

LEGITIMACY AND *LIMPIEZA DE SANGRE* IN  
THE PRACTICE OF MEDICINE IN  
THE SPANISH EMPIRE

By John Tate Lanning

The *Siete Partidas* of Alphonso the Learned (1252–1284) stamped a child born out of wedlock as “infamous”<sup>1</sup>. Small comfort it was that soldiers who lost their arms in battle, university men who graduated and then sold their books, merry-andrews — long-haired or not — who went from town to town singing, and those who fought with wild animals for pay were all tainted and damned by this same brush of infamy<sup>2</sup>. On the other hand, much that bore on the handicap of illegitimate birth tended to ameliorate its rigor.

The poor, unlike the well-to-do, could hardly afford letters of legitimation for their bastard sons. But the Spaniards at home, as well as in America, often disregarded a statute that required a man to possess what “the accursed circumstances of his birth” had already denied him. “Could a man select his own father?”, one of the victims asked. In medicine, trouble more likely came only when one of these, practicing as an empiric, sought to cross over and set himself up as a “Latin physician”. The laws of both Spain and the Indies required these Latin doctors to hold university degrees in medicine and to undergo an examination by the royal *Protomedicato*. Though neither illegitimates nor those lacking blood purity could legally matriculate in universities nor qualify to take the examination, they did practice medicine. How?

The tendency from the sixteenth into the eighteenth century was to overlook the prerequisite of legitimacy in colleges, seminaries, and universities — even in theology. As early as 1594, the archbishop of Lima got express instructions “henceforth” to follow the canons of the Council of Trent and not ordain any illegitimate<sup>3</sup>. In the next two

---

1) Las Siete Partidas, Partida VII, Tít. VI, Leyes 1–2.

2) Ibid., Ley 4.

3) Real cédula al arzobispo de Lima, Madrid, 21 de enero de 1594. (Archivo General de Indias [hereafter AGI], Audiencia de Lima, 308). Published in Richard K o n e t z k e, ed., Colección de Documentos para la Historia de la Formación Social de Hispanoamérica, 1493–1810 (5 tomos in 3 vols., Madrid, 1953–1962,

centuries the crown occasionally lifted the disability in individual cases (*gracias al sacar*), for an illegitimate in a wealthy family might very well be challenged by other heirs and barred from inheriting property. It was less likely that an aristocrat, from mere hauteur, would challenge a student who wanted to go to school and who might eventually turn to the practice of medicine, a field he disdained anyway. Throughout the eighteenth century, when they had the means, position, and inclination to do so, illegitimates in America registered in universities and qualified for professions without attracting attention<sup>4</sup>. In Guatemala, at least, the university did not require proofs of “quality” from candidates for minor degrees and winked at the “condition” of illegitimacy in conferring the licentiate and doctorate<sup>5</sup>.

When, sometimes after centuries of live-and-let-live, circumstances finally drew attention to this custom, some disgruntled competitor or some troubled viceroy attributed it to the “negligence” of the rectors — the university officers responsible for the integrity of matriculation. In Mexico City some whites did try, upon occasion, to use illegitimacy to bar men from the University; in Lima, where there were more Negroes, they feared the mulatto — both illegitimate and of “unclean” blood. In the middle of the first half of the eighteenth century, the agent of the University of Mexico, addressing the crown, accused the rectors of inattention to duty in admitting persons who “dim the lustre” of the University. Several times, he said, the practice had even occasioned litigation in the Royal Audiencia. The embarrassed full cloister of the University repented by requiring all “legitimate sons” matriculating to present their birth certificates and the “natural sons” to supply information concerning their parents. To enforce such a resolution, this learned body proposed that the king appoint “four or six” doctors to examine the papers presented by students matriculated

---

II, p. 14. Hereafter K o n e t z k e, CFSH.) It was on this ground that the bishops would not ordain them that the laws of the Indies excluded mestizos, zambos, mulattoes, and quadroons from matriculation. *Recopilación de leyes de los reynos de las Indias* (4 vols., Madrid, 1856), Libro I, Tít. XXII, ley lvii.

<sup>4</sup>) Consulta acerca de que si habiendo derogada la Constitución, aún se reciben alumnos ilegítimos, como en ella se manda. Año de 1816. Archivo General del Gobierno de Guatemala (hereafter AGG), Al. 3—25, 13308, 1962. (See John Tate L a n n i n g, *The University in the Kingdom of Guatemala* [Ithaca, 1955], pp. 192—196.)

<sup>5</sup>) See, for example, Carlos G á n d a r a D u r á n, Pedro Molina (Guatemala, 1936), p. 36.

the previous year and to report back to the cloister. The fiscal of the Council of the Indies opposed this petition on the ground that it was against the “liberty” everybody had to attend and “contrary to the practice of the universities of these kingdoms”. He would agree, though, that “unknown persons” and others of “inferior quality” should “legitimize their persons” before receiving higher degrees, yet a bachelor’s degree was sufficient to practice medicine. The Council of the Indies accepted this opinion in its entirety<sup>6</sup>. Twelve years later the cloister of the University of Havana denied José Alemán Salgado, a bachelor of medicine practicing in the town of Puerto Príncipe, admission to candidacy for the licentiate and doctor’s degree because he was illegitimate. To counteract the “great injury” and “shame” of this repulse, and, incidentally to qualify for “degrees and posts of honor”, the applicant appointed agents in Madrid to get him a “cedula of legitimacy”. The Council of the Indies granted this “rescript” because, in addition to paying the “proper sum”, the candidate was preeminently qualified for all the honors he sought<sup>7</sup>.

In 1778 a similar case arose in Mexico. Bachelor José Peredo then wrote the king<sup>8</sup> that “the accursed chance of his birth had deprived him of the considerable prerogative of legitimacy” and robbed him of the capacity to certify his purity of blood. Since the laws of the Indies forbade the institution to confer the doctorate upon an illegitimate, Peredo appealed to “the royal protection of His Majesty” for “the grace of legitimacy” to enable him not only “to graduate as doctor, but to obtain chairs, the rectorship, the office of *protomédico*, and other posts of honor and privilege”.

The applicant had a strong case. He had gained the reputation of being an outstanding student of mathematics and medicine and had won the plaudits of the rector and secretary<sup>9</sup> of the University of Mexico. He had even won the acclaim of the royal *Protomedicato*, had great success in practice both in Mexico City and Oaxaca, where the bishop had named him Physician of the Royal Bedchamber (*médico de cámara*) and charged him with the care of the sick in the

<sup>6</sup>) Consejo de Indias, 30 de abril de 1728. AGI, Audiencia de México, 776.

<sup>7</sup>) These papers, when they bear any dates at all, are dated between February and June, 1741. AGI, Audiencia de Santo Domingo, 426.

<sup>8</sup>) Madrid, 21 de febrero de 1779.

<sup>9</sup>) Don José Imaz Ezquer, who had admitted him to matriculation without obstacle.

Hospital de San Cosme y San Damián. Above all, the Royal University, eager to keep in everlasting memory a person who had “ennobled” the very walls where he had “flourished”, mentioned him in the prologue to the 1775 edition of its statutes as defending “many exquisite mathematical and medical conclusions”, offering to “prove them with geometrical demonstrations”. Above all, the editor of this publication mentioned Peredo along with the Mexican astronomer, José Ignacio Bartolache, whose medical fame in this rare and strange composition rested upon his having concocted “martial pills” of iron shavings and having defended them in the “halls” of the Royal and Pontifical University<sup>10</sup>. When the fiscal of the Council of the Indies rendered his report, he recommended the certificate of legitimacy<sup>11</sup>. In doing so, he pointedly commented that Secretary José Imaz y Esquer had made no scruple over registering Peredo, who had a bachelor’s degree in both arts and medicine, and that the applicant was not included among the Negroes, certain mixed bloods, and others with “a note of infamy” debarred by University statute<sup>12</sup>.

Legal opinion and legislation in the next twenty years reflected this fiscal’s sympathy for the illegitimate. In 1784 a royal cedula<sup>13</sup> at last recognized that to bar illegitimates from crafts and trades merely threw people upon the charity of the state who had the capacity to be useful to it. Brotherhoods and other associations set up under public authority were accordingly ordered to rescind all laws that made illegitimacy an impediment in these types of work. On the authority of this cedula, the Councilor of the University of Bogotá ruled that an illegitimate could take his degree<sup>14</sup>.

In Lima, two years after the appearance of this cedula, an illegitimate won both the professorship of *prima* of medicine in the University of San Marcos de Lima and the post of chief *protomédico*

<sup>10</sup>) *Constituciones de la Real y Pontificia Universidad de México* (second edition, Mexico, 1775), prólogo, Paragraphs 19 and 20.

<sup>11</sup>) AGI, Audiencia de México, 1769, Expediente No. 17, Año de 1779. The Council, more cautious than the fiscal for once, asked for a report from the *audiencia* of México on whether Peredo was of the “prejudiced castes” — that is, Negro, mulatto, slave, ex-slave, or *chino moreno*. If this report was ever submitted, it was apparently never filed with the record of this case.

<sup>12</sup>) *Constituciones de la . . . Universidad de México*, constitución 246.

<sup>13</sup>) K o n e t z k e , CFSH, III, pp. 539–540.

<sup>14</sup>) Bogotá, 20 de marzo de 1795. Archivo Colonial, Bogotá (hereafter ACB), Colegios, I, 364.

that went with it. However, Dr. José Iturrizarra complained that, after he had held the place of chief *protomédico* without being professor of *prima* of medicine, as required by a cedula of 1646, his enemies staged an *oposición* — trial lecture in competition for the chair of *prima* of medicine — in which the chair as well as the presidency of the *protomedicato* that went with it fell to Dr. Juan Aguirre. Iturrizarra insisted that men who were not professors had held the post of *protomédico* “because it was a rare thing that the professors had the preeminent qualities” indicated. The main point against the winner, though, was that he was illegitimate. The fiscal of the Council of the Indies stood strongly for both legitimacy and purity of blood as prerequisites for these posts<sup>15</sup>, but the Council upheld the selection of Dr. Aguirre. At the same time it called for the application of the old university statutes and constitutions that dealt with legitimacy and purity of blood as prerequisites for degrees<sup>16</sup>.

### Foundlings

A remarkable cedula of 1794 drastically limited the number of those under the legal handicap of illegitimacy. So far, foundlings were “not generally taken for legitimate” because “their quality was not proved”. Now, the crown itself was moved to admit that “not a few thousand” abandoned children died annually “in nearly all my kingdoms” while being moved from the town where they were abandoned to distant orphanages. Committing infants to wet nurses with their own babies at their breasts was often equivalent to infanticide. This “great horror against nature”, injury to the Christian religion, and detriment to the population as a whole persuaded the king, even “in the midst of the care and enormous expenses of the present war”, to take the “most opportune and efficacious steps in favor of foundlings”, to care for their lives, provide decent rearing and, at last, respectable occupations becoming the sons of Christians. The directors of the foundling hospitals<sup>17</sup>, having observed the iniquitous hard-

<sup>15</sup>) Dictámenes del fiscal del Consejo de Indias, Madrid, 28 de mayo y 9 de agosto de 1786. AGI, Audiencia de Lima, 914. Printed in K o n e t z k e, CFSH, III, pp. 597–601.

<sup>16</sup>) Auto del Consejo de Indias, 2 de septiembre de 1786. *Ibid.*, p. 601.

<sup>17</sup>) Casas de Expósitos, o inclusas.

ships caused by visiting the sins of unknown fathers upon their children, strongly urged that these young victims should be accorded “civil legitimacy” by royal intervention. In 1791, the king had so ruled in favor of the foundlings in the orphanage of Cartagena, established by “the zealous and pious bishop there”. So now, in 1794, to apply the principle generally, the king issued a cedula to circulate in both Spain and America commanding that all foundlings of both sexes be taken as legitimate for all civil purposes despite any laws to the contrary. Persons of this origin would be citizens — members of the *estado general*<sup>18</sup>.

This was strong, humane legislation. Men who had started life as “exposed children” might enroll in schools, *convictorios*, and charitable establishments without distinction, and share in legacies — provided that the statutes of such colleges and foundations did not literally state that their members should be “legitimate sons begotten in true matrimony”<sup>19</sup>. Henceforth, any man calling these unfortunate youths “bastard” or any of the other terms in which the Spanish language is so much richer and descriptive than the English<sup>20</sup>, would have to retract “judicially” or face a fine to fit the circumstances. Neither should these respected citizens be subject to “public shame, whipping, or the gallows”. It might just be — revealing afterthought! — that the victim came from an illustrious family<sup>21</sup>.

<sup>18</sup>) Real cédula circular, Aranjuez, 19 de febrero de 1794, in AGI, Audiencia de Buenos Aires, 273; ACB, Colegios, I; *Gazeta de México*, VI (No. 54, 30 de agosto de 1794), pp. 444–447.

<sup>19</sup>) Since the statutes of most colleges did not include this statement nor follow such a practice and because major universities such as Mexico and San Marcos de Lima barred only those somewhat vaguely referred to as having a “note of infamy”, this cedula, when applied to education, does not contradict itself.

<sup>20</sup>) *Borde, ilegítimo, bastardo, espúreo, incestuoso, and adulterino* are singled out in the cedula.

<sup>21</sup>) In Caracas, at least, the university statute excluding illegitimates from academic degrees remained troublesome to the very end of the colonial regime. Only two months before the battle of Boyacá, José Joaquín González, an *expósito*, won his fight to graduate as a bachelor and doctor of medicine. (Real cédula, Madrid, 3 de junio de 1810. AGI, Audiencia de Caracas, 446. Published in Ildelfonso Leal, ed., *Cedulario de la Universidad de Caracas, 1721–1820* [Caracas, 1965], pp. 419–420.)

*Limpieza de Sangre* in Spain

Mere color as a bar to education and, in consequence, to the professions did not arise early nor subside easily. Though the Spaniards made a fetish of purity of blood — *limpieza de sangre* —, we should make doubly sure that we follow their practice as well as their codes before we conclude that their concern was with racial “taint”. When, in the eighteenth century, Miguel Eugenio Muñoz reviewed and compiled Spanish medical law from the middle ages, he never once asked whether or not a man’s skin was black, brown, or white<sup>22</sup>.

In metropolitan Spain, then, purity of blood meant primarily freedom from the taint of Moslemism, Judaism, or heresy. A pragmatic of 1501<sup>23</sup> declared that those “reconciled” after the crime of heresy, apostasy, or even “the sons and grandsons” of those convicted and burned for this crime, “to the second generation of the masculine line and the first of the female”, could neither hold office nor practice any of the professions, among them medicine, surgery, or pharmacy. Violation carried the drastic penalty of confiscation of property<sup>24</sup>.

America, at least, might be kept free of “infection” by imposing a quarantine instead of creating an isolation ward. Ten years after the pragmatic of 1501, the royal government admitted, in a tone of distress, that many of these “sons and grandsons of *quemados*” were running to America because they were forbidden to hold “places” in Spain. Without a tremor, the royal government pointedly widened the law to exclude them from the Indies<sup>25</sup>. So it was most natural that when, in 1535, the medical laws of Castile were applied to America, Antonio de Mendoza, the first viceroy of New Spain, got instructions to see to it that no person forbidden by the laws and pragmatics of “these kingdoms” to practice medicine, surgery, or pharmacy might practice in America nor graduate as bachelor, licentiate, or doctor<sup>26</sup>.

<sup>22</sup>) Miguel Eugenio Muñoz, *Recopilación de las leyes, pragmáticas reales, decretos, y acuerdos del Real Protomedicato* (Valencia, 1751). (Hereafter *Recopilación del Real Protomedicato*.)

<sup>23</sup>) *Recopilación de las leyes de estos reinos* (3 vols., Madrid, 1640), Libro VIII, Tít. III, ley iii.

<sup>24</sup>) *Recopilación del Real Protomedicato*, Capítulo VI, Sección I, pp. 71–72.

<sup>25</sup>) Real provisión, Burgos, 5 de octubre de 1511. AGI, Contratación, 509. This document has been printed in a number of places, most recently in K o n e t z k e, *CFSH*, I, pp. 30–31.

<sup>26</sup>) Real cédula al virrey de Nueva España, Madrid, 15 de octubre de 1535. *Archivo Histórico*, Madrid (hereafter AH), Códices, 684 al 725B, *Cedulario índico* (40 vols.), IX, fol. 72v.

Yet, the seventeenth century was well advanced before the royal *Protomedicato* in Spain (Board of King's Physicians) showed any marked anxiety about "tainted" persons practicing medicine. The immediate occasion for this concern was a pragmatic<sup>27</sup> of the "Prince" of Portugal forbidding those "infected" to practice medicine in that kingdom. The result was that disqualified physicians, surgeons, and druggists left their own country, where they were known, and turned up in Spain, "with false certificates of blood purity". Thus, the royal *Protomedicato* in Madrid now instructed its medical examiners to force all Portuguese aspiring to careers in medicine, surgery, and drugs, even if they were from the University of Coímbra, to present the proper legal proof<sup>28</sup> that they were "clean and not one of those included in the pragmatic of the expulsion".

Bona fide compliance with any regulation implying disfavor of the Inquisition could hardly be expected. The cases that arose from the administration of this law indicate that the Spaniards knew even then that these men must live. They prove, too, that, throughout the Spanish world, a physician was always welcome in the bosom of the most powerful family. In consequence the Royal Council in Madrid sometimes had to intervene to force the rigorous vigilance necessary. When Dr. Francisco de Medina, under "powerful protection", deliberately continued to practice medicine in the town of Illescas after the Holy Office in Toledo convicted him, the Council had to prod the *Protomedicato* to know what had been done "in such cases"<sup>29</sup>. In reply, that body claimed, if it did not boast, that it "had succeeded and was succeeding" in "extirpating and tearing out" from the practice of medicine those found "impure and stained with so horrible a vice and infamy". The special problem of Medina the *Protomedicato* tossed back onto the table of the Royal Council, which ordered the *corregidor* of Illescas to notify Dr. Medina that he was to leave town and not come within ten leagues of it. Neither was he to practice medicine,

<sup>27</sup>) Lisbon, August 31, 1672. Recopilación del Real Protomedicato, Cap. VI, Sec. II, p. 74.

<sup>28</sup>) A minute statement and the manner of executing these certificates can be found in an Auto del Real Protomedicato (Drs. Juan de Chavarri Azcona, Gaspar Bravo de Sobremonde, and Miguel de Alva), Madrid, 10 de noviembre de 1678. Recopilación del Real Protomedicato, Cap. VI, Sec. II, pp. 73—78.

<sup>29</sup>) Papel del Consejo, Madrid, 26 de marzo de 1686. Recopilación del Real Protomedicato, Cap. VI, Sec. II, pp. 75—76.

wherever he was, “for pay or for nothing”<sup>30</sup>. Five years later, however, the King in Council found it necessary to order the *audiencia* of Valladolid to ferret out all those persons sentenced by the Inquisition who were still practicing medicine, even though they had recanted<sup>31</sup>.

The vigorous language of this exchange suggests that evasion was common; that a well placed empiric could play the protection of the powerful off against the authority of the *Protomedicato*. In 1726, that tribunal reported that Diego Zapata, sentenced “con Sambenito” by the Inquisition in Cuenca, had boldly come to court and calmly practiced medicine without even going before the medical examiners. As Zapata was under the protection of those mysterious “powerful people”, the *Protomedicato* dared not proceed against him without first being sure of the royal consent. It thus asked for permission to exercise the jurisdiction “conferred by the laws” to drive Zapata “totally” from the practice of medicine<sup>32</sup>. The decree from the crown, however, gave the *procuradores generales* (city attorneys) of the towns authority to clear papers supporting blood purity, instructed the *corregidores* to publish this order everywhere, and expressly warned all universities<sup>33</sup>. Slightly over a decade later, as a result of the fight with the Council to preserve its jurisdiction, the *Protomedicato* won the exclusive right to pass on the prerequisites to practice — such as academic degrees, internships, and certificates of baptism. In the case of the rejection of proof of purity of blood, however, the Council might hear an appeal after asking the *Protomedicato* for a secret report. At the same time, the government conceded the *Protomedicato* exclusive jurisdiction in cases involving the crimes and excesses of licensed physicians, surgeons, and druggists. After devoting a whole chapter of three sections to the problem of *limpieza de sangre* of physicians, surgeons, and druggists in Spain, Eugenio Muñoz, the editor of

---

<sup>30</sup>) Informe del Protomedicato, Madrid, 5 de abril de 1686; decreto del Consejo, Madrid, 29 de mayo de 1686. Recopilación del Real Protomedicato, Cap. IV, Sec. II, pp. 77–78.

<sup>31</sup>) Real cédula al presidente y oidores de la audiencia y chancillería de la ciudad de Valladolid, Madrid, 25 de septiembre de 1691. Recopilación del Real Protomedicato, Cap. VI, Sec. II, pp. 77–78.

<sup>32</sup>) Memorial del Protomedicato. Recopilación del Real Protomedicato, Cap. VI, Sec. II, pp. 80–81.

<sup>33</sup>) Reales decretos de 23 de marzo y de 14 de mayo de 1726. Recopilación del Real Protomedicato, Cap. VI, Sec. II, pp. 81–85.

the laws of the *Protomedicato*, suggests<sup>34</sup> recourse to a work by an inquisitor on how to establish nobility and purity of blood<sup>35</sup>. This was a ticklish — even a profitable — business in Spain where whites, needing ancient documents of *limpieza*, and wanting in, say, the Order of Calatrava, had recourse to “established” forgers. Not even these experts would essay forging the color of the skin — soon the primary problem of *limpieza* in America.

### *Limpieza de Sangre in America*

The phrase, “note of infamy”<sup>36</sup>, gradually took on new implications in America. The government itself began forbidding “*negros ladinos*” — Europeanized Negroes: those “worst and most vicious elements” — to immigrate to America, for there they ran away to the mountains, formed bands, and otherwise set a bad example. The mulatto was not just of the colored caste; he was all but sure to be illegitimate. What is more, his mother, whose “condition” he followed, was “degraded” into “infamy” as a slave. Is it to be expected that, when society excluded him from the trade of hat-making<sup>37</sup>, the same society would permit the son of a Negro, mulatto or quadroon artisan to enter universities — the preface not merely to the “mechanical trades” but to the professions? It was less whether the Negro might enter the university than whether the rector might “enjoy the preeminence” of going about with two Negro lackeys done out with side arms<sup>38</sup>.

The truth is that the bias against the sons of artisans was not so much racial as social. In this form it held on in Spain until after the middle of the eighteenth century. In 1768, for example, the king of

---

<sup>34</sup>) For the formulation of the *juicio informativo*. Recopilación del Real Protomedicato, Cap. VI, Sec. II, p. 91.

<sup>35</sup>) Juan Escobar del Corro, De puritate et nobilitate probanda, secundum statuta Sancti Officii Inquisitionis, regii Ordinum senatus, S. Ecclesiae Tolentanae, collegiorum aliarumque communitatum (Lyon, 1637). The author appends an “Instrucción breve y sumaria para los comisarios y notarios de las informaciones de limpieza”.

<sup>36</sup>) The Indian himself was a citizen — a member of the *estado general* — and entitled to enter universities and take degrees.

<sup>37</sup>) For examples of such exclusion in the sixteenth and seventeenth centuries, see K o n e t z k e, CFSH, I, pp. 80–81, 391–392, 488; II, pp. 108–109, 137–138, 197, 542.

<sup>38</sup>) John Tate Lanning, Academic Culture in the Spanish Colonies (New York and London, 1940), p. 36.

Spain, in a jurisdictional dispute with the cloister of Salamanca, ordered the university “to cancel the matriculation of Manuel del Puerto and other artisans”<sup>39</sup>. Craftsmen in America, not likely to be white, more and more gave indication that they wanted their families out of the “vile”, strait-jacketed careers imposed from father to son, for two centuries. Those who stood to give ground were the first to perceive this restiveness.

Thus, it was not until after 1750 that a marked apprehension of the colored castes — on the ground of color — appeared in the universities. University statutes before 1700, when they did so at all, excluded persons of color in a casual, mechanical way, as if the problem might not arise anyway. The statutes of the University of San Marcos, where the problem was destined to be bitter, merely reflected the Spanish experience<sup>40</sup> — that no persons sentenced by the Inquisition, or whose fathers or grandfathers had been sentenced by the Holy Office, or who were marked by some “note of infamy” should be admitted to degrees or be examined for them; they had nothing to say on race<sup>41</sup>. It is thus unlikely that the “note of infamy” meant anything more as grounds for exclusion that it did in the Spanish legal language of 1501.

Why, then, was this historical tolerance of color, even when combined with the vaunted Enlightenment, followed by such sudden and harsh reaction in Peru? A large, servile Negro population was “menacing” in the abstract, but there were other causes for alarm among both Spaniards and creoles in the City of Kings. The clandestine infiltration of the professions by persons of color was only one

<sup>39</sup>) Archivo de la Universidad de Salamanca, Libro de claustros, 1767–1769, claustro pleno, 4 de mayo de 1768.

<sup>40</sup>) In the 1602 edition (Tít. 11, const. 238, fol. 41, p. 2) and the 1735 edition (Tít. 11, const. 58, fol. 69, p. 2). See also Recopilación de . . . de las Indias, Libro I, Tít. XXII, ley lvii.

<sup>41</sup>) From the beginning, however, in Mexico, where the problem was never important, the university statutes went beyond this. These added Negroes, mulattoes, *chinos morenos*, or any kind of slave or former slave to the list of those who could not receive degrees. The Mexicans attached the logical but necessary provision that such people were not to be matriculated either. (Constituciones de la . . . Universidad de México [Mexico, 1775], Tít. 17, const. 246, p. 132.) These stipulations go back to the seventeenth-century “*estatutos y constituciones*” of the University of Mexico, for they were literally copied by Francisco Sarassa y Arce when he drew up the Constituciones de la Real Universidad de San Carlos de Guatemala . . . (Guatemala, 1686, 1783), Tít. XVI, const. 196, fol. 31, p. 1

of these. The want of funds for paying professors in San Marcos de Lima forced that University to sell degrees (*grados de indulto*), so increasing the number of diplomas that their worth as property fell from 2,500 to 800 pesos<sup>42</sup>. Thus “tainted persons”, exploiting the uncertainty of the statutes, appeared among those boasting degrees — degrees already losing their prestige for other reasons<sup>43</sup>. The number of mulattoes among University graduates in medicine, or, rather, among the practitioners of this science, did put the fees of the white doctors in jeopardy and reminded the viceroy of the waning prestige of a white skin. Mulattoes, quadroons, and zambos more than ever became “vile and despicable subjects”. White students, the convenient hypothesis was, now felt that this influx so degraded medicine and lowered the social standing of its practitioners that they refused to register in this “faculty”.

There had been some awareness of this infiltration for more than a half-century before effective measures against it were taken at the University of San Marcos. A commission set up by the Count of Castellar, viceroy between 1674 and 1678, decided that mestizos, mulattoes, zambos, and quadroons should not enroll at San Marcos. This decision duly appeared in the laws of the Indies<sup>44</sup>, but, unfortunately for the Peruvian creoles, the law merely said that exclusions from the University should rest upon Statute 238, which made no mention of racial strains. Many mulattoes, therefore, enrolled, pretending that the exclusion decreed by Castellar’s commission was not specifically and concretely confirmed in the statutes. Viceroy Monclova (1688—1705), however, took matters in hand and ordered zambos, mulattoes, and quadroons excluded from universities and their degrees rescinded for fraud. The cancellation of degrees was not complete, though, for one of these people entered the competition for the chair of Method in 1737 only to have the viceroy bar him from the contest on account of the “grave inconveniences” that might ensue. Though Monclova had not in so many words excluded mestizos<sup>45</sup>, this was probably a cleri-

<sup>42</sup>) *Memorias de los vireyes que han gobernado el Perú, durante el tiempo del coloniaje español* (6 vols., Lima, 1859), III, p. 127. (Hereafter *Memorias de los vireyes*.)

<sup>43</sup>) John Tate Lanning, *The University in the Kingdom of Guatemala*, pp. 302—308.

<sup>44</sup>) *Recopilación . . . de las Indias*, Libro I, Tít. XXII, ley lvii.

<sup>45</sup>) According to the *cedula* of 1752.

cal oversight — in itself an indication of indifference. At least, when Viceroy Superunda (1745–1761) called for the support of the crown, it responded with a cedula excluding mestizos as well as zambos, mulattoes, and quadroons, just as they had been in the time of Castellar<sup>46</sup>.

At mid-century, the viceroys felt that the oppressive decadence of the University, which had complex causes, was due in a critical measure to the “negligence” of the rectors of San Marcos in not requiring certificates of blood-purity upon the student’s matriculation. In this mood, Viceroy Manuel de Amat y Junient (1761–1776) bitterly repeated Monclova’s charges in this strain<sup>47</sup>. He thought that the resulting degredation of medicine explained the distressing fact that the renowned University of San Marcos of the City of Kings had only four graduates in medicine. He quoted the 1752 cedula of the time of Superunda authorizing the University authorities, upon petition from Peru, to ask matriculants whether they were mulattoes, zambos, quadroons, or mestizos and, in case they enrolled through fraud, to “erase” their degrees from the records. Such concern at the end of his term (1776) shows that these royal decrees had made little difference and that, indeed, they were actually anachronistic. At the beginning of the next century the whole perplexing question arose again when some of Peru’s most outstanding physicians turned out to be mulattoes.

Even Amat’s stand did not eliminate the problem. Strong and determined in this as in everything else, this viceroy complained bitterly of two lawyers of the “most obscure and sacrilegious birth” and of another one, “a total bastard”, who had been able to register in colleges, graduate from the university as licentiate or doctor, to adorn themselves with hoods, and secure licenses from the *audiencia* to practice law, because, to reject them at this stage would be taken as an injustice. The seat of the trouble, he repeated, was the all-but-criminal neglect of the statutes in registering “the most vile types in the colleges and universities”. Now, in Amat’s language, “a most vile type” was a “total bastard” and a “half-white”. Here began the circle of deceit.

<sup>46</sup>) This interpretation is based upon the internal evidence of a royal cedula addressed to the viceroy, *audiencia*, university, and *protomedicato* of Peru dated Buen Retiro, 27 de septiembre de 1752. (Memorias de los vireyes [Viceroy Manuel Amat y Junient], IV, p. 479.)

<sup>47</sup>) In 1765. (Memorias de los vireyes, IV, pp. 480–481.)

This negligence by the academic officials, bestirring themselves at last, to be sure, had thus not only failed to maintain legitimacy but also *limpieza de sangre*<sup>48</sup>. Amat therefore called in strident terms for a royal order that would declare broadly that no one be registered in college or university before he had established in legal form both his legitimacy and purity of blood.

A strident tone of voice was the last one to assume with a crown lawyer such as the fiscal of the Council of the Indies. That exacting functionary advised the Council that there was no sense in a general order if the statutes of the colleges and universities already covered the case. His idea was to enjoin college and university officials not to relax but to enforce their own “constitutions”. The viceregal government could only produce a copy of the statutes of the University of San Marcos, thus leaving in doubt Amat’s assertion that the lost college statutes covered the case. At any rate, the government dispatched an order<sup>49</sup> demanding that there be no easing of legal restrictions on the admission of students. And this was essentially the note on which this case settled slowly to rest in 1770.

In 1791 José Pastor Larrinaga, himself a mulatto surgeon, put the spotlight upon what had troubled the government forty years before when the University of San Marcos de Lima had but four graduates in medicine. He cried to heaven<sup>50</sup> to know what the sixty thousand inhabitants of Lima would do if “the fifty-six” surgeons did not daily tread the streets and plazas looking for the sick to cure, the infirm to comfort, and the healthy to preserve by precautions! The point of this outburst of rhetoric was: What would become of the City of Kings, “I repeat a thousand times”, entrusted to ten or twelve overseas surgeons, the only ones from Europe — that “beneficent locality”? Without the “forty-odd swarthies”, who would practice surgery? Spaniards from the colleges of Cádiz or Barcelona? No! Not even the creoles would take it up; they had become physicians. Surgery was in

---

<sup>48</sup>) Expediente sobre legitimidad y limpieza de sangre de los estudiantes para ingresar en las universidades, colegios, y audiencias. Años 1767–1770. AGI, Audiencia de Lima, 854.

<sup>49</sup>) Real despacho, Madrid, 14 de julio de 1768 (AGI, Audiencia de Lima, 874), copied, among other places, in AHN, Cedulaario Índico, XXXII, No. 117, f. 144, and published in K o n e t z k e, CSFH, III, pp. 340–341.

<sup>50</sup>) José Pastor Larrinaga, Apología de los cirujanos del Perú, Granada, 1791.

such decadence, Larriaga himself admitted, that after two hundred years, no one who could do so legally would cultivate the field<sup>51</sup>. Perhaps the natural want of science among these “swarthies”, as well as their color, accounted for the disrepute of surgery. Larriaga himself, for example, later entered a polemic to prove that a pregnant woman in Peru, who had probably had a pigeon applied to stop hemorrhage — an ancient practice in Spain — had actually given birth to the bird<sup>52</sup>.

José Manuel Valdés, the man destined to prove that the mulatto surgeon in Peru need not be a quack, was born of a Spanish father and a Negro woman in 1787, the very year an almost venomous law against the colored castes went into force. He had the ability to transcend his circumstances, but, more to the point, he had the tutelage of the Augustinians. A young mulatto such as this one, whose inclination, not to mention the clutch of circumstance, indicated surgery, was as near as a person of color could come to good fortune. Even the law permitted the *Protomedicato* to examine a candidate in this field without a university degree after five years of practice. Without the possibility, save through irregular means, of enrolling in the university, a man's chances of the most prestigious education available were all but nil. However, in the case of Valdés, Dr. Juan de Roca recognized the keenness and charm of the lad when he was fifteen and instructed him “clinically” in his practice. In the limited professional circles of Lima, it was natural also that Roca should recommend his promising charge to Dr. Hipólito Unanue in the days before this luminary of medical science became so engrossed in politics. So it came about that this humble suppliant enjoyed the instruction of two eminent medical figures of his country before presenting himself to the royal *Protomedicato*, after five years' internship in the Hospital of San Andrés, to stand the examination for certification in surgery. In 1788, he emerged from this test with the title of “Latin surgeon”, a singular thing in itself, for such men, unable to enroll in universities and “hear” courses in Latin, usually reached only the stature of “Romance surgeons”. Though Valdés had also mastered French and English, the ability to read and understand spoken Latin was the sole prerequisite for matriculation.

<sup>51</sup>) C. E. Paz-Soldán, José Manuel Valdés, 1767–1843 (Lima, 1942), pp. XXVIII–XXXII.

<sup>52</sup>) John E. Woodham, “Hipólito Unanue and the Enlightenment in Peru” (Ph. D. thesis, Duke University, 1964), pp. 144–153.

For nearly two decades, José Manuel remained in obscurity. If he succumbed to the lure to assume the right of the university graduate to practice medicine, as he probably did, he would avoid leaving documents behind to prove it. In such a process, however, where the public regarded him as better qualified than most of those with more privilege, he could and did build up an irresistible prestige.

On this foundation his friends made their plea before the town council of Lima to move for awarding the doctor's degree to Valdés — to him who did not have even the bachelor's. According to a procedure then becoming common, the council "elevated" the plea to the viceroy, who elevated it to the crown. At last in 1806, came a royal cedula<sup>53</sup> erasing the infamy; Valdés might now receive degrees as if he were a white man, provided, as was always stipulated in these cases, that he took and passed all the examinations imposed upon the orthodox candidate. Exempted from the customary wait between degrees, in fifteen days Valdés took every degree in medicine, the bachelor's, the licentiate, and the doctorate. Nothing could show more plainly his confidence in himself and his impatience to be rid of artificial handicaps.

Of all the mulatto physicians licensed in America by the crown, Valdés justified the grace with the greatest contribution to medical literature<sup>54</sup>. In a "surgical dissertation" (1800), he had contended that cancer of the womb was not contagious. In 1807, in his doctor's thesis, he defended the proposition that balsam of copaiba, applied to the severed umbilical cord, was "efficacious" in the prevention of "infantile tetanus", the dread "seven days' disease". So critical was this discovery that Valdés' work appeared in Spain — a rare thing for an American thesis<sup>55</sup>.

<sup>53</sup>) Paz-Soldán and Mendiburu cite this cedula as of June 11, 1806. However, I have been unable to find a copy of it in the Archives of the Indies, notwithstanding a search through 120 *legajos* of the Audiencia of Lima, Indiferente General, Contratación, and Ultramar. This failure, though, is not conclusive. For some mysterious reason, one which the archivists have not yet fathomed, the royal cedula of the last half-century of the colonial period are generally wanting in the Archives of the Indies.

<sup>54</sup>) See C. E. Paz-Soldán, José Manuel Valdés, 1767–1843, pp. XXVIII–LX.

<sup>55</sup>) Although Peruvian medical historians, such as Hermilio Valdiván and Juan B. Lastres, touch upon most Peruvian medical personalities, there are three authorities who, though they sometimes contradict each other on small points, give a more complete impression of José Manuel Valdés: C. E. Paz-Soldán

The increasing pressure to deny Negroes and mixed bloods the privilege of enrolling in universities in Peru had its counterpart elsewhere in the Empire<sup>56</sup>. Disturbed times enabled the empiric to hope that with his record of public service he might drop the clandestine life and break down the legal barrier. Thus, war and foreign invasion offered the best opportunity for him to emerge. The *pardo*<sup>57</sup> sailing as surgeon upon His Catholic Majesty's ships, particularly when he had not volunteered, thought that he should be allowed to practice on land what he had been forced to practice at sea<sup>58</sup>.

The Seven Years' War and the siege of the castle of Havana by the British were a boon to all mulattoes in the irregular practice of medicine in Cuba. José Francisco Báez y Llerena<sup>59</sup>, after "interning" with two leading surgeons, had been practicing surgery in Cuba for thirteen years when the *protomédico*, all the time fully aware of this, suddenly forbade him to practice because his father was a *pardo*, though by the "paternal line" of white Spaniards and old Christians<sup>60</sup>. Báez promptly turned to the crown, making it his central plea that he

---

(note 54 above), José Antonio Lavalle, "El Doctor Don José Manuel Valdés, Apuntes sobre su vida y sus obras", *Gaceta médica de Lima*, Nos. 47–52 (August–November, 1858), republished in the works of Lavalle in 1935, and in Manuel de Mendiburu, *Diccionario histórico biográfico del Perú* (2nd ed., 11 vols., Lima, 1931–1935), XI, pp. 162–165.

<sup>56</sup>) For example, *Testimonios de las informaciones de limpieza de sangre de los padres, abuelos, y bisabuelos de Don Antonio Méndez Prieto, vezino de esta Ciudad de México, según, y en la forma que dentro se contiene.* (Archivo General de la Nación, México, Ramo Universidad, Grados de Licenciados y Maestros en Artes, 1753–1784.)

<sup>57</sup>) A mixture of white and black. The same degree of mixture might be maintained from one generation to another.

<sup>58</sup>) In this generation, too, military companies of quadroons, native mulattoes, mulattoes from the outside, zambos, and free Negroes aspired to have officers of their own kind who "aspired to ennoble themselves by rank and so mingle and blend with noble people, notwithstanding their low color and immediate descent from mulattoes". Real cédula al gobernador de Caracas, 2 de mayo de 1763. AGI, Audiencia de Santo Domingo, 1475. Published in Konetzke, CFSH, III, pp. 310–312.

<sup>59</sup>) Expediente de José Francisco Báez, profesor de cirugía en la Habana, sobre aversele prohibido la continuación en el uso de este Arte, a pretexto de no ser hombre blanco declaradamente, y solicitud de que se mandase al Prothomedicato de Aquella Ciudad, le dejase seguir en su facultad, y dispensase al mismo tiempo el punto de limpieza que se notaba a sus padres. AGI, Audiencia de Santo Domingo, 1455. Año de 1759. Consejo No. 10.

<sup>60</sup>) According to Solórzano, "quality" followed the mothers and "honors" the father.

had served as ship's surgeon on the Bilander *Nuestra Señora del Rosario*.

None of the many gravely wounded died on his ship. The crown attorney agreed with Báez that he should have been challenged, if he was going to be challenged, when he came up for examination. The crown, then, set aside all laws and customs to the contrary and lifted the petitioner's "handicap of color"<sup>61</sup>. Báez Llerena's brother got a ruling from the Council of the Indies that "the quality of mulatto" should not bar his sons from holding public office and registering in universities, "for the study of the sciences should not fall by luck to certain types of subjects (principally in America)"<sup>62</sup>.

Aside from the few top-bracket mulatto *romancistas*<sup>63</sup> from Havana and Cartagena who felt that their records in the Seven Years' War and in the American Revolution reduced the risk of coming out into the open, the lot of the mulatto surgeon drifted from worse to worse until the eve of independence. There were some reasons for curbing them despite the growing "climate of opinion" in their favor. For one thing, surgeons of color themselves, certainly those who had not aspired to win royal sanction for their clandestine careers, reflected the decadence of medicine around the Caribbean. Most possible practitioners were so patently unprepared that they could hardly run the risk of petitioning for a *gracias al sacar*, for, legally, this document exempted a man from his "condition" of color, not from examination or any other law requiring professional competence. Whether on account of this low ebb or not, both the Council of the Indies and the "superior governments" in America stiffened their policies in opposition to the extra-legal drift of greater tolerance of color. And so the more professionally minded *protomedicatos* in America almost never deviated from their harsh anti-Negro stand, though, to be sure, they rarely deviated from a harsh stand against other kinds of competition either.

<sup>61</sup>) Real cédula para que Francisco Báez Llerena pueda usar y ejercer su facultad de cirugía. Aranjuez, 1 de junio de 1760. AGI, Audiencia de Santo Domingo, 1607.

<sup>62</sup>) Dictamen del fiscal, 21 de febrero de 1773. "Se acordó" en el Consejo de Indias, 26 de abril de 1773. AGI, Audiencia de Santo Domingo, 1463. Cámara, No. 8. A very similar case is that of the *pardo* surgeon José de Avilés (1763–1766), documented in AGI, Audiencia de Santo Domingo, Legajos 911, 1457, 1458 and 1607.

<sup>63</sup>) A surgeon who, not having studied Latin, could have a clinical but not an academic education.

## F r a u d

Thus, more people practiced medicine in the Spanish colonies as a result of fraud than ever practiced it legally. Of course, most of these were quacks or, in the softer Spanish term, *curanderos*, but many practitioners had gained licenses and set themselves up as trained physicians by fraudulent means. How many, no one knows, for it was generally detection of chicanery during the application for a license that uncovered the knave.

One of these was Juan de la Cruz Valiente, who “suffered a want of blood-purity” and another shortage in character. When the Cuban *Protomedicato* turned him down, he appealed with falsified papers to the one in Madrid. Thereupon, the king ordered the captain general to see to it that the *Protomedicato* in Havana incorporated Fernández Valiente’s license at once<sup>64</sup>. Then, the candidate, too exuberant to contain himself, began to bruit his success around the city. The local *protomédicos* then exploded his case by proving to the king that the case rested upon “sinister” misinformation — the soundest grounds in Spanish law for reversing any ruling. More significant than the failure of the application was the king’s order that all applicants henceforth make their appeals before the *protomédicos* in company with the doctor under whom they had interned<sup>65</sup>.

Despite this precaution, in 1761, Juan de la Cruz Mena, practicing medicine and surgery in Bayamo, Cuba, undertook rank deception on behalf of his sons<sup>66</sup>. The father solemnly reported to the governor of Cuba that the rector and cloister of the University of Havana had refused to confer the bachelor’s degree in surgery upon his sons “despite their having studied and practiced in that city the requisite time”<sup>67</sup>. Only because the fiscal of the Council of the Indies noticed

<sup>64</sup>) Real cédula a Juan Fernández Valiente, Buen Retiro, 26 de julio de 1755. AGI, Audiencia de Santo Domingo, 1607.

<sup>65</sup>) El Rey a los protomédicos de la Habana, Aranjuez, 21 de mayo de 1757. AGI, Audiencia de Santo Domingo, 1607.

<sup>66</sup>) Expediente No. 16 tocante la instancia que por medio del gobernador de Cuba introdujo Juan de la Cruz Mena, profesor de Medicina y cirugía en la Villa del Bayamo, sobre que se habilitase a sus hijos para ser admitidos en Universidades a cursar Ciencias sin embargo de su humilde calidad. AGI, Audiencia de Santo Domingo, 1357.

<sup>67</sup>) El gobernador de Cuba, D. Lorenzo de Madariaga a S. M., Bayamo, 16 de junio de 1761, con testimonio y representación de Juan de la Cruz Mena. AGI, Audiencia de Santo Domingo, 1357.

the want of legal proof of this assertion, did the University get the chance to report that the sons had never been enrolled in the University, though one of them had been denied admission as a mulatto. In such a patent case of fraud, the Council wearily rejected the application but said nothing of punishment for deception<sup>68</sup>.

### Mulattoes and New Spain

Though as late as 1788 the *Protomedicato* of Mexico had never licensed a mulatto to practice medicine, yet the colored empirics of Cuba sometimes tried to improve their lot by moving to New Spain. One of these, José Vázquez de Silva, as in the case of Báez y Llerena, had “learned a lot” during the English invasion, had practiced since 1762, “attended the sick in the Castillo de la Punta in the War of ’78”, and served as surgeon on the brigantine *Galveston* at sea. The implication is, as the disclosure soon was, that he had never been licensed. Seeking to avoid this hurdle, he appeared in Yucatán, so short of practitioners that foreigners were taking over medicine and surgery there. The town council rejected his application, accusing him of practicing without a license and of being a mulatto. To the first charge he answered, “Quite so”. To the second charge, that of being a *pardo*, he “confessed it in a firm voice”. What could an honorable vassal do about the quirks of nature taking place before he was born? Besides, he asserted, the law did not prevent him from practicing surgery “in the character of a *romancista*”. Even if it did, he was willing to pay for a *gracias al sacar*.

The jealous and touchy *Protomedicato* in Mexico City, apparently, felt relief not to have to certify the candidate. The laws of Castile, since 1604, had admitted romance surgeons to examination if they could produce proof of five years of internship — three in a hospital and two with a physician or surgeon —, but Vázquez had even lacked “the discipline necessary” for “his completion”. Much less could he produce a certificate, as decreed by Viceroy Teodoro de Croix, from the Amphitheatre or the college of surgery at Cádiz or Barcelona. Vás-

<sup>68</sup>) Real cédula a la Universidad de la Habana, Buen Retiro, 10 de julio de 1764. AGI, Audiencia de Santo Domingo, 1357. Also in AGI, Audiencia de Santo Domingo, 889.

quez could not even produce another prerequisite to examination<sup>69</sup> by the *Protomedicato* — a certificate of baptism. As the crowning blow, the *Tribunal del Protomedicato* alleged “lastly” that the candidate was a *pardo*, and “there is no indication in the archives” that “up to now” — in 1788 — “the *Protomedicato* has ever received one”. As he could not take the black spots off the leopard, he could not produce a believable certificate of *limpieza de sangre*. His incorporation, in short, would be a scandal to other medical men. The *Tribunal* would not say that Vásquez might not buy a *gracias al sacar*, but this, it observed in a kind of plaintive aside, would set many mulattoes “in motion” to enter medicine through that “loophole”. The *Protomedicato* did feel, however, that Vásquez’ “honorable family” and his services in the war should count for something. It therefore recommended such “prudent steps” as going to some place “bereft of practitioners”. How much this tells! It is the injury he does to the established practitioners in their pocketbooks and prestige and not the injury he does to the people he operates on “in places bereft of doctors” that moves them. The viceregal government accepted the *Protomedicato*’s advice to turn Vásquez down. The case had taken only about three months<sup>70</sup>.

Though official efforts to bar the mulattoes were increasing, the proportion of colored to white physicians and surgeons in Caracas also indicates a contrary result in practice. In 1795 *Protomédico*

<sup>69</sup>) Required by the royal cedula dated Aranjuez, May 16, 1737.

<sup>70</sup>) The petitioner received this news officially June 28, 1788. This *expediente* is to be found in AGN, Hospitales, Legajo 144 (Archivo de Hacienda) and is printed in Rómulo Valasco Ceballos, ed., *La cirugía mexicana en el siglo XVIII* (Mexico, 1946), pp. 451–462. Though an illegitimate youth, or occasionally one of «impure» blood, might register and slip through the University of Mexico, the *Protomedicato* there still religiously required the candidate for examination as a physician or surgeon to produce not only a certificate of baptism but affidavits (generally three) from neighbors to prove that his family had always been taken for white and “Old Christian, clean of all bad race” of Moors (Negroes), mulattoes, Jews, “or other sect”, and that his forbears had never been sentenced by the Inquisition. (Archivo Histórico del Instituto Nacional de Antropología e Historia, *Protomedicato*, T-4, Tomos 12–15: Legajos de expedientes relativos a exámenes en la facultad de medicina, 1704–1833.) Even the phlebotomists enjoined their masters not to accept apprentices *de color quebrado*. (Ibid., Tomo 15: Expediente 18. Año de 1737.) This was good advice, for these barbers also had to establish their legitimacy and blood purity before the *Protomedicato*. (Archivo de la Facultad de Medicina, Universidad Nacional Autónoma de México, *Protomedicato*, X: 7: 1–7 [1806].)

Felipe Tamariz reported eleven white physicians and three white surgeons there as against three mulatto physicians and eight mulatto surgeons. Tamariz did not even list the mulatto physicians as “romance physicians”; to him, they were *curanderos*<sup>71</sup>. That the whites involved in this listing were overwhelmingly physicians indicates that those who had the best chance of getting an education chose medicine as the more dignified of the two professions. If half of the recognized medical and surgical practitioners in Caracas were mulattoes in 1795, most if not all of those too humble to “supplicate” any recognition were bound to be mulattoes and Negroes. There is no risk in the conclusion, then, that around the Caribbean most people were in the hands of mulatto physicians and surgeons who had never “trod the flagstones of universities”.

### The Whites' Default

So, by the middle of the eighteenth century, where there was a large Negro population, the medical professions were going by default to persons of color<sup>72</sup>. Big towns had no legal medical care and some cities only one or two licensed doctors and these were often sick, aging, or injured to illness among the common people. Noticing what their loftiness had brought about, the whites gnashed their teeth. Their low esteem for medicine, their own aristocratic exclusiveness and, to be candid, their idleness and rigid dignity, had prevented them from entering medicine in sufficient numbers to give their own people such medical care as was then possible. They could either enter medicine and surgery alongside the Negro type or they could deny these the

<sup>71</sup>) Archivo General de la Nación (Caracas), Títulos de médicos, Tomo único, Expediente No. 6, fols. 69—126.

<sup>72</sup>) In the first quarter of the eighteenth century in the University of San Carlos de Guatemala, there were ten bachelors, licentiates, and doctors in medicine and only fourteen in the first quarter of the nineteenth. (John Tate Lanning, *The University in the Kingdom of Guatemala*, pp. 203—204.) In 1800, there were only two doctors in the whole kingdom outside Guatemala City, and one of these was only a bachelor of medicine. (John Tate Lanning, *The Eighteenth-Century Enlightenment in the University of San Carlos de Guatemala* [Ithaca, 1956], p. 235.) The University of Mexico turned out sixteen doctors in medicine between 1700 and 1727, yet the first twenty years of the nineteenth — troublous times, to be sure — produced only eight. (José R. Benítez, *Historia gráfica de la Nueva España* [Mexico, 1929], pp. 276, 278—279.) The University of San Marcos had only four graduates in the field in the time of Viceroy Amat.

education the law required. The choice to them was plain: to exclude the Negro colored castes from the universities they had infiltrated and make them attractive to white students. So, the white man's face-saving hypothesis prevailed, but young white men did not flock to medicine. There was, then, another and deeper cause for this. In the grating current jargon, all this was the fault of "the total society".

The rather feeble humane movement in the Empire in the 1790's and the pro-Negro enactments of the Cortes of Cádiz were hardly "the wave of the future". The new humanism clearly including men of other races still had to wait. In 1803, Fray José Antonio de Goicoechea of Guatemala, however, did compose the first clear, unequivocal overture "on the need of honoring to a certain degree the mulattoes and zambos in that kingdom and in all Indies". The Council of the Indies, in full session of "three *salas*", nevertheless lumped this memorial with certain petitions from *pardos* in Venezuela soliciting "the address of Don" and "other distinctions". Even those willing to pay "500 pesos vellon" for exemption from "the quality of *pardo*" had to wait<sup>73</sup>. For ten years, the American authorities had been setting aside a cedula removing the handicap of *pardo* from Diego Mejías Bajarano, a physician of Caracas<sup>74</sup>. Even the crown lawyers acknowledged that they were holding up individual cases while trying to work out some "general formula" for changing the status of *pardos*. If the hard-pressed accounting office<sup>75</sup> had been willing to forego the *gracias al sacar* — and it was congenitally unable to forego income of any kind — the question might have been resolved before the Constitution of 1812 resolved it<sup>76</sup>.

But from this stalemate in Caracas to the Constitution of 1812 was but a short time. By the time Napoleon had invaded Spain and his armies had extended themselves to the Atlantic, the deliberations of the Cortes of Cádiz on the Island of León marked a curious reversal

<sup>73</sup>) A circular cedula setting the price for lifting legal handicaps appeared in 1801. (Real cédula de gracias. Madrid, 3 de agosto de 1801. AGI, Ultramar, 783.)

<sup>74</sup>) Repetitions, in themselves a proof of nullification, occurred in 1795, 1796, 1797, 1801, and 1805. The cedula of 1805 is printed in K o n e t z k e, CFSH, III, pp. 814—816.

<sup>75</sup>) Contaduría General.

<sup>76</sup>) La Universidad de Caracas, Rdo. Obispo, y otros sobre oposición a admitir en sus aulas a los pardos dispensandos de estas calidades, y pretensiones en solicitud de estas y otros puntos acerca de honrar hasta cierto grado a los mulatos y zambos. AGI, Audiencia de Caracas, 446. No. 44. Año de 1806.

in the American and Spanish positions on the Negro: the American, wishing to increase the size of his constituency to elect more delegates to the Cortes, wanted to make citizens of even those "of African origin" while the Spaniard, not wishing to be outvoted in his own congress, felt he had to oppose such a measure. In a way, then, the Spaniard at home, who had been relatively benevolent toward the Negro in America, shifted positions with the American white — both Spaniard and creole. In the circumstances, nothing save denial of the rights of citizenship to colored officers and men so aroused the Negro elements as disbarment from university education and an honorable career in medicine and surgery. The solution that the two sides agreed upon<sup>77</sup> was a tactical triumph for the Spaniards. Henceforth those "who fetched their origins from Africa" might enroll their sons in colleges and universities<sup>78</sup> and thus prepare them for medical and other professional careers. In the not-too-long run, with the wars of independence already raging around the Caribbean, both loyalist and insurgent were to sense the consequences of a disaffected colored population.

Thus, though the legal position of the illegitimate in the Spanish Empire improved rapidly in the eighteenth century, that of the Negro showed singularly little change before the nineteenth. Crown attorneys in the Council of the Indies tended to be more tolerant of Negroes, especially of Negro veterans, than did the American-born white. Yet, what moved these Spanish lawyers, perhaps, was the eloquence of the trifling revenue from the sale of certificates of exemption from the handicap of color. Certainly, viceroys from Monclova to Amat, once in America, were as intransigent as any creole Board of Medical Examiners. On the other side, when neither edged out of his fees nor offended in his dignity, the American-born white gave in to the inertia that made the *romancista* and the *curandero* inevitable. There was, in consequence, little struggle across the seas between creole and peninsular until the struggle for votes at the Cortes of Cádiz provoked it.

<sup>77</sup>) For the debate and jockeying on this issue, see James F. King, "The Colored Castes and American Representation in the Cortes of Cádiz", *The Hispanic American Historical Review*, XXXIII (1953), pp. 33—64.

<sup>78</sup>) AGI, Audiencia de Guatemala, 674. Los oriundos de Africa serán admitidos en las Universidades, Colegios, y Ordenes religiosas. Cádiz, 29 de enero de 1812. See also AGG, Al. 3—10, 12293, 1886. Published in John Tate Lanning, ed., *Reales cédulas de la Real y Pontificia Universidad de San Carlos de Guatemala* (Guatemala, 1954), pp. 193—195.