There never was a clear-cut line of demarcation between the functions of various governmental agencies dealing with colonial problems. On the contrary, a great deal of overlapping was deliberately fostered to prevent officials from unduly building up personal prestige or engaging in corrupt or fraudulent practices.⁵

Motivated by an abiding distrust of its agents overseas, the Crown gradually fashioned during the course of the sixteenth century a complex bureaucratic pyramid with multiple, partly independent and partly interdependent hierarchies. Under this system the con-

⁵Haring, *op. cit.*, p. 122. This study is an authoritative account of the structural features of the colonial bureaucracy. See especially chs. vi, vii. Also, see Enrique Ruíz Guinázú, *La magistratura indiana* (Buenos Aires, 1916); José María Ots Capdequí, *El estado español en las Indias* (Mexico, 1941); Ernesto Schäfer, *El consejo real y supremo de las Indias* (2 vols.; Seville, 1935).

licts between the various bureaucracies were continuous and acrimonious, since their jurisdictions often overlapped. Internal conflicts within the bureaucracies themselves were perhaps somewhat less frequent, but did occur. In the ecclesiastical bureaucracy the tensions were particularly severe. The bishops and the secular clergy were pitted against the regular clergy, and conflict between the various orders of the regular clergy was not uncommon. The bishops and the Crown often clashed over jurisdictions.

THE NATURE OF THE STANDARDS IN THE SPANISH ADMINISTRATION

Standards refer to that multiplicity of pressures to which all colonial administrators had to adjust in order to survive in office. The most apparent standards were those interminable directives issued by the Council of the Indies. These mandates were often mutually contradictory. The incompatibility of the Council's directives in regard to the Indians stemmed in part from the Crown's desire to reconcile the needs of the natives and those of the colonists. The Spanish monarchs partially justified their sovereignty over the Indies from the missionary obligation to convert the Indians to Christianity. Both as infidels and even more so as "new Christians," their property rights and personal liberty merited some protection.⁶ Furthermore the Church threw its considerable weight toward the protection of native rights. The spirit and intent of the Indian legislation of the Crown reflected the conviction that the Indians constituted an inferior group in society whose rights and obligations, however, deserved paternalistic protection. The conditions under which the Indians might render labor services to the colonists were minutely regulated in a voluminous body of legislation eventually codified in the *Recopilación*, but these edicts were more frequently honored in their breach than in their observance.

This wide gap between the law and its enforcement resulted

⁶For a discussion of the missionary justification of Spanish sovereignty in the Indies see the author's *The Millennial Kingdom of the Franciscans in the New World: A Study of the Writings of Gerónimo de Mendieta, 1525-1604* (University of California Publications in History, No. 52; Berkeley and Los Angeles, 1956), ch. i; also *Some Ideological Aspects of the Spanish Conquest of the Philippines, The Americas*, 13 (1957), 221-239.

partially from another source of pressure. Colonizing had to be made profitable for the Spanish colonists, and that meant some form of exploitation of native labor. The Crown usually sought to reconcile the welfare of the Indians and the general well-being of the colonial economy. Harmonized they sometimes were, but there were striking cases when the two objectives stood in naked conflict with each other. The economic crisis created by the diminution of the Indian population in Mexico after 1576 is one notable case in point; another one was the crisis in the Philippines (1609–1648) precipitated by the Hispano-Dutch war in the Orient.⁷ There were also countless other cases in which magistrates in the Indies had to cope with mutually incompatible directives handed down by the Council in Spain.

The prevalence of mutually conflicting standards was further compounded by the ignorance of the central authorities as to actual conditions in the colonies. These local conditions could make the directives of the Council either impracticable or even impossible to enforce. In many cases the Council deliberately defied local conditions. The tendency of the central authorities was to eliminate regional differences, as the Council's aim was to standardize practices throughout the empire. Hence circular cédulas were often dispatched to all the Audiencias of the empire. Such a practice reflected the supreme indifference, if not the active hostility of the central authorities, to local conditions. The Philippines, for example, would be treated on occasion as if they were another Mexico.

In view of the Spanish procedure of assigning the same functions of government to different agencies, bureaucrats had to cultivate a sensitivity to the aims and the procedures of their peers in the other administrative hierarchies. In the sphere of Indian legislation, for example, the viceroys had to take into account the views of the clergy. The bishops in their *ex officio* role as protectors of the Indians could intervene in those cases where the economic demands of the state or the colonists encroached upon the religious welfare of the neophytes. Given their countless missions among the natives, the regular clergy also had a vested interest in all

⁷For the Philippine crisis see *Hispanization of the Philippines*, pp. 98–102.

matters pertaining to the welfare of the Indians. The officers of the exchequer were concerned with the fiscal aspects of Indian administration. A special responsibility of the Audiencia was the legal defense of the natives. In the administration of Indian affairs a viceroy or governor would be ill-advised not to take into account the viewpoints of his judicial, ecclesiastical, and fiscal peers. Decisions were often the result of tension and conflict, the consequence of the fact that the jurisdictions of these partly independent and partly interdependent hierarchies overlapped. Nor could the governors or viceroys ignore their subordinates. The middle-echelon officials, by virtue of their long tenures in office covering many administrations, were not without the means to influence the conduct of their superiors, the viceroys.

Although there was no organized and articulate press to serve as a vehicle of protest against bureaucratic incompetence, colonial subjects did not lack means for voicing their grievances. The wealthy and the educated often corresponded directly with the Council of the Indies. The Archivo General de Indias in Seville contains countless petitions and protests of corporate groups like town councils or class groups like *encomenderos* as well as memoranda from private citizens.

A system of incentives and penalties further encouraged colonial magistrates to adjust to the multiplicity of pressures. The offices in the colonial bureaucracy were in effect monopolized by peninsular Spaniards. They formed a class of career bureaucrats. They were likely to be sent to any region of the empire. Promotion and spoil were their incentives, as was assignment to a favored geographical location. Posts in an isolated and economically underdeveloped colony like the Philippines were considered far less desirable than stations in Mexico or in Peru, where a more agreeable climate and more lucrative emoluments of office attracted ambitious royal servants. Notwithstanding severe and widespread clashes of interests and values among the members of the system, colonial bureaucrats appeared to share an underlying *esprit de corps* that they belonged to a common body whose existence ought to be perpetuated. Most of the members seem to have been motivated to some significant degree by a feeling of personal involvement in the system's ultimate welfare. In addition to the incentives of advance-

ment there was also a whole series of penalties. They ranged from reprimands, demotions, loss of office, fines, and criminal prosecution for those who miscalculated the pressures of a given situation.

All of these pressures—orders from Spain, local conditions, the peers and subordinates of bureaucrats, public opinion, incentives, and penalties—served to create a whole complex of standards, which guided and conditioned the conduct of colonial officialdom.

The very multiplicity and the often mutually contradictory character of the standards contributed both to maintaining authority and to providing flexibility. The issuing of new directives by superiors made those objectives known to their subordinates and hence contributed to the maintenance of authority, whose two components are knowledge by subordinates of the wishes of their superiors and compliance by subordinates. Multiplicity of standards also increased flexibility. Superiors had the opportunity to change directives and standards as the occasion demanded. In view of their contradictory nature, subordinates necessarily had a certain latitude in their choice of what standards to enforce.

FLEXIBILITY

There were a variety of ways in which colonial administrators responded to those manifold pressures created by mutually incompatible standards.

A well-documented example occurred in Mexico. New Spain's century of depression originated in the great epidemic of 1576–1579, in which the Indian population was massively diminished by the spread of contagious diseases against which they had no acquired immunity. The crisis was hastened by the accompanying rapid decline in available native labor, the increase of the non-Indian population (Spaniards and mestizos), and the extensive use of native labor by the regular and the secular clergy for their many architectural enterprises. Another factor complicating the plight of the Indians was a change in land use, in which a large portion of the land of central Mexico was removed from the production of maize and given over to the raising of livestock. The landscape of Mexico was radically altered by the advance of herds of cattle, sheep, and goats. The non-Indian population was determined to

maintain its customary standard of living, with the result that the pressure on the rapidly diminishing Indians for increased grain production became almost intolerable. Stopgap measures such as the establishment of public granaries and a crude system of price fixing did not succeed in guaranteeing an adequate flow of foodstuffs to the cities.

The *repartimiento* (a system of compulsory draft labor) and the rise of a latifundia system based on Indian debt peonage by the middle of the seventeenth century arrested the contracting economy. Earlier, during the first administration of Velasco the Younger (1590–1595), the *repartimiento* was failing to draft enough labor from the steadily diminishing Indian population to meet even those demands which crown officials recognized as having a prior demand on what labor was available.

As the labor market was tightening, new orders arrived from Spain. The reform projects contained in the cédulas of November 24, 1601, and May 26, 1609, envisaged a drastic lightening of the labor burdens of the Indians. Motivating the crown's policy were a variety of considerations, ideological as well as humanitarian and economic. The Indians as recent converts to Christianity merited the Crown's special protection. Compassion for the plight of the Indians who were being decimated by famine, disease, and overwork was another factor. Thirdly, enlightened self-interest advocated measures of relief. The Indians must be preserved, for they were the colony's principal labor force. The viceroys, the Audiencia, and even the clergy did not discount the pertinence of these arguments. Yet the same officials realized that the implementation of the cédulas of 1601 and 1609 would only aggravate an already desperate crisis. Famine in the cities of New Spain instead of the threat of famine might ensue. In the face of conflicting standards, the responsible authorities in New Spain gave priority to the overall economic crisis rather than the specific plight of the Indians. Invoking a traditional formula of Spanish administrative procedure, the viceroys and the Audiencia obeyed but did not execute the orders of the Council.⁸

⁸For the demographic crisis see Lesley Byrd Simpson and Sherburne F. Cook, *The Population of Central Mexico in the Sixteenth Century* (*Ibero-Americana*, 31; Berkeley and Los Angeles, 1948); for the change in land use, Lesley B. Simpson, *The Exploitation of Land in Central Mexico in the Sixteenth Century* (*Ibero-*

The actual operation of this formula merits closer examination. Geographical isolation of the colonies, wide divergence in regional conditions, and only partial awareness of these conditions on the part of the central authorities made some such institutional device desirable. The formula's origins go back to the Roman law concept that the prince can will no injustice. The "I obey" clause signifies the recognition by subordinates of the legitimacy of the sovereign power who, if properly informed of all circumstances, would will no wrong. The "I do not execute" clause is the subordinate's assumption of the responsibility of postponing the execution of an order until the sovereign is informed of those conditions of which he may be ignorant and without a knowledge of which an injustice may be committed.

Presiding magistrates in the Indies were permitted by law to postpone the execution of royal orders whose implementation might create an injustice or undesirable social conflicts. Colonial administrators were required to justify immediately their conduct to the Council. The central authorities in return might reissue the orders in their original form, or they might modify them in accordance with the suggestions of the local authorities. The latter in turn might invoke the formula again in the hopes that by procrastination the unwanted proposals might be buried by bureaucratic inertia.⁹

Colonial administrators had to apply with discretion the "I obey but do not execute" formula. A reckless use of this power might arouse the ire of the Council. Offenders might incur any number of penalties, ranging from reprimands to demotions, to loss of office or imprisonment. The colonial bureaucrat constantly needed to strike a delicate balance between the orders of his superiors in Spain and the dictates of local pressures. Many a bureaucratic career ended in disgrace that could be traced back to a miscalculation of the relative importance of the pressures in a given situation. The Spanish colonial bureaucrat like his modern Russian counterpart had to orient himself to his superiors' "real" objectives, which were often not reflected in the actual instructions emanating from Spain.

Thus, the "I obey but do not execute" formula appears as an

Americana, 36; Berkeley and Los Angeles, 1952); for the economic crisis Woodrow Wilson Borah, *New Spain's Century of Depression (Ibero-Americana)*, 35; Berkeley and Los Angeles, 1951).

⁹Haring, *op. cit.*, pp. 122-123.

institutional device for decentralizing decision making. Its frequent use enabled colonial officials to postpone indefinitely the execution of royal wishes. Furthermore, its operation reveals the more positive role of subordinates as policy makers. By postponing the execution of royal mandates and presenting fresh proposals, viceroys, Audiencia, and archbishops could influence the reformulation of their superiors' directives. New instructions from Spain often reflected to some extent, at least, the viewpoint of officials in the Indies.

The dialectic of the Spanish administrative system may be clarified by Hegelian formula. The thesis is the wishes of the Council embodied in its directives dispatched to the colonies. The antithesis is that complex of pressures or standards to which colonial administrators had to adapt, pressures often in conflict with the Council's instructions. The synthesis is what actually emerged. That was not only always a satisfactory but usually a workable compromise between what the central authorities intended and what local pressures would permit.¹⁰

The Spanish colonial administration was, in effect, a dynamic balance between the principles of authority and flexibility, in which the highly centralized decision making vested in the king and the Council was counterbalanced by some substantial measure of decentralized decision making exercised by bureaucratic subordinates in the colonies.

INSTRUMENTS OF CONTROL

If the "I obey but do not execute" formula gave colonial magistrates some measure of freedom in which to maneuver, other institutional devices made officers in the colonies sensitive to the wishes of their superiors in Spain. There were two institutional procedures by which superiors in Spain enforced standards and reviewed the performance of subordinates in the Indies. They were the *residencia* and the *visita*.

The *residencia* was a judicial review of the conduct of a magis-

¹⁰If local conditions gave officials in the Indies a comfortable freedom of action in enforcing mutually incompatible directives from Spain, these same conditions allowed the natives to be selective in their responses to the settled governmental policy of hispanizing indigenous culture. See *Hispanization of the Philippines*, pp. 153 ff.

trate at the end of his term of office. All appointees of the Crown with the notable exception of the clergy were required by law to submit to a *residencia* at the termination of their tenure. A specially designated *juez de residencia* conducted a public court of inquiry in which he heard all charges of malfeasance against the former incumbent. After receiving the latter's defense, the judge passed sentence and remitted his findings to the Council of the Indies for final review. Heavy fines, confiscation of property, imprisonment, or all three, were customary sentences in cases of grave misconduct in office. The fact that sentences in the Indies were often reversed or altered in Spain does suggest that decisions sometimes reflected the personal bias of the judges or that the official under investigation was able to bring to bear commanding influence at Court. Thus there was a Spanish counterpart to the Russian *blat*.¹¹

The *visita* differed from the *residencia* in respect to procedure. Both devices, however, shared a common purpose, that is, to serve as agencies of royal control over subordinates in the colonies. The *residencia* was public and statutory. It took place at the end of a magistrate's term of office. The *visita*, on the other hand, was a secret inquiry which could be made at any time during a magistrate's incumbency. Generally applied as a crisis measure, it usually reflected the discontent of the central authorities with a specific situation in the colonies. The aim of the *visita* was to prod apathetic subordinates into taking more vigorous action, whereas the *residencia's* objective was to expose and to punish illegal practices. There were restricted *visitas* applying to a single official or to a single province, and there were general *visitas* in which an entire vice-royalty or an Audiencia district came under investigation. The visitor general could examine all aspects of administration. He might interrogate any magistrate from the viceroy or the archbishop downward. It is indeed a moot question as to whose authority was supreme during the term of the visitation—that of the viceroy or that of the visitor.¹²

¹¹*Blat* in the Russian productive setup represents the element of personal influence which oils the wheels of the informal procurement system. See Frank, *op. cit.*, p. 9.

¹²Haring has an evaluation of both the *residencia* and the *visita*, *op. cit.*, pp. 148–157. Also see *Recopilación*, Bk. V, tit. xv (1681).

The opinion of the Marquis of Montesclaros, viceroy of Peru (1607–1615) has often been quoted. He likened the *residencia* and the *visita* to gusts of wind which one frequently encounters in the streets and in the public squares and which accomplish nothing but to raise the dust and refuse and cause everyone to cover his head. This bon mot may be an apt contemporary evaluation of the institution from the viewpoint of subordinates subject to investigation. Yet the perspective of the investigators, the Council of the Indies, was a different one. These twin procedures enabled superiors in Spain to enforce standards in the colonies and to review periodically the performance of subordinates. The *visita* functioned as a means of enforcing old standards, establishing new ones, or enunciating a new priority among existing standards. The *residencia* became an instrument for reviewing the past performance of subordinates. Both procedures were highly selective. Some standards were violated in order to enforce others, as the wide gap between the law and its observance in the colonies amply attests. Magistrates in the Indies, however, never for a moment forgot the existence of this highly institutionalized system of enforcement and review, however selective its application may have been in practice. Its operation certainly encouraged them to keep in harmony with their superiors' "real" wishes.

The key to this hypothesis about social organization lies in selective evaluation and selective enforcement. Selectivity makes a system with conflicts among the standards operationally feasible.

CONCLUSIONS

In summary, the operation of the Spanish colonial system apparently has some features common to the Soviet industrial system.

1. The members of both organizations were motivated to some significant degree by personal involvement in the system and its welfare.

2. Looking at the Spanish administration as a whole, one can see no single guiding goal or objective save that tendency common to all bureaucracies—the tendency toward self-perpetuation. Nor are there several goals commensurate with each other. Hence the goals are difficult to rank. The standards to which individual agents were subject often clashed with one other, and no clear-cut priority

among these standards was available for the agents. A notable exception to the over-all goal ambiguity of the Spanish system is the case of the Church. The spiritual welfare of the natives and the colonists was a clear-cut goal from which the Church could scarcely deviate, although various branches of the clergy clashed over the means of reaching that goal.

3. The Spanish system like the Russian was task-performance oriented.

4. Both systems are hierarchal and bureaucratic organizations.

5. In short, both administrations constitute multiple, partly interdependent and partly independent, hierarchies with mutually incompatible standards, selective enforcement of standards, and selective review of performance.

The fact that the Soviet productive system is undergoing intensive change while the Spanish administration was not does not seriously impair the over-all validity of the analogy between the two systems. The Spanish system was not static. Change there was, although it was slow in comparison to the quick tempo of change in the Russian industrial system. The Spanish administration possessed a feature lacking in the Soviet industrial organization, that of geographical distance. A one-to-two-year period ensued in the exchange of correspondence between the Council of the Indies and the colonial bureaucrats. This temporal hiatus contributed markedly to slowing down the pace of change in the colonies. As a consequence colonial magistrates had greater freedom in selecting their responses to orders from Spain than do officials in the Soviet productive system, dominated as it is by fast-moving change. More procrastination and a greater degree of venality probably prevailed in the Spanish system than in the Russian one, although unfamiliarity with the Russian sources makes it impossible to make a clear affirmation. A basic issue, which merits more attention, is how essential the element of change is to the hypothesis of conflicting standards and selective enforcement. The fact of geographical distance and its corollary of slow communications seems in the case of the Spanish colonial administration to replace rapid change as an assumption.

Historians have assumed that the Spanish bureaucracy like other bureaucratic organizations had only one goal or a set of commen-

surate goals and that standards of conduct for members were not mutually conflicting. If this assumption is cast aside in favor of goal ambiguity and conflicting standards, new light is thrown on the chasm between the law and its observance in the Spanish empire. The wide gap between the two was not a flaw, as has been traditionally assumed. On the contrary, the distance between observance and nonobservance was a necessary component of the system. Given the ambiguity of the goals and the conflict among the standards, all the laws could not be enforced simultaneously. The very conflict among the standards, which prevented a subordinate from meeting all the standards at once, gave subordinates a voice in decision making without jeopardizing the control of their superiors over the whole system.

This hypothesis, I suggest, can serve as a point of departure for monographic research that may provide us with a new and richer perspective on the working of the Spanish bureaucracy. Here only a few suggestions for future research will be outlined. In this essay the "downward" communication from superior to subordinate rather than the "upward" or "lateral" communication from subordinate to superior has been stressed. One aspect of this has already been touched upon. Subordinates did play a role in formulating the directives of their superiors through the advice and information they transmitted upward. It would be equally desirable to explore at greater depth the "horizontal" relations of the members of the various administrative hierarchies.

Since the standards set by the Council of the Indies were often mutually incompatible as well as in conflict with local conditions, the task of the historian is to evaluate the priority among those standards in any given situation. Which ones were enforced at the expense of others? In many cases a compromise emerged with token or partial enforcement of some standards. In this essay I have stressed some of the conflicts inherent in the Crown's Indian policy. Equally significant incompatibilities prevailed in other spheres of colonial administration.

In a sense this essay has been a "shakedown cruise." If this preliminary investigation proves anything at all, it justifies making further efforts. The various components of Frank's hypothesis now must be tested against a mass of documentary evidence in a con-

crete historical setting. The historian tries to preserve the flavor and uniqueness of individual human experience. My primary concern is not with bureaucracies as such, but with a particular bureaucracy during a specific time span. In a study of the dynamics of the Spanish imperial bureaucracy in which we are currently engaged, we have little doubt that Frank's hypothesis will provide a useful set of questions with which to interrogate the documents.¹³ That the answers which will emerge from this interrogation may result in significant revisions of the original hypothesis is highly probable, but this net result ought not to obscure the creative role that such hypotheses play in stimulating fresh research.

¹³The specific topic of the book will be a study of the dynamics of the Spanish imperial bureaucracy as reflected in the career of a representative figure of that system. Antonio de Morga (1559–1636) was a vigorous, versatile, and articulate bureaucrat, who achieved distinction as a historian, a jurist, and a specialist in finance. The fact that he served in the Audiencias of Manila, Mexico, and Quito lends to this study something of an empire-wide dimension.