

philippine studies

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Philippine Studies vol. 52, no. 3 (2004): 275–307

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Fri June 27 13:30:20 2008

The Making of a Myth: John Leddy Phelan and the “Hispanization” of Land Tenure in the Philippines

Glenn Anthony May

For close to fifty years, the accepted wisdom on land tenure in the colonial Philippines derives from a book written by John Leddy Phelan. Phelan claims that the Spanish regime radically transformed the nature of land tenure in the archipelago by substituting the “European” concept of private ownership for the pre-Hispanic arrangement, which emphasized communal ownership. He tells us further that one result of the change was a concentration of land in the hands of an indigenous elite. Phelan’s thesis has been widely adopted by historians of the Philippines. This article argues that much of Phelan’s formulation is myth.

KEYWORDS: *landholding; colonialism; pre-Hispanic; Philippines; Spain*

The issue of land tenure in the Philippines has long attracted the attention of politicians and scholars. Elevated rates and progressively declining terms of tenancy in the Philippine countryside have been major causes of rural unrest over the past century, and no fewer than three major land reform programs have attempted, without notable success, to address the problems. While statistics on landholding must be used with caution, they suggest that, as the twentieth century came to a close, the land tenure situation in the Philippine countryside was growing progressively worse. According to Benedict Kerkvliet, in the late 1980s and early 1990s, approximately 6 percent of all landowners owned half of all the country’s agricultural land; about 32 percent of all farms were operated by tenant farmers; and a sizable segment of the agricultural population—close to 30 percent, according to one

estimate—was landless, dependent for its livelihood on “seasonal work in the fields of owners and tenants” (Kerkvliet 1997, 10–12; also see Aguilar 1983, 338–50).

How did this situation come about? Over the years, a number of causative factors have been identified. One cause has been located in the early years of Spanish colonial rule when, it is asserted, the Spanish regime radically transformed the nature of land tenure in the archipelago by substituting the “European” concept of private ownership of land for the pre-Hispanic arrangement, which emphasized communal ownership. The result, presumably, was a concentration of landed wealth in the hands of the Spanish religious orders and an autochthonous economic elite. Modern historians have emphasized the negative consequences of the integration of the Philippines into the world market system, a development that began in certain regions of the archipelago in the second half of the eighteenth century and has continued up to the present. According to this line of analysis, as cultivators in those regions shifted from subsistence agriculture to cash-cropping, land became more valuable, and local elites—in particular, Chinese *mestizos*—began, by fair means and foul, to increase the size of their landholdings, typically at the expense of smallholders. Other explanations have focused on even more recent developments: the detrimental effects of the policies of the Marcos administration on the rural landscape, the impact of international competition on commodity prices and modes of agricultural production, and so forth.

This essay subjects the first line of analysis to extended scrutiny. Focusing on the existing secondary literature (in particular, an influential study by John Leddy Phelan) and published primary sources,¹ it demonstrates that fairly limited evidence exists to support the contention that the Spaniards fundamentally changed the nature of land tenure in the Philippines in the first 100–125 years of colonial rule. Although a substantial number of landed estates could be found in central Luzon, Cebu, and a few other places by the late 1600s, such was not necessarily the case in most of the archipelago until much later in the Spanish period. Furthermore, there is good reason to believe that assertions about a sixteenth-century revolution in land tenure arrangements in the Philippines are based on misunderstandings about pre-Hispanic land-

tenure realities as well as prevailing European concepts of private property. Some land in the pre-Hispanic Philippines was privately owned. There was no monolithic European concept of private ownership of land in the mid-sixteenth century. In Spain, above all, views about land tenure were anything but monolithic.

In other words, I call into question the widely held idea that, in terms of land tenure, the Philippines followed a linear path from a pre-Hispanic communal past to a postcolonial present characterized by large concentrations of land held by relatively few. This linear model of historical change doubtless has appeal, for it, or at least a variant of it, pervades the writings of historians and social scientists about the land-tenure experiences of many places. But, in fact, the evolution of land tenure arrangements in the Philippines was a good deal messier and more complicated than it has generally been described.

Phelan Reconsidered

The scholarly study that has primarily shaped our understanding of land tenure in the Spanish Philippines is John Leddy Phelan's celebrated monograph, *The Hispanization of the Philippines*, published in 1959. Over the years, Phelan's discussion of land tenure has been cited, paraphrased, and otherwise heavily relied on by dozens of historians, and, up to the present, few serious questions have been raised about its essential validity. In light of the respect that has been accorded to that discussion, one might reasonably expect that it is lengthy and heavily documented, but nothing can be farther from the truth. Phelan's entire treatment of land tenure in the Spanish period runs to exactly two pages and is supported by only a smattering of sources, most of them published. Beyond that, Phelan himself indicates that his claims should be viewed as, at best, tentative and suggestive.

Let me quote the key paragraph in Phelan's discussion:

The Spaniards introduced one significant innovation in land tenure. It was the notion of land ownership as opposed to land use, the concept that individuals and not merely groups could own land, that land itself was a source of wealth. In preconquest times landowning was communal in character, with the actual title to the

lands vested in the communal barangay. Wealth was determined by how many dependents a chieftain could muster to cultivate the communally owned lands. Although Spanish law recognized communal ownership, there was a tendency for chieftains in the early Spanish period to assume the formal ownership of that portion of the barangay land which their dependents ordinarily cultivated. During the seventeenth century the trend increased, more and more Filipino chieftains acquiring the actual title to the land that their dependents cultivated. This gradual adoption on the part of the Filipinos of the European principle of individual ownership of land is clearly one enduring consequence of economic Hispanization. (Phelan 1959a, 117)

Four simple points should be made about this formulation. First, Phelan is repeating here a claim made earlier in his book to the effect that the pre-Hispanic barangays owned land communally. Later in this essay, I will return to the question of landholding in the preconquest Philippines, but for the moment let me merely point out that this element of Phelan's formulation is problematic. Second, he asserts that in the early years of Spanish rule indigenous "chieftains" gained control over land that formerly had been communally owned. Third, he states that this process accelerated in the next century. Fourth, in that paragraph Phelan cites not a single source to support his second and third assertions.

In the book's next paragraph, Phelan retreats from the statements he has just made. The first sentence begins: "How extensive this development was awaits further archival research, but a well-documented example of its beginnings is the Jesuit acquisition of the lands of Quiapo, then a suburban village of Manila." This single "example" is the only hard evidence Phelan provides in his book about the supposed change from communal to private ownership. He devotes four sentences to the particulars:

The Jesuits purchased these lands from some local chieftains. By Spanish standards this seemed an equitable arrangement, but according to preconquest usages the ownership of the land belonged to the barangay, and therefore it was not the chieftains' to alienate. Protests of the villagers of Quiapo, vigorously seconded by Archbishop Benavides, were brought to the attention of the Audiencia,

and an interminable litigation ensued. But it failed to expel the Jesuits from Quiapo. (*Ibid.*, 117–18)

Phelan bases his account of the affair, as we learn from an endnote, on three documents in a well-known published collection of translated sources edited by Emma Blair and James Robertson, and a file in the Archivo General de Indias, located in Seville (*ibid.*, 195). I have never had an opportunity to review the document in Seville, but I have seen the Blair and Robertson volumes, and, as it turns out, the three published texts cited in the endnote tell a very different story from the one provided in Phelan's book. True, there was an acrimonious dispute over land in Quiapo in the early seventeenth century, but the protesters were not humble villagers claiming that the land in question had belonged originally to the barangay, but rather members of the indigenous upper class, who maintained that the Jesuits had appropriated land that those chiefs had inherited from their ancestors. In one document, Benavides describes the disputants as "the children, grandchildren, and relatives of the former king of this city, who was here when the Spaniards captured it. He was called Raja Soliman." In another, Miguel Banal, who claims to be the "chief" of the village of Quiapo, asks the Spanish monarch Felipe III to order the Jesuits "not to molest me in the ancient possession that I have inherited from my fathers and grandfathers, who were chiefs of the said village." There is not a syllable in any of the published documents suggesting that the lands in dispute had ever been treated as communal land (Blair and Robertson 1903–1909, 12:112–26; 14:327–29; 17:151–52).

So, on close examination, Phelan's assertions about the transformation of land tenure in the early Spanish period turn out to be anything but authoritative. Phelan concedes that more research needs to be done on the subject. He furnishes only one example to illustrate the developments he describes. And to document the example, he cites only four sources, at least three of which contradict the argument he is making.

The next paragraph of Phelan's discussion of land tenure is similar in kind to the ones that precede it—which is to say, the claims made are qualified and the documentation cited is minimal and not necessarily supportive of the claims. He distinguishes between two types of land

tenure in the Spanish Philippines: "that of preconquest and that of postconquest origin." According to Phelan, "preconquest usufruct of land became titles held in fee simple," which entitled the owners to alienate that property. All land "not owned communally or individually at the time of the conquest," on the other hand, belonged to the royal domain, and even though the Crown's representatives had assigned portions of it to Filipinos, they were held "not in fee simple but in fee tail." That is, they could not be sold without consent of a designated Spanish official (the *fiscal* of the Audiencia), and, if they were not cultivated for two years, title to the lands "ostensibly reverted to the Crown" (Phelan 1959a, 118).

Having made his claims, Phelan again proceeds to retreat from them. "How vigorously these laws were enforced was uncertain," he writes. "For that matter many basic questions about the origins of land tenure cannot be clarified until the Spanish archival sources are more extensively examined" (*ibid.*, 118). Once we scrutinize Phelan's citations, it becomes clear why he is inclined to be so tentative. His description of the types of land tenure in the Spanish period is based on only two sources: a decree written by Spanish Governor General José Basco y Vargas on 20 March 1784, a document which, like three of those already referred to, is included in the Blair and Robertson collection of published translations; and a manuscript he describes as "'Ordenanzas de alcaldes (Cagayan, 1739),' ms. in possession of Professor Lesley Byrd Simpson" (*ibid.*, 195; see also 184). Simpson, who spent most of his academic career at the University of California at Berkeley, was one of the most highly regarded historians of Latin America of that day.

Given the fact that both the "ordenanzas de alcaldes" and Basco's decree were written so late in the Spanish period, we might reasonably wonder how informative they could be about land tenure in the early years of Spanish colonialism. Furthermore, if we examine the documents themselves—or, to be more precise, the texts of those documents that Phelan himself examined—we discover that neither of them supports, and one of them actually contradicts, the assertions made by Phelan about preconquest and postconquest landholding in the Philippines.

Three points should be made about Basco's decree of 1784.² First, it was intended primarily to prevent moneylenders, officials, and others from depriving existing cultivators of the lands they were farming. While Basco does indeed discuss land tenure in the Philippines, that discussion should probably not be viewed as a description of the realities of land tenure at that time or in the past, but rather as Basco's summary of what he understands those realities to be and to have been. Second, Basco's decree implies that, before the Spaniards gained control of the Philippines, some individuals actually owned land. Third, it does not make a clear distinction between preconquest and postconquest rights to land tenure. Rather, Basco indicates that no landholder had an absolute right to alienate *any* landholding in the archipelago. He identifies three types of real property in private hands—lands possessed “through inheritance,” or “through legitimate purchase from the native chiefs [*caciques*] who were cultivating them when the Catholic faith was established in the Philippines,” or through purchase from the Crown “with title of ownership from the royal Audiencia.” Lands in the first two categories could not be sold “without the intervention of the court of justice.” Lands acquired from the Crown could not be “absolutely sold or alienated, since [those who held them] only enjoy[ed] the use or usufruct of them” (Blair and Robertson 1903–1909, 52:291–301).

The second source cited by Phelan, the manuscript in the possession of Simpson, seems to have disappeared in the more than fifty years since the publication of *The Hispanization of the Philippines*. But in 1959, the same year that the book appeared in print, Phelan published an edited text of the document, along with edited versions of two other lengthy primary sources, in a Philippine scholarly journal.³ The so-called “ordenanzas de alcaldes,” actually the record of an inspection tour of the province of Cagayan by a member of the Audiencia de Manila, is, as Phelan tells us in his introduction to the edited texts, a most unusual source. “Such *visitas* were rare, and extant reports on them rarer still. . . . This document illuminates a seldom seen perspective, that is, the impact of hispanization in a peripheral province of northern Luzon” (Phelan 1959b, 280–81). The source is also fascinating, filled with graphic detail about the abuses committed by Spanish officials in the provincial

Philippines. But it contains not a shred of information about land tenure in the archipelago, either in the preconquest or postconquest period. Again, once we probe the foundations upon which Phelan constructs his thesis, we find nothing substantial (*ibid.*, 370–415).⁴

In summary, Phelan's analysis of land tenure in the early Spanish period is deficient on several counts. Some statements are unsupported by documents. Others are contradicted by the cited sources. Given all that, we would be unwise indeed to credit automatically Phelan's claims that the coming of the Spaniards brought major changes to landholding in the Philippines.

But, in fact, in the decades following the publication of Phelan's book, that thesis came to be accepted as orthodoxy. So, for example, in his highly regarded study of socioeconomic change in the central Luzon plain, the historical geographer Marshall McLennan emphasizes the decisive impact of the "the concept of private ownership of land" on Philippine land tenure arrangements. According to McLennan (1980, 38):

The concept was little understood among the people, who continued to adhere to the traditional view of usufruct rights, but the cacique class was not slow to sense the usefulness of the concept as a means of endorsing and further securing its elite position. They began to encroach upon the communal lands of the barangay and to lay de facto claim to the lands of any who became their debtors.

Phelan's influence is equally apparent in the writings of Renato Constantino, who authored the most widely read survey of Philippine history. Acknowledging his reliance on *The Hispanization of the Philippines* in several endnotes, Constantino (1975, 61; see also 36, 62, 403, 406) simply restates Phelan's arguments about land tenure:

In the preconquest barangays, land was communally owned and was not regarded as a source or measure of wealth. While Spanish laws initially recognized the communal system of land ownership, the fact that the colonizers introduced the concept of individual land ownership and regarded the land itself, not merely its use, as a source of wealth, was bound to change native views on this point.

Variations on a Theme by Phelan

Beginning in the early 1970s, following the appearance of John Larkin's book, *The Pampangans: Colonial Society in a Philippine Province*, historians of the Philippines increasingly turned their attention to local and provincial history, probing the archives for sources about virtually every region of the Philippines and turning out a mountain of monographs and articles. Under the circumstances, it might have been expected that Phelan's analysis of land tenure arrangements would have been tested, but for the most part that was not the case. An overwhelming majority of the local histories focused narrowly on the nineteenth century, reflecting the reality that the bulk of documentation in Philippine archives on local developments related to those years. Even in the studies that dealt with the earlier two and half centuries of Spanish colonialism, surprisingly little attention was devoted to the issue of land tenure. In the end, only a handful of historians made contributions of consequence to our understanding of land tenure in the early Spanish period. The most important were Nicholas Cushner, Dennis Morrow Roth, and Bruce Fenner. While the first two contradicted some of Phelan's points, none of them even hinted that his basic formulation was flawed.

Published in 1976, Nicholas Cushner's monograph, *Landed Estates in the Colonial Philippines*, is the first full-length scholarly study of the land tenure issue in the Spanish Philippines. Its strengths are considerable. Well-researched, it presents the results of Cushner's reading of manuscripts in the Archivo General de Indias in Seville, the Archivo Histórico Nacional in Madrid, the Archivum Romanum Societatis Iesu in Rome, as well as the Lilly Library at Indiana University. The book includes data-packed tables and appendices and even transcriptions of a few of the documents uncovered by Cushner—one recording a land grant, a second recording a land sale, and so on.

On the whole, Cushner's conclusions seem to confirm Phelan's. According to Cushner (1976, 1), the transition from the pre-Hispanic agricultural system to the Hispanic system "often involved radical and disruptive changes." In the former, "arable land was considered a communal resource not owned in fee simple by a family or individual using it." But, with the coming of the Spaniards, "the institution of private

ownership of land was introduced with the accompanying institutions of deed, title, land tax, and private sale of land." Echoing Phelan's earlier analysis, Cushner maintains that the introduction of this "European" concept of private ownership led to the concentration of landed wealth in the hands of a privileged few. "Through the manipulation of this principle the ruling group was able to gain control of considerable amounts of land with relative ease" (*ibid.*, 2).

Still, there are a few noteworthy differences between the two accounts. For one, Cushner observes that in the pre-Hispanic past a certain amount of land was privately owned. (Note, for example, that in one of the quotations provided above, he states that *arable* land, not all land, was "considered a communal resource.") Cushner also argues that by the end of the sixteenth century the power of the pre-Hispanic ruling group was beginning to wane, as land in their possession was transferred to other Filipinos and Spaniards. In other words, the people who profited most from the new state of affairs were not, as Phelan tells us, the old "chieftains," but rather members of a new economic elite (*ibid.*, 17–21).

Yet, whether Cushner's study be read as a confirmation of Phelan's analysis or as a slight modification of it, it is clear, in any case, that, like Phelan before him, Cushner is not at all certain how much weight should be placed on his findings. As he readily acknowledges, his monograph examines only a part of the Philippines: the "jurisdiction" (later called the "province") of Tondo, a region near the city of Manila that included about twenty villages with approximately 33,000 inhabitants in the early 1590s (*ibid.*, 5–6, 13–15, 99). Furthermore, as Cushner remarks at several points in the book, in matters of land tenure, Tondo was a most atypical place, since it was one of the few areas where the Spaniards established "large landed estates" (*ibid.*, 13; see also 3, 5). In his conclusion, after restating his thesis that "a thorough disruption of pre-Hispanic land-tenure patterns" occurred in Tondo in the period 1571–1610, he adds a telling qualification: "The disruption was not archipelagowide. The further one got from Manila the less apparent were the changes, and there is evidence that much of the archipelago was not affected at all until the late eighteenth century" (*ibid.*, 67).

Furthermore, once we look closely at the text, appendices, tables, and endnotes of Cushner's book, it becomes apparent that, even for the Tondo region he has studied in depth, the sources fall short of supporting the claims he makes about them. True, Cushner demonstrates that by the eighteenth century much land in Tondo had come into the hands of wealthy individuals and the religious orders (*ibid.*, 31, 33, 56–66). It is unclear, however, how much of that land had actually been communal property in the pre-Hispanic period, how much had been in private hands, and how much had been neither used nor claimed by either communities or individuals. Cushner demonstrates too that some individuals who sold their land between 1599 and 1694 were "principales and *datus*" (*ibid.*, 18–21, 85–93) and that some of those who bought the parcels were not, but all that does not prove his point that a new landed elite was emerging in Tondo. For one, more than a few sellers of land were not described as principales or *datus*, as the one land sale he has included in his appendices shows (*ibid.*, 77–79). For another, there is no assurance that the individuals described in the sources as "principales" were members of the families of the pre-Hispanic *datu* class. Like so much else that we are told about the early Spanish period, the widely repeated assertion that the men called principales were members or descendants of the pre-Hispanic *datu*ship has never been substantiated. (Nor, for that matter, has it been refuted; there is so much about this period that we do not know.) Spanish decrees may have specified that principales were to be chosen from the ranks of the *datus*, but one thing we know for sure is that those decrees were not always observed.

Indeed, while the sources examined by Cushner indicate that by the 1740s there was a widespread perception in Tondo that the land tenure situation had worsened considerably over time, one wonders whether it was decidedly worse in the 1740s than in the pre-Hispanic period. Yes, in the mid-eighteenth century, many people in Tondo had become tenants and day laborers, owning no land of their own. But, it must be remembered that in the pre-Hispanic era, most of the populace had evidently owned no land either, being dependents of those who did. Furthermore, even though the land tenure situation in Tondo may have deteriorated over the course of the late sixteenth, seventeenth, and eigh-

teenth centuries, Cushner himself maintains that, by the end of the eighteenth century, the "largest individual farming group" consisted of peasant farmers who owned small plots of land (ibid., 21–22). Thus, on the basis of Cushner's own findings, a case can be made that, in Tondo, Spanish colonialism may actually have placed land in the hands of a far larger percentage of families than could have owned it in the pre-Hispanic past.

Hence, both explicitly and implicitly, Cushner's findings seem to suggest that Phelan's generalizations about land tenure in the early Spanish period are in need of reconsideration. But, for some reason, Cushner balks at accepting the challenge of reconsidering them. While he unearths data that contradict Phelan's formulation, respectfully corrects a few of Phelan's mistakes, and adds a few nuances, the conclusions he reaches are virtually indistinguishable from Phelan's: Spain brought the "European" concept of private ownership; that concept disrupted land tenure arrangements; and the result was inequality.

Two years after the appearance of *Landed Estates in the Colonial Philippines*, Cushner and John Larkin published an article in *Philippine Studies* elaborating a bit on the findings presented in Cushner's monograph. The article is based on the authors' detailed examination of a single document located in the Lilly Library at Indiana University, a list of all royal land grants made in the Philippines between 1572 and 1626. Hence, they focus on a different type of land transaction from the one discussed in Cushner's earlier monograph—grants of land by the state, as opposed to sales of property by individuals. Cushner and Larkin (1978, 110) see the two types as complementary:

Purchasing land from native Filipinos or from *principales* was the more common Spanish form of acquiring property. The Royal Land Grant, however, was a mechanism widely used in the early colonial Philippines, and it helped to establish and reinforce a European pattern of land use and ownership.

As was the case with Cushner's monograph, the article endorses Phelan's assertions about the privatization of land ownership during the Spanish regime.

Even so, it provides many useful details about the acquisition of land by Spaniards and Filipinos. We learn, for example, that 208 royal grants were made in the period 1572–1626; that the ones of greatest size (*estancias*, as they were known), most of which apparently went to Spaniards, were concentrated in Tondo and Cavite; that several *estancias* were also granted in Pampanga, Cebu, Cagayan, and Camarines; and that about 70 of the smaller grants (which were calculated in *caballerías*, measuring about 68 acres, and *cabalílas*, measuring about 34 acres) went to *principales* from Pampanga.⁵ For our immediate purposes, the most important conclusion to be derived from the data they provide is that virtually all of the land granted by the Crown between 1571 and 1626 was located in central Luzon and on the island of Cebu. “The rest of the Philippines, at least for the first 50 years of Spanish rule, was left for the most part untouched” (*ibid.*, 102–11).

Published in 1977, Dennis Morrow Roth’s *The Friar Estates of the Philippines* resembles Cushner’s monograph in fundamental ways. Like Cushner, Roth has examined a considerable body of archival material and has explored the process by which large landed estates came into being in central Luzon. Some of his findings are essentially the same. For example, he reveals how the Spanish crown initially gave land grants to Spanish “colonists and soldiers” and how, in relatively short order, much of that land was sold or otherwise alienated to the religious orders (Roth 1977, 39–62).

But curiously, his description of the consequences of these developments is far less depressing than the one found in Cushner’s account. According to Roth, most of the Filipinos who worked on the religious estates received significant financial incentives (above all, exemption from burdensome taxes), and, in the first two centuries of Spanish rule, labor conditions on the estates were by no means oppressive (*ibid.*, 67–97). His account of a “revolt” that occurred in 1745 on the friar estates also differs markedly from that found in Cushner’s study. Whereas Cushner (1976, 58–64) describes it as a protest by peasants against “encroachment” on ancestral lands, Roth (1977, 100–16) demonstrates that the people who led and participated in the revolt were, by and large, not the tenants on the estates, but rather independent peasants who lived nearby.

The larger implications of Roth's study are obvious enough. Like Phelan and Cushner before him, he asserts that huge landed estates gradually emerged in the colonial Philippines and that some Filipinos objected to that development. But, unlike Cushner, he does not believe that conditions in central Luzon had reached critical proportions in the mid-eighteenth century. Furthermore, while he acknowledges that, by the end of the nineteenth century, many tenants and day laborers on the friar estates were in distress, he finds the roots of the problem not in the early years of Spanish rule but rather in developments of the late eighteenth and nineteenth centuries—the coming of export agriculture, the increase of sharecropping on large estates, population growth, declining yields, and so forth (*ibid.*, 117–46).

The third local historian who has contributed considerably to our understanding of land tenure in the early Spanish period is Bruce Fenner, who in 1985 published a book entitled *Cebu Under the Spanish Flag, 1521–1896: An Economic-Social History*. Relying in large measure on a bundle of documents he uncovered in the Augustinian archives in Valladolid, Spain, Fenner asserts that, in the late sixteenth century, in the port area around Cebu City, one could observe developments very similar to those described by Cushner. In addition, his findings supplement those of the article by Cushner and Larkin concerning early royal land grants. According to Fenner, sizable quantities of land were awarded to Spanish soldiers and colonists; *datus* sold land to Spanish colonists and the religious orders; both the Jesuits and the Augustinians established large estates; large numbers of Cebuanos became tenants or day laborers on those properties; and some Cebuanos protested. As in central Luzon, the ostensible root cause of such disruptions of the “traditional landholding pattern” was, Fenner (1985, 42–49) maintains, Spanish colonialism:

The introduction of the concept of private property irreversibly altered the basis of the land tenure system. In contrast to the pre-Hispanic period, when land use had been communal in nature, land now had become a commodity that could be bought or sold. Descendants of the pre-Hispanic *datu* class had begun exploiting the new concept of landownership by selling land to Spanish colonists and the religious orders.

Clearly, Fenner's discussion of the subject appears to confirm the conclusions of Cushner and, to a certain extent, of Phelan. But, as I have already pointed out, the documentation upon which Fenner has based his conclusions is limited and, as Fenner admits, those sources relate exclusively to developments in the port area of Cebu City. He provides relatively little discussion of the impact of Spanish rule on the Cebuano countryside and claims that, as best he can determine, "in general the Spanish presence seems to have produced no noticeable disruption in the countryside" (*ibid.*, 60).

At this juncture, let us review what we know thus far. Phelan's claim that Spanish colonialism fundamentally altered land tenure in the Philippines by introducing European notions of private property and by permitting former *datus* to acquire large tracts of lands turns out to be, on close examination, based on little solid evidence. Cushner provides a slightly modified version of the Phelan analysis, asserting on the one hand that a radical transformation in land tenure did occur, but concluding on the other that the beneficiaries were representatives of a new economic elite, not the former chieftains. Still, his findings about land sales apply only to the Tondo district; he hardly proves his point that a new elite had replaced the old; and the data he and Larkin have uncovered about royal land grants indicate that, up to 1626, such grants were concentrated in central Luzon and, to much lesser extent, Cebu. Roth, on his part, has described the emergence of religious estates in a part of central Luzon, a region that is not far removed from the Spanish capital in Manila. Fenner has traced the development of religious estates in a geographically delimited area in Cebu province, but has found no evidence of such concentrations of landed wealth in other parts of Cebu.⁶

A Few Études

Since the publication of Fenner's book in 1985, no scholar has focused squarely on the issues raised by Phelan about land tenure in the Philippines. But a few have touched on key components of the Phelan thesis. Let me deal briefly with four of them: one who has written about

pre-Hispanic land tenure and three who have provided data on the emergence of church-owned properties in the Spanish Philippines.

The first historian to be discussed, the one who deals with pre-Hispanic land tenure, is William Henry Scott. In his magnum opus, *Barangay*, and in various earlier articles, Scott takes a fresh look at the sources used by Phelan concerning land tenure at the time of the Spanish conquest and offers his own interpretations of them. While Scott adds a bit of color to the monochromatic picture drawn by Phelan, his findings are not appreciably different. He tells us that in Tagalog areas, "arable land, woodlands, and water sources occupied by a bayan were considered to be communal resources." He distinguishes between such land and the land cultivated by the people and upon which they lived. In the case of the latter, members of the community understood which plots were their own. Still, Scott isn't arguing that private property as we understand the term existed in the Tagalog region: "These lands were held in usufruct, not in fee simple—that is, to use but not to own or alienate." Nor does he see private property in the Bisayas. "Householders had the right of usufruct to the land on which their houses and fruit trees stood, but it was not property held in fee simple" (Scott 1993, 145–46, 229–30).⁷

On the question of church-owned lands, perhaps the most valuable new information has been provided by Rene Escalante, the author of a recent book on U.S. policy toward the "friar lands," the landed estates owned by the religious orders during the Spanish regime that were purchased by the U.S. government after the Philippines became a U.S. colony. In an early chapter that discusses the origins of the estates, Escalante includes a table (based on early-twentieth-century investigation of land titles) that tells us, among other things, the date of acquisition, mode of acquisition, location, and dimensions of all 32 of them. Thus, we learn that 13 of the 32 estates were acquired before 1700, 11 between 1700 and 1800, and 8 after 1800; that of the ones acquired before 1700, all were in central Luzon; that all but one of the pre-1700 friar estates were purchased by or donated to the religious orders by individuals, rather than granted to them by the Crown; and that, as of 1904, when the land-title investigation was completed, the land area

of those 13 estates totaled approximately 110,000 acres, or slightly more than 25 percent of the land area of all 32 friar estates.

All these data are intriguing and suggestive, but it is difficult to determine exactly what they mean. Yes, they seem to confirm conclusions that have emerged from our examination of Cushner, Roth, and Fenner: to wit, that large estates were emerging in the sixteenth century and that they were concentrated in central Luzon. Yet the data also raise more questions than they answer. Since most of the early friar estates were obtained through purchase or donation, that land had obviously been in private hands before the date of acquisition. It would be useful to know when and how that land came into the possession of the former owners. Furthermore, while the acreage of the friar lands in 1900 is of considerable interest to someone like Escalante who is writing primarily about twentieth-century developments, we cannot and should not assume that the land area of the estates of the 1600s necessarily corresponded to that in 1900. We need to know more about the details of purchase and donation as well as the process of estate consolidation.

The research of Michael Connolly supplements that of Escalante. In his book *Church Lands and Peasant Unrest in the Philippines*, Connolly provides information on four other estates owned by the Catholic Church in central Luzon. He traces the origins of three of them back to the seventeenth century, furnishes some details about the process of acquisition, and hence supplies further evidence that estate formation was taking place in central Luzon in the first century of Spanish rule (Connolly 1992, 9–10, 89–91). Finally, in an article about agrarian developments in central Luzon, John Schumacher gives us a brief but tantalizing view of two additional categories of church-held plots of land—endowments for *capellanías* (intended to support priests who “would say specified masses each year for the donor or others designated by him”) and properties owned by *cofradías* (confraternities). While we know that plots of the first type existed in the seventeenth-century Philippines, we do not have any idea how many of them there were. An important contribution of Schumacher’s (2001, 174–76) piece is to alert us to topics that require further investigation.

That last point leads me to another. The truth of the matter is that, up to now, despite the valuable research efforts of a number of scholars, much archival work remains to be done on the subject of land tenure during the first two centuries of Spanish rule. What we know is easily dwarfed by what we do not know. We don't know when most of the big estates that could be observed in the nineteenth century first came into existence; we don't know much about lands acquired by (and subsequently confiscated from) the Jesuits or about smaller plots of land held by the church; we know little about the early royal grants made in Cavite, Pampanga, Cagayan, and Camarines; we know little about land sales outside central Luzon and Cebu.

But, that point conceded, I hasten to insist that we still know enough from the research done to date to draw some tentative conclusions about the Phelan thesis. Here are my own: The evidence does not support the often-repeated assertion that the nature of land tenure in the Philippines changed fundamentally as a consequence of the Spanish conquest. Without question, by the end of the seventeenth century (and well before that date in a few places), landed estates owned either by individuals or the Catholic Church could be found on Luzon, especially in central Luzon, as well as in the immediate vicinity of Cebu City, but there is no indication that, at the time, such concentrations of landed wealth could be found elsewhere in the colony. The introduction of Hispanic rule may indeed have been responsible for major changes in the Philippines, but it seems unlikely, based on the data that have come to light, that a widespread transformation of land tenure arrangements was one of them.

Philippine Realities: Another Look at the Sources

If the monographic literature does not support the notion that the Philippine rural landscape was transformed in the immediate aftermath of the Spanish conquest, an examination of both primary sources and secondary accounts raises doubts about whether the changes in land tenure arrangements that actually did take place were as revolutionary as Phelan, Cushner, Fenner, and others have claimed. At the core of Phelan's original statement of his land tenure thesis and of Cushner's

and Fenner's more recent formulations of it are certain assertions about landholding in both the Philippines and Spain. Phelan and Fenner tell us that all land in the pre-Hispanic past was communal, whereas Cushner maintains that only arable land was communal. Scott provides further nuances but essentially agrees with Phelan that private landholding did not exist in the pre-Hispanic Philippines. Phelan, Cushner, and Fenner all aver that Spain introduced "European" concepts of private property. The time has come to determine which, if any, of these assertions can be supported by the sources.

Virtually everything we know about land tenure in the pre-Hispanic Philippines derives from a handful of accounts written by Spaniards. In the case of the Tagalog region of Luzon, which is the focus of Cushner's study, the principal source is a brief report written in 1589 by Father Juan de Plasencia, a Franciscan. Plasencia's account has often been cited by scholars to document the point that land was a communal resource in the Philippines before the coming of the Spaniards (Phelan 1959a, 20, 178–79; Cushner 1976, 8; Scott 1994, 229–30). Yet, while Plasencia indicates that some land was communally held, he also tells us that some of it was privately owned.

Plasencia's discussion of land tenure begins with the following statement: "The lands on which they lived were divided among the whole barangay, and thus each one knew his own [lands], especially the irrigated portion" ("Las tierras donde poblaron las repartieron entre todo el barangay, y así conocía cada uno las suyas, en particular lo que es de regadío"). Plasencia is telling us here that the barangay's land, especially the irrigated land, was carved up into individual plots and that members of the community understood which plots were their own. But he does not tell us who was responsible for the division. Nor does that statement show, as Scott believes it does, that the lands were "held in usufruct, not in fee simple—that is, to use but not to own or alienate." In fact, there is no indication one way or the other about whether the property was held in usufruct (Plasencia 1589, 3:593; Scott 1994, 229).

But the next clause in Plasencia's account tells us that it was theoretically possible to alienate such property. He writes: "No one from another barangay could cultivate [the lands] unless they had bought them or inherited them" ("Ninguno de otro barangay labraba en ellas, si no

se la compraba, ó heredándolas”). It would appear, then, that at least some members of the barangay were entitled to sell their plots—that, in other words, even if they did not hold a document of deed or title, they were able to treat the land as their own. If that is so, not all irrigated land was considered a communal resource (Plasencia 1589, 3:593).

Plasencia next focuses his attention on non-irrigated lands: “On the *tingues*, or mountain ridges, they do not hold parcels [of land], but [these are held] only by the barangays” (“En los tingues ó serranías no las tienen partidas sino sólo por barangayes”). Here, in discussing land in elevated regions, Plasencia is very clear: these plots were definitely a communal resource. What is more, as he tells us in the next passage, the use of such property was not restricted to residents of the barangay. Anyone—“even someone who has come from another town” (“aunque haya venido de otro pueblo cualquiera”)—was free to cultivate the land so long as that person had begun to clear it (*ibid.*).

Plasencia then returns to the issue of alienation of land. In some villages, he observes, the members of the noble class, whom he calls the “maharlicas,” made a payment to the datu of a hundred gantas of rice. That payment, he explains, had its origins in earlier property transactions. “When they came there to live, another chief already occupied the lands, and the newly arrived [chief] bought [the lands] with his gold; and thus [the people] of his barangay paid him this land-rent, and he divided the lands among whomever he wished [to give them to]” (Cuando vinieron allí á poblar, tenía ya las tierras otro principal ocupadas, y compróselas el que de nuevo vino con su oro, y así, los de su barangay le pagaban este terrazgo y repartía las tierras á quienes quería”). Once again, therefore, Plasencia is pointing out that, in the pre-Hispanic period, some Filipinos treated land like an alienable commodity. One chief sold the land; another bought it and afterward received payments from members of the barangay for its use (*ibid.*).⁸

A second source cited frequently by historians is Dr. Antonio Morga’s book, *Sucesos de las Islas Filipinas*, written in 1609. Unlike Plasencia, the Franciscan, who limits himself to discussing the Tagalogs, Morga, a ranking colonial official for many years, provides an overview of indigenous life and customs in the entire archipelago.⁹ According to

Morga, land could be passed on from one generation to the next: "In inheritance, all the legitimate children inherited equally the property acquired by their parents; and if the parents had owned movable goods or land, and if there were no legitimate children of the legitimate mother, these things went to the nearest relatives" ("En las herencias, todos los hijos legítimos heredaban por igual á sus padres los bienes por ellos adquiridos, y si había algunos muebles ó raíces que hubiesen habido de sus padres, no teniendo hijos legítimos de *Inasaba*, venían á los parientes más propinquos"). Nothing in Morga's (1609, 303) text suggests that the land he is referring to here was held only in usufruct.

On the head of land tenure in the Bisayas, historians have tended to rely most of all on Francisco Ignacio Alcina's unpublished ethnography, "Historia de las islas e indios de Bisayas," written in 1668. Alcina observes at one point: "With regard to land, there is no difference here between mine and yours as in other places, nor [are there] the usual lawsuits, almost all of them over its dominion and possession" ("En quanto á las tierras, no hay por acá la diferencia de mío y tuyo que en otras partes, y los pleitos ordinarios en casi todas ellas sobre el dominio y posesión"). And at another: "Concerning farming or cultivating [the land], the person who farmed or cultivated it is the owner, and even more so if he planted coconut palms or fruit trees, which are always his, with there having been no disagreements or lawsuits among them over such things until now" ("Que de la labrada ó cultivada, el que la labró ó cultivó es dueño, y más si plantó cocos ó árboles frutales, que estos siempre son suyos, sin que en esto haya entre ellos diferencias ni pleitos hasta ahora"). Based on statements like these, Scott concludes (as do other historians before him) that in the Bisayas householders had the "right of usufruct" to the land occupied by their houses and fruit trees, but "it was not property held in fee simple" (Alcina 1668, 3:75-76; Scott 1994, 145).¹⁰

Perhaps Scott is right here. Perhaps the land tenure situation was different in the Bisayas from that which prevailed on Luzon, and land was not privately owned and alienable. But the date of composition of Alcina's account—1668, more than a century after the arrival of Legazpi—should raise concerns about whether it should be given automatic credence as an accurate description of land tenure realities in the

mid-sixteenth century. Furthermore, if we do grant it credence, Alcina's observations cast even further doubt on the Phelan thesis about the impact of Spanish colonialism on land tenure in the archipelago. For what we learn from Alcina is that "disagreements" and "lawsuits" over landed property were only beginning to surface in the Bisayas in the 1660s. (In retrospect, that observation should not be surprising, since, except for Panay and a small part of Cebu, Spanish conversion efforts did not begin in earnest in the Bisayas until the first few decades of the seventeenth century.) Alcina (1668, 3:76) goes on:

God grant that this sincerity and agreeableness will always endure, because these days it seems there have been some who want to disturb it somewhat, . . . And the ancient good will and agreeableness with which they used to live without snatching [land] from each other are being lost.

(Quiere Diós que esta sinceridad y conveniencia les dure siempre; que estos días parece ha habido quien la ha querido alterar algo, . . . Y pierden su antigua bondad y conveniencias con que vivían sin arrebatarse los unos á los otros.)

In summary, the weight of the evidence on pre-Hispanic land tenure—which is, admittedly, limited—does not support the view that communal lands prevailed everywhere in the Philippines before the coming of the Spaniards. Communal holdings surely existed both on Luzon and in the Bisayas, but some land was privately held in the Tagalog region of Luzon. Thus, the coming of the Spaniards was not responsible for the revolutionary introduction of the notion of individual land ownership in the colony for the simple reason that individual land ownership in the Philippines predated the Spanish conquest. Phelan and others have seriously misrepresented the nature of pre-Hispanic land tenure.

Spanish Realities: Land Tenure in Castile

If there is reason to doubt—or at least to question—the generalizations made by Phelan, Cushner, and other historians about land tenure in the Philippines before the Spanish conquest, the same can be said about

their statements concerning the new “European principle” of landownership that was supposedly introduced by the Spaniards. First of all, in the sixteenth or seventeenth centuries there was no such thing as a *European* principle (or “institution”) of individual ownership of land. European states differed wildly on the subject of property rights, especially rights to landed property, and within individual states a multiplicity of principles, concepts, institutions, and practices often existed side by side (Bernstein 2004, 51–90, 233–93). Second, among all the states of western Europe, Spain had perhaps the most confused and complicated assortment of land tenure principles and arrangements, due largely to the facts that the country had only recently been united, its component parts were heterogeneous, and all of them retained large elements of feudal customary law (Kamen 1983, 10–60, 145–48; Casey 1991, 185–201). Hence, while it is clear that Spanish governing bodies issued various decrees pertaining to land title and land grants, that some officials in the Philippines attempted to carry them out, and that, as Cushner (1976, 75–79, 116, 118) demonstrates, land was being granted, sold, and mortgaged with Spanish title deeds in central Luzon in the late sixteenth century, it is by no means clear that the principle of land tenure that underlay these developments corresponded to any widely accepted “European principle” of private landownership.

An extremely useful introduction to the subject of land tenure in early modern Spain—and one that is directly relevant to our understanding of the impact of Spanish colonialism on landholding in the Philippines—is David Vassberg’s *Land and Society in Golden Age Castile*. Vassberg’s most important finding is that, while a large percentage of the land in sixteenth-century Castile was indeed privately owned, “the Castilian economy and society were profoundly influenced by a complex system of public ownership of the soil and its fruits.” First of all, crown lands (*tierras realengas*) in Castile were extensive, due in no small measure to the fact that large tracts of territory recently conquered from the Muslims had been retained as property of the crown. Crown lands, Vassberg tells us, “tended to be lands of inferior quality,” since the desirable plots seized during the Reconquista were typically granted to military supporters and other favored individuals. These tracts of “inferior, largely unworked and idle crown lands” were known as

tierras baldías or *baldíos*, although, as Vassberg explains, those words were also used to describe crown lands that had been appropriated by individuals and communal properties controlled by municipalities. Second, almost every town in Castile had lands that were “reserved for the benefit of the community as a whole.” Some of these communal plots were rented out, generally for short periods; others were for the free use of all residents, such as those allocated for pasture land. Third, towns often shared communal lands. These intermunicipal commons, some of which were huge, were used for cultivation, pasturage, hunting, fishing, and other purposes. Although Vassberg points out that all of these lands were more extensive in some parts of Castile than in others and also that the “general trend” was toward the “individualization of land ownership,” he maintains that the communitarian system was still “very much alive” as late as the eighteenth century (Vassberg 1984, 5–150, 172–76; also see Lynch 1992a, 155–65; 1992b, 201–10; Bernstein 2004, 253–55).

The most obvious conclusion to be derived from Vassberg’s monograph is that, at the very time that Spain was supposed to be introducing the disruptive “European” principle of individual landownership in its new Asian colony, the system of communal ownership was still firmly in place in core regions of Spain itself. If that were so, then it might be expected that Spanish policies and practices in the colony would have been influenced by those metropolitan land-tenure realities, and, in fact, there are hints in the sources that such was the case. In one of the appendices of his book, Cushner (1976, 75–76) provides a transcription of a land grant by the crown to one Pedro de Brito in September 1584. The document describes the land conceded to the grantee as “*tierras baldías y despobladas*,” and then goes on to set conditions to which the grantee was required to adhere. Among other things, within a year Pedro de Brito was obliged to place livestock on the land, to cultivate a large part of it, and to leave the rest as “common pasture” (*pasto común*). Such a transaction, I would suggest, might best be understood not as a grafting of “European” notions of private ownership onto an indigenous communal land tenure system, but rather an attempt to adapt (or, possibly, to transfer?) certain principles and practices of the Castilian communal system to the Philippines. It is

worth noting, too, that among the royal land grants listed in the document analyzed by Cushner and Larkin (1978, 107, 109–10) are several made to Philippine communities in the late sixteenth and early seventeenth centuries. Again, it seems, the crown was creating communal holdings out of the royal domain.

To recapitulate, it seems likely that the literature on land tenure in the early Spanish period has done justice neither to pre-Hispanic arrangements nor to Spanish concepts of private and communal ownership. If the sources are to be believed, even before the arrival of the Spaniards, some Filipinos were able to own, alienate, and inherit landed property. If Vassberg is to be credited, the Spanish rulers had much experience with communal landholding. To be sure, ideas about both private and communal ownership of land in the pre-Hispanic Philippines were different from those prevailing in Golden Age Castile, but the large point that needs underlining here is that variants of both ideas existed in both communities. In respect to land tenure, the Spanish-Philippine encounter should not be seen as a clash between European private ownership on the one hand and Asian communitarianism on the other, but rather as a meeting between two groups each of which had a rich experience with a spectrum of land-tenure arrangements.

Phelan and the Linear Model

What then do we know about land tenure during the early period of Spanish rule in the Philippines? As this essay has shown, the most widely accepted views on the subject—views that derive initially from Phelan's study of Spanish colonialism—cannot be trusted. The evidence presented here simply does not support the notion that a "European" concept of private ownership replaced a communitarian tradition. The early Spanish accounts of land tenure in the Philippines do not tell us that all land in the archipelago was communally held. They tell us, rather, that some plots of land on Luzon bore most of the markings of private property: the holders occupied and used the plots; other members of the community recognized the holders' rights to do so; the holders could sell the land; and their heirs could inherit it.

The secondary accounts concerning Castilian land tenure show us, furthermore, that the Spanish conquerors did not bring with them monolithic "European" views about property arrangements but rather an experience with both communal and private landholding. That the Spaniards introduced some new administrative practices, devices, and requirements (royal grants, documents of sale and transfer, and so on) cannot be denied, and it also cannot be denied that all of those would have contributed to the process of transferring some land into private hands. One thing we do not know at this juncture is how much land was also converted into Spanish variants of communal holdings.

Finally, the existing scholarship does not tell us that a major revolution in land tenure arrangements occurred in the first 100–125 of Spanish rule. Yes, indigenous elites and foreign religious orders gained control over large concentrations of land, but, as best we can determine at present, that phenomenon was limited to parts of central Luzon, a few other scattered pockets on that island, and a semi-urban zone in the vicinity of Cebu City. Until more research is done, we can do more than guess about what happened in other parts of the archipelago.

The silence of the sources can be interpreted in many ways. Possibly the "disruptions" described by Cushner, Fenner, and others were exceptional; possibly they were not, the silence merely indicating that the records that might tell us about them were destroyed in the intervening centuries or have not yet been uncovered. My own suspicion is that the first, more than the other, possibility is closer to the truth. If changes did take place in Philippine land tenure arrangements under Spanish rule, they were most likely to have occurred in those places where land was in greatest demand—that is, in those few places (for example, the areas around Manila and urban Cebu), where there were *relatively* large concentrations of population and land was *relatively* scarce. Where land was more plentiful and people scarcer, there was simply no need to draw up legal documents, invoke a different system, and engage in legal shenanigans in order to gain access to land.

Most probably, then, the spread of Spanish (or European) concepts of land tenure was a glacially slow process in the Philippines, for the simple reason that up to roughly 1800 the indigenous population

remained small and dispersed and the land was not perceived to be all that valuable because the archipelago had not been fully integrated into the world market. All that changed in the nineteenth century. The population began to increase markedly, rural cultivators produced cash crops for the world market, and land became at once scarcer and more desirable. Yet even in that changed environment, one in which large amounts of land fell into private hands, Filipinos were slow to conform completely to the legal requirements of the new landholding regime. As late as 1869, a Spaniard named Antonio de Keyser y Muñoz observed that less than 1 percent of rural properties in the Philippines had properly executed land titles. Such noncompliance would continue in the next century, albeit more persistently in some parts of the archipelago than in others (Wolters 1999, 112–35; McCoy and de Jesus 1982, 1–18; McLennan 1980, 42–45, 59, 92–98; De Bevoise 1995, 19, 26, 148).

The time has come to discard the Phelan formulation—or, at least, to classify it as unproven while more research is done on the subject. In truth, that formulation never deserved to be taken as seriously as it had been. Phelan looked at few sources on land tenure and provided unreliable readings of virtually all of them. Beyond that, there is good reason to believe that Phelan was predisposed to reach the conclusions he did.

Phelan was, after all, a product of his time and culture, and he reflected the operating assumptions of both. One of those assumptions—for centuries, a widely prevalent assumption in the West—is that, most of the time, communal land-tenure arrangements prevail among groups categorized as “tribal.” A corollary of that assumption is a second—that, over time, as these societies move upward on some culturally constructed developmental ladder, private landholding arrangements take over. One finds versions of this linear model of historical change in the publications of Marx and Engels (Marx and Engels 1955, 9; Marx 1964, 81–83, Engels 1972, 217–24). One finds it in the historical literature concerning much of the formerly colonial world, most notably Latin America. One continues to find it today in public discussions about the rights of indigenous peoples in the Philippines and elsewhere (Gatmaytan 2005). But, however appealing and often invoked this linear

model may be, it does not help us understand the evolution of land tenure arrangements in the Philippines. Nor, for that matter, as Fernando Zialcita and Augusto Gatmaytan demonstrate in recent essays, does it help us do justice to Philippine indigenous peoples in the present, since it is at variance with on-the-ground land tenure realities (Zialcita 2001, 111–13, 125–26; Gatmaytan 2005).

It may even be argued that Phelan was *uniquely* predisposed to adopt the linear model. First and foremost a specialist on Latin America, he wrote at a time when the standard view in scholarly circles was that in matters of land tenure Spain had done great damage to Mexico, substituting a system based on private property for one that had been communal and paving the way for the emergence of haciendas. In effect, steeped in an historiographical tradition that privileged the linear model, Phelan simply assumed and claimed, but never proved, that it applied to the Philippines.

Curiously, over the course of the past thirty years, students of Mexican history have exposed that standard view as myth. Lockhart, Harvey, Horn, and others have shown us that a concept somewhat akin to private ownership of land prevailed among the Nahuas of Mexico. Taylor has pointed out that large estates were slow to develop outside the central valley of Mexico, and Lockhart has shown many aspects of the indigenous land system survived intact for at least a century, succumbing only when land became scarcer as the indigenous population recovered from the demographic catastrophes of the conquest period (Lockhart 1992, 141–76; Harvey 1984, 83–102; Horn 1997, 111–43; Taylor 1972, 4–8, 65–202). In other words, as I have suggested about the Philippines, the changes introduced by Spain in land tenure were neither as radical nor as complete as they were once claimed to be.

Notes

In the preparation of this article, I have accumulated many debts. I first began work on it in 1997 when, as a fellow of the International Institute of Asian Studies (IIAS), I was engaged in research at the IIAS Branch Office in Amsterdam. I am grateful to the IIAS for its support. I profited enormously during that period from the help of Otto van den Muijzenberg, Rosanne Rutten, Willem Wolters, and John Wiersma. Two colleagues at the University of Oregon, both distin-

guished historians of sixteenth-century Mexico, Bob Haskett and Stephanie Wood, provided me with much needed assistance in locating relevant literature on land tenure in Latin America in the sixteenth and seventeenth centuries. Early formulations of this piece were presented at conferences in Hamburg and Leiden, and I want to thank Norman Owen, Florentino Rodao, Greg Bankoff, and María Gloria Cano García for their constructive comments. Finally, I gratefully acknowledge the helpful criticisms and suggestions of Jun Aguilar, editor of *Philippine Studies*, and the two anonymous referees who commented on my submission to this journal.

1. Whenever Spanish-language versions of the published primary sources were available, I relied on them. In this essay, I have provided my own translations of selections from those texts, followed immediately by the Spanish-language versions. (I did consult existing translations, but, more often than not, I was dissatisfied with them, sometimes because I found the English versions awkward and sometimes because nuances in the Spanish texts were lost.) In a few cases, only translations were available. As readers will see, I included quotations from those translated versions at several points in my discussion of John Leddy Phelan's scholarship.

2. I want to emphasize here that I am relying on the *translation* of Basco's decree found in the Blair and Robertson collection, not on the decree itself. As I indicate in the text, Phelan himself used the translation. So, as is the case with my earlier analysis of the three translated documents concerning the Quiapo controversy (also found in the Blair and Robertson collection), I am not attempting to determine what the actual documents said; rather, I am assessing Phelan's interpretations of the translations he (and I) actually read. I find his interpretations wanting.

Ideally, of course, I should have consulted the originals as well, especially given the widely acknowledged fact that many of the translations in the Blair and Robertson collection are unreliable. I tried without success to locate a copy of the Spanish text of Basco's decree. Blair and Robertson (1903–1909, 52: 289) tell us that the translation was made from a printed copy of the decree “belonging to Edward E. Ayer,” the well-known collector. Ayer subsequently gave his collection to the Newberry Library, but the Basco decree is not listed in the published calendar of documents he transferred (Lietz 1956) or in the electronic finding aid on the Newberry Library's website.

3. In his introduction to the edited documents, Phelan discusses the provenance of the sources a bit. He indicates, among other things, that Simpson provided him with photostatic copies of some, perhaps all, of the documents he published; and that some, perhaps all, of the originals had been passed on to a New York book dealer. But his discussion is ambiguous, even incoherent, at key junctures, and it is unclear to me whether he used photostatic copies of the Cagayan ordinances and if that document was among the ones acquired by the book dealer. (My best *guess* is that Phelan did use Simpson's copies of the ordi-

nances and that the original copy of the ordinances went to the book dealer.) Also he never explains how any of the manuscripts came to the United States in the first place. See Phelan 1959b, 277–81. I made a failed effort to track down the document itself. A somewhat similar source is listed in the published calendar of Filipiniana at the Newberry Library (and on the Newberry Library's website), but it turns out to be a fragment of a report of an inspection tour to Cagayan and several other provinces that was written four years later. See Lietz 1956, 37.

4. In rendering the text of the document, Phelan includes notations that mark the beginning and end of each page of the original manuscript. Hence it is easy to locate the pages in the original that Phelan cites (namely, pages 14–15) in his endnote reference to the “ordenanzas.” But there is not a relevant word in those pages—or, for that matter, in the rest of the document—about land tenure.

5. Cushner and Larkin are quick to point out that the actual size of the properties granted “bore little relationship” to the measurements included on the document, and, if they are correct, it would be foolhardy to try to calculate from the data they provide the amount of land that fell into private hands as a result of the royal grants.

6. As I have already indicated, only a handful of the local histories written over the past three decades examine in any depth land tenure arrangements in the early Spanish period. Thus, one finds no reference to disruptions similar to those in central Luzon in Angel Martínez Cuesta's (1980) study of Negros or Rosario Mendoza Cortes's (1974) volume on the early history of Pangasinan. But two other local historians do provide hints about the land tenure situation. Norman Owen (1984, 30–40), who has written an excellent history of the Bikol region, has asserted that Spanish colonialism had relatively little impact on the area before the nineteenth century. John Larkin (1972, 53), in his book on the Pampangans, claims that *datus* and their descendants accumulated land in the early Spanish period. In addition, as I have discussed in the text, Larkin collaborated with Cushner in an analysis of early Spanish royal land grants. That article indicates that many land grants, mostly small in size, were made in Pampanga.

7. In a recent essay, Fernando Zialcita (2001, 107) asserts that, toward the end of his life (which is to say, at approximately the same time that he delivered a manuscript of *Barangay* to the publishers), Scott was reconsidering his views about property among pre-Hispanic Filipinos. So it is possible that, if he had lived longer and hence had the opportunity to revise the manuscript before publication, Scott's treatment of landed property in *Barangay* would have been quite different.

I should also point out that, in a fuller discussion of the literature, I would give attention to a few others who have dealt with pre-Hispanic land tenure. For one, Zialcita (2001, 117–22), in the aforementioned essay, argues that private ownership of land existed in Tagalog areas during the pre-Hispanic Philippines. Furthermore, in a book about historical developments on Negros, Filomeno

Aguilar, Jr. (1998, 66), offers a nuanced discussion of communalism in the pre-Hispanic period.

8. Other passages in Plasencia's report indicate that land was treated like private property. Plasencia states, for example, that, following the death of *alipin namamahay* (dependents who lived in their own houses), their children "enjoy their property and lands" ("gozan de su hacienda y tierras"). Also, in discussing women, Plasencia points out that unmarried women "can own nothing, neither plots of land nor a dowry" ("ninguna cosa tienen, ni sementeras, ni dote"). No such prohibition applied to married women (Plasencia 1589, 3:593, 597).

9. Morga is undoubtedly a less reliable informant than Plasencia. Most of Morga's account is based not on his own observations, but rather on information furnished by others, since Morga spent his time in Manila.

10. In translating Alcina's words in this paragraph and the next, I benefited considerably from consulting the version provided by William Henry Scott (1994, 145–46). My word choices differ slightly from Scott's.

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