

Review Essay

The *Indio* as Criminal

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Crime, Society and the State in the 19th



*Century Philip-
pines.* BY GREG
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‘FILIPINOS as a race are not especially disposed towards crimes,’ said the 1903 Census of the Philippines commissioned by the new American colonizers. The statement is perhaps the first manifestation of ‘affirmative action’, a white man’s efforts at relieving his guilt over histories-old oppression of the non-white race and is best taken as some form of colonial condescension in the tradition of McKinley’s ‘benevolent assimilation’. As the historian Greg Bankoff points out in this immensely readable and vividly informative book: ‘Such an encouraging impression contrasts markedly with the

Indios’ international reputation for cruelty and murder in the 19th century.’

A valuable contribution to Philippine social history, this book purports to correct with some measure ‘a blurred image of the past... through a study of deviant behavior.’ Through a study of the criminal justice system of the 19th century, Bankoff, who teaches Southeast Asian history at the University of Auckland, gives us an interesting survey of criminality and the dominant values — and vices — that characterized the last decades of Spanish rule in the Philippines.

Bankoff surveys the dramatic rise in criminality in the 19th century by having a close look at the statistics and reports of the *Real Audiencia* (the high court) and other archival documents that, because of their paucity and incompleteness, may perhaps understate the true picture. Anyhow, the case can be made strongly that criminal cases had increased in proportion to the population. Bankoff seeks to explain the phenomenon through the ‘crime etiology’ that ‘want breeds theft’ in a society undergoing economic transformation.

DISLOCATED PEASANTRY

The dislocation, however, as he shows, happened in a period of relative economic progress because of the peace and stability engendered by the end of the Seven Years' War. The economic diversification that started under the progressive Governor General Jose Basco in the latter part of the 18th century was further enhanced in the next by the worldwide commercialization of industries that saw more and more products from the islands going to foreign markets. 'One of the lasting effects of this emergent export economy was the large-scale conversion of rice lands to tropical crops, consequently changing the traditional ties between landlord and tenant,' Bankoff writes. 'As land became more valuable as a commodity, land ownership increasingly passed from communal possession based on traditional occupation to individual ownership based on certified title.'

The situation then became ripe for social dislocation. Foreign merchants and the local *principalia* or elite took advantage of their distinct social and economic positions for further self-aggrandizement, depriving the peasants of small landholdings and giving rise to sharecropping agreements that were inequitable to the *casamajan*. The traditional ties that bind landlord and tenant were cut off, most of the time upon the initiative of the former whose decisions became more and more determined by 'economic expediency.' Compounding the woes of the sharecropper was the rise of a merchant class that manipulated commodity prices. 'The worsening economic condi-

tion of the peasant fostered a sense of grievance and drove some to a life of banditry,' Bankoff says. Sharecropping arrangements were determined by the landlord who made decisions based on narrow monetary considerations. The peasant was compelled to pay a fixed amount that disregarded the possibility of a poor harvest due to natural calamities.

ROOTS OF CRIMINALITY

The rise in criminality had ecological roots as well. Bankoff, who is also an environmental historian, argues that the springtime in criminality can be traced to 'the steady increase in population, new patterns of land use, the expansion of monoculture, and the introduction of diseases through increasing trade contacts.' Huge forest lands had to be cleared for the commercial production of crops and livestock. The draining of swamps resulted in flooding and drought. Lowlands transformed into pasture lands became the breeding ground of locusts that led to higher incidence of infestation. Environmental and economic factors conspired to beget the Filipino criminal of the 19th century.

Bankoff analyzes the urban and rural complexion of criminality and, in the process, relives for us 19th century Manila and provincial societies. The walled city of Intramuros, for example, was often the scene of criminal cases involving masters and their servants since it was 'primarily a city of indigenous servants and colonial masters,' with latent mistrust obtaining between them that often provoked petty offenses and even violence. As the commercial

and industrial center, Binondo was the haven of prostitutes and pimps, and — because of the Chinese — of black-marketing, smuggling, and gambling. Then, as now, Tondo was a migrant center, providing the brawn to Manila's business activities. Consequently, its urban sprawl was often the scene of theft, violence and vice.

In the same way, rural Philippines witnessed profound socioeconomic changes as a result of the economic restructuring that happened with the rising agricultural export economy. For example, the commercialization of agriculture saw fierce activity in the rural estates owned mostly by the religious orders that were usually leased to the *inquilinos* or tenants who became more and more disenchanting because of the friars' exorbitant rents. Because much of the costs of expansion were borne by the peasant, there was widespread dislocation, giving rise to agrarian displacement and much lawlessness and banditry. In Camarines Sur, banditry was not the result of agrarian discontent, but the exclusion of mountain communities from economic activity and the exploitation of upland people (usually living on Mt Isarog) by the lowlanders engaged in the tobacco trade. When cheated of their wages, the hill people resorted to atrocious violence, starting off a vicious cycle of provocation and retaliation.

STATIC LEGALISM

Bankoff argues that, as the pressures of colonial governance increased, the Spanish authorities resorted more and more to the codification of laws and the

creation of agencies to enforce them. Here, the book becomes a rich mine for legal history scholars. Bankoff describes the elaborate civil and criminal procedures put in place by the Spaniards to satisfy justice, as well as the first tentative attempts at instituting peace officers such as the *guardia civil veterana* so as to enforce public safety and order, the precursors of the modern-day police and constabulary.

But the judicial system was grossly tilted in favor of the Spaniards. Furthermore, regimentation only led to static legalism. As Bankoff says, '(W)hat was envisaged as a measured judicial process became cumbersome in the extreme, as the opportunities for abuse and outright corruption multiplied in the absence of adequate supervision and sufficient salaries (of the judicial and law-enforcement personnel).' Popular discontent rose and Spain found lawlessness as intractable as ever.

Bankoff is correct in saying that the relative copiousness of criminal sources displays 'the heavy emphasis placed by Spanish colonialism on legalism and due process' — which is uniquely Spanish since Spain was alone among the colonial powers in looking for a legal basis to its suzerainty over its colonies that was in accord with human and divine laws. Such exacting character is shown in the nature of Spanish claims to the Philippines which were discussed during the First Manila Synod in the 16th century. The meeting — convoked by the first bishop of Manila, the Dominican Domingo Salazar who was a disciple of Bartolome de las Cases — declared that

the Spaniards did not have any juridical title to the islands and that Spanish presence was only due to the universal right of intercommunication and the Christian mandate of evangelization, which the natives were given the free will to accept or reject. Since the Philippines was for Filipinos, the synod argued, any attempt by the Spaniards to force their rule on the natives was illegal. It then follows that native acquiescence should be obtained freely through plebiscite or any valid exercise.

Such magnificent conception of altruistic colonialism by the Church crumbled in the late 18th century, according to Bankoff, because of the decline of the Church and the military that occurred as a result of the expulsion of the Jesuits and the frantic Spanish attempts to ward off foreign powers in much of the 16th and 17th centuries. Bankoff says, 'Instead, Spain came to rely increasingly in its judicial apparatus to maintain control over the colony.'

DYNASTIC CHANGE

But the decline of the law of the spirit may have more fundamental historical roots. Perhaps the key break was the ascendancy of the Bourbons and their replacement of the Hapsburgs. As a result, the traditional rivalry between the Spaniards and the French was replaced by an intimate alliance, and Spain became infected by the French Enlightenment. The secular tendencies of the Hapsburgs

also gave rise to liberal imperialism, a twisted sentiment of European superiority over the colonized. Owing to the concept of cession, the Philippines and other colonial territories experienced alienation from Spain as they stopped being Spanish provinces but merely 'crown colonies' that could be ceded to another power any time.

In the case of the Philippines, the dynastic change would forever affect Church-State relations as the Bourbons radically disturbed the delicate balance that used to exist between the two realms. Because of the secular aims of the state and the liberal tendencies of the Bourbons, the Church was seen as an instrument of the imperial policies of Spain. The Church's missionary role was therefore diluted. Impaired by the powerful currents of the time engendered by the Hapsburgs, the Church found its role of moral authority among the natives undermined.

Their status downgraded, the natives remembered that their forefathers had consented to Spanish sovereignty on the condition they would stand equal with the other members of the Spanish empire. Finding themselves a mere ancillary possession of Spain, the natives evinced the first stirrings of dissatisfaction that were labeled by authorities as socially irresponsible behavior. Later on, such behavior would evolve into the ultimate social deviance: revolution.