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Bianca Premo. *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire.* Oxford: Oxford University Press, 2017. xiii + 361 pp. $105.00, cloth, ISBN 978-0-19-063872-6.

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The Enlightenment on Trial explores, in the legal spaces of the Spanish Empire, how colonial subjects interpreted Enlightenment concepts and pushed for particular applications of the law. Bianca Premo proposes that, as everyday people sued their social superiors, "litigants' practices and their lawyers' arguments demonstrated the popularization and everyday reworking, in the moment, of dynamic ideas of rights, freedom, and merit" (pp. 15-16). Stressing the "in the moment" nature of this process, the author reconstructs a dialogue between and among married women, indigenous commoners, enslaved people, practitioners of law, and colonial authorities that gradually shaped the Enlightenment. Ordinary people propelled legal ideas into the civil courts, thus forcing authorities to reconsider, and sometimes reinterpret, the law. Premo's argument centers ordinary litigants within the shift from an older, casuistic legal culture to a more modern one. The author finds that the rate at which people of different social and legal statuses challenged more powerful individuals in court increased markedly in the latter half of the eighteenth century. Within a general rise in civil suits, certain litigants in New Spain and Peru became more likely to use the king's courts to press cases against husbands, Indian nobles and leaders, and slaveowners.

The distinction between Latin America as a receiver or a producer of historical events and ideas will be familiar to many readers, as will the call to move the Enlightenment beyond the lettered elites of Europe. Premo does acknowledge elite creoles as agents of the Enlightenment, but this work offers a wider range of people as legal strategists and thinkers. ***The Enlightenment on Trial*** generally affirms historians of the Bourbon Reforms who argue that colonial subjects actively interpreted and challenged Bourbon policies, even in the absence of violent rebellions. Premo goes further through close readings of civil cases to prove that some of the ideas most central to the Enlightenment actually originated among everyday people, not just philosophers and jurists. The book adds to the legal history of the Andes, in which historians have analyzed the impact of women and enslaved people in colonial courts and political spheres using case studies ranging from Popayán to Arequipa. By constructing a broad study that encompasses many legal and social categories, Premo demonstrates that people across Spanish America were involved in civil litigation toward Enlightenment goals. The book describes not only the content of Enlightenment legal discourse but also how people applied it and, through what Premo often underscores as their

"initiative" and drive, created an archive. This focus on the assembly of a civil case on the part of litigants is a valuable contribution of this work to a growing historiography that looks at the production of archives from the ground up. The decisions and goals—as far as the historian can understand them—of ordinary people in formal and informal legal spaces are the sustained focus of this work.

The Enlightenment on Trial compares civil cases in New Spain (Mexico City and the ***alcaldías mayores*** of Teposcolula and Villa Alta in Oaxaca), Peru (Lima and Trujillo), and Spain (Valladolid and Montes de Toledo in Castilla-La Mancha). Part 1 contains chapters that consider legal sources from the standpoints of production, policy, and changing legal values. Premo offers detailed descriptions of the physical life of documents, how litigants created them, and who else (if anyone) assisted in the process. They included a wide array of colorful characters roaming the streets of Spanish America, ready to offer legal advice or scribble a note that might be acceptable in court. This chapter addresses an open question in the historiography of civil and ecclesiastical legal histories from below, namely "whether ordinary people were speaking for themselves" (p. 31). Describing agents, practices, protocols, papers, and places, Premo argues that litigants had a variable degree of influence over their lawsuits. Asking readers to envision a lawsuit as a series of lived moments, rather than a final product, has the effect of rendering the experiences of everyday people and their impact on lawsuits more tangible. At the levels of handwriting, costs, and word choice, the chapter describes moments beyond the physical courtroom.

The second chapter analyzes the ideas of legal experts of the period, like Benito Jerónimo Feijóo y Montenegro and ***oidor*** José Pedro Bravo de Lagunas y Castilla, to walk the reader through changing conceptions of justice and law in the early modern world. Premo discusses the gradual shift toward legal modernity found in the Bourbon desire to move a variety of legal conflicts from the ecclesiastical to royal civil courts. Premo acknowledges the influence from above of jurists and monarchs, but their writings were sometimes the result of calls from the colonies for legal reform. Yet, rather than a simple conflict between imperial actors and local litigants, what emerges is a complex mosaic of legal interpretations. Premo identifies a dynamic eclecticism as a framework for understanding legal Enlightenment thought among powerful men and ordinary litigants.

Chapter 3, along with two appendices, explains the quantitative methods this work employs, which draw from the social sciences. The author methodically lays out the numerical evidence in support of the observation that ordinary people were increasingly able to access civil courts in order to sue their superiors. The main finding readers will note is the increase in lawsuits in the latter part of the eighteenth century in New Spain and Peru, in contrast to Spain. These findings are not, for Premo, a reflection of changes in demography or bureaucracy but an indication of a shift in legal values and culture. As they sought resolutions to conflicts in civil court, rather than extrajudicial solutions, ordinary people "separated the law from the social world of community-based justice" (p. 116).

The second part traces the advancement of key Enlightenment ideas among ordinary litigants preoccupied with very real applications of natural rights, merit, freedom, and secular legal subjectivity. While the book lingers on litigants' internal motivations in going to court, the author shows the impact of these legal actions beyond the individual cases. First, the author considers the rise in civil litigation among women, who increasingly cast themselves as individuals with natural rights threatened by tyrannical men. Preferring secular to ecclesiastical courts, women litigants in Spanish America participated in the general shift to-

ward characteristic Bourbon regalism. Native communities and their leaders are the subject of the following chapter, which claims that "indigenous people's contests over the law simultaneously shaped native tradition and legal modernity" (p. 159). Indians who were not nobles by birthright put forward the idea that their status was earned through merit, as they sought greater participation in local politics. ***Caciques*** and ***principales***, Indian nobles, pushed back against these arguments by claiming that their customs supported justice and harmony over litigation and law.

Finally, Premo adds to a rich body of scholarship on slavery and freedom in Latin America considered from the perspectives of enslaved people. Historians will recognize engagement with a broader historiography of enslaved people's use of legal spaces in the Andes and New Spain. Premo's contribution centers on the conception of freedom, often taken as a given in Enlightenment thought. Premo draws the conclusion that "slaves themselves were instrumental in plotting out the liberation teleology that so dominates Western thought" (p. 192). In this chapter, enslaved people "forged a civil subjectivity as litigants" (p. 191), which contrasts with previous studies of criminal, inquisitional, and ecclesiastical courts of the seventeenth century. Enslaved people sued at rates far greater than other litigants and using novel ideas about freedom as a destination, rather than an inherent condition, of humanity. Premo's analyses of the term "freedom" in this chapter ask what enslaved people said about freedom as an idea specific to the eighteenth century, how they and their legal representatives conceived of the possibility of becoming free.

According to this work, the actions of these ordinary colonial subjects did not diverge markedly from the goals of Bourbon centralizing policies. Over time, smaller legal actions and decisions "by subject and sovereign cumulatively curtailed the authority of the political intermediaries that stood between them, including caciques, masters, and husbands" (p. 226). This process meant that the courts allowed people to seek relief without resorting to violent rebellion. These litigants were not the only people who sought to influence justice, but they were the ones who wanted a formal, legal solution to what they saw as a problem. For any readers who do not accept the Iberian world as a viable source of Western modernity, Premo's conclusion presents a worthy challenge.

Each of the categories Premo analyzes had a specific meaning in the colonial world, which will explain the presence or absence of various groups. Historians have established the growth and influence of large populations of ***castas*** in parts of late colonial Spanish America, but such people figure only occasionally in this work. One intriguing case appears on p. 175 and treats questions of caste labels like ***chino*** and ***zambaigo*** in local Indian councils. Premo's work invites additional research questions regarding the extent of the impact of free people of color, like mestizos or mulatos, on legal culture and the Enlightenment.

This work will interest scholars and students of history, law, gender, and race. By historicizing social theories, jurisprudence, and theories of the Enlightenment to the present moment, Premo asks provocative questions that will challenge historians to rethink modernity and law. At the crossroads of multiple disciplines, geographies, and historiographies, Premo makes a crucial contribution to our understanding of who had a hand in making the legal Enlightenment.

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