



## TARLTON LAW LIBRARY RESOURCES ON AZTEC & MAYAN LAW



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### MEXICAN LEGAL HISTORY: GENERAL WORKS

**Congreso de Historia del Derecho Mexicano (4th : 1986: Queretaro, Mexico).** MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO, 1986. México: Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México, 1988.

The best modern Mexican scholarship on precolumbian law appears here, although it remains "under-represented," in the words of Guillermo Margadant's closing remarks. Ma. del Carmen Carmona Lara, "La evolución del pensamiento jurídico en México respecto al derecho indígena," defines the concept of indigenous law and reviews Mexican legal scholarship on this subject from colonial times to the present. Mercedes Gayosso y Nararrete, "Causas que determinaron la ausencia de la adopción en el derecho azteca," reviews Aztec family law and why it contains no provisions on adoption. Socorro Moncayo Rodríguez, "Consideraciones en torno a la esclavitud entre los aztecas," compares the Aztec institution of slavery with its counterparts in Western cultures.

KGF 292 C66 1986 T.1-2

**Esquivel Obregón, Toribio.** APUNTES PARA LA HISTORIA DEL DERECHO EN MÉXICO. 2a ed. 2 v. México: Editorial Porrúa, 1984.

Esquivel Obregón's broad study of Mexican legal history includes a section on Aztec law. While his fellow legal historians looked on Aztec law as merely a curiosity of the past, Esquivel Obregón insisted that its study was indispensable in understanding the true nature of Mexican legal culture. However, Jerome Offner has criticized this study as "bizarre" and "replete with theoretical and substantive inadequacies ... and with anti-Indian and pro-Hispanic prejudices."

KGF 292 E85 1984

**Hassig, Ross, and Ronald Spores, eds.** FIVE CENTURIES OF LAW AND POLITICS IN CENTRAL MEXICO. Nashville, Tenn.: Vanderbilt University, 1984.

The first several essays in this anthology discuss Aztec legal and political structures, as well as the participation of

indigenous peoples in colonial politics and litigation. They include Jerome Offner, "The Distribution of Jurisdiction and Political Power in Aztec Texcoco: Subgroups in Conflict"; Ross Hassig, "The Aztec Empire: A Reappraisal"; Susan Kellog, "Aztec Women in Early Colonial Courts: Structure and Strategy in a Legal Context"; and S. L. Cline, "A Legal Process at the Local Level: Estate Division in Late Sixteenth-Century Culhuacan."  
KGF 292 F58 1984

**Margadant S., Guillermo Floris.** INTRODUCCIÓN A LA HISTORIA DEL DERECHO MEXICANO. 9th ed. Naucalpan, Estado de México: Editorial Esfinge, 1990.

Chapter 1, "El derecho precortesiano," is an excellent starting point for the study of indigenous legal systems in Mexico, including those of the Aztecs and Maya. An English translation of this book is available (AN INTRODUCTION TO THE HISTORY OF MEXICAN LAW, KGF 292 M3713 1983). A leading author on Mexican legal history, Margadant has been a Visiting Professor of Law at the University of Texas since 1982.  
KGF 292 M37 1990

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**AZTEC & MAYAN LAW**

**Alba Hermosillo, Carlos H.** ESTUDIO COMPARADO ENTRE EL DERECHO AZTECA Y EL DERECHO POSITIVO MEXICANO. México, 1949.

The author reorganizes Aztec law within an artificial framework of European law codes, and then compares each Aztec law with analogous provisions in modern Mexican law. Useful as a classified summary of Aztec law, but draws no conclusions from the similarities or contradictions.  
MEXICO 70 AL13 1949

**Bahamondes Fuentes, Delfin.** EL DERECHO EN LA CIVILIZACIÓN MAYA. [Santiago:] Editorial Jurídica de Chile, 1973.

Based on scholarship and assumptions about the Maya that are in many cases now obsolete. Few citations of primary source material on the Maya.  
MEX 70 B147

**Díaz Vasconcelos, Luis Antonio.** NORMA E INSTITUCIÓN JURÍDICAS MAYAS. Guatemala: Imprenta Universitaria, 1953.

The most thorough work so far on the Mayan legal system, relying heavily on Spanish chroniclers such as the Franciscans Diego de Landa and Juan de Torquemada, Mayan writings from the colonial period such as the *Chilam Balam*, and the American Sylvanus Morley, an early pioneer in Maya studies.  
KG 3485 M3 D5 1953

**Gilissen, John, ed.** INTRODUCTION BIBLIOGRAPHIQUE À L'HISTOIRE DU DROIT ET À L'ETHNOLOGIE JURIDIQUE / BIBLIOGRAPHICAL INTRODUCTION TO LEGAL HISTORY AND ETHNOLOGY. 6 v. in 9. Brussels: Institut de Sociologie, Université Libre de Bruxelles, 1963- .

Although somewhat dated, these bibliographies continue to be useful starting points. Most include annotations and commentary. See "Les Aztèques & les Mayas" (F/2, 1963), "México" (F/9, 1968), "Amérique espagnole coloniale" (F/4, 1964), and "Les Incas" (F/1, 1963).  
K 201 G5

**Guier, Jorge Enrique.** DERECHO PRECOLOMBINO. San José, Costa Rica: Libro Libre, 1991.

The author's stated purpose is to describe the legal systems in Central America before the Spanish conquest, and compare these with the legal systems of the Aztecs, Mayas, Incas, and Caribbean Indians.  
KG 2212 G84 1991

**Offner, Jerome A.** LAW AND POLITICS IN AZTEC TEXCOCO. New York: Cambridge University Press, 1983.

So far, this is the definitive study of the Aztec legal system, virtually the only one that makes extensive use of primary source materials and applies the methods of modern comparative law. "Solid contribution," says the *Handbook of Latin American Studies*.

MEXICO 72 OF2 1983

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## INDIAN LAW & INDIAN RIGHTS IN THE COLONIAL ERA

**Belena, Eusebio Buenaventura, 1736-1794.** RECOPIACIÓN SUMARIA DE TODOS LOS AUTOS ACORDADOS DE LA REAL AUDIENCIA Y SALA DEL CRIMEN DE ESTA NUEVA ESPAÑA. 1a ed. facsimilar. México:

Universidad Nacional Autónoma de México, 1981.

Facsimile edition of an important compilation of legislation, royal orders, legislation, and criminal court decisions in colonial Mexico, with index. Contains many provisions on criminal law, labor law, property rights, and local government of Indians and Indian communities.

MEXICO 78 B411 1981

**Borah, Woodrow Wilson.** JUSTICE BY INSURANCE: THE GENERAL INDIAN COURT OF COLONIAL MEXICO AND THE LEGAL AIDES OF THE HALF-REAL. Berkeley: University of California Press, 1983.

"Masterly study ... a perceptive analysis of transformation in the Indian world as natives adapted to the Spanish legal system. Destined to become a classic in the literature" [*Handbook of Latin American Studies*]. Borah describes the failure of the Spanish government's effort to preserve native legal customs, and the consequences of this failure in terms of disruption of the Indian social order and the flood of litigation by Indians in the Spanish courts.

KGF 2200 B67 1983

**Kellogg, Susan.** LAW AND THE TRANSFORMATION OF AZTEC CULTURE, 1500-1700. Norman: University of Oklahoma Press, 1995.

"The story of how Spanish law served as an instrument of cultural transformation and adaptation in the lives of the indigenous population during the first two centuries of colonial rule. ... [b]ased on a wide array of local-level Spanish and Nahuatl documentation and an intensive analysis of seventy-three lawsuits over property involving Indians resident in Tenochtitlan/Mexico City that were heard by the Real Audiencia between 1536 and 1700..." [book jacket].

KDZ 480 K45 1995

**Llaguno, Jose A.** LA PERSONALIDAD JURÍDICA DEL INDIO Y EL III CONCILIO PROVINCIAL MEXICANO (1585), ENSAYO HISTÓRICO-JURÍDICO DE LOS DOCUMENTOS ORIGINALES. México: Editorial Porrúa, 1963.

A study of the Catholic Church's debates in the 16th century over the legal status of Indians. While the Third Mexican Provincial Council affirmed the basic human rights of Indians, it also considered them as minors unable to exercise their full rights.

F 1219.3 L3 L5 1963

**Lockhart, James, Frances Berdan, and Arthur J. O. Anderson.** THE TLAXCALAN ACTAS: A COMPENDIUM OF THE RECORDS OF THE CABILDO OF TLAXCALA (1545-1627). Salt Lake City: University of Utah Press, 1986.

The city of Tlaxcala received favored treatment from the Spaniards as a reward for helping overthrow the Aztecs. As a result, it was the only major city in New Spain whose government was dominated by Indians for several decades. The city council records studied in this volume reveal how the native ruling class and the Spanish form of municipal government adapted themselves to each other.

F 1221 T56 L63 1986

**Mexico. Laws, statutes, etc.** LEGISLACIÓN INDIGENISTA DE MEXICO. Introducción de Manuel Gamio. Recopilación de Francisco Gonzalez de Cossio (et al.). México: Instituto Indigenista Interamericano, 1958.

A compilation of Mexican decrees, legislation, and court rulings relating to Indians for the period 1810-1954, and

covering such topics as communal property, slavery, agrarian reform, labor relations, and government agencies responsible for Indian affairs. There are brief, helpful introductions to each chapter.  
MEX 39 IN22

**Mörner, Magnus.** LA CORONA ESPAÑOLA Y LOS FORÁNEOS EN LOS PUEBLOS DE INDIOS DE AMÉRICA. Stockholm: Latinamerikanska-institutet i Stockholm, Almqvist & Wiksell, 1970.

Early in the conquest of the New World, the missionaries decided that the Indians would become much better Christians without the bad example of the Spanish settlers. Thus began an effort to enforce residential segregation of the Indian population. Mörner discusses the ideas behind segregation, the laws drawn up to create it, the ultimate failure to enforce them, and the social transformations that took place in spite of the laws.  
F 1410 M78

**Spain.** RECOPIACIÓN DE LEYES DE LOS REYNOS DE LAS INDIAS. México, D.F.: Fondo para la Difusión del Derecho, Escuela Libre de Derecho, 1987.

Volumes 1-4 are a facsimile reprint of the 1681 edition of the Laws of the Indies, the first definitive and authoritative compilation of Spanish law governing its American colonies, as well as landmark in the history of law. Much of the voluminous and sometimes conflicting legislation regarding Indian laws and legal rights can be found here. Volume 5 is a collection of studies on various aspects of the Laws of the Indies.  
SPAIN 30 R245 1987 V.1-5 SHELVED IN FOREIGN LAW OFFICE

**Stevens, Henry, and Fred W. Lucas.** THE NEW LAWS OF THE INDIES FOR THE GOOD TREATMENT AND PRESERVATION OF THE INDIANS, PROMULGATED BY THE EMPEROR CHARLES THE FIFTH, 1542-1543; A FACSIMILE REPRINT OF THE ORIGINAL SPANISH EDITION, TOGETHER WITH A LITERAL TRANSLATION INTO THE ENGLISH LANGUAGE; TO WHICH IS PREFIXED AN HISTORICAL INTRODUCTION ... Amsterdam: N. Israel, 1968.

Reprint of a book first published in London in 1893. Contains the text in English and Spanish of the "New Laws of the Indies," which the Spanish crown was later forced to rescind by colonists outraged at having to give up their allotments of Indian laborers. Most of the book is taken up by the introduction which denounces Spanish mistreatment of the Indians.  
SPAIN 40 N42

**Tyler, S. Lyman, ed.** CONCERNING THE INDIANS LATELY DISCOVERED: THE INDIAN CAUSE BEFORE THE LAW OF NATIONS, COLONIAL PERIOD. Salt Lake City: University of Utah, 1980.

An English translation, with commentary, of treatises by the Spanish jurist Francisco de Vitoria (d. 1546) who argued that while the Indian nations of the New World were sovereign, the Spanish state could be justified in making war on the Indians if they hindered trade or the preaching of the Gospel.  
JV 4037 C66

**Tyler, S. Lyman, ed.** THE INDIAN CAUSE IN THE SPANISH LAWS OF THE INDIES. Salt Lake City: University of Utah, 1980.

An English translation, with commentary, of large parts of Spanish colonial law dealing with Indians and their relationships with Spanish society, such as the Laws of the Indies. The opening essay gives a useful literature review.  
SPAIN 77 IN2

**Vigil, Ralph H.** ALONSO DE ZORITA: ROYAL JUDGE AND CHRISTIAN HUMANIST, 1512-1585. Norman: University of Oklahoma Press, 1987.

Zorita sat as a judge on the highest courts in New Spain and became an ardent defender of Indian rights. He is also one of the best sources on Aztec law before the conquest, since of all the Spaniards who passed on accounts of the Aztec legal system, he was one of the very few who was legally trained.  
KGQ 304 Z67 V54 1987

**AZTECS & MAYAS: GENERAL WORKS**

**Josephy, Alvin M, Jr., ed.** AMERICA IN 1492: THE WORLD OF THE INDIAN PEOPLES BEFORE THE ARRIVAL OF COLUMBUS. New York: Knopf, 1992.

A collection of essays on indigenous societies and cultures throughout both North and South America, on the eve of Columbus' voyage.

E 58 A52 1992

**Nabokov, Peter, ed.** NATIVE AMERICAN TESTIMONY: A CHRONICLE OF INDIAN-WHITE RELATIONS FROM PROPHECY TO THE PRESENT, 1492-1992. Norman: University of Oklahoma Press, 1987.

Native Americans describe their encounter with Europeans in their own words in this documentary, which includes Aztec and Maya accounts of the conquest. "A strong and moving reminder of a lost dimension in American history," says Arthur Schlesinger, Jr.

KGQ 304 Z67 V54 1987

**Sanders, William T., and Joseph Marino.** NEW WORLD PREHISTORY: ARCHAEOLOGY OF THE AMERICAN INDIAN. Englewood Cliffs: Prentice-Hall, 1970.

A concise summary of what archaeology and anthropology have taught us about the development of indigenous culture and society in the New World, from its beginnings in primitive hunting and gathering societies to its climax in the great civilizations of the Aztec, Maya, and Inca.

E 58 S25

**Urban, Greg, and Joel Sherzer, eds.** NATION-STATES AND INDIANS IN LATIN AMERICA. Austin: University of Texas Press, 1991.

A collection of essays, mostly by anthropologists, on the relations between Indian societies and the modern nations of Latin America.

E 59 E75 N38 1991

**Wright, Ronald.** STOLEN CONTINENTS: THE AMERICAS THROUGH INDIAN EYES SINCE 1492. Boston: Houghton Mifflin, 1992.

The author's account of the conquest of the American continent is based on oral and written sources of the Aztec, Maya, Inca, Cherokee, and Iroquois.

E 59 F53 W75 1992

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**About the illustration...**

The Mayan glyph "k'u hun" means "sacred book", and seems an appropriate illustration for a bibliography. The glyph and its translation are taken from Linda Schele & Nikolai Grube, *Notebook for the XIXth Maya Hieroglyphic Workshop at Texas* (1995), and used with permission. The glyph was kindly provided by N.A.F. McNelly, creator of the award-winning Web site [Rabbit in the Moon: Mayan Glyphs and Architecture](#). Thanks for additional assistance to Rafael Alvarado of the [Mayan Epigraphic Database Project](#), University of Virginia.

This site is graded "A" by the [Guide to Electronic Resources for Mexican Law](#), maintained by Professor Jorge A. Vargas, University of San Diego School of Law. I welcome your [comments and suggestions](#).

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91 This edition contains a top quality fold out map of the Aztec Empire.

Dec 1980 pp.766-775. NEW FINDS IN THE GREAT TEMPLE. By Eduardo Matos Moctezuma.

SUMMARY: As the General Coordinator of the Great Temple Project, this author was certainly qualified to describe and relate the story of the digging in Mexico City for the antiquities and the history being revealed.

Oct 1984 pp. 420-459. FOLLOWING CORTES: PATH TO CONQUEST. By S. Jeffery K. Wilkerson.

SUMMARY: The route to Mexico City

from Vera Cruz by the author on horseback. Contains many pictures of native Aztec dress. The author has been studying this route for over 20 years and is considered an expert in this area.

Mar 1990 pp. 76-132. AMERICA'S ANCIENT SKYWATCHERS. By John B. Carlson.

SUMMARY: Complete concept of overview of Astronomy in Mexico with graphics.

#### MISCELLANEOUS MAGAZINE ARTICLES

Yucatan's ancient roots. (henequen haciendas), *Americas*, July- August 1994 v46 n4 p22(8).

Montezuma, Cortes, and the Fall of Mexico.(book reviews), *The American Spectator*, June 1994 v27 n6 p64(2).

Ancient city found on Mexican farmland. (Mexico's Gulf Coast, El Pital, Mayan city), *Science News*, Feb 12, 1994 v145 n7 p102(1).

The Gods and Symbols of Ancient Mexico and the Maya; An Illustrated Dictionary of Mesoamerican Gods and symbols(book reviews), *History Today*, July 1993 v43 p59(1).

Viva Mexico! Discover the treasures of Mexico City and the Yucatan Peninsula. (includes related article on visiting the island of Cozumel), *Essence*, June 1993 v24 n2 p106(3).

A decipherment of Olmec hieroglyphic writing., *Science*, March 19, 1993 v259 n5102 p1703(9).

Cultivating the secrets of Aztec gardens. (the floating gardens of Xochimilco in Mexico), *Americas*, Nov-Dec 1992 v44 n6 p6(10).

Study erodes image of pre-Columbian Farming. (evidence of extensive soil erosion from 2,500 to 1,200 years ago into Lake Patzcuaro, central Mexico) (Brief Article), *Science News*, March 6, 1993 v143 n10 p149(1).

An Aztec bestiary; from butterflies to jaguars, a rare 16th-century text records the rich natural life of preconquest Mexico. (book started in 1529 to record Aztec history and culture) (includes related article on the possible extinction of the harpy eagle in Mexico); ~~*Audubon*, Jan-Feb 1993 v95 n1 p50(6).~~

Dancing through the god's eye: Huichol art and culture. (Indians of northern Mexico), *Whole Earth Review*, Summer 1992 n75 p48(4).

Mexico's treasures come to Los Angeles., *Sunset*, Oct 1991 v187 n4 p40(3).

The treasures of Montezuma. (Aztecs and cartography), *UNESCO Courier*, June 1991 p24(3).

Onward from Olmec: a monumental exhibit of Mexico's art redeems the 'image problem.' ("Mexico: Splendors of Many Centuries" at the Metropolitan Museum of Art, New York, New York), *Time*, Oct 15, 1990 v136 n16 p80(3).

"The Aztecs" Dr. Michael E. Smith. (Blackwell, 1996). *Scientific American* (Sept 1997, Life in the Provinces of the Aztec Empire, pp. 76-83).