THE LIMITS OF LAW IN COLONIAL SETTINGS: A TSINOY LESSON FROM 17TH CENTURY MANILA*

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In September 1686 Charles II, King of Spain, made a Royal Decree providing that all Chinese should be expelled from Manila. The Chinese had been causing grief to the colonial government. It had been said by the government that there was a danger of a Chinese attack on Manila itself. The Chinese in Manila were a potential danger and had to be shipped back immediately whence they came. There were no ifs and buts, for it is the King who had spoken. They were to be forced out, but there was an exception. Given that the stated mission of the Spanish Empire was to convert its subjects to the Roman Catholic religion, those Chinese who had converted would of course be allowed to stay.

It was perhaps predictable that such a drastic decree would encounter difficulty. But colonial powers were wont to leave the problems of implementation to its far-flung representatives who were paid well for solving such difficulties.

The first of these was that, communications being very uncertain in those days, it took the decree no less than two years to reach. Gabriel de Curuzealegui y Arriola, the Governor-General in Manila, travelled across the Atlantic to Veracruz on the Gulf of Mexico, up the mountains to Mexico City, and then down again to Acapulco on the Pacific coast and across the ocean to the capital of that archipelago, which was named for the King's illustrious predecessor, Philip II. The Governor-General arrived in Manila late 1688.

It is in the nature of these things that a law deals with the situation at the time it was made rather than the time it was to be implemented. Even in the

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relatively slow-moving world of the late 17th century, two years was a long time. The situation outlined in the communications from Manila sent by Don Gabriel himself in 1684 had somewhat changed. Manila was no longer threatened, and indeed it was the Chinese themselves who were now threatened by the local population. Given that the shadows of no less than five other Governors-General had darkened the graceful porticos of the palace in Intramuros during the previous twenty years, and Don Gabriel himself was to leave office in April 1689, colonial governors clearly had little time to achieve anything, but plenty of opportunity to make catastrophic mistakes.

Manila was in essence hardly more than a place where Mexican silver was exchanged for Chinese silk, which was only once a year. For that reason, it was lightly defended. Moreover, the religious orders had great power, and the government could not afford to offend them in matters affecting religion. Worse, Don Gabriel was subject to the vice-royalty of Mexico in addition to the court in Madrid. He had a few forces and little revenue to make his government effective. Declining trade and customs evasion were just two of his numerous fiscal problems.

Don Gabriel must indeed have felt that Madrid had precious little understanding of his predicament, and he had precious little in the way of power to satisfy its injunctions. True, it was that the Chinese with their piracy and gang fights had caused him grief, and had even assassinated the collector of the Chinese head tax in 1686. He had been hard put to restore order. More particularly, however, right now as had happened from time to time during the 17th century (which had seen several massacres of Chinese), it was hostility to the Chinese that caused him grief. Only recently they had been accused of adulterating their bread with ground glass. Rumors of this had circulated for some months, and indeed a Crown judge had found them to be true before fleeing in terror to the arms of the Jesuits.

But Don Gabriel had his doubts about the evidence: adulteration, probably yes. Frankly, he would not put it past their deviousness to put melamine in milk or something. But ground glass in bread? Come to think of it, how come the rice-growing Chinese had cornered the baking business as well as several other trades? Ah, of course, the answer was that they had been granted such monopolies by the government itself in order to boost its flaky finances.

On the other hand the Chinese were not without their real uses. They brought skills such as baking and leather-working; they were crucial to the economy

in facilitating the important trade between Mexico and the Qing Empire. Moreover, funding from Madrid was tight and Don Gabriel, like his predecessors, quite apart from the monopolies had to borrow money from rich men of whom many were those very Chinese residents in Manila.

The receipt of the Decree must have occasioned Don Gabriel several sleepless nights. He could not ignore the King's Decree, but he could neither expel the Chinese without drastic consequences, which might include bankruptcy and the extreme violence of which he knew the Chinese were quite capable. The Chinese, moreover, were not easy to deal with. Eventually he announced the Decree and held his breath.

The first response was unexpected. But Don Gabriel could have reflected that the Chinese were as capable of legalism as the Spanish. It was not for nothing that Legalism was as important a strand of Chinese philosophy as Confucianism. The Chinese leaders came to him for some legal clarification. Inasmuch as the Decree recognized that Catholic converts were allowed to stay, that certainly moderated its effect. But what of those Chinese who were willing to convert and requested instruction prior to baptism? Surely the King could not have intended that they, too, should be expelled. Certainly not, said Don Gabriel, those intending to convert would be allowed time to convert and then they could stay in Manila.

The Chinese left apparently satisfied but came back for further clarification about the implementation of the Decree. Given that many of them had lent money to the Government, which it could not repay until the galleons arrived from Acapulco a few months later, it surely could not be the King's intention that they should be sent back to China still being owed this money. Such a scenario might indeed have seemed rather attractive to the penny-pinching Governor-General. But not only was Don Gabriel a fair man--he also knew that if he did send them back without payment, the credit of the Government would be destroyed for all future time, and he would leave the Philippine finances in disarray. So he agreed. Of course those who were owed money would be allowed to stay until the galleon arrived, and they could be paid off. But would the Chinese leaders be so good as to provide him with a schedule of such creditors and the amounts they considered were owed to them, so that this could be officially checked and their rights preserved?

The Chinese leaders returned in due course with the schedule. It seemed unreasonably long. On the other hand the government had been pretty ruthless in

compelling the Chinese to lend it money. Checking the details in their usual cautiously legalistic way, the Spanish officials found that the list of those apparently owed money corresponded with perfect exactitude to the list of those Chinese who had either converted or promised to convert. Thus Don Gabriel's own pronouncements had in effect promised to expel nobody from Manila. And then he had another problem. Due to the vagaries of trade and weather, there were no ships in which to expel anybody whatever the rights and wrongs of their expulsion.

Faced with this seemingly impossible situation Don Gabriel opted for a fig-leaf solution. He selected 1,000 Chinese whom he reckoned were not owed anything and had not or would not convert, waited for shipping to become available, and sent them away to China, reporting back to Madrid that the decree had been implemented. His choice of number was astute, being neither large enough to make an intolerable dent in the Chinese population and cause raised eyebrows in Peking, nor small enough to cause eyebrows to be raised in Manila, Mexico City, or Madrid. No doubt, by the time his report reached Madrid he would have been on his way back there himself, and thus able to clarify any concerns that might have been raised. In any case, by then, he no doubt reasoned, the Court would be much more concerned with other decrees, and the Chinese of Manila would, quite rightly, have faded from their consciousness.

In 2010 the numbers of Chinese nationals in the Philippines was 61,000 more than those of any other country. The number of Chinese Filipinos is unknown due to their extensive mixing with the Filipino community, but is estimated at 22% of the population, including the mixed Chinese-Filipinos called 'Mestizos'. The word for Chinese Filipino is 'Tsinoy' which is made up of 'Tsino' (Chinese) and 'Pinoy' (Filipino). Chinese trade and business, internal and external, have been a crucial aspect of economic development in the Philippines ever since the 17th century. The Chinese have contributed unique elements to the syncretic culture of the archipelago.

Don Gabriel was a wise man who understood government, economics, and international relations. He probably had an acute sense of the forces of history. He also knew the limits of law as well as the advisable limits on meddling with the Chinese.

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