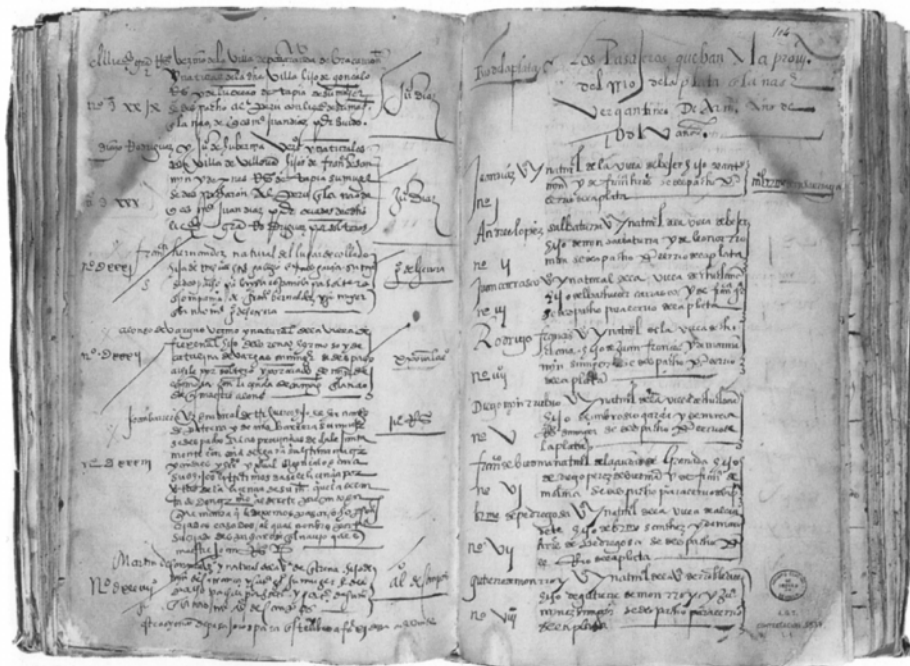


Bernhard Siegert

Fictitious Identities.

On the interrogatorios and *registros de pasajeros a Indias* in the Archivo General de Indias (Seville) (16th century)

Year after year throughout the 16th century the passenger lists of the Casa de la Contratación in Seville recorded traces of fleeting existences: scarce informations about individuals, who entered the stage only to go off. They appear on these sheets of paper because they were «sending themselves away» («se despacharon») from Spain into the New World: «las Indias». Canons, merchants, book-keepers, trainees, families, male singles, wives who followed their husbands. Mere traces of ordinary lives. One needs the melancholic soul of an archivist to grasp the monumentality of this output of a pedantic recording work (see illustration).



Libro registro de pasajeros a Indias. From: *Archivo General de Indias*, ed. by Pedro González García, Madrid, Ministerio de Cultura, Dirección General del Libro, Archivos y Bibliotecas, 1995, p. 146.

en: Wolfram Nitsch/Matei Chihai/Alejandra Torres (eds.), *Ficciones de los medios en la periferia. Técnicas de comunicación en la literatura hispanoamericana moderna*, Köln, Universitäts- und Stadtbibliothek Köln, 2008 (Kölner elektronische Schriftenreihe, 1), pp. 19–30.

These records mark only the preliminary end of a long bureaucratic procedure. In Spain the state had very early successfully usurped the «monopoly of the legitimate means of movement»¹ across the ocean, because for the transatlantic passage either there were no rival claimants such as churches or, if there were, they were very early brought under state control as were the private enterprises.

The passenger who travelled from Seville to the New World is a figure produced with great bureaucratic effort. Their legal mobility had to be distinguished on the one hand from the dangerous mobility of idle vagrants, beggars, and adventurers (that is the notorious *pícaro*). One might say that this operation pre-figures the basic distinction on which the modern nation-state is founded, whose «development [...] has depended on effectively distinguishing between citizens/subjects and possible interlopers»². But on the other hand, the legal passenger is produced through the exclusion of all persons of Moorish or Jewish origin. The passage to America is the place, where one has to reproduce the difference between the *cristiano viejo* and the «New Christian», the *converso* and the *reconciliado*. Both can only be achieved by subjecting the mobility of the passenger completely to the power of writing, to the agents of writing (the *letrados*) and their institutions. But the process of licensing could always be used as camouflage for the parasitic forms of non-settled life. Yet in the 17th century there were viceroys in *Nueva España* and *oficiales* in the Casa de la Contratación, who were convinced that the whole process of licensing had only the effect of populating all of *las Indias* with vagabonds. Therefore, discursive practices and administrative techniques blossomed around this delicate act, practices of authentication which individualized the ordinary people who wished to leave Europe by making them speak of themselves.

This marks, as one could say, the beginnings of the creation of a «legible people», in James Scott's phrase³. The creation of a legible people, Jane Caplan and John Torpey stated, has become a hallmark of modern statehood⁴. But the practices and techniques that were invented to make people legible precede the creation of a legible people, precede the nation-state; they are developed under different circumstances, which are both confessional and colonial, religious and imperialistic.

Therefore the way this paper looks at the development of bureaucratic procedures is slightly different from the viewing angle of sociology. My methodological perspective, which is founded in the development of media history in Germany over the last twenty years, is a combination of media history, literary studies and an archaeology of knowledge. I am working not so

1 John Torpey, *The Invention of the Passport. Surveillance, Citizenship and the State*, Cambridge, Cambridge University Press, 2000, p. 1.

2 *Ibid.*, p. 2.

3 See James Scott, *Seeing like a State. How Certain Schemes to Improve the Human Condition Have Failed*, New Haven, Yale University Press, 1998, p. 65.

4 See Jane Caplan/John Torpey (eds.), *Documenting Individual Identity. The Development of State Practices in the Modern World*, Princeton, Princeton University Press, 2001, p. 1.

much in the tradition of Max Weber than in the tradition of Foucault whose work has been combined in Germany in the 1980ies (first of all by Friedrich Kittler) with an interest in the media technologies that stand behind the construction of truth, the subject, gender, discipline, governmentality and so on. I wish to underline this difference because I have the impression that some sociologists much too easily locate Foucault in the Weberian tradition, thus turning him into an historian of rationalization⁵. The reference to Foucault's archaeology of knowledge implies that the traditional business of historians, criticizing the sources, is replaced by the analysis of those procedures and discourses which constitute the fact of the sources' mere existence. Yet in contrast to Foucault's archaeology of knowledge media archaeology is more concerned with the historical apriori of the material culture of information processing. Literary studies are important in this methodological design because media archaeology has to take into account the processes of duplication, quotation, self-reference, self-suspension and so on which is inherent in the technical processes of paperwork.

The story of the embracing of the passengers to the Indies by the Spanish authorities in the 16th century could easily be understood as some kind of pre-history of passport controls, and, in fact, Valentin Groebner has understood this story this way in his book *Der Schein der Person*⁶. In *The Invention of the Passport* John Torpey relates to the historical development of passport controls «as a way of illuminating the institutionalization of the idea of the «nation-state»⁷. My work is not part of the project of a history of ideas⁸. My intention is not to provide the problem of migration control, which is so relevant to the present situation of globalization, with some kind of origin. From my perspective the control of migrations does not belong to the pre-history of the nation-state but to the after-history of the *reconquista* on the Iberian peninsula on the one hand and to the history of those media and practices which have constituted the modern subject as an autobiographical animal. We have to carefully rethink the conception that writing and bureaucratization is part of an overall history of modernization and rationalization. Modernity is a dialectic, if not an anachronistic concept. Before we start to subsume all the histories of written records under the long narration of the nation state we should listen carefully to the noise of an ongoing war beneath the order of the state. Since the 1480ies the *reconquista* turned more and more into a war against the invisible Jewish and Moorish elements in Spanish society. In Spain, and especially in Andalusia, the governmental concept of «the population» appeared in the shape of an «inner enemy». What makes Spain so much an example for the modern state is, that its «nation» was

5 See e. g. Christopher Dandeker, *Surveillance, Power and Modernity. Bureaucracy and Discipline from 1700 to the Present Day*, Cambridge, Polity Press, 1990.

6 See Valentin Groebner, *Der Schein der Person. Steckbrief, Ausweis und Kontrolle im Mittelalter*, Munich, Beck, 2004, pp. 136–139.

7 Torpey, *The Invention of the Passport* (n. 1), p. 1.

8 See my book *Passagiere und Papiere. Autobiographische Schreibakte auf der Schwelle zwischen Spanien und Amerika*, Munich, Fink, 2006.

constituted by the repulsion or conversion of all non-Christians. And what it makes it an example of the pre-modern state is, that it gave rise to a society in which the subject was characterised by a gap between «the person» (*persona*, the mask, the social being) and the individual body and its history.

The threshold of the Guadalquivir is not only the geographical threshold between the Old World and the New, it is also the threshold of description. Nobody passed into the New World without having first passed the threshold of description and of being narrated. From 1530 on everybody who wanted to travel to the new Spanish kingdoms in the New World needed a royal license. Sometimes everything begins with a letter to the Casa de la Contratación in Seville, a letter like the one written by Catalina de Ribas on the 23rd of July 1585. «Digo», she wrote,

I say that I am the legitimate wife of Thomas de Ribas, who lives in the city of Cartagena in the province of Tierra Firme, and I am suffering very much from poverty with my daughter and I am longing for my husband (*tengo avida de mi matrimonio*). My husband is constantly busy with some works, which they carry out for His Majesty in those provinces and therefore he can not come to Spain. And by the letters he has written to me and my mother he has moved me to call you, so that I and our said daughter might travel over there to live with him⁹.

Catalina could be sure that her request would be heard. Her wish to join her husband complied with the law and with a massive campaign that aimed at forcing emigrated husbands to fetch their wives over to the Indies¹⁰. The Casa was authorized to issue licenses for abandoned wives, merchants, and their factors¹¹. Everybody else had to write a letter to the king in which he or she told the king his or her little matter of concern. The Crown then issued a *real cédula* for the petitioner which was designated just for him or her. But with this nothing was yet achieved. It was necessary to identify oneself *in corpore* in front of either the *alcalde*, the *corregidor*, or a *juez* of their hometown in order to turn the license into something useful. A written petition was required for judicial certification of one's existence, origin, identity, and proper way of life. Furthermore, from 1535 on we find indications that witnesses were examined to testify to the legitimate origin of passengers. After 1552 the machinery of description grew to its full size as a consequence of a *real cédula* issued by Philipp II:

From now on the *Juezes Oficiales* do not allow any passenger to pass into whatever part of the Indies [...] if they do not bring documents with them and

9 Archivo General de Indias, Seville (= AGI), Contratación, 5230, N. 1, R. 2, fol. 1. Catalina succeeded: see AGI, Pasajeros, L. 6, E. 5176.

10 See Francisco de Icaza Dufour, *Recopilación de leyes de los reynos de las Indias*, Madrid, 1681, reprint México, Porrúa, 1987, vol. 4, lib. IX, tít. 26, ley 25. See also Joseph de Veitia Linage, *Norte de la Contratación de las Indias occidentales*, Sevilla 1672, reprint Buenos Aires, Comisión argentina de fomento interamericano, 1945, p. 309.

11 See *Recopilación de leyes de los reynos de las Indias*, lib. IX, tít. 26, ley 25, fol. 5^r.

present these in front of them, which they have procured in their hometowns and by which they produce evidence whether they are married or not, and about the distinguishing marks and their age and that they are not newly converted to our Holy Catholic faith neither from Judaism nor from Islam, that they are no *reconciliados* and neither children nor grandchildren of persons who carried the shirt of penance in the public and neither children nor grandchildren of burned persons or persons who were convicted of heresy [...] together with a confirmation of the court of the town or village where this information comes from in which one declares whether the person who gives such information is free or married¹².

Everybody who wanted to travel to the new overseas kingdoms had to bear witness to his or her identity, origin, way of life, of his or her scars and birthmarks. «For a long time», Foucault wrote,

the arbitrary, the ordinary individuality stayed below the threshold of perception and description. To be seen, to be observed, to be narrated and to be registered day by day were privileges. The chronicle of an individual, the narration of his or her life, the history of his or her existence belonged to the rituals of power. The disciplinary procedures reverse this proportion, they lower the threshold of the describable individuality and turn description into a means of control and into a method of ruling. It is no longer a monument for a future memory which is intended, but a document, which can be evaluated from case to case¹³.

The Casa in Seville is one of the first places in early modern Europe where juridical procedures forced hundreds and thousands of simple existences to give a written account of their origin, their orthodox faith, their decent life in front of a representative of the king.

In contrast to the cases Caplan and Torpey have focused on, 16th century Spain was a society where an official and exuberant culture of written records met a population which consisted mostly of illiterate people (at least this is true for the Christian part of the Spanish people). Mass literacy is a standard that has been achieved only in the late 18th century. Here, entry into the body politic means first of all entry into writing.

12 Quoted in Veitia Linage, *Norte de la Contratación*, p. 304: «Que de allí adelante no se consintiesen los Juezes Oficiales que passassen á ninguna parte de las Indias passagero alguno [...], sin que levassen, y presentassen ante ellos informaciones hechas en sus tierras, y naturalezas [...] por donde constasse si son casados, ó solteros, y las señas, y edad que tienen, y que no son las nuevamente convertidos á nuestra Santa Fé Católica de Moro, ó de Judío, ni hijo suyo, ni reconciliado, ni hijos, ni nietos de personas que publicamente huviere traído Sanbenito, ni hijos, ni nietos de quemados, ó condenados por Hereges por el delito de la heretica pravedad por linea masculina, ni femenina, y con aprovacion de la justicia de la Ciudad, Villa, ó Lugar donde la tal informacion se hiziere, en que se declare como la persona que assi dá la tal informacion, es libre, ó casado». (April 5, 1552).

13 Michel Foucault, *Surveiller et punir. Naissance de la prison*, Paris, Gallimard, 1975 (Bibliothèque des histoires), p. 193.

In the witnesses' examination the silent body and the «individuality» were connected. After the witnesses had sworn to tell the truth, they were interrogated about the contents of the petition. The first question was usually whether and how well the witness knows the petitioner, his parents, and grandparents. This is the reason why all the witnesses are over sixty years old. The second question concerned the petitioner's *limpieza de sangre*. It was answered stereotypically with the confirmation that parents and grandparents were *cristianos viejos* and neither of Moorish nor Jewish origin. In the third place the judge or *alcalde* asked how old the petitioner was (always «un poco más o menos») and whether he or she had ever been sentenced by the *Santo Oficio*. The fourth question addressed the marital status of the petitioner. In nearly all cases the witnesses confirmed with great redundancy that the person willing to emigrate was «mozo soltero», a single lad, free and not married. In the fifth place the witness confirmed that the petitioner had never been a member of a religious order (there were special regulations for monks and other clerics). The sixth question was about the way of life and character of the petitioner.

«He is a very quiet and peaceful guy», one witness informed the judges about the farmer's son Francisco Hernández, «and he never rampaged through the villages nor has he been a trouble-maker in former times. He is leading a good life and is held in high esteem by everybody and has good manners, and he stopped making trouble and noise and rampaging about»¹⁴.

The seventh and last question was concerned with the special physical characteristics of the petitioner: the size of the body, complexion, color of the beard, birthmarks and scars. «This witness knows», one reads for instance, «that the said Francisco Hernández is a man with a small body, who is dark in his face and has a black beard and that he carries a small birthmark under the left eye and a scar above the right eye brow»¹⁵. «He is a healthy young man», one reads about one Álvaro Rodríguez de Mendaña, «whose beard is now starting to come up, and who has a somewhat red face and on his hands some freckles»¹⁶.

In their declarations, the witnesses only repeated what the petitioner had said or written before. And the petitioner only repeated what the text of the law prescribed. Finally, the scribe wrote *en limpio* what the witnesses had said. In the end, the legal writing of the royal scribe had replaced the private writing of the petitioner. What kind of truth produces this truth ritual? What kind of correspondence (*adaequatio*) is here the criterion of truth? It is not the correspondence between the details which the petitioner has given and the details

14 See AGI, Contratación, 5221, N. 1, R. 3/1, fol. 3^r: «[...] es muy quieto e pacifico e no ha sido ni es alborotador de pueblos ni zizañador antes es de buena vida y forma y muy bien jureinado e de buenas costumbres e quito de quisiones e ruydos e alborotos».

15 See *ibid.*

16 See AGI, Contratación, 5220, N. 1, R. 12/1; 8–10–1563; Alvaro Rodriguez de Mendaña, fol. 4^r.

which the witnesses remember. It is not a correspondence between signifieds. It is rather the repeatability itself which is checked, a repeatability which makes congruent the written and the oral discourse. The oral speech has to prove that it is a repetition of the written, and the written speech has to prove that it is an anticipation of the oral speech which it repeats. The written discourse must have been true because it can anticipate the witness's answer to the questions. It is a truth which is based in the power of the written over the spoken. Only once life has proved to be a repetition of the life which the documents contain it has it turned into legitimate life. Life is, if it is at all, only *in* and *as* writing. By subjecting the unwritten life to the priority of the legal writing the *bios* becomes an element of the political body. Ordinary people become legal persons.

Then it was time to make a first step on the way to America. One left one's parents, house, village, hometown, possibly also wife and children, and went to Seville. On arrival the next step led to the Casa de la Contratación. Everybody who wished to travel to the Indies, had to appear in front of the *jueces oficiales* of the Casa with the *informaciones*, *fes*, and *testimonios*, the documents with the information about this person. The Casa is the Great and Only Lock, the bottleneck between the Old World and the New World. Everybody and everything bound for the New World had to step into this spotlight to be registered. The judges of the Casa checked the *informaciones* of the traveller and examined whether the person standing in front of them was in fact the person referred to in the documents. Then they gave the order to issue a license to the passenger. With this license the passenger walked into the Contaduría of the Casa. The passenger's name, parents' names, destination, possibly the names of the passenger's spouse and children, profession (in case of clericals or *criados*) and the name of the captain of the ship the passenger was allocated to, were entered into the *Libros de asientos de Pasajeros a Indias*. Here they finally appeared, numbered, listed one after the other.

Traces of ordinary lives — witnessed by legal courts, acknowledged by the judge of the Casa. In the *Registro de Pasajeros a Indias* appeared as an objective reality, condensed into a little handful of lines, the remainder of all that had been told and re-told. The style of the register is not the same as the style of the *pedimientos* or of the *testimonios*. There everything was just an assertion, the name, marital status, origin, age and so on, everything was clearly a subjective and in principle dubious assertion. «In the city of Ecija a man appeared in front of His Great Magnificence Señor alcalde mayor, who said of himself that his name was Diego Ordoñez»¹⁷. This is literature. There is nothing about which you can say that it is so. About everything you can only say that somebody says that it is so. The registers speak another language. They turn everything that was just an assertion into objective reality.

They turn the said into the given. There is no *dixit* in the registers and no *sabe*, none of the operators which, in the *testimonios*, characterized every bit and piece of information as a reported fact, by putting it into parentheses.

17 AGI, Contratación, 5220, N. 1, R. 7, fol. 1r.

Pedimientos, testimonios: all that is narration, all that is literature. Registers: no more narration, no more literature. All parentheses are cut off. What is written in the registers is no longer a report; it is acknowledged reality.

No more literature, in fact? Philip II knew better. If one opens the first volume of the extensive *Libros de asientos*, one will find a *real cédula* of the «príncipe» between the cover and the first page (probably dating from the year 1553). It is addressed to the officials of the Casa de la Contratación and expresses the general suspicion that all the stories that had been told to the royal officials are completely bogus.

El Príncipe

To the officials of the Emperor and King, *nuestro señor*, who resides in the city of Seville in the Casa de la Contratación de las Indias. We have been informed that many of the passengers who come into the Casa de la Contratación to deliver the *informaciones* which they produced in their hometowns, as We have ordered with regard to the licenses, present false witnesses (*testigos falsos*), to prove whatever they want, which is the reason why so many who are married give the information that they are free and commit all other kinds of frauds¹⁸.

The prince has recognized that the whole procedure of licensing may always consist of acts of faking. The truth ritual of the licensing procedure cannot be distinguished from the ruse of deceit. Whoever has placed this *real cédula* by Philip II at the beginning of the *Libros de asientos*, has thereby given the royal words the function of a parenthesis — either with the intention to warn the reader of the registers not to trust the information they contain, or in an ironic whimsy. It is as if the king had drawn quotation marks around all of the entries. Placed at the beginning of the registers, the *cédula* of the future king becomes a rule for how to read the registers of the passengers: namely, as possible fiction. Thus the aura of the real surrounding the dry statements of the registers does not represent a turn from fiction to fact, or the end of literature. On the contrary, it is an effect of dissimulation, produced by the *rite de passage* of the passenger into his or her status of a legal subject of the state.

The wish of the passengers, who appeared in front of the representatives of the king, was to have their existence acknowledged. «I beg Your Mercy to acknowledge, that I am what the witnesses will say», said Álvaro Rodríguez¹⁹.

The erasure of all parentheses, which marked the information in the *interrogatorios* as subjective speech-acts, is the act by which the register validates the existence of a person as a referent to what the *informaciones* asserted.

After all, the existences of the ordinary people are absolutely contingent. It is neither possible to derive them in some logical nor some ontological way. There is no memory that could witness their existence, no narration of the wonderful deeds of their ancestors; there are no genealogies, no residences that carry their names. Their existence is completely contained in the little

18 See AGI, Contratación, 5537, L. 1, fol 4^v.

19 AGI, Contratación, 5220, N. 1, R. 12/1, fol. 2r.

handful of words that tell who they are. Therefore their very being depends exclusively on the act of acknowledgement by the law. This being, the existence of a referent, *mise en scène* by registers, is placed between quotation marks by the *Príncipe*. The very register that turns the ordinary individual into a subject of the king's technologies of writing endangers the social body of the state because it dissimulates the fiction it contains. There is something worse than missing entries in the passenger's registers: entries which are made up from fictitious information. The realism of the *Libros de asientos de Pasajeros a Indias* is deceptive. The prince is haunted by the idea that all the people listed in the registers could be somebody else.

nrº lxvj Francesco de melgar el moco v[ezi]n]o de sevylla hijo de fran[ces]co de melgar y de catalina Hagas su mujer se despacho a n[uev]a españa por factor de diego de la vega mercader en el nao maestre a[lfons]o p[ere]z maldonado²⁰.

The registers acknowledge that Francesco de Melgar is the son of the persons named and is departing to Mexico as a factor of the merchant Diego de la Vega. But in the year 1554 that Francesco was accused by the *fiscal* (prosecutor) of His Majesty in the Casa de la Contratación of having departed to the Indias as a single lad without a license²¹. The reality of his identity was just an appearance.

All passengers could be actors who hide vagabonds, idlers, rascals, *pícaros* behind their masks. But it were not the passengers who brought the world of appearance into the reality of the kingdoms of Spain. It were the discursive practices of examination, description and validation themselves which populated the Indies with phantoms. At the end of the bureaucratic process of identification and legitimation of the passengers, the discursive practice of his bureaucracy appeared to the prince as an abyss in which language itself disappears. That is, the discursive practices which effected the acknowledgment of ordinary people as legitimate passengers were completely based on the very «non-serious» or «parasitic» use of language John Austin wanted to exclude from his theory of speech-acts — it is based on acts of quotations²². Therefore the danger of fakery is not an «outer place of ruin», which could be avoided; it is «on the contrary the inner and positive condition of possibility»²³ of the bureaucratic construction of reality. The fake is not the perversion of the fact, the exception of the vain and frivolous from the rule of the serious and referential — no, the fake is inside the fact.

The suspicion that no-one is the one that he or she pretends to be was not only aimed at the ordinary people who became subjects of a legal passage or at the *conversos*, it was aimed at the *letrados*, too, at the judges, mayors, and

20 AGI, Contratación, 5537, L. 1/1, fol. 41r.

21 AGI, Justicia, 1160, N. 4/1, fol. 2r.

22 See Jacques Derrida, «Signature Événement Contexte», in: J. D., *Marges de la philosophie*, Paris, Minuit, 1972 (Collection «Critique»), pp. 365–393, here: pp. 387–388.

23 See *ibid.*, p. 309; my translation.

scribes. Often the testimony of the witness is accompanied by a «fe de Juez», by which the mayor certified the identity and truthfulness of the witness. And sometimes this «fe de Juez» is again accompanied by another certificate by another royal scribe, which certifies that the mayor is in fact the mayor and that the scribe is in fact a royal scribe.

I, Antonio Velez, public scribe of His Royal Majesty [...] certify and give true evidence to all lords who may see and read the document on hand, that the said Juan de Ortega, who has signed these informations and this certification, is scribe of His Royal Majesty and one from the number of the said city, and a scribe, who is reliable in his office and law-abiding. [...] And likewise I certify that the said Alvaro de Soto, who has signed this, is the regular mayor of the said city of Almazan, and I recognize that this is his signature because I have a lot of signatures of him in my documents who are like the signature here.

[Scribe's mark] En este testimonio de verdad

Ant[oni]o velez, scribano²⁴.

This example shows in particular that identity can only be testified if the sign by which it is recognized has already been copied. By testifying that there are many copies (repetitions) of the signature of the mayor, Antonio Vélez certifies the identity of the actual signature. Always the copy precedes the original. The deconstruction of the occidental concept of authenticity is an everyday practice of bureaucracy. Of course such a strategy of certification leads to an infinite progress: the certification of the scribe Vélez is followed by a certification of another royal scribe whose name is Alonso Pérez de Palma, who testifies that the alcalde is in fact the alcalde and Juan de Ortega is in fact scribe in Almazán²⁵. This is followed by a series of «frames». The text of the certification is framed by the scribe's mark (which is something in between a signature and a seal), this again is framed by the signature, the signature is framed by squiggles which fill the empty spaces of the paper up to the margin and shall prevent later additions, and these are finally framed by the words «es bastante» — «it's enough»²⁶. There is no last frame. The infinite progress of frames can only be broken off by some kind of arbitrary act.

The objective real is only an appearance. The passengers who have faked their genealogy led a parasitic existence. By the term «parasite» or «parasitic» I allude of course to the way Michel Serres has used this term and especially to the way Jacques Derrida has used it in his *Grammatology*: «What is a parasite?», Derrida asked there. «What, if it were writing and writing in particular which would force us to revise our judgements about the non-autonomous and the parasitic?»²⁷. The passengers were parasites of the speech-act of the registers in the same way literary fiction according to John Austin «exploits

24 AGI, Contratacion, 5221, N. 1, R. 3/1, fol. 6v.

25 See *ibid.*

26 See *ibid.*

27 Jacques Derrida, *De la grammatologie*, Paris, Minuit, 2002 (Collection «Critique»), p. 79.

the ordinary use of language in a parasitic way»²⁸. «Empty and void», Austin would have said, is the realism of the lists in this case. Before the realm of the fictional was limited to the domain of the literary and finally was identified with it, it was the reality of the offices of the royal scribes. By making fiction recognizable the whole world became an As-If.

In Cervantes' famous novella *Rinconete y Cortadillo* the image of a register book appears, which is exactly the negative of the passenger lists. The document, through which Monipodio admits the neophytes Rincón and Cortado to his mafioso «congregation» represents a perfect counter model of the personnel lists of church and state²⁹. Monipodio asks Rincón and Cortado about their trade, their place of birth, the name of their parents, just like the judges in the Casa de la Contratación would have asked the passengers. But in contrast to these Rincón insists on an existence without any origin. «The native country (*la patria*) does not appear to me to be of much importance, nor do so the parents, since one has not to deliver informations as if this would concern the reception of some garment of honor»³⁰. Monipodio's answer reveals the kind of relationship between the «congregación» of organised crime and institutions like the state or the church.

You are right, my son. It is always the safest to conceal such things; — because, if fate wanders from the straight and narrow, it would not be very good, if one reads under the sign of the scribe or in the register book, that so and so, son of so and so, of such a place, was hanged or flogged on such a day, or anything alike which sounds bad for sensitive ears. Therefore, I say it again, only that document is advantageous which says nothing about the birthplace, which does not name the parents and which alters the names³¹.

The media of identification and archivation of individuality — Monipodio speaks explicitly of a «libro de las entradas» — are turned into media that erase identity. Monipodio's book of entries registers only omissions. Or more precisely: omitting something is an act of writing, too. You can not *not* write. To write nothing is a way of writing, too. The law of the signifier is not offended in Monipodio's counter-state. Monipodio's institution is founded on the

28 John L. Austin, *How to do Things with Words*, Cambridge, Harvard University Press, 2003, p. 22.

29 There existed in fact a special *cofradía* for the *pícaros* (together with the beggars) in Sevilla. See Morales Padrón, *Historia de Sevilla: La ciudad del quinientos*, Sevilla, Universidad de Sevilla, 1989, p. 99.

30 Miguel de Cervantes Saavedra, *Novelas ejemplares*, ed. by Fernando Gutiérrez, Barcelona, Juventud, 1990, p. 145.

31 «Vos, hijo mío, estáis en lo cierto, y es muy acertada encubrir eso que decís; porque si la suerte no corriere como debe, no es bien que quede asentado debajo de signo de escribano, ni en el libro de las entradas: «Fulano, hijo de Fulano, vecino de tal parte, tal día le ahorcaron, o le azotaron», o otra cosa semejante, que por lo menos, suena mal a los buenos oídos; y así torno a decir que es provechoso documento callar la patria, encubrir los padres y mudar los propios nombres [...]», *ibid.*

crossing out of institutions like state or church and their records. The perfect document in the state of Monipodios is just like the perfect ocean chart in Lewis Carroll's *Hunting of the Snark*: «a perfect and absolute blank»³². Cervantes, who himself had to deliver an «Ynformación» when he applied for a royal office in the New World³³, demonstrates that identity is nothing which humans own by nature but is a cultural construction of media, a bureaucratic construction in the case of early modern European identity. And therefore, making identities unreadable still remains a bureaucratic act of negative registration.

32 Lewis Carroll, *Die Jagd nach dem Schnark / The Hunting of the Snark. Zweisprachige Ausgabe*, Frankfurt a. M., Insel, 1982, p. 30.

33 See *Curriculum Vitae* Miguel de Cervantes Saavedra, AGI, Patronato Real, L. 253, R. 1 and 2, tira 1, printed in: Nicholas Spadaccini, *Autobiography in Early Modern Spain*, Minneapolis, Prisma Institute, 1988, pp. 249–264. Cervantes had asked for an office in one of the *contadurias* in the New World or in the Gobernación de Soconusco or as «Contador de las galeras de Cartagena» or in the Corregimiento of La Paz (see *ibid.*, p. 249).