ALL MANKIND IS ONE

A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians
The Nature of the American Indians
According to the Spaniards

The Controversy up to 1550

His treatise that Bartolomé de Las Casas read in all its tremendous detail before the learned judges of the Royal Council convoked at Valladolid in 1550 was intimately and directly related to the bitter dispute that had raged in both Spain and the New World since 1492—what manner of beings were these American natives, and what was their capacity for the Christian religion and for European civilization? The very title of the work that Las Casas later wrote in final form and that he believed would demolish the arguments of his opponent, the Renaissance scholar Juan Ginés de Sepúlveda, indicates the main thrust of the Domin-
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The first biographer of Christopher Columbus, the humanist Dominican Bishop Agostino Giussanini, referred to the new-found lands as "almost another world" that had "been discovered and added to the Christian Church." At the time he was publishing this biography as a part of the first Polyglot Bible (1516), opinion was beginning to divide in America on the nature of the Indians, and some Spaniards seemed to believe that the Indians were almost, but perhaps not quite, men and that their capacity for becoming Christians was slight or perhaps even nonexistent.

Columbus had founded a kind of "noble savage" school when he filled his diary of the first voyage with references to the gentle, beautiful, and friendly people on the island of Hispaniola who seemed eminently ready to accept the truths of Christianity. Actual experience with the natives did not bear out these rosy predictions, however, and there were some Spaniards who held such a low opinion of the Indians in the two decades after 1492 that a Dominican, Antonio de Montesinos, preached a famous sermon on the island of Hispaniola in 1511 in which he dramatically urged the Christianization of the Indians and inquired: "Are these Indians not men? Do they not have rational souls?" Montesinos evidently astounded and shocked the colonists; never before, apparently, had the indoctrination of non-Christians who were living in Christian kingdoms been considered the duty of all Spaniards. Thus developed the first significant and public clash in America between the zeal for the propagation of the gospel and the greed for gold and silver among Spaniards, who for centuries had been accustomed to an economy based to some extent on war booty wrested from the Moors.

Encomenderos, who were assigned Indians for their own profit, were expected to provide for the Indians' religious instruction, but this was a New World development, as the encomienda grants in medieval Spain included no such requirement. Why it was not natural for the encomenderos, inquired Richard Ketnetzk, a few years ago, to look upon the newly found lands primarily as a boundless field for the spirit of conquest engendered during the medieval Reconquista and to continue overseas "their habitual courtship of wealth at spearspoint?" He also maintained that it is a "misake and an anchathron to suppose that the Christianization of the infidels was a moving factor in the antec-

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dent history of the discovery of America—an interpretation that springs from confusing the Reconquista of the Iberian Peninsula, the war against the Moors, with a crusade to expel the infidels and heretics and convert them to the true faith." He emphasized the influence of political considerations in the intense missionary spirit that was manifested at the end of the fifteenth century. The modern state hoped to gain strength by a policy of religious intolerance that would eliminate dissent, whereas the kings of medieval Spain had to allow wide freedom in religious beliefs because of their weakness. This fundamental shift in the religious attitude of the Crown marked the end of the Middle Ages.

This idea comes as a bombshell to those of us brought up in the school that interprets the beginning of the conquest of America in 1492 as but the continuation of the medieval Reconquista that ended at Granada in the same year. The religious head of steam generated during the long centuries required to recover the Peninsula from the Moors was thus available, when Columbus first headed out to sea, for the remarkable attempt the Spaniards made—especially in the early decades of the conquest of America—to convert the Indians. Yet, when one looks more closely at the detailed explanation of Ketnetzk, does it not appear reasonable to believe that there was indeed a close connection between the political aims of Isabella and Ferdinand and the evangelization of the New World? To Spaniards of that time there was no clear distinction between political and religious motivations; they tended to assume that political advance automatically served religion by extending religious frontiers and that religious expansion strengthened political positions.

The more one studies the European background for the Conquest, the clearer it becomes that there was no single medieval experience but several, at least in Spain, depending on the period and the area. Both the use of force and peaceful persuasion policies were tried. If the counsel of Archbishop Hernando de Talavera had prevailed, even the Moors would have been gently assimilated and not forcibly converted. He had been impressed by Moorish cultural achievements and charitable works and had argued, unsuccessfully: "We must adopt their ways of charity, and our faith." But force and expulsion were used instead. The history of the conquest of the Canary Islands, the most obvious overseas precedent for the conquest of America, shows a similar situation.
Other elements to consider in the still relatively unexplored history of the Catholic Kings are the messianic ideas and reforming zeal that developed among some Spanish ecclesiastics at the end of the fifteenth century and in the early sixteenth century, which also help explain the fierce determination of some of the friars to convert the Indians. As the conquest in America proceeded and as the Protestant Reformation shattered "the seamless web of Christendom," some friars yearned to establish among the Indians a new Catholic Church, free from the religious dissensions in Europe. Luther and Cortez, it was said, had been born in the same year: one to destroy the ancient Church and the other to build a new Jerusalem in the recently conquered lands across the sea. Abundant evidence proves that many friars undertook the enormous task of converting the Indians with the conviction that they were participating in a great and transcendent labor. As the earliest Franciscans in Mexico expressed it, the conversion of the pagan peoples across the sea was the greatest act of God since the establishment of the early Church.  

But did the conquistadores who went to the New World share this vision? Some did. If we may judge from such a classic account as Bernal Diaz del Castillo's history, but we also find in this source examples of Konetzke's view of the exploitatvie Spaniard, for the conquistador tells how he reproached his companions who "went about robbing the native peoples, taking from them their women and clothes, just the way they did in Moorish lands." A Peruvian historian has gone so far as to assert, in a recent essay suggestively titled "From the Killing of Moors to the Killing of Indians" ("De Santiago mató moros a Santiago mataindios"), that Spaniards sought "exclusively their own interests, not the good of the Indians. Even the struggles to have the Indians recognized as human beings, with souls, were merely a justification of chivalric intervention and punishment of Indians, this writer asserts.  

Perhaps the experience of Las Casas himself helps us understand the attitude of Spaniards during the early years of the Conquest. During his considerable experience on the island of Hispaniola, which began when he arrived in 1502 as a member of Governor Nicolás de Ovando's expedition, he was not much better than the rest of the gentlemen-adventurers who rushed to the New World, bent on speedy acquiring fortunes. He tells, in his Historia de las Indias, that he endeavored to convert the Indians—and also reveals that he obtained Indian slaves, worked them in mines, and attended to the cultivation of his estates, which prospered. The sermon of Montesinos evidently did not disturb him, for in the next year, 1512, he participated in the conquest of Cuba and in 1513 received as a reward both land and an encomienda. He continued to play the role of gentleman-ecclesiastic, although in 1514 he was refused the sacraments by a Dominican because he held slaves. The hot dispute that followed left him disturbed but not convinced. Later in 1514 he changed his mind, in 1515 gave up his encomienda, and thereafter spent his life attempting to protect the Indians.  

We do not have many such intimate records of the feelings of Spaniards in the early years of the Conquest, but if Las Casas had difficulty establishing his priorities, it is not surprising that other Spaniards, who were not ecclesiastics, had a similar difficulty, particularly since there appears to have been no strong tradition of conversion of infidels in Spanish medieval experience. As Charles Julian Bishko has written: "What is missing . . . all through the Later Middle Ages in Spain, it seems to me, to either an awareness of the nature of conversion or the development of institutional structures to accomplish it." Does this fact not help us understand how the Spanish struggle to gain justice for the Indians developed in the New World? However one may answer the question raised by Konetzke concerning the medieval background of the evangelization of Spanish America, it is clearly a significant subject that calls for much more research than it has thus far received.  

Crown policy in the first years of the Conquest centered on economic expansion, and the key question involved the method. Was colonization to be the aim, or a system based on Italian mercantilism? Missionary objectives began with the papal bull Iser Castri of 1493, and the controversy on Indian liberty developed almost simultaneously. By 20 June 1560 the Catholic Kings formally approved liberty, not slavery, for Indians—a law that led Rafael Altamira to explain: "What a memorable day for the entire world, because it signals the first recognition of the respect due to the dignity and liberty of all men no matter how primitive and uncivilized they may be—a principle that had never been proclaimed before in any legislation, let alone practiced in any country."
Crown policy in favor of conversion was made clear, however, by a number of early documents. For example, royal instructions to Governor Nicolás de Ovando in 1501 read thus:

Because we desire that the Indians be converted to our holy Catholic faith and that their souls be saved, for this is in the greatest good that we can wish for, and because for this they must be informed of the matters of our faith, you are to take great care in ensuring that the clergy so inform them and admonish them with much love, and without using force, so that they may be converted as rapidly as possible."

Instruction and proclamation were one thing; enforcement was another. Therefore, if one accepts the interpretation that lay Spaniards were not prepared by their medieval experience for vigorous persuasion of non-Christians, the sermon by Montesinos in 1511 in the straw-thatched church in Hispaniola may be considered not only the beginning of the struggle for justice in Spanish America but also a turning point in the history of Christianity. Henceforth, the peyor, not merely ecclesiastics, were expected to participate actively and responsibly in the conversion of the heathen.

The ensuing battle between the Dominicans, who supported Montesinos, and the colonists was carried to Spain, where the Crown listened to the disputants and then, in 1512, promulgated the Laws of Burgos, the first detailed regulations to govern relations between Indians and Spaniards. These laws contained many rules for governing Indian labor and for regulating the food, clothing, and beds to be supplied to them. Most particularly, the laws ordered the Spaniards who had Indian vessels to build churches for them and to take pains to see that they were taught the Christian doctrine and that their children were baptized. This new and rather novel responsibility, laid on Spaniards who enjoyed Indian service and tribute under the encomienda system, must to some extent explain the slowness of the encomenderos in complying with their missionary duties, although we cannot know for certain until we have better histories of the encomienda system, based upon the many manuscripts awaiting the researcher.

Number 24 of the Laws of Burgos also helps us understand the background of custom and attitude against which these laws were promulgated, for it stipulated that "no one may beat or whip or call an Indian dog (perrito) or any other name unless it is his proper name." Such treatment shows that some Spaniards, at least, entertained a somewhat low opinion of the Indians. As the Conquest wore on, Spaniards encountered some Indians whose color, culture, religious ideas, and values were so different from their own that they began to doubt that they could be Christianized. There developed during the first half of Spanish action in America a kind of polarization between the two extremes—what might be called the "dirty dog" and the "noble savage" schools of thought—although there were many different and more subtle shades of opinion in between.

The Las Casas-Sepúlveda disputation of 1550 was the last important event in the controversy on Indian capacity that bitterly divided Spaniards in the sixteenth century and, indeed, has continued to embroil historians in neo-Byzantine discussions. The latest writer on these matters, the Spanish Franciscan Lino Gómez Canedo, recently challenged the view that there were some Spaniards who actually considered the Indians less than men. Were there, he asks, any persons who sustained the idea that the Indians were not human beings, but animals or something intermediate between men and beasts? Gómez Canedo answers this question in the negative and calls for more historical documentation before such statements may be accepted.

The following section is designed to provide additional evidence on the subject. And inasmuch as this question has a definite relationship to the argument of Las Casas at Valladolid, it should be treated as an integral part of the background of the Def neg.

Although questions were raised in the early years of the Conquest on the nature of the Indians, the earliest official inquiry into the subject took place in 1517 on the island of Hispaniola, conducted by the Jeronymite friars, who had been ordered by the Spanish Crown to discover whether any Indians could be found who were capable of living by themselves and to set free all such Indians, as provided for in the Clarification of the Laws of Burgos (1513). The information that was taken down contains much significant detail for anyone interested in the contact of races.

Antonio de Villasante expressed the general opinion of the colonists when he emphatically deposed that neither Indian men nor women knew how to govern themselves as adequately as the rudest
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If allowed to run free, he declared, the Indians would revert to their former habits of idleness, nakedness, dancing, eating spiders and snakes, patronizing witch doctors, drunkenness, improvidence, and glutony. Another colonist, Lucas Vázquez de Ayllón, concluded that it was far better they should become slave men ("hombres siervos") than remain free beasts ("bestias libras"). Commenting on these early disputes, the historian Gonzalo Fernández de Oviedo y Valdés observed:

Great disputes have, taken place among famous jurists, canonists, and theologians, as well as among conscientious and skilled prelates, on whether the Indians should serve Spaniards and on whether the Indians are capable or not. But inasmuch as there have been many different opinions expressed in these disputes, no good has come to the land or to the Indians.10

Oviedo also reported: "Although some Christians married important Indian women, there were many more who would not marry them under any circumstances because of their incapacity and ugliness."11

The first instance of intermarriage occurred in the early years of Ovando's rule in Hispaniola, when a sailor, Cristóbal Rodríguez, served as interpreter in the marriage of an Indian woman and a Spaniard in Concepción. Rodríguez must have been an unusual person for he had acquired a knowledge of the Taíno language by voluntarily living for several years among the Indians; he became known as La Lengua, and as a Spaniard who favored the Indians and respected their culture. Ovando appears never to have doubted the capacity of Indians for Christianity, but he disapproved Rodríguez's action as interpreter, fined him 10,000 maravedis, and expelled him from Hispaniola.12

Rodríguez returned to Spain in 1555 and managed to obtain a hearing before King Ferdinand and his Council—much to Ovando's disgust—at which he defended the Indians. Nothing, apparently, came of this early protest, but the question of marriage with Indians continued to agitate Spaniards. In the 4 June 1555 letter that both Montesinos and Domingo de Betanzos signed, along with other ecclesiastics, recommending Las Casas at Court, they denounced the allegation that Indians were "not suitable for marriage, or for the faith. The Christians say this because they consider the Indians only useful for digging gold."13

The Franciscan Francisco Ruiz, Bishop of Ávila and close advisor of

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Cardinal Francisco Jiménez de Cisneros, whose influence in Indian affairs was great, had this to say on Indian capacity, about 1517:

Indians are malicious people who are able to think up ways to harm Christians, but they are not capable of natural judgment or of receiving the faith, nor do they have the other virtues required for their conversion and salvation, and they need, just as a horse or beast does, to be directed and governed by Christians who treat them well and not cruelly.14

Not long afterward, in Barcelona in 1519 before the newly elected Emperor Charles V, the Franciscan Bishop Juan de Quevedo declared the Indians to be "infinitos naturales," according to Las Casas, who severely criticized the Franciscan's doctrine as based on Aristotle, "a pagan, now burning in Hell, whose principles should be accepted only insofar as they conform to our Christian religion." Finally, in 1520, after a series of discussions, Charles and his Council determined "that the Indians were free, ought to be treated as such, and induced to accept Christianity by the methods Christ had established."

(It should be noted that this first serious argument in Spain on the nature of the Indians on the nature of the Indians had none of the ingenious attitude manifested by an African Gold Coast king who, when he saw a European [a Dane] in 1601, expressed doubts that this white man was really a human being like himself. An interpreter had explained that the Dane's queue was not really a tail growing out of his neck, but the king remained unconvinced until the European removed his clothes, in private, whereupon the monarch concluded: "Ah, you really are a human being, but only too white, like a devil")15

Spaniards were concerned with other aspects of their Indian problem, and the Crown continued to authorize experiments in the Caribbean islands of Cuba, Hispaniola, and Puerto Rico to determine whether the Indians could in fact live plentifully like Spaniards, despite the contrary evidence accumulating from some colonists and some ecclesiastics. In 1525 the Dominican Tomás Ortiz spoke very strongly against Indian capacity before the newly-established Council of the Indies. Referring to the "half-breed" Indians (but perhaps, as some later writers believed, only to the fierce Caribs), he denounced them in these terms:

They are incapable of learning. . . . They exercise none of the humane arts or
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industries. ... The older they get the worse they behave. About the age of ten or twelve years they seem to have some civilization, but later they become like real brute beasts. ... God has now created a race more full of vice ... the Indians are more stupid than asses and refuse to improve in anything.26

The scene now moves to Mexico, where the first great Spanish mission campaign had begun and where, for the first time, Spaniards came face to face with the imposing New World civilization that had been created by the Aztecs and the Maya. The foot soldier Bernal Díaz del Castillo, who fought many fierce battles against the Indians during the years following 1519 (when Cortez won Mexico for Spain), was disillusioned at their religious practices, but he admired their monuments, the bravery of their warriors, their imposing cities, their impressive ceremonies, and the intelligence of their leaders. These Indians were obviously different from the natives of Hispaniola and the other Caribbean islands he had met before. Bernal Díaz could scarcely believe his eyes when he first beheld the Aztec capital, Tenochtitlan, gleaming on its lake in the morning sun.

Gazing on such wonderful sights we did not know what to say or whether what we saw before us was real for on the one hand there were great cities and in the lake ever so many more, and the lake itself was crowded with canoes, and in the causeway were many bridges at intervals, and in front of us stood the great City of Mexico, and we ... we did not even number four hundred soldiers.27

Cortez reported in his Second Letter that “these people live almost like those in Spain, and in as much harmony and order as there, and considering that they are barbarous and so far from the knowledge of God and cut off from all civilized nations, it is truly remarkable to see what they have achieved in all things.” A Times Literary Supplement reviewer has remarked: “A passage like this compares favorably with any in the works of Las Casas—which is not quite true, but nevertheless it was a notable opinion by a conquistador.”28

Within the first decade after the conquest of Mexico the battle lines were sharply drawn on how Indians should serve Spaniards, whether the natives had sufficient “capacity” to become Christians and to govern themselves also became emotion-laden issues. During 1532 and 1533 the Council of the Indies sought advice in many quarters, and a flood of sharply contrasting opinions began to inundate the royal councillors. The president of the royal Audiencia, Bishop Sebastián

Ramírez de Fuenleal, and the Franciscan Bishop Juan de Zumárraga presided over the first ecclesiastical junta in 1532, at which “all said that there was no doubt that the natives had sufficient capacity, that they greatly love the doctrine of the faith ... and that they are able to carry on all mechanical and agricultural arts.” The junta also recognized that the Indian was a rational being and that he was capable of governing himself.29 As the principal royal officers, prelates, and friars considered the options of either converting or expelling the Indians, the junta made some decisions that have had a lasting impact on the history of the New World.

This view soon met a strong challenge, for in late 1532 or early 1533 the Dominican Domingo de Betanzos made a statement on Indian character before the Council of the Indies in Spain that so disturb-

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The Franciscan provincial, Jacob de Testera, led his entire group, in a letter to Charles V dated 6 May 1533, in decrying the devil for trying to convince people that Mexican Indians were not capable. At Xochimilco, two Franciscans had baptized some 12,000 Indians in one day, evidently the record, though the Mercedarian friar Francisco Bobadilla was close behind, for he had baptized 29,000 Indians in a few days in Nicaragua. In the face of such missionary triumphs, how could anyone claim that Indians could not understand the faith? Testera rounded asserted that any ecclesiastic who had studied Indian languages knew differently. He may have had Betanzos in mind when he referred to those who were too “fascistos and lazy” to undertake the labor of learning their languages and those who lacked “the real to break through this wall of language in order to enter their hearts.”30

The use of the term “fascistos” is noteworthy, and reminds one of the encounter between the saintly Bishop Zumárraga and certain secular Spaniards in Mexico who urged him to have less to do with the
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evil-smelling and poorly clad Indians. "Your Reverend Lordship is no longer young or robust, but old and infirm," they warned him, "and your constant mingling with the Indians may bring you great harm." Whereupon the Bishop indignantly replied:

You are the ones who give out an evil smell according to my way of thinking, and you are the ones who are repulsive and disgusting to me, because you seek only vain frivolities and because you lead soft lives just as though you were not Christians. These poor Indians have a heavenly smell to me; they comfort me and give me health, for they exemplify for me that hardiness of life and the penitence which I must espouse if I am to be saved."

Testeta then described the civilization of the Indians in glowing terms, similar to those used by Las Casas in 1550 in the Valladolid dispute:

How can anyone say that these people are incapable, when they constructed such impressive buildings, made such subtle creations, were silversmiths, painters, merchants, able in presiding, in speaking, in the exercise of courtesy, in feasts, marriages, solemn occasions, receptions of distinguished personages, able to express sorrow, and appreciation, when the occasion requires it, finally, very ready to be educated in the ethical, political, and economic aspect of life? What cannot we say concerning the people of this land? They sing, planning and contrapuntally to organ accompaniment, they compose music and teach others how to enjoy religious music, they preach to the people the sermons we teach them; they confess freely and earnestly in a pure and simple manner."

Another Franciscan, Luis de Fuensaldia, had an even more emphatic reaction to the opinion of Betanzos. He had received a complete copy of the opinion, and on 26 June 1553 indignantly denounced it in a letter to Bishop Ramírez de Fuenalde as an "erroneo intolerable." If Betanzos were a Franciscan, Fuensaldia would have considered that he had "lost his senses." Christianity, he said, is for all people, and those who did not believe this had never learned the language of the Indians, had never preached to them, had never confounded them, and knew only about their sins. Fuensaldia lauded their good qualities and referred to their "fear of God, their preparation for death, their confessions, sermons, wisdom, reading, writing, counting, musical ability, repentance for sins, tears of their devotions, fasts, self-punishments, gifts es-

pecially at Easter, faithful attendance at church ceremonies; ponder these things, and you will see how much they exceed us in these matters."15

Bishop Ramírez de Fuenalde, as we have seen, did not need the spur of Fuensaldia’s letter; as president of the Audiencia of Mexico he had already sent a strong protest to the Crown, on 15 May 1553, against the Betanzos opinion and along the same line as the other letters. He added that Betanzos "agreed so sign the statement drawn up by those who considered the Indians as beasts, because it profited them; on the contrary, the Indians are not only capable with respect to morals but also in speculative matters, and they will become strong Christians. Indeed, some already are."16

The battle was now joined, and many of the outstanding figures of the Conquest participated in it. Las Casas, who had retired from the world for about ten years following his entrance into the Dominican order in 1532, was active again. In a long and passionate letter to the Council of the Indies from the island of Hispaniola on 1 January 1551 he had argued for peaceful persuasion in the same terms he was to use in the Defensor at Valladolid:

This is the true path, gentlemen, this is the way to convert the people in your charge. Why instead of sending among them peaceful sheep [do you send hungry wolves]? Christ did not act in this way. . . . Whereas in the world are there meeker people or of less resistance or more ready and apt to receive the yoke of Christ as these folk."

Nor did Las Casas content himself with words, for he was a man of action too. The royal edicts in Hispaniola reported to the King in 1533 that he refused absolution to encomenderos whose treatment of the Indians he condemned. From Granada, Nicaragua, on 15 October 1533 Las Casas again complained, this time to "a personage at court," against the cruel actions of the Germans in Venezuela:

This is not, my lord, the path Christ followed; this is not the way to preach the Gospel, this is no method to convert souls, but rather a Moslem practice indeed worse than what Mohammed did."

The nature of the Indians became involved in the kind of treatment to be accorded them. The Dominican theologian Francisco de Vitoria,
who a few years later was to deliver his classic lectures *De Indis* at the University of Salamanca, in 1535 wrote to his brother Dominican Miguel de Arcos a letter that suggested that some of their contemporaries were indeed questioning whether Indians were men. Commenting on the wars in Peru, Vitoria stated:

> I do not understand the justice of this war. . . . In truth, if the Indians are not men but monkeys, we want cause for war. But if they are men and our fellow creatures, I am Emperor. I see no way to excuse these conquistadores nor do I know how they serve Your Majesty in such an important way by destroying your vassals.

Another towering figure of those years was Vasco de Quiroga, who was convinced that the Indians still lived in the Golden Age, whereas Europeans had decayed—a notion not unlike the later declarations of Las Casas at Valladolid on the superiority in certain respects of the Indians over Europeans.21 Quiroga, then a judge of the Audiencia, composed a fundamental *Información en Derecho*, which has yet to be studied sufficiently.22 Later he was to enter the Church and establish the famous communities for Indians on utopian lines. Later still he was to oppose Las Casas on the perpetuity of encomiendas and on war against the Indians.

But in his *Información*, dated in Mexico, 24 July 1535, he supported the “noble savage” interpretation. “I believe firmly that all the people of this land and of the New World are almost all of one quality, very mild and humble, timid and obedient.”23 They should be brought to the faith by persuasion and by “good and Christ an influence,” not by war or fear. According to one scholar, the essential sweetness of Indian character, and not the influence of Sir Thomas More, explains Quiroga’s plan to bring the Indians to a Christian, civilized life by means of “hospital” communities.24 Quiroga opposed the proposal, then being advanced in Spain, that Indians should be enslaved and branded with hot irons. This was an invention of the devil, he maintained: “They should not be considered as beasts rather than men and . . . Spaniards should [not] use them at their pleasure for their service without any hindrance whatsoever.”25 He called it tyranny to have the Indians serve Spaniards “like beasts and animals without reason” (sine de bestias y animales sin razón), until they are destroyed with work, vexations, and excessive service.26 Those who allege Indian vicres had their own personal profit in mind: “I have never seen verified the abominations charged by those who desire to defame them, nor have I ever been able to verify these charges with the testimony of persons who may not be suspected of self-interest . . . for persons who have Indians serving them use them not as men but as beasts, and worse (sin uso de hombres, sino de bestias y peor).”27

But Quiroga also expressed his conviction that no Christian could, in conscience, allow infidels to remain in a state of spiritual ignorance. Alexander VI’s bull made it clear that the Christian must try to convert them—even, if necessary, by war. Later, after the Valladolid controversy, Quiroga composed a treatise, *De divinando Indios*, which has not yet been found but which apparently supported Sepúlveda to some extent.28

Polarization of opinions and attitudes on Indians was thus well advanced by 1535, for Quiroga concluded: “Some there are here and there who hate and abominate them, and who speak harshly against them; likewise I am certain that some love them and favor them always, and speak well and truthfully about them and would give their lives and blood on their behalf if necessary.”29 Quiroga may have had in mind the historian Gonzalo Fernández de Oviedo y Valdés as a representative of those who spoke out against the Indians, for a considerable part of Oviedo’s *Historia general y natural de las Indias* had been published in Seville in 1536. Oviedo had a low opinion of Indian capacity, which enraged Las Casas. When Sepúlveda, fifteen years later, relied upon Oviedo as his authority on the nature of the Indians, Las Casas loosed all his wrath upon both Oviedo and Sepúlveda. This bitter and irreconcilable dispute will be analyzed later as an integral part of the Valladolid confrontation.

The *Bull Sublimis Deus*

The most important events of these years relating to the Indians were the issuance in 1537 by Pope Paul III of the bull *Sublimis Deus* and the composition by Las Casas, in the years immediately preceding, of his treatise *De Unia Veritatis Modo*, advocating conversion of the Indians by peaceful means alone, a doctrine he had urged upon the Council of the Indies in his strong letter of 1531 (described above), which
was to serve as one of the foundation stones of his argument against Sepulveda.

A detailed history of the promulgation of this famous papal declaration on the right of the Indians need not be given here, but it is pertinent to ask whether its publication had not been made necessary by the actions of Spaniards who advocated the incapacity and irrationality of Indians. The Dominican Bernardino de Minaya, who had returned from America in 1535 or 1536 to fight for the In- dians, found that the president of the Council of the Indies, Cardinal Loyola, was influenced—or so Minaya reported in a memorial to the Crown—by the declarations before the Council, by Betanzos that the Indians could never be Christians, even though the Emperor, the Pope, the Virgin, and all the celestial orders intervened on their behalf. Minaya also stated that this opinion of Betanzos had led the Cardinal to issue a law permitting the conquistadores to enslave the Indians, a law that had reached Mexico just as Minaya returned from Peru, where he had confronted Pizarro in an attempt to protect the Indians from slavery and robbery by the Spaniards. These bitter expe- riences led Minaya to undertake the long journey to Rome in order to fight for the Indians in the highest court of Christendom.

When the law which permitted the enslavement of the Indians arrived, Don Sebastian Ramírez, Bishop of Santo Domingo and President of the Audiencia in Mexico, called in all the ecclesiastics and bade them write to Your Majesty their true opinion of the ability of the Indians. The Franciscans wrote to you that I [Minaya] wished to speak to the cardinal [Loyola], then president of the Council of the Indies] personally. I embarked on a vessel bound for Spain with no provisions whatsoever, confident that the other passengers would help me. Arriving at Seville, I went on foot, begging, to Valladolid, where I visited the cardinal and informed him that Fray Domingo [Betanzos] knew neither the Indians nor their true nature. I told him of their ability and the right they had to become Christians. He replied that I was much deceived, for he understood that the Indians were no more than parrots, and he believed that Fray Domingo spoke with prophetic spirit and, for himself, would follow that friar's opinion. When Dr. Bernal Lugo [a member of the Council of the Indies] asked me what had happened at my interview with the cardinal I told him and added that I was determined to go to the Pope concerning this evil which so endangered the Christian empire of the Emperor and the many souls in the Indies that a mere verbal judgment had been rendered against them than against the ancient Hebrews, and that, although merely a poor friar, I should not fear to oppose a cardinal on this matter if I could only

get a letter of introduction to His Holiness from the Empress. I will arrange this for you, said Dr. Bernal Lugo. Then I went on foot to Rome with my letter of introduction, which I preserve to this day.13

How and when Minaya learned of Betanzos' representations against Indian capacity is uncertain. Betanzos first testified on this subject before the Council of the Indies in late 1532 or early 1533, which led to the previously mentioned counterrepresentations of the Audiencia judges and the Franciscans in Mexico in May 1533. A short time afterward Betanzos made—by order of the Council of the Indies, he stated—a long and impassioned statement on the same subject for the Council's consideration. He recalled that he had witnessed many discussions in Hispaniola, in the years following his arrival there in 1514, among the Dominicans, Franciscans, and Jeronymites on the best way to treat Indians. He was defending himself from the charge that he had declared the Indians incapable of the faith, and cried:

A yawning gulf separates the parties to this dispute. If you wish to understand this mysterious situation, look carefully at the opinions given by all those who have treated this subject: they are so diverse and contradictory that never can they be reconciled. What is more, every one is so fixed in his own opinion that he considers any different view as monstrous and foolish.14

Betanzos, too, was convinced that his own views were particularly valid, for as he declared a few years later: "I know that no one is less mistaken in New Spain than myself in Indian affairs."15

In his second declaration before the Council Betanzos took note of the opposition in the Council itself and that of the many ecclesiastics and others in Mexico when they learned about it. He wanted to make one point very clear: "I have spoken somewhat on Indian capacity in general, not saying that they were wholly incapable, because I have never said that, but rather that they have very little capacity, like children."16

Betanzos also protested that he didn't want to stop the conversion of the Indians and that he had worked hard for their benefit.17 When he returned to Mexico from Spain in 1536 it is unlikely that his views on the Indians as "children" met with favor among his Dominican brothers, or indeed with many of the other ecclesiastics there. It seems clear that his views were partly responsible for the actions leading up to the bull Sublimis Deus. Paul III was led to become interested in the
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The sublime God so loved the human race that he created man in such wise that he might participate, not only in the good that other creatures enjoy, but endowed him with capacity to attain to the inaccessible and invisible Supreme Good and behold it face to face; and since man, according to the testimony of the sacred scriptures, has been created to enjoy eternal life and happiness, which some may obtain save through faith in our Lord Jesus Christ, it is necessary that he should possess the nature and faculties enabling him to receive that faith; and that whoever is thus endowed should be capable of receiving that same faith. Nor is it credible that any one should possess so little understanding as to desire the faith and yet be destitute of the most necessary faculty to enable him to receive it. Hence Christ, who is the Truth itself, that has never failed and can never fail, said to the preachers of the faith: "Go ye and teach all nations." He said all, without exception, for all are capable of receiving the doctrine of the faith.

The enemy of the human race, who opposes all good deeds in order to bring men to destruction, beholding and envying this, invented a means never before heard of, by which he might hinder the preaching of God's word of Salvation to the people, by instigating their enemies, to cease his enemies, nor be hesitated to publish abroad that the Indians of the West and the South, and other people of whom we have recent knowledge should be treated as dumsbrutes, created for our service, pretending that they are incapable of receiving the catholic faith.

We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of the flock who are outside into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the catholic faith, but, according to our information, they desire exceedingly to receive it. Desiring to provide ample remedy for these evils. We define and declare by these our letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignity, to which the same credit shall be given as to the originals, that notwithstanding whatever may have been or may be said to the contrary, the said Indians and all other people who may latter be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any ways enslaved, should the contrary happen it shall be null and of no effect.

By virtue of our apostolic authority, we define and declare by these present letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignity, which shall thus command the same obedience as the originals, that the said Indians and other peoples should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.

This papal bull served as a principal weapon of Las Casas and other
Indian defenders, but its promulgation in 1537 did not stop the disputes. The controversy boiled up again, before and after 1542, when the New Laws were passed to protect the Indians from certain abuses, but in the very next year they were reissued in favor of the colonists. It was at the time of the New Laws, too, that the learned Luis de León y Saldaña and his French friend Alexandre de Sepúlveda first began to give support and comfort to those Spaniards who held the encomienda system and the wars against the Indians to be just. A member of the Council of the Indies learned of these opinions and encouraged Sepúlveda to draw up in treatise form his thoughts on this subject, which set this eminent Aristotelian scholar on the road to the dispute with Las Casas at Valladolid.

Should Indians Be Educated?

Arguments over the nature of the Indians continued to be ventilated in America. One of the questions hotly debated in Mexico in these years was whether they should be given higher education. Augustinians emphasized the importance of learning Indian languages, favored education for Indians, and in general had an optimistic view of Indian capacity; but other friars began to have doubts on the subject. An Indian seminary had been opened by the Franciscans at Tlatelolco, but it did not prosper. According to Bernadino de Sahagun, the Spaniards and the monks of other Orders who witnessed the founding of this institution laughed loudly and jeered at us, thinking it beyond all doubt that no one could be clever enough to teach grammar to people of such small aptitude. But, after we had worked with them for two or three years, they had attained such a thorough knowledge of grammar that they understood, spoke, and wrote Latin, and even composed heroic verses in it. The Spaniards, both laymen and priests, were astonished. It was I who worked with these pupils for the first four years and who initiated them into all matters concerning the Latin language. When the laymen and the clergy were convinced that the Indians were making progress and were capable of progressing still more, they began to raise objections and oppose the enterprise.

One of the Spaniards in Mexico who most vociferously opposed the friars in their work of higher education was Gerónimo López; he regarded teaching Indians to read and write as "very dangerous." In his letter of 25 February 1540 to the Emperor he quoted, with approval, Montezuma's advice to Cortés to treat the Indians not "with love, but fear," and he reported that he had been providing an excellent example of this policy. But other secular Spaniards, such as Luis de Carvajal, disagreed. He strongly favored the conversion of the Indians, and emphatically did not support the idea that they were not ready for higher education, or even theology. Another Spaniard, accused of mistreating Indians in Guatemala, defended himself in a letter to the Audiencia by alleging that they were not capable of becoming Christians. Reports of ecclesiastics for this period contain much similar information on the precarious attitudes of Spaniards toward Indians. Betanzos was among those who opposed the training of Indians for the priesthood. Even Bishop Zumárraga had lost some of his former ardor for their education. Another prominent Franciscan, however, Alonso de Castro, had prepared a treatise in Spain in the latter part of 1542, titled "Lumen indigenae sacrati orbi instructum ac in mysterio theologico et artibus liberalibus, that emphatically supported the idea that Indians should receive higher education. The treatise had been drawn up at the request of the Crown for an opinion and was submitted to the Emperor in early 1543 with the written approval of Francisco de Vitoria and four other theologians. Castro was a distinguished scholar who taught for thirty years in the Franciscan convent in Salamanca and had become famous for his treatise against Protestantism, Adversus Heresin (Feria, 1534). With Francisco de Vitoria, he was considered one of the outstanding theologians of the time. His 1542 opinion in favor of instruction for the Indians is of value in understanding the arguments against teaching them, which were:

1. The Indians are inconsistent in the Christian faith.
2. They live obscene lives; because the Indians are like swine, Christians should not throw pearls before them.
3. The sacred texts of the Bible should not be shown to the people.

On the last point, Castro argued that the "mythories of the Christian faith have value in themselves" and thus the Bible should not be hidden from the people. In this Castro's doctrine coincided with that of
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Zumárraga, who in his Conclusión espiritualis favored the translation of the Bible into the popular languages so that it might be read by everyone. "I do not understand why our doctrine should be hidden away from all but those few called theologians. No one can be a Platonist unless he has read Plato. Likewise, no one may be called a Christian who has not read the doctrine of Jesus Christ." Castor's arguments that the scriptures should be made widely available to the people must have surprised some of his contemporaries and perhaps explains why he buttressed his own views with the written support of five other established theologians, including the already famous Dominican, Francisco de Vitoria. These theologians not only approved Castor's doctrine, they also explained in detail why they did so. They had never been to the New World, and they may never have seen one of the Indians brought to Spain by missionaries or conquistadors. But they perceived the deep issues involved in Castor's treatise, and their formal opinions, as drawn up at the time Castro presented his treatise to Charles V, are worth giving in full.

Everything that has been said, by the Reverend Father Fray Alonso de Castro seems to me to have been said in a way that is learned, pious, and religious. I am not the man to say that anyone should have been the author or inventor of such dangerous (or better, deadly) advice for keeping these barbarians from hearing and instruction, both human and divine. Certainly not even the Devil could have thought up a more effective means than this for instilling in these peoples a perpetual hatred for the Christian religion and may have abandoned Christ the Lord and the Apostles after they had received the faith in different parts. But it has not been thought for that reason that Christian doctrine should not be taught to others or that anyone should be kept from instruction.

Fray Francisco de Vitoria

Not without reason does the Church complain through the mouth of the prophet, saying, "They have often attacked me from my youth." (Ps. 118:11). For many zealously but ignorantly attack the Church which they think they are defending and while they take care to meet one danger (and this sometimes a very small one) they run headlong into great and considerable harm. Of the same type are those who, relying on their own opinion, do not cease to attack, ignorantly and with tenebrous means, the Church which has recently been born in the western islands and on the newly-discovered continent and which is nowadays growing in a wonderful way. For what battle can be more fierce and frightening than to despise of their own red and fair goods those who

should Indians Be Educated?

I think that care should be taken that the peoples of the Indies be instructed with the liberal arts and the knowledge of Sacred Scripture. For who are we that we should show the partiality that Christ himself did not have? On the contrary, if these new peoples should see that they are carefully kept away from our mysteries, we would give them the opportunity to form a most deadly suspicion. Further, it is ridiculous to admit them to baptism, to the Eucharist, and to the absolution and forgiveness of sins, but not to the knowledge of Scripture. Now it is indeed true that when the unworthy are admitted to a participation in the sacraments that which is holy is thrown to dogs. But whoever are by right admitted to these are for that reason worthy to share in the mysteries.

The objections of our adversaries arise in part from ignorance of the gospel, in part from human wisdom which is always opposed to the gospel. I wish everything that I have said to come under the correction of the Church.

Seville, La Rabida, January, 1543.

Fray Luis Carvajal

These declarations were made in Spain at a time when Sepúlveda's views on Indians were being approved by some members of the Council of the Indies who were then engaged in modifying the New Laws that had been promulgated in 1542 to protect the Indians. By 1543 the Council abandoned some of the New Laws; in particular, the encomienda system was continued by which Indians were required to work for Spaniards.

The Council of the Indies had been able to reverse some of the New
Laws partly because opinions contrary to the Indians continued to arrive from America. For example, Domingo de Betanzos and the Dominican provincial Diego de la Cruz sent a letter to Charles V on 5 May 1544 in which they declared:

Indians should not study because no benefit may be expected from their education, first because they will not be able to preach for a long time inasmuch as this requires an authority over the people which they do not have; moreover, those who do not understand corrupted and those who do not.

In the second place, Indians are not stable persons to whom one should entrust the preaching of the Gospel. Finally, they do not have the ability to understand correctly and fully the Christian faith, nor is their language sufficient or copious enough to be able to express faith without great improprieties, which would lead easily to serious errors.**

Thus Indians should not be ordained as priests, which meant there was no need to allow them to study. The ecclesiastical council of 1555 forbade the creation of an Indian priesthood, which meant that the colegio lost one of the principal reasons for its existence—and the Tlatelolco seminary withered away. But before it perished it produced learned Indians, such as the grammarians Antonio Valeriano, later gobernador of Tenochtitlan, and also among its fruits were the Náhuatl-Latin herbal of Juan Badano and Martín de la Cruz, some of the text and pictures included by the Franciscan Bernardino de Sahagún in his remarkable study of Indian culture. The herbal is an Indian pictorial text of great beauty and distinction. . . . systematic catalogue of plants, classified in a European tradition, painted in an Indian style, its glosses written in Náhuatl by one learned native commentator and translated into Latin by another . . . which seemed to give promise, thirty years after the conquest, of a combined culture, with enduring Indian values enriched by a European admixture.***

Both authors had been educated at Tlatelolco. The consequences of the policy and practice that permitted the Colegio de Santa Cruz de Tlatelolco to fail and that made difficult, if not impossible, the entrance of Indians into the clergy were grave for Mexico and for the Church. As Robert Ricard, whose La "Cinque Spiritual" du Mexique is the best brief treatment we have of the early ecclesiastical history of Mexico, explains, the Church came to be considered a largely foreign institution whose fortunes were dependent

upon the favor of the governing power at the capital, the ruling white Spanish group. Indians began to enter the priesthood in the seventeenth century, it is true, but in a sporadic fashion, and they were relegated to humble positions in rural parishes. There came into being, says Ricard, two groups of clergy who knew very little of each other, who loved each other hardly at all, and whose mutual antagonism may be symbolized by the rivalry between the two Virgin; that of the Indians, the Virgen de Guadalupe, and that of the Spaniards, the Virgen de la Remedios, the Gacchupin. The Indians were served by a poor and miserable clergy, but the Spaniards had a white clergy that belonged to the ruling class and enjoyed enormous revenues. Ricard concludes that "if the colegio at Tlatelolco had trained only one bishop for the country, the whole history of the Mexican Church would have been far different."**

The The Retraction of Domingo de Betanzos

Betanzos not only opposed the education of Indians, he apparently believed they were doomed to extinction. In a letter dated 11 September 1545, he held—that some thirty years in the Indies—that all laws promulgated on the supposition that the Indians were to continue to exist "were dangerous, wrong, and destructive of all good in the republic, where laws were sound and good if they were predicated on the assumption that the Indians would all perish very soon." No wonder that Betanzos was one of those friars in Mexico who, along with Bishop Zumárraga, yearned to go to China, where the natives were said to be much more intelligent than the Indians.*** And no wonder that Betanzos found many who questioned his opinions; it appears that he became somewhat unpopular among his fellow Dominicans during the later years of his life, for his first biographer denied that Betanzos returned to Spain because of "grises para
cucion." By now, more than half a century after Columbus had first landed, opinions on Indians had crystallized in various ways—as Viceroy Antonio de Mendoza observed in the formal edict he made in 1580 for the guidance of his successor, wrote about the same time that Betanzos made his retraction in Valladolid. Viceroy Mendoza had strongly supported Bishop Zumárraga and
Christianity despite fifteen or twenty years of effort by friars. They were "enragis capitales" of the ecclesiastics. The general opinion of the fourteen witnesses recorded by Navarrete was represented by the testimony of the colonist Pedro Moreno: "They are incapable of understanding Christian doctrine because they do not wish to learn it." Navarrete did not belong to either the "noble savage" or the "dirty dog" school, but this Interrogatory must have alarmed Las Casas.

Encomenderos were now present in Spain, vigorously working for the perpetuity of their grants of Indians, while Sepúlveda was actively opposing the Confession of Las Casas and developing his own doctrine that the encomienda and the wars against the Indians were just. It must have been considered vital, therefore—by Fray Diego Ruiz, prior of San Pablo monastery in Valladolid, by Fray Vremente de Las Casas (a Dominican but not a blood brother of the Bishop), and by other colleagues of Bartolomé de Las Casas—that Betanzos should definitively retract his previous opinions on Indians, made before the Council of the Indies. For many years Betanzos had been a leader among those who held the Indians to be somewhat "incapable" of the faith, who opposed their education, and who certainly did not share the very favorable view of Indian character that Las Casas and others advocated. Las Casas was then living in Valladolid, in the San Gregorio monastery, where he worked surrounded by the archive of manuscripts and books he had accumulated for his battles, at the time Betanzos arrived from Mexico to lodge in the adjoining San Pablo monastery. A few years before, probably in 1543, Betanzos had written Las Casas a "long and public letter, in which he explained why he considered that Las Casas had caused much trouble with his indiscriminate zeal and restless, tumultuous nature, especially in Peru where he had been the cause of many scandals and deaths." Betanzos also deplored Las Casas' actions as Bishop in Chiapa, especially his angry altercation with Spaniards over Indians.

Given these antecedents, it is quite possible that Las Casas, in the midst of the final preparation of his voluminous treatise entitled Defende, to be used in August 1550 against Sepúlveda, was the mastermind behind the formal retraction by Betanzos that then took place in San Pablo monastery in Valladolid on 18 September 1549. The event must have brought back poignant memories for Las Casas, for it was Betanzos who had persuaded him, a quarter century before, after the
failure of his colony in Tierra Firme in 1522, to enter the Dominican Order instead of joining the Franciscans, among whom he also had good friends. This intimate friendship may have cooled when Betanzos departed for Mexico in 1526, in company with the Dominican Tomás Ortiz, author of the diatribe against the Indians that was delivered before the Council of the Indies in 1525, perhaps as a reaction to the destruction (in 1520) of the Churubíchi mission, of which Ortiz had been vicar. For more than twenty years Las Casas must have winced at what he considered the dangerous and erroneous views of Betanzos on Indian capacity—in the same way that Betanzos considered Las Casas’s writings and actions both wrong and dangerous. Now, when Betanzos was on the threshold of death, Las Casas and his other Dominican brothers were doubtless determined to have Betanzos cleanse his conscience of what they considered his impious doctrine, by retracting his statements on Indian capacity.

The lengthy legal documents that reveal the solemn drama as Betanzos prepared for death have come down to us, thanks to their preservation in a Bolivian monastery, and they tell a moving and significant story.

In the very noble city of Valladolid on September 13, in the year of Our Lord 1549, before me Antonio de Casasco, notary public of Your Majesties, being in the monastery of San Pablo of the Order of Preachers, in a room in that monastery there was an old man with beard and broad shaven, lying in bed apparently ill but in his right mind, called Friar Domingo de Betanzos. And he handed over to me, the aforesaid notary public, a sheet of paper on which he told me he had written and declared certain matters, which concerned his conscience, and which related especially to the affairs of the Indies, which manuscript and declaration he delivered to me.

This declaration referred to a written memorial Betanzos had presented to the Council of the Indies some years before, in which he had declared that the Indians were beasts ("bestas"), that they had sinned, that God had condemned them, and that all of them would perish. Now, in atonement, he believed that he had erred "through not knowing their language or because of some other ignorance," and he formally retracted the statements in the memorial.

This remarkable document reveals much about Betanzos and the controversies over the nature of the Indians, for this friar had for thirty-five years been a missionary in Mexico and had spoken and written so freely on the Indians’ "incapacity" that many of his ecclesiastical colleagues thought that he did not consider Indians capable of salvation. His Dominican brothers in Valladolid apparently knew all about his reputation for stubbornness in these opinions and were determined to have him repudiate the written declaration he had made before the Council of the Indies almost twenty years before. Even during the last days of his final illness Betanzos exhibited what "profound conviction" in his own beliefs that marked his long life. The dying Dominican did not yield easily, but on the day he died he signed a document with trembling hand which was a formal retraction of his statement before the Council; however, Betanzos still maintained that he did not remember ever having spoken anything "against the Indians."

The interpretation by modern historians of the retraction is another problem—if such were needed—of the complexity and controversial nature of capacity as it pertained to the Indians. The Mexican historian Alberto Maria Carreño’s first reaction was to question the authenticity of the document: “How did this document prepared by a notary public in Spain ever get to Sucre, Bolivia? Is it an original document? Or, if it is a true copy, when was it made?” Carreño even thought that the document might have been prepared by personal enemies of Betanzos, but he decided at last to accept the retraction as authentic and considered it a demonstration that “at the gates of eternity” Betanzos was conscious of defending the Indians. Then Carreño added many examples, including Webster’s dictionary, to support his interpretation that Betanzos had not meant to term Indian animals what he called them heresies; instead, he had really called them “coarse” or “not refined” persons. Betanzos had used the term only to refer to their beastly customs. Carreño concluded, and he cited Motolinía and others to justify his assertion that perhaps the majority of the Indians appeared to have “bestial habits” in the eyes of sixteenth-century Spaniards. Motolinía, however, as Victor Adliv emphasized, lauded the talent and customs of Indians in his History of the Indians of New Spain. Motolinía specifically countered the arguments of those who did not want the Indians educated with the comment that no cultivated person could be better occupied than in “showing those who do not know where lies the path to salvation and knowledge of God.” And Adliv, the modern Mexican commentator on Motolinía, well understood the
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decisive connection between the arguments over Indian capacity and their liberty or servitude."

The Franciscan scholar Lino Gómez Canseco, the most recent interpreter of the views Betanzos held of the Indians, is puzzled by the attention given to this subject. Problem has been complicated "a little" by the discovery of the retraction, he says, but he also feels that "betis" must not be considered in the literal sense, and he is just as convinced as Carreño that Betanzos' true vision of Indians is best described in the undated memorial in which he denied saying that they were "wholly incapable" and stated that his true opinion was that they had "very little capacity, like children." Neither Carreño nor Gómez Canseco attempted to provide a chronological account of the dispute, nor to relate the continuous discussions of Indian capacity to the course of events in the New World. Both of them exhibit that indifference to New World reality that Juan Friede has noted among many Americanists: "They usually pay little attention to the study of the connections between the American reality and the ideas expressed in these controversies." Thus the very fact of the retraction did not end with the death of Betanzos. Indeed, the Council of the Indies showed great interest in the retraction, and apparently could not believe that it had been truly made. The Council summoned the notary, Antonio de Canseco, on 20 September, a week after Betanzos signed the document, and had him read it to them word by word. Then the Council ordered Canseco to take evidence from all four friars who had witnessed the document; the Council particularly wanted to know who had transcribed the retraction and who was responsible for its various emendations and erasures. In the fascinating details revealed in these proceedings, which lasted until 10 December, we sense the urgency of the dispute on Indian capacity. Finally, the Council accepted all the documents and placed an official copy in its files. The four Dominican witnesses all swore that Betanzos had been fully aware of the nature of the retraction, including the various emendations and erasures in the document, which had been written in part by Friar Vicente de Las Casas and partly by the prior, Friar Diego Ruiz, because Betanzos had handed them. All deposed that the document had been read to Betanzos several times, to make certain that he understood all of it, and that he had signed it in their presence.

The Retraction of Domingo de Betanzos

But the retraction and the lengthy legal maneuverings that followed do not answer the fundamental question: Had Domingo de Betanzos really called the Indians beasts in his first deposition to the Council of the Indies in 1532 or 1533? If he had, exactly what had he meant by this term? And did his Dominican brothers, later in Valladolid, really persuade him that he had been wrong in his previous opinions, or did they merely bring "holy pressure" to bear? We know from the testimony of Friar Diego Ruiz that the final text of the retraction was shown to Betanzos just the day before his death and that he signed it only as he received extreme unction the morning he died, 13 September 1549. Finally, why had Betanzos spent so much time in the New World—more than thirty years of his life—without learning the language of any of the Indians? Did he suffer, as other missionaries have, from what anthropologists term "culture shock" on encountering so many different kinds of people with whom he could not communicate? Was this the true cause of his apparent inability to reach any firm and clear conclusion on the capacity of the Indians? On one point we may be certain: the discovery of these documents in Bolivia in a volume of manuscripts titled Tratado de Indias de Memorias de Chispas y el Doctor Sepúlveda and the contents of the various 1549 depositions required by the Council of the Indies show unmistakably that the retraction at San Pablo monastery was considered part of the Las Casas-Sepúlveda controversy. Moreover, whatever may have been the exact anthropological or philosophical meaning that "betis" had for Betanzos, his Dominican brothers were certain that the propositions he had stated before the Council of the Indies were so "wrong, scandalous, offensive, and unfounded" that they would not allow the friar to die before he had formally retracted them. With this document on file in the archives of the Council of the Indies, Las Casas and his colleagues must have felt that the decks were at least partially cleared for the final battle. Now there was no one of any stature who publicly held such a low opinion of Indian capacity as Betanzos was supposed to have held—except the chronicler Gonzalo Fernández de Oviedo y Valdés. His views afforded great comfort to Sepúlveda, but Las Casas was prepared to cope with these opinions, as we shall see. At the very time that the retraction of Betanzos was so suspiciously examined by the Council of the Indies, Las Casas must have been hard at work, laboring far into the night in his cell at San Gregorio...
"A Deadly Enemy of the Indians": The Royal Historian Gonzalo Fernández de Oviedo y Valdés

In the passionate Denuncia presented before the Valladolid junta in 1550, Las Casas levels an equally doctrinal attack on Sepúlveda; he also spoke out sharply and bitterly against his ancient adversary, the royal officer and official historian Gonzalo Fernández de Oviedo y Valdés, whom he considered a "deadly enemy of the Indians."48 Because historians who discuss the juridical-theological questions raised by the appearance of the American Indian sometimes ignore the American reality involved and because Oviedo's views on Indian nature commanded such a central position in the Valladolid disputation, some detailed attention to Oviedo's life in America and to his views will help put the controversy in proper perspective.49 Moreover, according to a Spanish historian, Oviedo illustrates—in a particularly convincing way—the perils of studying a man's ideas without reference to his life. "To consider such a person in a vacuum, to speculate on the ideas of a man so pragmatic, opportunistic, and such an able simulator as Oviedo is a very unfruitful activity."50

For the purposes of this study, the life of Oviedo began on 11 April 1514, when he first sailed for the New World as a notary and inspector (veedor) in the expedition commanded by the notorious Pedro Arias de Ávila (Pedrarias).51 It was a large and important company, numbering some 2,000 Spaniards who were transported in twenty-two ships, that included Hernando de Soto, Bernal Díaz del Castillo, Francisco de Montejo, and other conquistadores who were to make their mark in the New World, as well as Martín Fernández de Enciso, who a few years later published the first book on America in Spanish.

The expedition also was noteworthy because so much opposition had been raised against its departure by Spanish friends of the Indians that they had prevailed upon King Ferdinand to hold Pedrarias and his men in Spain until a committee of theologians could draw up proper instructions to make certain that no unjust wars would be waged against the natives. These theologians met in the Dominican monastery of San Pablo in Valladolid, where thirty-five years later Domingo de Betanzos was to sign the much-discussed "Retraction" on the nature of the Indians. In 1513 Fernández de Enciso argued before the theologians that God had assigned the Indies to Spain, by the papal donation to Ferdinand and Isabella, just as the Jews had been given their Promised Land. Therefore "the king might very justly send men to require those idolatrous Indians to hand over their land to him, for it was given him by the pope. If the Indians would not do this, he might justly wage war against them, till them and enslave those captured in war, precisely as Joshua treated the inhabitants of the land of Canaan."52

Then the royal lawyer, Juan López Palacios Rubios, prepared the text of a manifesto, or "Requirement," which was to be read to the Indians before hostilities could legally begin. By its terms, the Indians were required to acknowledge "the Church as the Ruler and Superior of the whole world and the supreme pontiff called the Pope, and in his name the King and Queen Juana in his stead as superiors, lords, and kings of these islands and this Tierra firme by virtue of said donation." Then Indians were called upon to allow the faith to be preached to them. If the Indians immediately acknowledged these obligations, well and good. But if they did not, the Requirement listed the punitive steps the Spaniards would take forthwith. They would enter the land with fire and sword and subjugate the inhabitants by force to the Church and the Crown. Lastly, in the words of the document, the Spaniards were to warn the Indians:
We shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do all the harm and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him; and we protest that the deaths and losses which him, and not that of their Highnesses, or ours, nor of those gentlemen who come with us. And that we have said this to you and made the Requirement, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requirement."

One of Oviedo's first official acts after landing on the northern coast of South America (12 July 1534) was to accompany a reconnoitering expedition of some 300 men that set out from Santa Marta and to read the Requirement as provided by law. After marching for more than two leagues without seeing an Indian, the expedition entered a deserted village, where Oviedo declared:

"Good Sirs, it appears to me that these Indians will not listen to the theology of this Requirement, and that you have no one who can make them understand it; would Your Honor be pleased to keep it until we have some one of these Indians in a cage, in order that he may learn it at his leisure and my Lord Bishop may explain it to him?"

Oviedo then gave the document to the captain, who "took it with much laughter, in which all those who heard the speech, joined."

A complete list of the events that occurred when the requirement formalities ordered by King Ferdinand were carried out in America, more or less according to the law, might tax the reader's patience and credulity. On one occasion the proclamation was made according to the King's instructions, but at the same time the Spaniards cleverly pained the Indians with food, drink, bonnets, cloth, shivers, hoods, and "other little trifles from Castile." This combination of theology and gifts seems to have been effective. The outcome was far different, however, when Captain Juan de Ayora captured a number of Indians, linked them together with ropes tied around their necks, and then read them the Requirement. According to Oviedo:

"It appears that they had been suddenly pounced upon and bound before they had learnt or understood anything about Pope or Church, or any one of the many things said in the Requirement; and that after they had been put in the hands of someone else, they did not know what to do, and without knowing their language and without any interpreter, and without either the reader or the Indians understanding their language, they had no chance to reply, being immediately carried away prisoners, the Spaniards not failing to use the stick on those who did not go fast enough."

Fernández de Enciso, who had been instrumental in drawing up the requirement, recorded another Requirement incident in his Suma de geografía (1551). The cacique of Cenu, having insisted that an interpreter explain the whole document, thereupon gave his reaction: "The part about there being one God who ruled heaven and earth he approved; as for the pope who gave away lands that he didn't own, he must have been drunk; and a king who asked for and acquired such a gift must have been crazy."

Spaniards themselves, when describing this document, have often shared the dilemma of Las Casas, who on reading it, confessed he could not decide whether to laugh or to weep. He roundly denounced it as practical as well as theoretical grounds; pointing out the manifest injustice of the whole business. Others found it infinitely ridiculous, and even its author, Palacios Rubio, "laughed often" when Oviedo recounted his own experiences and instances of how some captains had put the Requirement into practice, although the learned doctor still believed that it satisfied the demands of the Christian conscience when executed in the manner originally intended. Apologists or semi-apologists, however, are to be found even today. C. Quintino Bayle, the Spanish Jesuit who vigorously combated the Black Legend of Spanish cruelty, oppression, and obtuseness in America, declared: "What was wrong with the Requirement was that it was intended for men, but read to half-beasts (malos bestias)."

As royal official, one of Oviedo's functions was to have charge of the iron that was used to brand Indian slaves and to collect one tenth of gold as his fee for each Indian so branded. As the author of the most recent and best analysis of his life observes, Oviedo made no mention of these activities when he wrote his History. Today we are able to see how skillfully Oviedo reported these events in his History in such a way as to hide his participation in the business of branding slaves, from which he personally derived profit. But Oviedo described how he had deceived the Indians in Tierra Firme in 1521 by selling them axes of such inferior quality that they did not keep their
edge, so that a few months later he had been able to make a profit from the same Indians a second time by charging them for sharpening the axes. As Pérez de Tudela remarks, his was an "expert hypocrisy which enabled him to give an impression of personal purity although in reality he was as tainted as any of the conquistadores." Las Casas probably learned of Oviedo's participation in the fruits of the Conquest during these early years, but it appears that they first came to know, and dislike, each other in Barcelona in 1519, when Bishop Juan Quiroz of Tiera Firme declared before King Charles that the Indians were slaves by nature, according to the Aristotelian concept. Oviedo had not found the Indians as milo and virtuous as Las Casas painted them—but he was also seeking a grant of land. He was granted the land he asked for, in Santa Martha, but not the authorization for the one-hundred noblemen of the Order of Santiago he requested, his concept of colonization being distinctly aristocratic. He mocked Las Casas' preference for simple farmers, and later gave an ironical and distorted account of the experiment, as well as Las Casas' entrance into the Dominican Order. Las Casas saw little or no good in Oviedo's work in the New World, attacked him for not knowing Latin, and—above all—profundely distrusted his pessimistic views on Indian capacity.

Since the encounter in Barcelona, Las Casas remained on the alert against the ideas and influence of a person so inimical to what he considered the well-being of the Indians. For his part, Oviedo continued his career as a royal official in America, in various posts, and devoted some time to literature and to writing a brief work titled De la natural historia de las Indias (1526). The first part of his great work, Historia general y natural de las Indias, is a Terra Firme del mar Océano, was published in 1535, and another edition appeared about the time Las Casas returned from America for the last time (1547). Las Casas also learned that Sepúlveda was becoming increasingly active in propagating his view that war against the Indians to convert them was just, and he could not have been surprised to discover that this jurist—who had never been to the New World—was invoking the authority of Oviedo to support his proposition that the Indians were so incapable as to justify their slavery according to the Aristotelian doctrine. Thus Oviedo's concepts of the nature of the Indians and the American reality became a part of the Difusión expounded by Las Casas in 1550.

A Deadly Enemy of the Indians: The Royal Historian

These two "giants among the first historians in the New World," Las Casas and Oviedo, had eyed each other warily since their first clash in 1519. The Colombian scholar Victor Manuel Patiño has emphasized the fact that Las Casas fought many opponents during his long life—Fonseca, Bishop Quevedo, Gil Quintana, Morolinos, and Sepúlveda—but none of them so absorbed his time and thought as Oviedo.

It was a hidden and mutually felt tension that existed between Las Casas and Oviedo, not at all a temporary phenomenon, but an antagonism which outlasted both their lives... and as time passed, the whole influence of Spain in America became polarized around fundamentally opposed concepts: the tendency toward Iberian dictatorship and providentialism sustained by Oviedo, as opposed to the more universal and democratic attitude of Las Casas, who saw in Spain the vessel for the transmission of a different, but not necessarily superior, culture to the New World.

Even in their detailed descriptions of such products as the humble peanut they manifested radically different interpretations that reflected social overtones. Oviedo looked upon the peanut, cultivated and eaten by the island natives, as unworthy of Spaniards and suitable only for children and slaves, whereas Las Casas described it as more delicious than any Spanish nut or dried fruit.

For the late Paraguayan writer, Juan Natalicio González, Las Casas was an American in spirit whereas Oviedo represented the Old World. The Argentine Fernando Márquez Miranda is more explicit:

Oviedo was a man of the nobility who represented the opinion of the privileg-
ed, or of those who aspired to be, and was full of aristocratic prejudices created by birth and education, while Las Casas is the one most popular voice who is able to reach court circles by his will, integrity and talent. Las Casas is, without being aware of it, the first American voice. Oviedo looks at the New World from the outside, whereas his opponent views it from within.

Both of these ancient and experienced antagonists possessed an "electrical" quality that either attracted or repelled their contemporaries; and even today's historians are affected by the bitterly quarrel they carried on in the sixteenth century.

In some respects Las Casas and Oviedo were alike: both were extremely productive writers; moreover, at times Oviedo criticized conquistadores as passionately as Las Casas did, though on a more selective basis. For example, he accused his special enemy, Pedrarias,
being responsible for the death of two million Indians. When Oviedo spoke of thousands of human sacrifices by Indians, Las Casas took him to task for what he believed was an unjustifiable numerical exaggeration. Las Casas included much detail on his enemies in his various writings, but Oviedo rarely did so. They disagreed profoundly, however, on the nature of the Indians and on the kind of sovereignty Spain exercised in the New World. But, as Alberto Mario Salas has declared: “Oviedo did not defend the conquest unconditionally... His words constituted an energetic criticism of some conquistadores rather than a defense of the Indians.” Salas also concluded that Oviedo criticized conquistadores largely for personal reasons: “His attitude basically was a negative one, full of antipathy and repugnance, lacking the profoundly Christian spirit which characterized his antagonist, the friar Las Casas.” Lastly, it may be observed that Las Casas at times, though rarely, also spoke out on behalf of “old citizens and conquistadores.”

Oviedo’s Basic Views on Indians

Historians have not yet reached agreement on Oviedo’s real views on Indians. Recently, scholars have warned against adopting too simplistic an approach—or against portraying Oviedo’s theories without reference to the world in which he lived. Oviedo’s views on Indians evolved somewhat, so that a chronological account of his statements on Indian capacity will help explain why, at the time of the confrontation with Sepúlveda in Valladolid, a refutation of Oviedo had become such a significant part of the document presented by Las Casas, *His Defense Against the Persecutors and Slandevers of the Peoples of the New World Discovred Across the Seas*.

Of the major propositions Oviedo set forth, three are of special relevance to this discussion:

1. The Indians were free under the authority of the Visigothic monarchy in Spain; hence the Castilian kings were merely “restoring” lands that had once been Spanish.

Oviedo explained this theory in considerable detail, whereas Las Casas characterized it as “improbable, fictitious, and frivolous.” And a modern historian has described it as “grotesque.” But he also observed: “Oviedo’s learning may have been a trifle bizarre, but his intent was not obscure. It was to bypass the Alexandrine bulls which in another place he dismissed in one sentence as an injunction to preach the Gospel to the Indians.”

2. The Christian faith had been brought to the Indians centuries before Columbus.

Oviedo based this remarkable assumption on an unproved declaration by Pope Gregory the Great (590-604) that “the Holy Church has already preached the mystery of Redemption in all parts of the world.” According to Oviedo, the consequences for the Indians were clear: Not only had they forgotten the truths of the faith, but when “He remembered them again they had fallen into such evil ways that He consigned to them extermination”—except for a few innocent young ones who had been baptized.

This interpretation gives pause to the Spanish historian Pérez de Tudela, who paints a generally favorable picture of Oviedo as “a figure through whose biography we may observe the flowering of the Spanish empire,” but who also states: “Oviedo is not wholly crystal clear when he tries to explain the *extirpation* of the Indians or Hispaniola as a divine punishment on account of their crimes and abominable customs.”

3. The Indians are generally incapable of learning Christian...

Spanish historians who wrote about the New World paid much attention to the Indians, and Oviedo was no exception. In his first work, *Natural History of the West Indies* (1526), he gave principal attention to plants and animals, but he concentrated on the Indians of Tierra Firme in chapter 10. His treatment was largely descriptive, but he mentioned one matter that he later emphasized in his larger history to indicate how important he considered it:

I also happened to think of something that I have observed many times with regard to these Indians. Their skulls are four times thicker than those of the Christians. And so when one wages war with them and others to hinder them fighting, one must be very careful not to hit them on the head with the
Oviedo’s opinion, as a royal official with experience in America, had been sought in 1525 by the newly established Council of the Indies, about the time he was getting his Natural History of the West Indies ready for the press.112 The Council was faced with the problem of whether to continue permitting experiments in America for the purpose of determining whether Indians could live by themselves, free of Spanish domination. The text of Oviedo’s opinion has not been found, but its tenor apparently was similar to his later pessimistic depositions before the Council of the Indies. Another formal opinion, probably given in 1530 or 1531, recommended that the way to bring peace to Hispaniola was to keep the Indians in subjection and to have them serve Spaniards, as in the past, because one of the reasons for the recent uprisings of the cacique Enríquez was the fact that the Indians had been given to understand that they were free.113

A third opinion—a formal one made by Oviedo before the Council in 1532 in response to an interrogatory answered by other persons as well—also is found in manuscript.114 Indian supporters had persuaded the Council to issue its declaration against encomiendas (1529) and later, an anti-slavery provision (1530), but in 1532 the dispute boiled again. (It was probably at this time that Domingo de Betanzos delivered himself of that pessimistic verdict on Indian capacity before the Council, which so alarmed Bishop Sebastián Ramírez de Fuenleal and others in Mexico, and which he retracted as he lay dying in Valladolid a few months before Las Casas and Sepúlveda began their disputation.) Oviedo deposed before the Council that some Indians were sodomites, many ate human flesh, were idolatrous, sacrificed human beings, and were vicious people without pity who treated even their friends and relatives like inhuman beasts (“notis despudiados”). Indian children forgot the good customs taught them; and Oviedo believed that very few of those who reached manhood would be saved.115

The dean of Santo Domingo of Hispaniola, Rodrigo de Bartidas, also rendered an unfavorable opinion before the Council, closing with the phrase: “They are all bestial and incapable; thus they live and die bestially.”116 The dean of Tierra Firme deposed that the Indians were

"of little capacity and little understanding,"117 as did the veteran colonist Francisco de Barrionuevo.118

Oviedo’s views of Indians, however, have been known to the world, principally through his larger and more significant work, the Historia general y natural de las Indias, whose first edition appeared in 1535 and comprised the nineteen books of Part I.119 Sepúlveda found therein what he cited as an authorized and expert opinion, and concluded that the Indians in general were so backward and bestial that they should be converted by force of arms and made to serve the Spaniards as natural slaves, according to the dictates of Aristotle.

Another edition of Part I of Oviedo’s history was published at Salamanca in 1547, which may have been why Las Casas devoted so much of his Defense to demolishing what he was passionately convinced were recently printed un-Christian, erroneous, and iniquitous ideas. In his Historia de las Indias, Las Casas bitterly declared that the world prefers to believe in evil and considers anything printed to be true, and he concluded: “If Oviedo’s history carried at the beginning a notice that its author had been a conquistador, a robber and killer of Indians, who had despatched them to the mines—as he himself states and confesses—at least prudent readers would have had little confidence in his history.”120 In any event, Las Casas apparently was successful in preventing the publication of the balance of Oviedo’s work, whose complete Historia (fifty books) did not appear until the nineteenth century, when the Real Academia de la Historia published it in preference to the Historia de las Indias of Las Casas.

In his latter chapters Oviedo somewhat mitigated his harsh judgment on the Indians, and at one point seemed to feel there was even some hope that in time they might become Christians.121 Was this apparent change the result of his later knowledge about the higher Indian civilizations? Oviedo had slight personal experience of the mainland, which was limited to a few visits (including a slaving expedition to Nicaragua), but he could have acquired much information from the many Spaniards who passed to and from New Spain and Peru by way of Hispaniola during his many years in the Caribbean. As official historian, he would have been eager to obtain as much information as possible. We know that in 1541 he interviewed the survivors of Francisco de Orellana’s epic voyage down the Amazon and recorded their names for posterity.
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But even if Las Casas had known in 1550 (which of course is possible) the contents of the remaining chapters of Oviedo’s Historia, which were still in manuscript form, it is doubtful that he would have considered their cautious and tentative remarks on Indian capacity sufficient to wipe out the published, strongly worded denigration of Indians that the royal chronicler had made in the two editions of Part I of the Historia, which had become widely known to the world through numerous translations.

In recent years Oviedo’s views on the nature of the Indians have been given increasing attention by Albert Mario Salas, the Argentine scholar who has published one of the most penetrating analyses of the early chroniclers of the Conquest, reached this conclusion about Oviedo:

His undeniable interest in the maintenance of montesinos and experimentos, and that they be made perpetual, led him to look upon the Indians, especially those on the islands, as a poor and detestable people, full of vicious and criminal customs. Sodomy, cowardice, suicide for no reason whatsoever, laziness, lack of gratitude, bestial understanding, are all words and concepts which Oviedo uses with a truly astonishing frequency. . . . His Indians are not the glorious unchained natives that Columbus saw, nor the exotic beings of Peter Martyr, nor the mild and ingenuous folk of Las Casas. To Oviedo Indians are dirty, lying, cowardly, people who commit suicide because they are bored or because they wish to molest the Spaniards, a people whomsoever know how to work or with to. As for their vices, it is preferable not to attempt a catalog of them.

A recent study devoted to Oviedo’s Indian concepts, by the Mexican scholar Josefina Zoraida Vázquez Vera, attempted to present the man in a much more favorable light. The author analyzes his thought in a highly theoretical way, without mentioning the “American reality” of Oviedo’s life, and draws a fine distinction between Oviedo’s attitude on “rationality as essence of nature” and “rationality as accident or history.” But even this author conceives that “the Indian, on the supposition that he is a human being, must possess reason; however, Oviedo seems to contradict himself continuously by speaking of their irrationality . . . . The basic concept he has of the Indian is truly terrible.”

The best solution, Oviedo held, would be for the Indians to disappear from the face of the earth—which links him with the view held by Domingo de Betanzos. Oviedo wrote constantly that “God is going to destroy them soon,” and he considered that such extermination would be “an enormous mercy of God.” Even an “otherwise high-minded person,” according to Alonso de la Vera Cruz, who was apparently referring to Sepúlveda, wanted “to destroy them and hand them over to the power of the Spaniards in the same way as God once handed over the Canaanites to the Israelites.”

Oviedo stated in Part II of his Historia general y natural de las Indias (1545) that Las Casas eventually became satisfied with the former’s writings; but this seems very doubtful. Even today, Oviedo is considered one of the most articulate and influential Spaniards of the Conquest period who—all his notwithstanding—had little use for the Indians. As Professor Benjamin Keen has stated, Oviedo “displayed the same impicable hostility toward the relatively primitive Indians of the Caribbean area, whom he knew at first hand, (as) toward the advanced Aztec civilization, which he knew not at all.” Las Casas outlawed his opponent—in time as in reputation. In his Historia Apologética he denounced Oviedo’s accusation of sodomy against the Indians, and he described him as “another one, now dead, who very bitterly defamed these people, in whose history God had little share” —a judgment never altered by Las Casas in any of his writings that has come down to us.

The preceding discussion of the controversy among Spaniards in the first half of the sixteenth century on the true nature of the Indians leads to at least one firmer conclusion: no agreement was reached by the many ecclesiastics, colonists, royal officials, jurists, and others who participated in the dispute. Thus it is not surprising that a baffled Crown and its advisors turned to a commission of wise men and experts to bear the argument. It is time, therefore, that we turn to the origin and conduct of the dispute between Las Casas and Sepúlveda, which began in August 1550 in Valladolid.

NOTES

3. For the circumstances and the results of this sermon, see Hanke (1938a), pp. 17ff.
6. Konstz made this statement during the 1939 Washington, D.C. Conference on the Evangelization of America sponsored by the Academy of American Franciscan History. The discussion from which it is taken has not been printed, but Father Antoine Tibbs, O.F.M., was kind enough to provide me with a typewritten copy. For a transcript of Dr. Konstz’s remarks, see appendix 1. For an account of the Conference by Professor Harold B. Innes, see appendix 2.

Jaime Vives Vives remarked upon the ideal of a crusade, which “seems to conflict with the subsequent tendency of Christiantes, Moors, and Jews to achieve a harmonious accord within a common social and intellectual ethos.” He added: “The contradiction does exist; the explanation in that Christian-Islamic integration was an urban event, while the antagonism between Christian and converted Muslims (almoravides) was a rural phenomenon. Royalty oscillated between the two camps, protecting now one and then the other, until the decision of the Catholic Monarchs—a decision that is dramatic from so many points of view.” Vives Vives (1967), p. 164-65.

7. Antonio Ramos de Arana (1967) recently provided an excellent study on this subject in his monograph “Los problemas derivados del contacto de razas en los albores del Renacimiento.” See especially the section “El mundo de los menestrales americanos” (pp. 93-103). I have not been able to consult his recent La polica indigena de los Reyes Catolica. For Archbishop Talavera, see Elbert (1963), pp. 39-40.

8. See the pioneering contribution by Volladt (1922) and the more general study by Zavala (1935b, 1936a, 1936b).

9. For an up-to-date review of the scattered literature on this subject, see Ricard (1948). From pp. 222-33. The crucial subject still awaits its investigator. What George Kubler wrote more than twenty years ago still holds: “Significantly little has been written about the European antecedents of the Aposdical Twelve” (Kb, 1962) [4: 43]. Antonio recently reached this conclusion: “Todav es no se ha estudiado profundamente el fenmeno misional dentro de la Orden franciscana de los a las conversiones de los moros almoravid y almoravides, de los indios americanos” (Arana, 1964), p. 702, n. 112. For a general view of the early reformers, see Garcia Villalobos and Lorca (1947), Vol. III, chap. 18.

10. A massive beginning has been made on the early period of the reform in Spain in Inicia el Nuevo. Las reformas en los siglos XV y XVI, published by the Spanish Franciscan review Antica (Jeh-American, afio XVII [1957], 1959, 1966, 1966), Gabriel Canclini (1966b), Haubert (1966), Lopez (1920), Martin (1966), Meigarut Fernandez (1955), Yoel Lobo (1964), and Zavala (1942, 1948, 1951). Besides the challenge of millions of people converted and the growing strength of Protestantism, there was great fear in Europe of the Christinh Turks. In 1535 the French poet Pierre de Ronsard proposed that Europe be saved by abandoning it to the Ottomans and transporting European societies into it to the New World, where they could preserve their way of life and continue their development unhindered by Modern attacks (Coles [1946], p. 148).
19th centuries, it is not really until the end of the latter century and the first part of the 20th. As encounters in the early 20th centuries with the Franciscan friars of the missions and the benefactors and missionaries who accompanied them led to the eventual conversion of the Totonac and their neighbors, their way of life began to change. This process was accelerated by the introduction of new farming techniques and by the expansion of the market economy.


15. For an excellent and detailed exposition of missionary activities in the earliest years, see Othello (1993).


19. See “El Bilingue” (1967), pp. 107. For a somewhat expanded statement on the same topic, see Gómez Cárdenas (1967). One of the first writers in this century to demystify Indian myths was P. Miguel Hidalgo (1813).

20. As quoted by Oviedo (1965), p. 215. After another historian asserted that Indians had not really been chari-

ted, see Fra Miguel de Tielva’s remarks in Las Casas (1917), p. xxiv-
xxv.


22. Fernández de Oviedo (1944), 2, 25.

23. Ibid., 1, 89.

24. Pérez de Tudela emphasizes the actions and ideas of this innovative figure.

25. As quoted by Oviedo, shortly after his death, and in some Spanish authors, has been interpreted by some historians as an attempt to justify and extol the virtues of the Indian.


28. The Dominicans at the Cortes of 1560 and 1561, particularly the Council of 1562, are the best-known examples of this sort of controversy, and the Council of 1562 is perhaps the most significant, as it was the first to deal specifically with the question of the conversion of the Indians.

29. As quoted by Serra de Armentí (1975), p. 115. The Council of 1562 was followed by the Council of 1564, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

30. As quoted by Serra de Armentí (1975), p. 116. The Council of 1564 was followed by the Council of 1565, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

31. As quoted by Serra de Armentí (1975), p. 117. The Council of 1565 was followed by the Council of 1566, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

32. As quoted by Serra de Armentí (1975), p. 118. The Council of 1566 was followed by the Council of 1567, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

33. As quoted by Serra de Armentí (1975), p. 119. The Council of 1567 was followed by the Council of 1568, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

34. As quoted by Serra de Armentí (1975), p. 120. The Council of 1568 was followed by the Council of 1569, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

35. As quoted by Serra de Armentí (1975), p. 121. The Council of 1569 was followed by the Council of 1570, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

36. As quoted by Serra de Armentí (1975), p. 122. The Council of 1570 was followed by the Council of 1571, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

37. As quoted by Serra de Armentí (1975), p. 123. The Council of 1571 was followed by the Council of 1572, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

38. As quoted by Serra de Armentí (1975), p. 124. The Council of 1572 was followed by the Council of 1573, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

39. As quoted by Serra de Armentí (1975), p. 125. The Council of 1573 was followed by the Council of 1574, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

40. As quoted by Serra de Armentí (1975), p. 126. The Council of 1574 was followed by the Council of 1575, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.

41. As quoted by Serra de Armentí (1975), p. 127. The Council of 1575 was followed by the Council of 1576, which was even more significant, as it was the first to deal specifically with the question of the conversion of the Indians.
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afirmar lo que dijeron los que quieren tener a otros para hechos pues no solo capaz para lo normal pero para la especulación y delito de hacer grandes spartos y los sig. y si por las obras extenuadas sea de jugar el entendimiento escencion de los simples y consejo en tanto bien que nos entendemos a la intencion y obras hurstias de ser de gran admiración." [Ibid. Mexico, 87.

Besides the formal opinion on Indian capacity there is an impressive variety of extracts of individual Spaniards (chiefly General de Indias, Santo Domingo 1380) in a mamillary of about the same time, Juan de Velasco, referring to the Indians of Hispaniola, declared, "Son de calidad que no sean descidos y que sean vivos que no sean buenos para el arado ni para el cuerpo halla." [Ibid., 83.

34. Corre le indus. pp. 82-84. See also the letters of Bishop Sebastian Ramirez de Zamorla de Villarreal of 11 and 15 May 1533; published by Cuevas (1932), 1, 529-58. For statistics on the baptism of Indians, see Biraja (1660), 493-69.

35. Merida (1871), pp. 331-32.

36. Cartes de Leon, pp. 82-66.

37. Pardo y Pulgar (1559), III, 92-96.

38. Ibid., XV, 62-65.


40. For the letter from the Audencia, see Faldo (1875), II, 39-40; for the La Casa letter, see La Casa (1857), V, 66.

41. Carvajal (1943), pp. 123-36. Those who consider theological questions of 1552 should consider how different would have been the history of America if Spanish authorities had decided that the Pope of the Inquisition might not "protect" Indians as well as Spaniards from the "destabilizing spirit of heresy." Fortunately for the Indians, they were generally speaking, attested to the doctrine because of their relative simplicity.

42. Zavala (1943), pp. 23, 36-67.

43. D.I. X, 333-51. See also Burros (1941), Campos (1965), and Zavala (1941, 1965).

44. D.I. X, 348.

45. Miranda (1965), p. 15. Further research is required to assess this opinion, for another competent student of the period holds that "the intellectual leaders of the Mexican civilization were governed by the most novel religious and social ideas of their day in Spain, and they formed a spiritual world for the late Renaissance in Spain." (Köhler (1948), I, 15. The most up-to-date and complete information on this subject is given in Barragan (1946), chap. 1 and the appendix "Erasmo y el Nuevo Mundo." Meanwhile every student concerned with the most important question eagerly awaits the "dificil sentencia" promised by Barragan (ibid., p. 621).


47. Ibid., p. 367.

48. Ibid., pp. 382-84.

49. For this treatise see Batallon (1966), pp. 225-38; Biernack (1948, 1949), and Zavala (1948, 1958a).


51. For a detailed account, see Hans (1958), pp. 57-88.

52. Ibid., p. 70.

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52. Ibid., pp. 76-77. Favorable reports on Indian capacity were reaching Spain from Peru, as well as from Mexico. The first bishop in Peru, Fray Vicente Valverde, sent a long report to the King in 1536 in which he strongly urged the importance of defending the Indians from the Spaniards, whom he characterized as "tanto ladron," and stated, "la gente desta provincia del Peru, como otras vezes se escriu a V.M. en muy alta por recibir la doctrina del santo evangelio." [Manuscrito Octavo (1609), pp. 139, 157].


54. García ibaruzteo (1896), XX, 382.


56. Ibid., p. 386. Betanzos appears to have changed his opinions on Indians from time to time which helps explain how historians today find it difficult to reach a definite conclusion on his views. For example, on 3 December 1540 he wrote a letter in the Council of the Indies reporting happily on the success of peaceful methods to persuade the Matnce Indians to become Christians. He denounced the previously used methods as "mas violentas que voluntaria," declared force to be sin-Christian (in terms Los Casas might have used), and particularly lauded the work of Domingo de Santa María. The latter, a devoted friar, learned the difficult Matcne language and so thoroughly taught those Indians by his preaching and example that, when they were examined, "dijeron todos had buena razón de tener, mas que la saber dar ningún pleito de nuestra nación." As Father Giron, who discovered the letter in the Dominican archive in Valencia, observed, it is curious that Betanzos—who first attacked the encomienda system in the Caribbean islands and then favored it in Mexico—could have written such a letter (Giron [1943], pp. 56-59).

57. Carvajal (1954-1956), pp. 310-19. The John Carter Brown Library has just acquired a very rare or possible unique item, a Latin version of the Spanish letter by Julian Garcia to Pope Paul III titled De Habilitate et Saecularitate Generato- ris Indianorum non mundi episcopum ... nam ... Roma (1507). Important recent studies of the bull have been made by Hera (1948) and Seno Cario (1967). In the light of this letter by Garcia and the two of Salisins Dux, it is difficult to follow Lino Gómez Carand (1964) who then writes "Paulus III non defletit, per tanto, que los indios an-sinovex eran hombres; lo que hizo fue declarar que, per os suos, an-sinovex eran, teniendo derecho a su libertad y el dominio de sus cosas. Que estos hombres no parecen que estuviese por entonces en cuestion" (p. 164, emphasis in original). If the question of the a-sinovex of the Indios was not at stake, why did Paul III include in the bull the change that had advanced the Indians that "debem ser in-sinovex como brasos, creados para nuestro servicio, pretentando que ellos sin incapaz de recibir la fe Católica." And why had the Pope a-bierto solemnly in the bull: "Consideremos sin embargo que los indios son verdaderos hombres y que no son incapaz de recibir la fe Católica, solo que, de acuerdo con nuestras instrucciones, se hallan deseoso de re- chiar?" [The Portuguese Senate in Brazil, 1514, Mauro de Nîge, in one of the few writings on conversion there, developed the same doctrine that Paul III enunciated in Salisins Dux (see Lato (1954), p. 107).


60. Olnache Labayen (1958), p. 367. For Augustinian views, see Vara Cruz (1948).
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II. Ricard (1863), p. 226.

III. Ibid., p. 225.

IV. As given by Juan Bautista Muñoz in his Colón (t. 66, fols. 71-77) in the Real Academia de la Historia, Madrid.

V. This letter, of January 1543, has been printed in Figuera (1946:11), I. 25-38.

VI. Professor William L. Sherman has been kind enough to bring to my attention, as photostats at this a report by Tomás de la Torre, companion of Las Casas, who was the captain of the journey to Chacas in 1544, dated 12 November 1545. (Archivo General de Simancas, No. 480) a letter from the Bishop of Hildesheim to the Crown dated 5 May 1547 (Ibid., I. 164) the chart a 17 and 40 of the Real Academia de la Historia, (Ibid., Justicia 312) and a 45 in the Extracts of Franciscan Breviars (Ibid., 317).

VII. Professor Donaldo Lee gives in his unpublished paper "Studia de Guatimozin y la Black Legend" that—Guzmán’s Residencia for Perú—Indians were referred to in terms usually reserved for domesticated animals.

VIII. My account of the Castro treaty is based largely on Ochoa’s Librai (1948). The English translation of the opinions (Ibid., p. 173-75) of the five theologians who supported Castro’s position was kindly provided by Dr. Stafford Poole, C.M.

After I had completed this section on the Colegio de Tlatelolco, José María F. Cazauhuy Kohayshi of Sophia University in Tokyo was kind enough to give me a copy of his morphological doctoral dissertation "La educación como conquista. Empresa franciscana en México" (Colegio de México, 1972), Chap. 4 (pp. 99-161) gives a detailed account of education in sixteenth-century Mexico, with special reference to the Franciscan contribution. The description of the Colegio de Santa Cruz de Tlatelolco (Ibid., pp. 318-42) provides a useful survey. The final section, "Opiniones en España sobre la educación superior de los indios" (Ibid., pp. 428-56), is largely devoted to an account of the 1542 treaty by the Franciscan Alonso de Castro for higher education for the Indians, which was written at the request of Charles V but the unfavorable opinions of Zumárraga and others had reached the Court. For a resume of this treaty, based on the text, see Ochoa’s Librai (1948), pp. 275-97.

Dr. Kohayshi states that the treaty was promulgated at the Emperor at the beginning of 1542, with the signed approval of Fray Francisco de Villota, Francisco Castillo, Andrés de Vega, Constantino Fonse de la Fuente, J. Iglesia, and Luis de Cerralbo, and that it was evidently signed the Colegio for the time being. Dr. Kohayshi is critical of an account of sixteenth-century Spain, however, as incomplete and is based on relatively few sources. He makes no reference to the "Valladolid dispute" or to Sepúlveda, although Alonso de Castro’s relations with Sepúlveda would have provided important additional information (see Hackett [1970]. 60, 64-65, 117-18). Likewise, in referring to Oviedo, Dr. Kohayshi limits his references to a few well-known sources.

Ernest Bureau gives additional information on Indian education and the importance of Indian languages in Vera Cruz (1968), III. 98-101, 120-21, 125, and XIV, 23, 87.

V. (Ibid., VII, 543).

VI. Ochoa (1960), pp. 300, 382, 471. The herbal has been printed with the title Coif de medicina indiana en los primeros albores de la historia de la medicina (1966). The herbal has been printed with the title Coif de medicina indiana en los primeros albores de la historia de la medicina (1966). The herbal has been printed with the title Coif de medicina indiana en los primeros albores de la historia de la medicina (1966).

VI. Ricard (1933), pp. 270-71, 280-81, 340-41, 344. Much information on practices and attitudes relating to the giving of Holy Communion to the Indians, which involved judgments on Indian capacity, will be found in Faye (1943); see also Bryce (1931). The hope of developing a strong native clergy did not die easily. When the Jesuits first reached Mexico, a generation after the Tlatelolco failure, they planted (in 1571) to establish schools in which carefully selected Indians could be ordained priests at the age of forty, so as to make certain that the Indians could maintain a celibate life (Ricard, 1960, p. 236).

In commenting on this episode, Ricard recently stated that he may have given the wrong impression, in the quotation given in the text on the influence of the Tlatelolco failure, that the existence of an Indian clergy would have solved all the problems (Ibid., p. 236). For some interesting reflections on why a native clergy developed slowly, see Figuera (1964a), pp. 385-95.

Perhaps the best general presentation of the question of Indian clergy in Mexico, with excellent bibliographical information, is that by Ochoa’s Librai (1948). See especially his remarks on Tlatelolco (pp. 308-26). One of the theologians who taught Latin to the Indians at Tlatelolco, the Franciscan Juan de Castro, later attacked Fray Jacobo Daciano for his inexplication of the Apocalypsis, in which Daciano lamented the absence of Indian priests. Castro was apparently able to induce Daciano to make "una retrospectiva politica en las deudas indias" (Baudet, 1968, p. 614-15). See García Izurdu (1986), 87, 299.

VI. Nagler (1967), p. 12. For the interest manifested for the Chinese mission among friars in sixteenth-century Mexico, see Beckmann (1962). Las Casas also seems to have been interested in these missions.

VI. Carreño (1924-1934), p. 253, where he quotes the biography of Betanzos by the Augustinian Antonio de Santa Romana.

VI. Instructions, pp. 229-30. The information on Mendosa’s visits to the school by Ochoa’s Librai (1948), p. 142.

VI. Las Casas (1962), p. 41.


VI. The text of this letter is not known. Our knowledge of it comes from the "Carta de Fr. Toribio de Motilleja, mayo 1303" in D.L.L., VII, 264-64, 276.

VI. Las Casas (1962), p. 15. Las Casas did not refer to Betanzos’ views on Indians when he described his entrance into the Dominican order, although the account was probably written after 1549 (Las Casas, 1941, pp. 386-87).

VI. Las Casas (1962), pp. 186-90. The manuscript is now in the Academia Nacional de la Historia, Caracas. For the text of the retracement, see appendix 3.

VI. Carreño (1940), pp. 274-76.

VI. Ibid., p. 377-80.

VI. Add. (1940), pp. 93-97.


VI. Ibid., p. 190. We learn too, from this judicial proceeding, that Prior Diego Ruiz deited that Betanzos admitted he had spoken about Indian capacity in the presence of the Augustinian Juan de San Ramon and had given Scree-
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The best general life of Oviedo is that of Juan Pérez de Tudela and Bueno in the introduction to his edition of Oviedo's Historia general y natural de las Indias (5 vols., Madrid, 1959); the "Vida y escritos de Gonzalo Fernández de Oviedo" is in ibid., I, 328-50. For a guide to publications by and about Oviedo, see Turner, Works of special value on Oviedo are Salas (1959), "Homage a Fernández de Oviedo," Bresta x Indies, año 1 (1975), pp. 491-705; año 2 (1978), pp. 9-126; Patiño (1964); Esteban Bayo (1964); Ramos (1957, 1959); Turner (1963, 1971); and Iglesias (1942) (recently published in English translation by the University of California Press). For an index to the 1873 edition of Oviedo, see Isabel de la Peña and Calzada (1960). For an unusual collection of extracts from manuscripts on Oviedo in the Archivo General de Indias, see Bélbom and Clemente (1886), IV, 114-66.

A curious circumstance is that Sepúlveda's illustrated copy of his translation of Indian character is found not in the world of Oviedo that one wonders whether they ever met and discussed American matters. Although Oviedo had an extensive library, there is no record of any writing by Sepúlveda in it (Turner 1972). Moreover, they were at Court during the same time, but the outstanding Oviedo specialist Professor E. Raymond Turner has stated that he recalls no reference to Sepúlveda in Oviedo's published work. They were, apparently, rivals for the job of tutor to Pínco Philip, but the better-educated Sepúlveda won out (Letter from Professor Turner dated 28 March 1973).

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Oviedo's Basic Views on Indians


93. ibid., p. 33.

89. Lassas (1926), 34.

90. ibid., pp. 33-34.

89. Lassas, Chicago American (1926).

88. ibid., p. 34.

89. Lassas, Chicago American (1926).

89. ibid., p. 52.

89. ibid., p. 73.

89. ibid., p. 52.

88. ibid., p. 72.

88. ibid., p. 70.

87. ibid., p. 69.

86. ibid., p. 68.

85. ibid., p. 67.

84. ibid., p. 66.

83. ibid., p. 65.

82. ibid., p. 64.

83. ibid., p. 57.

82. ibid., p. 56.

81. ibid., p. 55.

80. ibid., p. 54.

79. ibid., p. 53.

78. ibid., p. 52.

77. ibid., p. 51.

76. ibid., p. 50.

75. ibid., p. 49.

74. ibid., p. 48.

73. ibid., p. 47.

72. ibid., p. 46.

71. ibid., p. 45.

70. ibid., p. 44.

69. ibid., p. 43.

68. ibid., p. 42.

67. ibid., p. 41.

66. ibid., p. 40.

65. ibid., p. 39.

64. ibid., p. 38.

63. ibid., p. 37.

62. ibid., p. 36.

61. ibid., p. 35.

60. ibid., p. 34.

59. ibid., p. 33.

58. ibid., p. 32.

57. ibid., p. 31.

56. ibid., p. 30.

55. ibid., p. 29.

54. ibid., p. 28.
in the New World and for the good of the Indies? (2) Should those actions be taken so as to encourage the Spaniards by letting them know that rewards will be forthcoming promptly? and (3) What is the capacity of the Indies?  

12. Fernández de Oviedo (1590), I, xiii-xiv; Oviedo was replying to question 12 on the capacity of the Indies. In replying to questions 1-3 (see n. 112 above) he strongly advised the Council to grant Indians in perpetuity as soon as possible.  


127. Ibid., fol. 819.  

128. Bartrimaua was concerned in general. He stated that it was the will of God, and not bad treatment, that explained the decrease in the Indian population. On the basis of the twenty years of experience in the New World, he believed that not a single Indian would be saved unless they were put under Spaniards. He had even seen Indians who had been brought up by ecclesiastics backslide after baptism: "Todos los mas yéndolos hacia las paganas y muchas veces por tener poquito capazidad y ser amigos de novedades." (Ibid., Indiferente General 7-84, fol. 813-814).  

129. Oviedo's views on Indians are scattered throughout Part I, but especially in Book II, chap. 16; Book IV, chap. 2; Book V, chap. 2-3; and Book VI, chap. 9.  

130. Las Casas made this statement shortly after Oviedo's Historia appeared in 1547 (Las Casas [1552], II, 518). For a detailed analysis of the circumstances of this 1547 edition, see Ramos (1948).  

131. Fernández de Oviedo (1590), I, cli.  

132. Oviedo "boasted that his Primers Partes had been translated into Latin, Greek, Arabic, French, German, Italian, and Turkish," but apparently "only the French and Italian have found their way into print" (Turner [1943]).  


134. Vázquez Vera (1597). See also Vázquez Vera (1592), which is a somewhat larger work on the same subject, in which the author concentrates on Oviedo and the "Relaciones Geográficas" as representative of "el pensamiento español en América" (p. 134).  


137. Ibid., p. 475.  


139. Fernández de Oviedo (1590), I, 264.  

140. Keen (1971), p. 78. Much pertinent material may be found in chaps. 4 and 5 of this work, devoted to "The Attack and the Great Debate."  

141. Las Casas (1958), II, 520.

II
Prelude to the Battle at Valladolid Between Las Casas and Sepúlveda

It was possible for Las Casas to be in Valladolid in 1550 to confront Sepúlveda because in 1547, at the age of seventy-three, he had returned to Spain for the last time. After almost half a century of experience in Indian affairs, climaxd by his services as Bishop of Chiapa in southern Mexico, he had inquisitively reviewed his countrymen—those who held Indians and enjoyed service and tribute from them under the encomienda system—by insisting that such Spaniards could be confessed only according to certain strict regulations that Las Casas himself had drawn up. These regulations required (among other things) restitution to Indians of wealth unjust-
ly taken from them, and this led to a number of deathbed searchings of conscience by encomenderos. Some Spaniards in Chiapa refused to obey the Consistorio regulations and died pleading in vain for the last rites of the Church. In retaliation, encomenderos brought pressure to bear on Indians not to provide food for friars who enforced the rules so strictly, or to work on building monasteries; at times they even threatened the Dominicans with physical violence. Passions flared, and dramatic incidents occurred on this far-off frontier of Spain in America as ecclesiastics attempted to apply the ancient teachings of the Church amid the turmoil. No wonder that the Governor Alonso Maldonado wrote to Charles V from Guatemala, at the end of 1545, that it would be much better if Las Casas were in a monastery in Castile rather than a bishop in the Indies.

During his last months in the Indies Las Casas had also engaged in acrimonious discussion about the application of the principles advocated in his long treatise The Only Way of Attaining All People to the True Religion, whose doctrines foreshadowed the arguments he was to use at Valladolid. The method he proposed was peaceful persuasion, one of his principal objectives in 1544 in going to his advanced age to the poor and relatively unimportant bishopric of Chiapa had been to lend his influential support to the attempts of his brother Dominicans to preach the Faith and to the promotion of the True Peace (Vera Paz) without the use of any force whatever. This attempt, the last great enterprise that engaged his attention in America, embodied what was in many respects his most important concept of the proper relationship between Spaniards and Indians. Indians must be Christianized by peaceful means alone, he insisted—with no soldiers, no force, but only the persuasion of the Gospel preached by godly men. Just before he left America for the last time, Las Casas participated in a turbulent meeting in Mexico City on the nature of Spanish rule in which he condemned war against the Indians, whether to convert them or to remove obstacles to missionary preachings the faith, as "perverse, unjust, and ..."

During his last year as bishop in America Las Casas learned with horror that some of the famous New Laws for which he had struggled so mightily in 1542 had been revoked. The encomienda system, which the New Laws would eventually have abolished, was to be allowed to continue after all, and the encomenderos were now emboldened to begin a vigorous campaign to make these grants perpetual, together with civil and criminal jurisdiction over the Indians. The struggle over perpetuidad now became one of the Indian problems most bitterly debated. Domingo de Benavides, who had become the center of controversy in Mexico because of his love of Indian capacity, was one of the friars who strongly favored perpetuity.

When Las Casas reached Spain in 1547 he began organizing for the battle. The Indians of Oaxaca in Mexico gave him and his constant companion, Fray Rodrigo de Andrade, legal authority to represent them before the Council of the Indies, and the Indians in Chiapa did likewise. Later, in Peru, Domingo de Santo Tomás organized the Indians to authorize Las Casas to offer Philip II a large sum of money to deny perpetuity. It was, in fact, a blank check, for Las Casas was authorized to offer as much cash as would be necessary to outbid the encomenderos, no matter how much they offered for the privilege of perpetuity.

The veteran conquistador Bernál Díaz del Castillo reported on the determined battle that he and others waged in 1530 before the Council of the Indies to win perpetuity for encomenderos in Mexico and Peru. The Council met to "discuss how and in what manner the Assignment might be made in such a way that in every respect the service of God and the royal Patrimony should be carefully considered and in no way prejudiced." The Indians "would be better treated and instructed in the use of any force whatever. This attempt, the last great enterprise that engaged his attention in America, embodied what was in many respects his most important concept of the proper relationship between Spaniards and Indians. Indians must be Christianized by peaceful means alone, he insisted—with no soldiers, no force, but only the persuasion of the Gospel preached by godly men. Just before he left America for the last time, Las Casas participated in a turbulent meeting in Mexico City on the nature of Spanish rule in which he condemned war against the Indians, whether to convert them or to remove obstacles to missionary preachings the faith, as "perverse, unjust, and ..."

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Casas's qualities as a politician. Although the veteran friar was described in royal orders in these years as "old and worn out," he never slackened his stern and passionate pace. His zeal in recruiting hard-working and dedicated missionaries continued unabated, and it is clear from the flood of royal orders he inspired and the number of projects he initiated during the five years after his final return to Spain in 1547 that this was one of the most intensely productive and agitated periods of his life. It was then, too, that he put into shape the treaties that were printed at Seville in 1552 and 1553, by which his ideas first became widely known to the world.

The most dramatic and important event of these years, however, was his dispute with Sepúlveda, which led him to prepare the treatise Defensa Against the Persecutors and Slandeers of the Peoples of the New World Discovered, Across th Sea. The question of the true nature of the capacity of the Indians had agitated Spaniards since 1493 (as described in chapter 1), but the argument had become more and more heated after the issuance of the New Laws of 1542, and the revocation in 1545 of the law that would have phased out the encomienda system. These were tumultuous and exciting days, which shook Spanish society in the New World to its core. In Mexico particularly, there was great rejoicing among the friends of the Indians, at least when they first learned of the New Laws. In solemn session on 23 July 1543 the city council discussed the disturbing news that the Franciscan Jacobo de Testera, who had strongly supported Indian capacity, had arrived from Castile and had permitted a great multitude of Indians to receive him.

These Indians bestowed gifts upon him and performed other services, erecting triumphal arches, sweeping clean the streets he was to pass and strewn upon them cypress and roses, and bearing him upon a litter—all this because another Franciscan had informed the Indians that they had come to free the Indians and restore them to the state they enjoyed before they were placed under the rule of the King of Spain. These statements had excited the Indians and they went forth to receive Friar Testera as though he were a viceroy.

In 1546, when the news reached Mexico of the 1545 revocation of certain provisions of the New Laws, the moment arrived for the city council to stroll roses in its turn. On 16 December 1546 the members discussed the revocations which had made possible the continuance of the encomienda system and voted to set aside the second day of the

Christmas holiday for a general rejoicing throughout the land. A bull fight was arranged in the lesser plaza of Mexico City, as well as dances in the ancient knightly style, and the importuning of the town was authorized to buy the necessary vestments for one hundred knights, to haze these lordly raiments dyed in sets of orange and white and blue and violet, and to procure trumpets for the fiesta, "all at the expense of the town treasury."^4

In those earlier, agitated years, however, at the time of the discussion of the New Laws, even the right of the kings of Spain to rule over the Indies had been questioned. Indeed, some writers believe that Emperor Charles V was so impressed by Las Casas's views on the sovereignty of the Indians over their lands that he had been disposed to abandon Peru on grounds of conscience, had not the famous Dominican theologian Francisco de Vitoria recommended otherwise.^4 The close connection of all of Las Casas's principal doctrines becomes evident from a study of the reports that accumulated in the Archive of the Council of the Indies. For example, in 1543 Las Casas and his companion, Fray Rodrigo de Andrade, presented a relació to the Council that was a long, impassioned indictment of Spanish cruelty to Indians. Moreover, they urgently recommended that all licenses to conquistadores be revoked and requested that the 1541 decision by Francisco de Vitoria and other Salamanca theologians—whom insisted on adequate instruction of Indians before baptism, be promulgated and enforced. They also wanted the King to forbid absolutely that Indians should bear burdens for Spaniards, "because it is against the nature of men that they should be forced to bear burdens for the profit of Spaniards, like beasts."^3

It was in the tense days of agitation for the revocation of the New Laws that Sepúlveda had been encouraged by the president of the Council of the Indies to compose his treatise "as a service to God and the king." The learned scholar had already demonstrated his ability to defend the interests of empire, at the time of the protest movement of the Spanish university students at Bologna. These elite students from Spain's "best families" had decided in the early 1550s that all war, including defensive war, was contrary to the Catholic religion. How could anyone be a good Christian and a soldier at the same time, they asked? This was dangerous doctrine, and especially at that time, when war against the Turks was one of Europe's principal preoccupations. 
The Pope had therefore commissioned Sepúlveda as visitador general to handle this protest and other student problems. He had gone to Bologna, which was well known to him from the days when he had studied there the doctrines of Aristotle under Pietro Pomponazzi and had composed a treatise against those who put forward pacifist views. Sepúlveda published the original Latin text of his doctrine, De narratis primis, in 1535, and in 1541 a Spanish translation, Dialogos llamados Dominicans, appeared in Seville, just at the time when similar problems of the New World empire began to agitate Spanish court circles.

It is not surprising, therefore, that when certain groups in Spain wanted the justice of the wars against the Indians explained and justified they turned to the distinguished writer who had already performed a similar service on behalf of the Emperor’s wars in the Old World. A Spanish historian has recently argued, though without much evidence, that Cortez himself was responsible for influencing Sepúlveda to compose his treatise. Be that as it may, Sepúlveda set to work at once, and in a few days he had completed his argument, in which he sought to prove that wars against the Indians were just, and even constituted a necessary preliminary to their Christianization. The manuscript version of the treatise rapidly circulated at the Court, and according to Sepúlveda was approved by all who read it.

According to Las Casas in the Defense, the Council of the Indies refused to approve the publication of Sepúlveda’s treatise, whereupon the latter prevailed upon his friends at Court to have it transferred to the Royal Council of Castile, thinking that “men ignorant of Indian affairs would not notice the poison.” Instead, they referred the problem to theologians at the Universities of Salamanca and Alcalá. “After they had argued the point on very many occasions and had given it much deliberation, the work was unworthy of the press since the teaching it contained was hardly sound.” Some theologians at Alcalá thought it was very dangerous.

We now know that various important thinkers in Spanish university circles, such as Bartolomé Carranza, O.P., and Diego Covarrubias, were lecturing and writing during the years immediately preceding the Valladolid conflict and that none of them supported Sepúlveda’s views. Covarrubias, in his formal dissertation at Salamanca in 1539, had even declared that empires are not established and maintained by arms, but by culture. Wisdom and letters are the effective instruments, he held, that truly create and defend the greatness of nations.” At the time Sepúlveda’s manuscript was being considered by the group named for this purpose at the University of Salamanca, of which Covarrubias was a member, the latter delivered some lectures on the justice of wars against the Indians. While, not mentioning Sepúlveda directly in his treatise, Covarrubias did attack the idea that the Indians’ supposedly low culture justified war against them. He also doubted that Indians should be included among those men “born to obey and to serve others like beasts and fierce animals whom they resemble” (“Thus Sepúlveda received no support in university circles.

Sepúlveda was not stopped by these reverses. Previously, he had sent his work to the Council of Trent, sometime during its first session (1545-1547), but Las Casas learned that this body had refused to discuss the matter, and he believed that the Council would undoubtedly have forbidden its publication and imposed silence on its author had it considered the problem: “A trustworthy man who was present at the holy council told me this as something well known.” In 1548, Sepúlveda reported to his friend Martin de Oliva that discussions of his doctrine had been held in Cordoba before the provincial chapter of the Dominicans, and also in Valladolid, where “very famous theologians” had been involved.

Sepúlveda subsequently sent his manuscript to Rome, Las Casas stated, “so that it might be printed there, since he knew about freedom of the press in that city and that there was no one there of a contrary mind who would fling back his poisoned darts.” Sepúlveda’s treatise De narratis primis never received approval for publication in Spain in the author’s lifetime, nor was even the summary of it permitted to appear in print. Although he managed to get a résumé and explanation of his main arguments printed in Rome in 1550, the Apologia pro libris de justis bellis crassis, Charles V ordered the confiscation of all copies that reached Spain. Even Las Casas was unable to get a copy of the printed Apologia, so that he had to use one of the numerous manuscript versions available in Spanish as he put together his arguments against Sepúlveda’s doctrine. Las Casas remarked, in the 1552 résumé of the dispute, that Sepúlveda had prepared the manuscript summaries of his book in Spanish, rather than Latin, so that “his ideas might be pleasant and agreeable to all those who wish to and manage to become

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rich, and to acquire wealth and position which neither they nor their ancestors had been able to achieve—all this without any effort on their part but won by the sweat, labor, and even deaths of others." Las Casas, faced with this situation, decided to write a "certain Apología, also in Spanish, against the Sepúlveda Sumario, in defense of the Indians."

Las Casas did not limit his actions to erudite investigations, though he must have spent many hours searching monastic libraries for ammunition against Sepúlveda. He lobbied actively at Court, but he found conditions not particularly propitious for acceptance of his peaceful approach to Indian affairs. The spirit of the times was such that the unfortunate first victory in Peru, Blasco Núñez Vela, who had tried to enforce the New Laws in that violent land, had been captured by angry and independent conquistadores, who killed the viceroy in 1546. The discreet and able royal representative, Pedro de la Cueva, had finally been able to bring peace to Peru and re-establish the king's authority by executing Gonzalo Pizarro and by distributing Indians in encomienda to Spaniards on a carefully calculated basis.

We know the state of mind of Las Casas during this critical period, immediately before the Valladolid discussion, thanks to Marcel Bataillon's discovery in the Archive of the Indies of a letter written by Las Casas, probably in May 1549, to an unnamed correspondent, possibly Domingo de Soto, the confessor of Charles V. Las Casas, in a desperate attempt to convince someone close to the emperor that the conquests in America must be halted and all Indians incorporated under the Crown, as had been originally prescribed by the New Laws, was answering objections made by his correspondent that the New World was far away and that even pious missionaries offered conflicting advice on the proper action to take. Las Casas pointed out, in pungent language, how some ecclesiastics had been subverted by material support from conquistadores, how others knew nothing about the reality of the Conquest or destruction caused to the Indians, and how still others did not bother to study Indian languages. This last charge, it will be remembered, was often leveled at friars who held that the Indians were incapable; indeed, just a few months later, in September 1549, Domingo de Betanzos was to sign his much-discussed retraction, in which he explained his low opinion of Indian capacity "through not knowing their language or because of some other ignorance." Las Casas apparently never learned an Indian language either, but there is no record of his being sharply criticized on this account.

It was this same September, too, that Sepúlveda wrote to Prince Philip, reminding him that the former's translation of Aristotle's Politics had been dedicated to Philip and informing the prince that he was now engaged in defending the book he had composed on the Conquest of the Indies. Sepúlveda explained that he had written three "apologiæ," which he had sent to various members of the Court, as well as a "summary of the book on Indian affairs," and was hopefully awaiting authorization to print his work. He also awaited word on the fate of the "scandalous and diabolical work on confession" that the Bishop of Chiapa had published against his book.

Sepúlveda stated further: "The final presented this work by Las Casas to the Royal Council and requested that it be burned and the author punished." Through his relationship, the Council called the Bishop before it and reprehended him strongly, but decided that it should consult with Prince Philip, which led Sepúlveda to urge certain authorities to make known their opinion of the Confession published by Las Casas. Sepúlveda also reminded Philip that it was his duty to favor justice and "not allow impudent men with fictions and devices to obscure the truth, particularly when the matter concerned the public welfare as well as the fame and conscience of your father and grandfather."

Las Casas meanwhile, in his letter to the unnamed correspondent, bitterly reproached those Franciscans and Mercedarians who had accepted conquistador money and praised the dramatic action of one of the oldest Franciscans in Mexico, probably Francisco de Soto, who had reversed his original decision and had eaten the paper on which he had previously signed his name in support of the perpetuity of encomiendas. The ink had faded on this newly found Las Casas document, and the handwriting is abominable; but the letter, though full of corrections and blottings, and written on the back of another letter more than four centuries ago, still conveys the friar's conviction and eloquence.

Wherever else in the world have rational men in happy and populous lands been subjugated by such cruel and unjust wars called conquests, and then been
divided up by the same cruel butchers and tyrannical robbers as though they were inanimate things—enslaved in an inhuman way, worse than in Pharaoh's days, treated like cattle being weighed in the meat market, and God save the mark, are looked upon as of less worth than bedbugs! How can the words of those who support such iniquities be believed?

Las Casas energetically affirmed that the necessary reforms could be achieved if only the necessary laws were made by the Council of the Indies and upright men appointed to execute them in America. He recommended one bishop who would be excellent for the work, and advised that another person under no circumstances be allowed to go. Here we see Las Casas the lobbyist at work. As always, this practical and realistic apostle stressed that the arrangements he proposed would not only redound to the benefit of the Indians and to the increase of Christianity but also to the "incomparable temporal interests" of the king.

In the closing paragraphs of his letter Las Casas urged that further action be not delayed until Las Casas returned from Peru, as his correspondent had evidently suggested. Some good decisions had recently been taken by the Council of the Indies, and more were required. Here Las Casas probably referred to the Council's approval of his own breathtaking proposal, which made conquistadores up and down the Indies grind their teeth in rage, that the licenses of all expeditions then under way be revoked and that no similar grants be made in the future. A drastic step in this direction was actually taken by the Council on 3 July 1549, when it advised the King that the dangers incurred both to the Indians and to the King's conscience by the conquests were so great that no new expedition ought to be licensed without his express permission and that of the Council. Moreover, the Council concluded that a meeting of theologians and jurists was needed to discuss "how conquests may be conducted justly and with security of conscience."

The following statement by the highest board in Spain on Indian affairs is worth quoting. The Council stated that although laws had been issued previously to regulate the conquests, we feel certain that these laws have not been obeyed, because those who conduct these conquests are not accompanied by persons who will restrain them and secure them when they do evil. The greed of those who undertake conquests and the timidity and inactivity of the Indians is such that we are not certain whether any instruction will be obeyed. It would be fitting for Your Majesty to order a meeting of learned men, theologians, and jurists, with others according to your pleasure, to discuss and consider concerning the manner in which these conquests should be carried on in order that they may be made justly and with security of conscience. An instruction for this purpose should be drawn up, taking into account all that may be necessary for this, and should be considered a law to govern henceforth the conquests approved by this Council as well as those approved by the Audiencias.

The King now took the final step, and on 16 April 1550 ordered that all conquests in the New World be suspended until a special group of theologians and counselors should decide upon a just method of conducting them. Las Casas had won his point; the machinery of conquest was ordered to stop short. Both Sepúlveda and Las Casas agreed that there should be a meeting, and this, too, was decreed by the King and the Council of the Indies to take place in 1550, the same year in which América Castro believed that "the Spaniard had attained a zenith of glory." Probably never before, or since, has a mighty emperor—and in 1550 Charles V, Holy Roman Emperor, was the strongest ruler in Europe, with a great overseas empire besides—ordered his conquests to cease until it was decided if they were just.

This was the background against which Sepúlveda and Las Casas began their discussions in Valladolid on the justice of wars waged in far-off America and on the application of Aristotelian doctrine to the Indians.

The Sessions at Valladolid

The sessions began in mid-August 1550 and continued for about a month before the "Council of the Fourteen," which had been summoned to Valladolid by Charles V to sit in judgment on the specific issue: Is it lawful for the King of Spain to wage war on the Indians before preaching the faith to them, in order to subject them to his rule, so that afterward they may be more easily instructed in the faith? Among the judges were such outstanding theologians as Domingo de Soto, Melchor Cano, and Bernardino de Aréstoyo, as well as veteran members of the Council of Castile and the Council of the Indies, and such experienced officials as Gregorio López, the glossator of the Indians is such that we are not certain whether any instruction will be obeyed. It would be fitting for Your Majesty to order a meeting of learned men, theologians, and jurists, with others according to your pleasure, to discuss and consider concerning the manner in which these conquests should be carried on in order that they may be made justly and with security of conscience. An instruction for this purpose should be drawn up, taking into account all that may be necessary for this, and should be considered a law to govern henceforth the conquests approved by this Council as well as those approved by the Audiencias. The King now took the final step, and on 16 April 1550 ordered that all conquests in the New World be suspended until a special group of theologians and counselors should decide upon a just method of conducting them. Las Casas had won his point; the machinery of conquest was ordered to stop short. Both Sepúlveda and Las Casas agreed that there should be a meeting, and this, too, was decreed by the King and the Council of the Indies to take place in 1550, the same year in which América Castro believed that "the Spaniard had attained a zenith of glory." Probably never before, or since, has a mighty emperor—and in 1550 Charles V, Holy Roman Emperor, was the strongest ruler in Europe, with a great overseas empire besides—ordered his conquests to cease until it was decided if they were just. This was the background against which Sepúlveda and Las Casas began their discussions in Valladolid on the justice of wars waged in far-off America and on the application of Aristotelian doctrine to the Indians.

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the well-known edition of the Spanish law code, the Sexta Partida.

On the first day Sepúlveda spoke for three hours, giving a resume of his treatise. On the second day Las Casas appeared, armed with his monumental manuscript, which, as he himself stated, he proceeded to read word for word. This verbal onslaught continued for five days, until the reading was completed—or until the members of the juntas, as Sepúlveda suggested, could bear no more. The two opponents did not appear together before the Council; instead, the judges seem to have discussed the issues with them separately as they stated their positions. The judges also carried on discussions among themselves.

It is no wonder that the revered judges requested one of their members, Domingo de Soto, an able theologian and jurist, to condense the arguments and give them an objective and succinct summary for their more perfect comprehension of the theories involved. This he did in a masterly statement that was then submitted to Sepúlveda, who replied to each of the twelve objections Las Casas had raised. The members thereupon returned to their homes, taking with them copies of the summary. Before departing, the judges agreed to reconvene on 20 January 1551 for a final vote.

Most of the information available on this second session, which actually took place in Valladolid from about the middle of April to the middle of May 1551, comes from the pen of Sepúlveda, who discovered, much to his disgust, that Las Casas had avoided himself of the interim period to prepare a rebuttal to Sepúlveda’s replies. Sepúlveda made no further rejoinder “because he saw no necessity; indeed, the members of the juntas had apparently never read any of the replies.” Nevertheless, Sepúlveda again appeared before the juntas and expounded his views on the meaning of the bulls of Alexander VI. It was probably at this time that he composed his paper titled “Against Those Who Depreciate the Bull and Decree of Pope Alexander VI Which Gives the Catholic Kings and Their Successors Authority to Conquer the Indies and Subject Those Barbarians,” and by This Means Convert Them to the Christian Religion and Submit Them to Their Empire and Jurisdiction.” Sepúlveda stated that much of the discussion at this session revolved around the interpretation of the papal bulls of donation, and that the Franciscan judge Bernardino de Arévalo strongly supported his case, but that when he wished to appear again, the judges declined to discuss the issue further.

Unfortunately, whatever records were made of the Council’s proceedings have been lost, or at least have not yet come to light, and arguments presented by the two opponents are therefore our only basis for reconstructing the event. Sepúlveda set forth his position from notes, having drawn up no formal brief but closely following the arguments previously developed in his treatise in dialogue form, the Demiseris Segudos, which had circulated widely in Spain in the years preceding the dispute. In it, Leopoldo, described by Sepúlveda as “a German who is bringing up again some Lutheran errors out of the doctrine inherited from his fathers,” is a man who believes that the Conquest is unjust, while Sepúlveda, speaking through Demócrates, kindly but firmly opposes Leopoldo’s ideas and, in the end, fully convinces him of the justice of wars against the Indians and of the obligation of the king to wage them.

Sepúlveda’s Position

Sepúlveda’s real doctrine has long been in doubt. Nor was he himself ever satisfied that he was understood. In recent years, however, there has arisen a vigorous school both in English- and Spanish-speaking lands to explain and defend his position. The summary made by Domingo de Soto at the request of the juntas and printed at Seville in 1552 by Las Casas presents a concise view of the main points at issue, and Sepúlveda’s basic thoughts on just war were included both in a contemporary work issued in Rome and in his Opera, which was published in the latter part of the eighteenth century. If Sepúlveda’s doctrine has been incompletely understood, this may be due to the fact that his treatise underwent many revisions. Fortunately, a new edition appeared in 1951, prepared by the painstaking Latinate Angel Losada, and the student who wishes to know Sepúlveda’s doctrine on just war against the American Indians will henceforth depend upon this version. It is better organized and more complete than Sepúlveda’s earlier versions; it omits some of his harsher expressions on the nature of the Indians; and it corrects what Losada points out as a number of mistranslations in earlier editions. Losada believes that the text he has published represents the true thought of Sepúlveda—and the reader who follows Losada’s detailed and exhaustive collation of the four manuscripts is bound to agree.
We will make no attempt to analyze Sepúlveda's theses in detail, except insofar as Las Casas described and combated his views. The reader who wishes to understand all the complexities of this dispute should read the Lasoada edition, and compare Sepúlveda's argument with the Defensa de Las Casas. The Defensa, however, responds to the summary made by Sepúlveda of the more complete argument he elaborated in Dominus Segundo.

The Valladolid scene in 1549 and 1550 was obviously confused, but at least we know that the Council of the Indies was closely concerned with arguments on the capacity of the Indians as they affected royal policy. In September 1549 the Council seemed to be suspicious about the retraction of Domingo de Betanzos, and it ordered a notary public to investigate. After the first confrontation between Las Casas and Sepúlveda, in August and September 1550 before the eminent group appointed by the Council of the Indies to listen to their arguments, the Council immediately ordered, in October, that the "book which Dr. Sepúlveda printed on matters relating to the Indies without a license" not be allowed to be sent to the New World. The book must have been the summary Sepúlveda had issued in Rome in 1550, which served as the basis for the great dispute.

NOTES
1. For more details on these years, see Hanke (1970), chap. 4-4. The Malinowski citation at the end of the paragraph comes from Fabé (1879), II, 145.
3. The decision of the New Laws is based on Hanke (1966), pp. 95, 271-273.
4. For a discussion of this idea and a refutation that seems valid to me, see Batallon (1968), pp. 293-308.
6. This statement on Sepúlveda and the students in Bologna is based on Logan (1970), p. 249.
11. Paredes Vieante (1969), p. 343. It is significant that the Council of Trent reached a decision on a controversy that was almost identical with that of Las Casas, and this policy of kindness, instead of force, was adopted in Portuguese missions in the East Indies (1969), pp. 270, 149. Also, it has been stated that the Jesuits, led by Diego Letón, "made the Council of Trent adopt the thesis that all men, regardless of their skin color, have souls capable of achieving salvation" (Lasoada [1942], p. 342). The person who interrogated the Council of Trent may have been Melchor Cano, according to Lasoada (1970), p. 284. See also Torres (1943).
15. Lasoada (1947), pp. 30-34.
16. This section is based on Hanke (1970), pp. 33-36.
My own view is based on Ernest J. Bunn, S.J., the scholar who has most recently examined this controversial topic. In connection with his edition of the works of Alonso de la Vera Cruz, Dr. Bunn has this to say, after examining both the Biberon Greek text and the Latin translation of Azorina's words by Mauro and Beringer:
"Vera Cruz dared notën the overwhelming authority of the Greek philosopher; hence, he would show that a more humane interpretation could be given to the theory of natural superiority and natural inferiority of men. The classic text, according to Vera Cruz, did not mean that some were born to be slaves and others to be masters; it could be taken to mean that some men were naturally superior to others in the sense that they were capable of directing and ruling others, whereas other men were naturally inferior in the sense that they were to be directed and ruled by others."
"It is true that there is such a part in the first book of Aristotle's Politics, but, when the sum total of what the Greek philosopher had to say on natural superiority and natural inferiority is taken together, I do not think that it is possible to defend Vera Cruz's benign interpretation." Vera Cruz (1968), II, 72. See also n. 176 on the same page.
20. D.L. IX, 231-112. The Council also wanted to make certain that no copies remained in America: "El gobernador de Tarrerimne tomó los libros que habían en aquella provincia de los que de Castilla hizo imprimir sobre cosas tocantes a la ley de la licencia y los envió a los gobiernos de los otros reinos que tenía en ellos licencia para que hubiesen" (Lasoada 1970, p. 225).
III

Analysis of Las Casas’s Treatise

The Two Treatises Prepared by Las Casas to Combat Sepúlveda

Those who are familiar with the astonishing vigor of Bartolomé de Las Casas it will come as no great surprise that he prepared not only a huge treatise in Latin against the doctrines of Juan Ginés de Sepúlveda but also had ready—for the confrontation at Valladolid in 1550 and 1551—a second treatise in Spanish. The Latin work has generally been referred to as the Apología, but henceforth will be referred to by the English title, Defensio, and thus distinguished from the second treatise, in Spanish, and written by Las Casas on the same subject, which he described as an
The Two Treatises Prepared by Las Casas to Combat Sepúlveda

by Montezuma to Cortes which were sent by the conqueror to his sovereign Charles V as a demonstration of the richness to be found in the conquered New Spain, and publicly exhibited in Brussels:

Also I saw the things which were brought to the King from the New Golden land; a sun entirely of gold, a whole fatborn brood; likewise, a moon, entirely of silver, just as big, likewise, sundry curiosities from their weapons, armours, and missiles; very odd clothing, bedding and all sorts of strange articles for human use, all of which is fancy to see than marvelling.

These things were all so precious that they were valued at a hundred thousand golden worth. But I have never seen in all my days what so rejoiced my heart, as these things. For I saw among them amazing artistic objects, and I marvelled over the subtle ingenuity of the men in these distant lands. Indeed I cannot say enough about the things that were brought before me.

Las Casas, in the Defense, went on to praise the ability of the Indians in other fields:

In the liberal arts which they have been taught up to now, such as grammar and logic, they are remarkably adept. With every kind of music they charm the ears of the audience with wonderful sweetness. They write skillfully and quite elegantly, so that most often we are at a loss to know whether the characters are handwritten or printed. I shall explain this in greater length in the second part of this Defense, not by quoting the totally groundless lies of the monks [foolish in the histories published so far], but the truth itself and what I have seen with my eyes, feel with my hands, and heard with my own ears while living a great many years among those peoples.

Las Casas then charged that Sepúlveda "should have consulted the honest religious who have lived among those peoples for many years and know their endowments of character and industry as well as the progress they have made in religion and morality."

The basic point Las Casas made was that "not all barbarians are irrational or natural slaves or unfit for government. Some barbarians, in accordance with justice and nature, have kingdoms, royal dignities, jurisdiction, and good laws, and there is among them lawful government." The Indians certainly fall within this class of barbarian:

[They have] important kingdoms, large numbers of people who live settled lives in a society, great cities, kings and judges and towns, persons who engage in commerce, buying, selling, lending, and the other contracts of the law of nations, will it not stand proved that the reverend Dr. Sepúlveda has spoken wrongly and viciously against peoples like these, either out of malice or ignorance of Aristotle's teaching, and, therefore, has falsely and perhaps
irreparably slandered them before the entire world! From the fact that the Indians are barbarians it does not necessarily follow that they are incapable of government and have to be ruled by others, except to be taught about the Catholic faith and to be admitted to the holy sacraments. They are not ignorant, inhuman, or bestial. Rather, long before they had heard the word Spaniard, they had properly organized states, wisely ordered by excellent laws, religion, and custom. They cultivated friendship and, bound together in common fellowship, lived in populous cities in which they wisely administered the affairs of both peace and war wisely and equitably, only governed by laws which at very many points surpass ours, and could have seen the admiration of the sages of Athens, as I still view in the second part of this Defense."

At various points Las Casas referred to the Spanish Apologia in such a way as to show that it was an integral part of his position as set forth in the Latin Defense. He commanded the Indians' Christian faith, their honor of the holy sacraments, and, at the time of death, "their wonderful concern about their salvation and their soul... I shall speak at greater length about this in the second part of this apology." Later on in the Defense, during the long passage against Oviedo, Las Casas stated: "Oviedo's assertion that the Indians are untouchable and incorrigible is false as false, as will be clear from the second part of this Defense."

In his summation, made at the close of the Defense, Las Casas declared:

The Indians are our brothers, and Christ has given his life for them. Why, then, do we persecute them with such inhuman savagery when they do not deserve such treatment?... [They] will embrace the teaching of the gospel, as I well know, for they are not stupid or barbarous but have a native sincerity and are simple, moderate, and enervate, and, finally, such that I do not know whether there is any people ready to receive the gospel. Once they have embraced it, it is marvelous with what purity, eagerness, faith, and charity they obey Christ's precepts and venerate the sacraments. For they are docile and clever, and in their diligence and gifts of nature, they excel most peoples of the known world.

At this point one is led to wonder whether the Spanish Apologia described by Las Casas as the second part of his argument at Valladolid the Indians. Although the manuscript embodying Las Casas's attack was already bulky, he requested Philip to command Sepúlveda to give him a copy of the complete Latin work so that he could refute his falsehoods even more thoroughly.

Before we enter into the story of this argument it may be useful to have a closer view of the complicated and controversial subject: Is war lawful as a means for spreading Christianity in America? This question has two aspects.

First, its legality: Is war against the Indians ever just, in itself, as a means of attracting them to the true religion? Sepúlveda had expounded his views on this theoretical issue in his Latin treatise Descanso de las revoluciones on this subject, and in the summary of this treatise, which Las Casas had read, Las Casas presented his position in the Defense, whose text is the basis for this study.

Second, its factual basis: Are the Indians really in such a state of inferiority and barbarism in relation to the rest of the civilized people that this fact alone justifies such war, according to natural law, as a means of liberating them from such inferiority and barbarism? Sepúlveda invoked the testimony of the royal historian Gonzalo Fernández de Oviedo y Valdés in his Historia general y natural de las Indias, which had rendered a very unfavorable opinion on Indian capacity and character. To prove the contrary, Las Casas devoted a large part of his Defense to expounding his very favorable view of the Indians and to attacking Oviedo tooth and nail. Moreover, he composed the second part of his Defense, in Spanish, to demonstrate the truth of his contention that the Indians are not "irrational or natural slaves or wild for government." Las Casas divided the Latin part of his argument, the Defense, into two well-defined sections. In the first he replied to the four reasons Sepúlveda adduced in favor of waging war against the Indians, and in the second he commented on the "authorities" Sepúlveda cited to substantiate his position.

The imposition of a scholastic organization of thought on the torrential prose of Las Casas does not give the reader a true understanding of the rare combination of passion and erudition that marks the Defense. Sarcasm, learning, indignation, and memorable phrases can be found throughout this treatise, which probably presents a more comprehensive view of Las Casas's thought than any.
other. Certainly he referred to it so frequently in his printed 1552
treaties as to indicate that he looked upon it as the most detailed ex-
position of his views.11 The present analysis, however, will not
attempt to tell all: the Defense is such a rich and varied combination of
its fundamental doctrine and his experiences in the New World that it
will doubtless be studied as long as the world maintains its interest in
the history of Spain in America and in that procession of remarkable
events called the expansion of Europe.

The First Section: Las Casas’s Response to Sepúlveda’s
Four Reasons for Justifying War Against the Indians in
Order to Convert Them

Las Casas made it clear at the beginning of the Defense that his prin-
cipal concern was to attack those who condemned “in mass so many
thousands of people” for faults that most of them did not have. “What
man of sound mind will approve a war against men who are harmless,
ignorant, gentle, temperate, unarmed, and destitute of every human
defense?” He then announced that he would prove Sepúlveda and his
followers were wrong in law, a subject he had treated “at greater
length elsewhere and in general,” and wrong in fact.

For the Creator of every being has not so despised these peoples of the New
World that he willed them to lack reason and made them like brute animals, so
that they should be called barbarians, savages, wild men, and brutes, as they
[i.e., the Sepulvedan] think or imagine. On the contrary, they are of such
gentleness and decency that they are, more than the other nations of the en-
tire world, supremely fitted and prepared to abandon the worship of idols and
and to accept, province by province and people by people, the word of God and the
preaching of the truth.12

Then Las Casas plunged into such a detailed rebuttal of each
reason, with so many subsidiary arguments, that at times the reader is
almost lost in his torrent of words and in the multiplicity of his learned
references. A notable characteristic of the disposition at Vafadolid
was the way in which both Las Casas and Sepúlveda drew upon the
immense reservoir of doctrine and example that was represented in the
Bible, the writings of Church fathers, and other authorities and

The First Section: Las Casas’s Response: events of the past as recorded by historians. Each contestant tried to
demonstrate that his opponent misunderstood, and at times twisted,
the words of these authorities and the experience of the past to fit his
own argument.

To Sepúlveda’s argument that the inhabitants of the New World
were in such a state of barbarism that force was required to lib-
erate them from this condition, Las Casas replied that one cannot
generalize about “barbarians” in such a loose and broad way. He
examined Aristotle’s statements on barbarism and found several dif-
f erent kinds:

1. Those who are barbarians because of their savage behavior. Las Casas
replied that, even those who live in the most highly developed states,
such as Greeks and Latins, can be called barbarians if their behavior is
sufficiently savage. However, the Spaniards, in their treatment of the
Indians, “have surpassed all other barbarians” in the savagery of their
behavior.

2. Those who are barbarians because they have no written language in which to
express themselves. Such persons are barbarians in only a restricted sense.
Las Casas said, and do not fall into the class that Aristotle described as
pertaining to natural slaves. Spanish missionaries, before and after
Las Casas, emphasized the beauty and intricacy of the Indian
languages, and the Dominican friar Domingo de Sauto Tomás publish-
ed a grammar of the Peruvian Indians’ language to prove their
rationality.

3. Those who are barbarians in the current sense of the term. These, Las Casas
argued, are the only ones who may properly be placed in Aristotle’s
category of natural slaves. They are truly barbarians

either because of their evil and wicked character or the barrenness of the
region in which they live . . . They lack the reasoning and way of life suited to
human beings . . . They have no laws which they fear or by which all their
actions are regulated . . . they lead a life very much that of brute animals . . .
Barbarians of this kind (or better, wild men) are rarely found in any part of the
world and are few in number when compared with the rest of mankind.

Such men are freaks of nature, “for since God’s love of mankind is so
great and it is His will to save all men, it is in accord with His wisdom that in the whole universe, which is perfect in all its parts, His wisdom should shine more and more in the most perfect thing: rational nature. To find a large part of the people of the world barbaric in this sense would mean a frustration of God’s plan, according to Las Casas, who explained that he had discussed this more fully in his treatise \textit{The Only Method of Attracting All Faith to the True Faith}, in which he proved that it would be impossible to find a whole race, nation, region, or country anywhere in the world that is slow-witted, moronic, foolish, or stupid, or even not having for the most part sufficient natural knowledge and ability to rule and govern itself.\textsuperscript{54} Even such barbarians should be attracted to the Christian faith by peaceful means; nevertheless, the Indians are not this kind of barbarians, but fall within the second class.

Then Las Casas launched into a description of those barbarians who are “not irrational or natural slaves or unfit for government.” They have “kingdoms, royal dignities, jurisdiction, and good laws and there is among them lawful government.” Then followed such an optimistic description of Indian culture that one is not surprised that he promised to spell out his views on Indian achievements in greater detail in the second part of the \textit{Defensa}. This argument sounds very much like the parallel one developed in the \textit{Apologetic History}.

Las Casas was meting, of course, to Sepúlveda’s harsh estimate of Indian capacity, for Sepúlveda described them thus: \textsuperscript{55}

\begin{quote}
In prudence, talent, virtue, and humanity they are as inferior to the Spaniards as children to adults, women to men, as the wild and cruel to the most mild, as the prodigiously intertemporal to the continent and temperate, that I have almost said, as monkeys to men.\textsuperscript{56}
\end{quote}

Several versions of Sepúlveda’s treatise, one of which may have been the text that was available to Las Casas while he was preparing his argument at Valladolid, included the “monkeys to men” phrase in this denunciation of Indian character; however, the most complete and apparently latest version of the text of the treatise prepared by Sepúlveda omits this phrase.\textsuperscript{57}

In the definitive text of this treatise (prepared by Losada) Sepúlveda softened his position somewhat, but still had a very low opinion of the Indians’ capacity and felt that Spaniards were supremely superior:

Now compare their gifts of prudence, talent, magnanimity, temperance, humanity, and religion with these little men [natives] in whom you will scarcely find traces of humanity; who not only lack culture but do not even know how to write, who keep no records of their history except certain obscure and vague reminiscences of some things put down in certain pictures, and who do not have written laws but only barbarous institutions and customs. But if you deal with the virtues, if you look for temperance or meekness, what can you expect from men who were involved in every kind of intemperance and wicked lust and who used to eat human flesh? And don’t think that before the arrival of the Christians they were living in quiet and the Saturnine peace of the pigs. On the contrary they were making war continuously and ferociously against each other with such rage that they considered their victory worthless if they did not satisfy their monstrous hunger with the flesh of their enemies, an inhumanity which in them is so much more monstrous since they are so distant from the uncontested and wild Scythians, who also fed on human flesh, for these Indians are vicious and timid, that they scarcely withstand the appearance of our soldiers and often many thousands of them have given ground, fleeing like women before a very few Spaniards, who did not even number a hundred.\textsuperscript{58}

Sepúlveda then said that Cortez, whom he greatly admired, had decisively demonstrated the greatness of Spaniards in his conquest of Mexico: \textsuperscript{59} Can there be a greater or stronger testimony how some men surpass others in talent, industry, strength of mind, and valor? Or that such peoples are slaves by nature?\textsuperscript{60} And then Sepúlveda seems to reply to those who, like Dureñ, praised the artistic skill of the Indians:

But even though some of them show a talent for certain handicrafts, this is not an asset in favor of a more human skill, since we see that some small animals, both birds and spiders, make things which no human industry can imitate completely.\textsuperscript{61}

Even the relatively advanced Mexican Indians fell far short of an acceptable standard:

Nothing shows more of the cruelty, barbarism, and native slavery of these men than making known their institutions. For homes, some manner of community living, and commerce—which natural necessity demands—what do these prove except that they are not bears or monkeys and that they are not
Las Casas made a final point against the use of force in Spanish treatment of the Indians. Even if it were granted—as it was not—that they had no knowledge of mind or artistic ability, they still would not be obliged “to submit themselves to those who are more intelligent . . . even if such submission would lead to [their] great advantage.” Here it is evident that Las Casas was aware of Sepúlveda’s contention that the Conquest conferred great benefits on the Indians.

Turning to the fourth category, adduced from Holy Scripture, that those people who are not Christians may be called barbarians and clearly the Indians are barbarians in this sense, Las Casas recapitulated his analysis of the four classes of barbarians and said that they may be reduced to two large categories, as follows. “Those improperly termed barbarians comprise the first, second, and fourth classes—together with the Indians—but even Christians are barbarians (of the first class) if they manifest savage customs, and those properly termed barbarians comprise only the third class, from which Indians are definitely excluded. Las Casas concluded his exposition of barbarism by observing that Sepúlveda either did not understand or chose not to understand these distinctions with respect to the different classes of barbarians. As if to underline the connection between the Defense and the Apología Historica, Las Casas put a long statement on the various kinds of barbarians, based upon the argument in the Defense, at the end of the Apología Historica.

Rebuttal of Sepúlveda’s Second Argument: Indians Commit Crimes Against Natural Law

To Sepúlveda’s contention that war against the Indians may be justified as punishment for the crimes they commit against natural law, with their idolatry and sacrifice of human beings to their gods, Las Casas responded with the following syllogism: All punishment presupposes jurisdiction over the person receiving it, and Spaniards enjoy no jurisdiction over Indians, and hence they cannot punish them.

In the course of his exhaustive study of the nature of jurisdiction Las Casas made a notable statement for a mid-sixteenth-century Spanish Christian. He held that Jews, Moslems, or idolaters who live in a Christian kingdom are under the temporal jurisdiction of the Christian prince, but not with respect to spiritual matters (a view that was shared by Vitoria and Vera Cruz). Perhaps Las Casas was following the doctrine he had been familiar with as a young man. As Richard
Konzetke has emphasized, kings in medieval Spain permitted full freedom of worship to their subjects, and as late as 1492 the Catholic Kings Ferdinand and Isabella assured the subjugated Moors the people, after the conquest at Granada, that they could remain in the country and that they would be guaranteed the free exercise of their Islamic religion, their property, and their customs. Put in the years after the voyages of Columbus the Crown’s authority had steadily tightened, and the modern state which aspired to gain strength by wiping out dissension was well advanced in Spain after 1551, when Las Casas was putting the text of his Divina in final shape. Moreover, Las Casas stated that Jews, Moslems, and idolaters who do not live in a Christian kingdom are not under the jurisdiction of the Church, nor any Christian prince, no matter how their crimes may violate natural law. Hence, however, can be punished if they fail to observe “the obedience promised to God and the Catholic Church in baptism.”

Las Casas cited authority after authority to prove his contention that unbelievers do not come under the competence of the Church. Thus the Church cannot punish pagans who worship idols merely because of their idolatry. Nor is it the business of the Church to punish the unbelief of the idolaters, which Las Casas explained in this way: the worshipers of idols, at least in the case of the Indians, about whom this dispute has been undertaken, have never heard the teaching of Christian truth even through hear ass; so they sin less than the Jews or Saracens, for ignorance excuses to some small extent. On this basis we see that the Church does not punish the blindness of the Jews or those who practice the Mohammedan superstition, even if the Jews or Saracens dwell in cities within Christian territories. This is so obvious that it does not need any proof. Rome, the bastion of the Christian religion, has Jews, as also do Germany and Bohemia. And Spain formerly had Saracens, who were commonly called Moors, whom we saw with our own eyes. Therefore, even the Church does not punish the unbelief of the Jews even if they live within the territories of the Christian religion, much less so will punish idolaters who inhabit an immense portion of the earth, which was unheard of in previous centuries, who have never been subjects of either the Church or her members, and who have not even known what the Church is.

The conclusion to this detailed exposition is clear: “There is no crime so horrible, whether it be idolatry or sodomy or some other kind, as to demand that the gospel be preached for the first time in any other way than that established by Christ, that is, in a spirit of brotherly love, offering forgiveness of sins and exhorting men to repentance.”

The many examples Las Casas introduced into his text after what must have been a wide-ranging search during those “sleepless nights” of study all pointed to one conclusion: “No pagan can be punished by the Church, and much less by Christian rulers, for a crime or a superstition, no matter how abominable, or a crime, no matter how serious, as long as he commits it . . . within the borders of the territory of his own masters and his own unbelief.” Not that Las Casas admitted many “abominations”; rather, he dedicated such space to an exegesis of Pope Paul III’s bull Sublimis Deus of 1537, which had played such a prominent part in the long struggle, described above, over Indian capacity. Although Las Casas analyzed the declaration in the light of fundamental and unshakeable principles, he did not fail to apply them to the Indians. The methods of force and terror used to preach the faith to them had been “contrived by the devil in order to prevent the salvation of men and the spread of the true religion. And, in truth, this is . . . what they did in treating the Indians as though they were wild and brute animals so that they might exploit them as if they were beasts of burden.”

Rebuttal of Sepúlveda’s Third Argument: Indians Oppress and Kill Innocent Persons

War against the Indians, Sepúlveda argued, may be justified because the Indians oppress innocent persons and kill them in order to sacrifice them to their gods or to eat their bodies, therefore armed intervention against the Indians would prevent an act contrary to natural law, to which all are subject. Here Las Casas entered into the most complicated and subtle questions in the whole treatise, as may be seen from the large amount of space he gave to this argument. Both adversaries, and such eminent authorities of their time as Francisco de Vitoria, accepted the basic premise. Las Casas, however, strove mightily to demonstrate that the Indians did not commit such acts, and that, if they did worship idols or engage in human sacrifices to their gods, these acts could be justified. The methods by which Las Casas and Sepúlveda invoked the Bible to support their respective positions are worthy of more extended treatment than can be given here. Suffice it to say that Las Casas twitted his opponent:

He has not diligently searched the scriptures, or surely has not sufficiently understood how to apply them, because in this era of grace and mercy he
seeks to apply those rigid precepts of the Old Law that were given for special circumstances and thereby he opens up the way for tyrants and plunderers to cruel invasion, oppression, usurpation, and harsh enslavement of harmless nations.

What God, centuries ago, commanded the Jews to do to the Egyptians and Canaanites should not be applied to Indians of the New World. Later Las Casas stated that "not all of God's judgments are examples for us." The prophet Elisha cursed forty-two boys who mocked him, calling him a "idlehead," for which they were torn to pieces by bears. If men were to imitate such judgments, "we would commit a vast number of unjust and serious sins and thousands of absurdities would follow."29

Las Casas also denounced as an absurd argument Sepúlveda's invocation of Saint Cyril because this Church father approved the killing of those who, having heard and embraced the truth of the gospel, returned to idolatry. The Indians, obviously, did not fall into this category. Thus we see the importance of Oviedo's view, that it had been accepted, that the Indians had once received the faith and had then reverted to their previous idolatry. To illustrate his position that the Indians could not justly be punished, because no outside power held jurisdiction over them, Las Casas set forth his ideas in some detail on the conditions under which the Church or Christian princes might have jurisdiction over infidels: (1) when infidels are in fact subjects of the Church or some Christian prince, (2) when the Church or a Christian prince is able to change their potential jurisdiction (en latio) over infidels to actual jurisdiction (en acto). Six examples of condition two were given, and Las Casas found that the Indians fit into none of the six cases. But special twists to the argumentation on two of the six circumstances merit mention—the fourth and the sixth. The fourth circumstance occurs when pagans make obstacles per se, and not per accidens, for Christian preachers. Las Casas had to admit that missionaries had been killed in the New World, but not because they were preachers per se but because the Indians tried to defend themselves from the bad treatment of the accompanying soldiers who waged war against them. His previous treatise, The Only Method of Preaching the True Faith, had concentrated on this theme alone, and its doctrine was given in summary: "What does the gospel have to do with firearms? What does the herald of the gospel have to do with armed thieves?"30

The Church has an obligation to preach the gospel to all nations, but Las Casas declared (and illustrated his doctrine with four examples) that it does not follow from this that Christians can force unbelievers to hear the gospel. The conclusion will be no surprise to those familiar with other Las Casas treatises, particularly The Only Method of Preaching the True Faith.

From the foregoing it is evident that war must not be waged against the Indians under the pretext that they should hear the preaching of Christ's teaching, even if they may have killed preachers, since they do not kill the preachers as preachers or Christians as Christians, but as their most cruel public enemies, in order that they may not be oppressed or murdered by them. Therefore let those who, under the pretext of spreading the faith, invade, steal, and keep the possession of others by force of arms—let them fear God, who punishes perverse endeavors.31

The final case brought forward by Las Casas holds unusual interest, for he invoked Erasmus to support his position—probably one of the few times that the sage of Rotterdam was cited before a royal council in Spain. In this instance Las Casas referred to the doctrine of Alberti Fio, Prince of Carpi, who advanced the idea that the Church may wage war against infidels who maliciously impede the spread of the gospel. Las Casas agreed with this, especially with respect to the Turks, a point on which he was at one with Sepúlveda, who had dedicated a book to Charles V in which he advocated war against the Turks as soon as possible. Las Casas, we know, felt just as strongly as his opponent on this point. Opposition to the anti-Moslem crusades was considered in Catholic Europe to be a Lutheran error, and one of Sepúlveda's objections at Valladolid may have been to make the Leopoldo of his treatise, the character who questions the justice of war against the Indians, a quasi-Lutheran, inasmuch as Luther attacked the campaigns against Turkey in his Colloquium. If so, Sepúlveda failed, as Las Casas seems never to have been touched by the Inquisition, despite his strong advocacy of several unpulverable doctrines. At any rate, he always held that just war could be levied against the Turks and the Saracens; however, Indians were in an entirely different category, he wrote: they could
not be justly warred against because their resistance was purely defensive in the face of conquistador attacks. In adopting this position Las Casas knew very well that the Prince of Carpi had been Sepúlveda's protector when the latter had first arrived in Rome as a young man, and that Sepúlveda had published his Antipapaligia in 1532 to take the part of his protector when the Prince of Carpi was feuding with Erasmus. Las Casas evidently considered Erasmus a Christian thinker in this matter.

Erasmus never dreamed of what Carpi cites against him. In fact he very explicitly teaches the Catholic opinion in his commentary on the psalm "Give to the Lord, you sons of God," as well as in many other passages in his writings: "Proudly, Carpi was seeking glory by attacking Erasmus, to whom our Sepúlveda, in putting together his little book, did not devote much attention, contrary to rumor.

The sixth circumstance occurs when infides injuriously oppress innocent persons, and specifically by sacrificing them or eating their bodies. Here again Las Casas coincided in principle with Sepúlveda and Francisco de Vitoria in upholding the traditional doctrine of the Church, that all men are obliged to aid the innocent who is in danger of being killed unjustly. But does this doctrine apply to the Indians? Yes, said Sepúlveda, while Vitoria agreed less definitely, and Las Casas argued that such an application must be "the lesser evil." For example, one must refrain from war, and even tolerate the death of a few innocent infants or persons discovered to be killed for sacrifice and cannibalism, if in trying to prevent such deaths one should "move against an immense multitude of persons, including the innocent, and destroy whole kingdoms, and implant a hatred for the Christian religion in their souls, so that they will never want to hear the name or teaching of Christ for all eternity. All this is surely contrary to the purpose intended by God and our mother the Church."

Even though some wicked persons would escape punishment, this would be the lesser evil. "Would he be a very good doctor who cuts off the hand to heal the finger?"

When Las Casas got down to cases, he must have had in mind the post-1514 experience of Oviedo and other Spaniards when they tried to read the requirement to Indians:

Let us put the case that the Spaniards discover that the Indians or other pagans sacrifice human victims or eat them. Let us say, further, that the Spaniards are so upright and good-loving that nothing motivates them except the rescue of the innocent and the correction of the guilty. Will it be just for them to invade and punish them without any warning? You will say "No, rather, they shall send messengers to warn them to stop these crimes." Now I ask you, dear reader, what language will the messengers speak so as to be understood by the Indians? Latin, Greek, Spanish, Arabic? The Indians know none of these languages. Perhaps we imagine that the soldiers are so holy that Christ will grant them the gift of tongues so that they will be understood by the Indians? Then what deadline will they be given to come to their senses and give up their crimes? They will need a long time to understand what is said to them, and also the authority and the reasons why they should stop sacrificing human beings, so that it will be clear that evils of this type are contrary to the natural law.

Further, within the deadline set for them, no matter what its length, they will certainly not be bound by the warning given them, nor should they be punished for stubbornness, since a warning does not bind until the deadline has run out. Likewise, no law, constitution, or precept is binding on anyone unless the words of the language in which it is proposed are clearly understood, as the learned jurist says . . .

Now, I ask, what will the soldiers do during the time allowed the Indians to come to their senses? Perhaps, like the forty monks St. Gregory sent to convert the English, they will spend their time in fasting and prayer so that the Lord will be pleased to open the eyes of the Indians to receive the truth and give up such crimes. Or, rather, will not the soldiers hope with all their hearts that the Indians will become so blind that they will neither see nor hear? And then the soldiers will have the excuse they want for robbing them and taking them captive. Anyone who would foolishly and very unrealistically expect soldiers to follow the first course knows nothing about the military mind.

Human sacrifice required much explanation. Las Casas held that the Indians were "in probable error" for such actions, but added: "Strabo reminds us that our own Spanish people, who reproach the poor Indian peoples for human sacrifice, used to sacrifice captives and their horses." Ancient customs are hard to eradicate: "There is no greater or more arduous step than for a man to abandon the religion which he has once embraced." Las Casas concluded that proving the sinfulness of human sacrifice to those who practice it is very difficult, a basic question to which he applied four "principles":

1. No nation is so barbarous that it does not have at least some confused knowledge about God.
2. By a natural inclination men are led to worship God according
to their capacities and in their own ways. We must offer Him whatever we have—our wealth, energies, life, and our very soul—for His service.

3. There is no better way to worship God than by sacrifice.

4. Offering sacrifice to the true God or to the one thought to be God comes from the natural law, while the things to be offered to God are a matter of human law and positive legislation.44

From these principles one may deduce that Las Casas recognized the good faith of the pagan in his religion, even if it were idolatrous, and justified the pagan’s human sacrifice as a natural act because he was offering his most valuable possession, his life, to the God he considered the true one. Neither Sepúlveda nor Victoria, nor indeed few theologians then or later, adopted a similar view. Thus Las Casas respected, perhaps more than any of his contemporaries, the beliefs, rites, and customs of the Indians as appropriate and proper for them, but in the minds of many of his contemporaries he must have seemed to be teaching something very close to heresy, although the Inquisition never called him to account. For him, the religious beliefs of the Indians were valid—for them at that time—and in no wise indicated atheism. He even considered them more truly religious than those Spaniards who tried to attract Indians to their civilization and their religion by “fire and sword.” “If Christians use violent methods to impose their will on the Indians, it would be better for them to maintain their own religion; indeed, in such a case the pagan Indians would be those on the right path and Christians should learn from them how to conduct themselves.”

He closed his argument on human sacrifice with these words:

Thus it is clear that it is not possible, quickly and in a few words, to make clear to unbelievers, especially ours, that sacrificing men to God is unnatural. On that account, we are left with the evident conclusion that knowledge that the natives sacrifice men to their gods, or even eat human flesh, is not a just cause for waging war on any kingdom. And again, this long-standing practice of theirs cannot be suddenly uprooted. And so these entirely guiltless Indians are not to be blamed because they do not come to their senses at the first words of a preacher of the gospel. For they do not understand the preacher. Nor are they bound to abandon at once their ancestral religion, for they do not understand that it is better to do so. Nor is human sacrifice—even of the innocent, when it is done for the welfare of the entire state—so contrary to natural reason that it must be immediately detested as something contrary to the dictates of nature. For this error can owe its origin to a plausible proof developed by human reasoning. The preceding arguments prove that those who willingly allow themselves to be sacrificed, and all the common people in general, and the ministers who sacrifice them to the gods by command of their rulers and priests labor under an execrable, invincible ignorance and that their error should be judged levendar, even if we were to suppose that there is some judge with authority to punish them. If they offend God by these sacrifices, he alone will punish this sin of human sacrifice.”45

As Las Casas stated over and over again during the course of his disquisition on sacrifice: “It is not altogether detestable to sacrifice human beings to God from the fact that God commanded Abraham to sacrifice to Him his only son.”

Anyone who is familiar with the genuine horror produced in the Spaniards by human sacrifice, from new soldiers to priests, as evidenced in the many chronicles of the Conquistadors, must reckon the attitude of Las Casas to such ceremonial sacrifices—especially in Mexico—as one of the most remarkable of all his doctrines.46 It was, moreover, a doctrine to which he was firmly committed, as may be seen from his even more extensive treatment of it in the Apologética Historia, in which he used the same authority and examples to reach the same conclusions on the justification for human sacrifice by the American Indians. Toward the end of his long life, in a letter to his fellow Dominicans in Chiapa, he proudly referred to the arguments he presented against Sepúlveda in Valladolid: “In this controversy I maintained and proved many conclusions which no one before me dared to treat or write about.” And the only specific doctrine he mentioned was his defense of human sacrifice by the Indians.47

It is Kalabul of Sepúlveda’s Fourth Argument: War May Be Waged Against Infidels in Order to Prepare the Way for Preaching the Faith.

In this section Las Casas argued against Sepúlveda’s use of the parable of the wedding feast, when the Lord commanded his servants to go into the highways and byways and “force them to come in.” He had treated this subject in other writings, but in refuting Sepúlveda he used language reminiscent of his bitter attacks on the Conquistador in his Very Brief Account of the Destruction of the Indies:
At this point I would like Sepulveda and his associates to produce some passage from sacred literature where the gospel parable is explained as he explains it, that is, that the gospel (which is the good and joyful news) and the forgiveness of sins should be proclaimed with arms and banditry, by subjecting a nation with armed militia and pursuing it with the force of war. What do joyful tidings have to do with wounds, captivities, massacres, configurations, the destruction of cities, and the common evils of war? They will go to hell rather than learn the advantages of the gospel. And what will be said by the hapless wives of the war and other people out of fear of the Spaniards, with their heads split, their hands amputated, their intestines torn open? What will they think about the God of the Christians? They will certainly think that (the barbaric) hatred, not the children of God and the messengers of peace. Would those who interpret that parable in this way, if they were pagans, want the truth to be announced to them after their homes were destroyed, their children imprisoned, their wives raped, their cities devastated, their innocent deflowered, and their provinces laid waste? Would they want to come to Christ’s sheepfold with so many evils, so many tears, so many horrible massacres, such savage fear and heart-rending calamity? Does not Paul say, “Treat each other in the same friendly way as Christ treated you”?

Sepulveda’s fourth argument also provided Las Casas with an opportunity to deliver one of his fundamental statements on the nature of man, based on one of his favorite authorities, Saint John Chrysostom: “Just as there is no natural difference in the creation of men, so there is no difference in the call to salvation of all of them, whether they are barbarous or wise, since God’s grace can correct the minds of barbarians so that they have a reasonable understanding. He changed the heart of Nebuchadnezzar to an animal mind and then brought his animal mind to a human understanding. He can change all persons, I say, whether they are good or bad, as he pleases, and no one can prevent it.”

Therefore Las Casas concluded that “since the nature of men is the same and all are called by Christ in the same way, and they would not want to be called in any other way.”

The wedding parable was then explained in familiar terms, after which Las Casas turned to Sepulveda’s use of Constantine the Great’s wars against unbelievers so that once subjected to his rule, “he might remove idolatry and the faith might be introduced more freely.” Historical data was produced on the Goths and the barbarian Irish to show “how great an opportunity is given to pagans to blaspheme or to wage war against them and how great a hatred for Chris-
gospel is preached to them? When I speak of the force of war, I am speaking about the greatest of all evils. Furthermore, what advantage is there in destroying idols if the Indians, after being treated this way, keep them and adore them secretly in their hearts? The parable's phrase "force them to come," therefore, must never be interpreted to apply to unbelievers who had never heard the truths of the faith. For them, only "the urgings of reason and human persuasion or spiritual and interior persuasion attained through the ministry of angels" should be used.

The "compelle eos litteros" parable was used frequently in sixteenth-century disputes on the conversion of American Indians. Menditega felt it meant only peaceful actions; but others followed Sepúlveda's interpretation. Even the saintly Jesuit in Brazil, José de Anchieta, who worked hard for the Christianization of the natives, in 1563 advocated the use of force "because for this kind of people there is no better way to preach the Gospel than by fire and sword." The Brazilian historian who recalls these early evangelization attempts concluded that there were more supporters there of the "dirty dog" than of the "savage" people.

But what of infidels—how should they be treated? Here Las Casas followed the general thought of his time: "It is lawful for the heretic to be forced by the Church to keep the faith, offer obedience, and live according to Christ's law, which he vowed and freely promised" to obey. Las Casas went into this subject in some detail in order to establish the fundamental distinction, based on Saint Augustine: "Heretics must be judged differently from pagans, who must be attracted and invited to the faith with kindness and mildness, but not forced." Las Casas charged that Sepúlveda had twisted Augustine's teaching, and also that he misunderstood Gregory on this point, for Gregory approved war only for the purpose of recovering provinces that had once been under Christian jurisdiction.

Thus we see again how the treatment of the Indians would have been drastically affected if Oviedo's two suppositions had been upheld: (1) the faith had been preached to them before: they had accepted it, and then fell back into idolatry, and (2) Spain's jurisdiction over the New World had been established centuries before. If Oviedo had been able to convince the Crown on these crucial points, the Indians would surely have been classified as heretics and subjects in revolt. There would then have been no occasion for the king and the Council of the Indies to consider using peaceful persuasion rather than force. Las Casas also made a long excursion into history, because Sepúlveda cited Augustine and Thomas Aquinas as "teaching that the Romans had a just cause for subjugating the world because God wanted the world to be ruled by them since they were superior to other peoples in skill and justice." Las Casas argued that God allowed the Romans to conquer and execute peoples whose crimes had angered them, but they too had perished because their wars were not pleasing to the Lord: The tyranny of the Romans does not justify Spanish tyranny towards the Indians, which has been called anachronistic. The multiplicity of citations and repetition of basic thoughts in a bewildering variety of situations leads the reader to believe at times that one of Las Casas's methods was to wear down his opponent by the very weight and restatement of his arguments. But his conclusion is never in doubt:

In regard to other nations or unbelievers that, along with their rulers, never heard anything about the faith nor inflicted any offense on the Church by means of any of the cases previously mentioned and never had even the smallest suspicion of what the Church is or whether it really exists, and therefore were completely outside the Church, it is perfectly clear that none of the conditions mentioned before are verified in them. In fact, all the conditions are exactly the opposite. Therefore, the status of all unbelievers is completely different, no matter how given over to idolatry they may be, provided they are not guilty according to any of the six cases already mentioned. It is quite different, I say, from the situation that motivated Gregory, Ambrose, and Augustine to exhort Christian rulers to destroy idolatry and to command their Christian laws concerning this matter. From the foregoing, then, the true interpretation of the original opinions of the holy doctors of the Church is obvious, as well as their interpretation of human laws, whose arguments the Venerable Doctor Sepúlveda ineptly introduces in support of his position, although they clearly militate against his position. The Second Section: Las Casas's Comments on the Authorities Cited by Sepúlveda to Support His Argument At the close of his formal presentation of the dispute (outlined above) Las Casas appended a series of analyses of some of the principal authorities that was, in effect, a reprise of the matters he considered
most essential. These analyses constitute a short but significant portion of the Dei non, and may in part have been elaborated after 1551, when the sessions ended, inasmuch as the adversaries continued to think about and sharpen their arguments for some years.

John Major

Las Casas quoted and then with great care dissected this Scottish theologian’s opinions on the Indians, for he suspected that this was where Septulveda obtained some of his “poisons” with respect to the doctrine of natural slavery. Besides, Major had never been to the New World or seen an Indian, yet he dared to write about Indian affairs “without an exact knowledge of the facts and the law.”

Las Casas characterized his views as confused, mistaken, and wrong, and went over Major’s points one by one. Major’s remarks on the Conquest, embodied in his Commentaries in the Sacred Book of Sentences of 1510, probably constitute the first extended theoretical treatment of Spain’s actions in America. He had accused the abuse of indulgences and defended the doctrine that “kings who comport themselves unjustly may be deposed by the people.” Major and his theories, however, seem to have had no great influence on the course of events in the New World or the development of the legal battles in Spain. Francisco de Vitoria and Alonso de la Vera Cruz, as well as Las Casas, referred to him in their manuscript works, but his ideas did not play a principal role at the time of the Valladolid dispute.

“A king must be deprived of his rule if his people are converted to the faith and he refuses to accept it.” Las Casas commented that this statement of Major merely demonstrated that he knew nothing of the attitude of the Indians whom he has never seen. “No one accepts the faith more willingly or quickly, if they are correctly instructed, than do the kings and rulers of those nations.” And, of course, “not even a king should be forced to the faith.”

A king “should be deprived of his authority so that his subjects can freely profess the Catholic faith.” Las Casas replied by saying that just as Christians are commanded to obey their rulers, even unbelievers should do likewise. If pagans are converted to Christianity, they still owe their ruler’s “severence and obedience as to their master in matters that are not contrary to God’s law. . . . Rather, his subjects should pay taxes to him.” A ruler does not deserve to be deposed if his subjects do not accept the faith, nor if they accept it. Major’s opinion that those

who are baptized are free from all obligations, including taxes, smack of heresy, according to Las Casas, who quoted Saint Paul and Thomas Aquinas and several jurists who had commented on their doctrines.

“If a people who have embraced the faith of Christ have embraced it wholeheartedly, they ought to want their ruler to be deposed if he pursues in his paganism.” Las Casas retorted that it is as difficult for a people to admit a new, especially a foreign, ruler as it is for them to accept a new and strange religion: “One must not be astonished that a recently converted people does not have such a great evangelical strength as to enable them [then] to strip themselves of all their feelings and hate their former ruler whom they have known through many years’ habit. Therefore something must be allowed for and conceded to their feelings, although those feelings may not be purely Christian.”

At this juncture in the argument, Major’s most grievous error—in the eyes of Las Casas—came to the fore.

John Major goes on to speak falsely about the Indians in these words: “There is yet something else. Those people live like beasts on either side of the equator and between the poles men live like wild beasts, as Protemy says in his Quadrupantarum. And now this has been discovered by experience . . . .” He also brings forward the statement of the Philosopher in the first book of the Physics that the Greeks should rule over barbarians.

Las Casas loosed all his sarcasm and ridicule on these ideas, advanced by a theologian “without an exact knowledge of the facts and the law.” He showed how the people Polemy referred to as “bestial” lived in Moorish Africa, and that of course Polemy had no knowledge of America. But the argument of the geographer or the importance of climate impressed Las Casas, and it was this, perhaps, that led him to devote so much attention to this subject in the Apologética Historia. Las Casas admitted that those peoples living in cold and severe climates, those farthest from the equator, “would almost lack human reason.” He inquired:

What has this to do with the Indians of the New World who live very close to the equator? All of their provinces are twenty or twenty-five or thirty degrees distant from the Arctic and a little more from the Antarctic, both to the north and to the south. Now since the days and nights on the equator are equal in length, it is very temperate. From this we infer that the Indians live in the most favorable regions of the whole world—a fact which we not only know
taising the Spaniards in their homes, they paid them the highest honor as godlike men sent from heaven."

Away, then, with John Major and his dreams! He knows neither the law nor the facts. Now it is ridiculous that this huguenot should say this, even before a king understands the Spanish language and even before he understands the reason why the Spanish build fortifications. He should be deprived of his kingdom by reason of offenses if he does not accept the fact. If the unfortunate king does not understand the Spanish language, how will he grasp or believe Christ's truth and abandon his own religion, approved by so many centuries of acceptance? Would not the man be insane to think this? Or are Christian dogmas like the principles which nature itself teaches and demonstrates by a special light implanted in every pagan and heathen? Who is so blind as to fail to see that to support an innocent and thoroughly ignorant ruler and to lead him, after he has been deprived of his property, into captivity under the pretext of expriosis, are vilest of Satan? What does this have in common with the charity of Christ or common sense? Does the Indian who has never heard the name of Christ believe any less, at least in a human way, that his religion is true than the Christian does of his religion? John Major adds that the Indian king should reasonably put up with this. I certainly do not think that John Major would tolerate such evils and cruelties, supposing he were an Indian. If Hungarians or Bohemians, of original language he would be ignorant, were to despise him of his dignity or rule it be were a king, when they first approached him, upring everything and verifying his provinces with his master while he was in the pulpit, and on each occasion, he defiled his banquet and said with great reverence: "The Doctor John Major says this." Even worse, he held little reverence for Saint Thomas Aquinas, and when he referred to him would say: "Let us pardon Saint Thomas, who did not know what he was saying." This, of course, did not sit well with the Dominicans and others, who began to question his statements. He went back to Spain, where the inquisition condemned him for his many errors; he publicly recanted, was sentenced to life imprisonment, and "since then, nothing more was heard of him. See what these absurd or, I might say wicked, incantations of John Major have done!"

As always, Las Casas mixed theory with the American reality. Major, declaring that a large army would be required to make the Indians listen to the faith, was utterly incorrect, "not knowing what the situation really is." For the Indians are very meek and when the Spaniards first penetrated their provinces, an enormous number of them quickly boarded the ships of the Christians with a sincere attitude and enter-
may justifiably say that he anticipated the modern system of universal suffrage. However, this interpretation seems somewhat forced, for it rests upon the view that "the people" of today may be equated with the medieval commune. Las Casas's doctrine in this respect was not modern but, rather, essentially conservative, for in this argument he was drawing upon that portion of medieval political theory that emphasized the essential and residual political power of the people.  
Francisco de Vitoria

Had not this great theologian and political thinker died in 1546 he might well have been appointed one of the judges at the Valladolid Disputations, and might even have been stimulated by the argument to compose a sequel to his classic treatise On the Indies. We know that he signed his approval of the 1542 treatise of the Franciscan Alonso de Castro, which argued that the Indians were indeed capable of learning, and that this treatise probably helped the Mexican College de Tlatelolco continue to receive royal support for a time despite the pessimistic reports on Indian capacity by Bishop Zumarraga and others.  
Moreover, the exact relationship between Vitoria's doctrine on wars and that of Las Casas has attracted the attention of modern writers, which makes the discussion in the Defense of special interest.  
Las Casas denounced Sepúlveda's statement that Vitoria approved war against the Indians. Vitoria, in the first part of his Prima Estatica, "proposes and refutes, in a Catholic way, the seven headings by which war against the Indians would seem to be just." In the second part, the situation is different:  
He introduces eight tales by which, or by some of which, the Indians could come under the jurisdiction of the Spaniards. In these tales he presupposes, for the most part, that certain reasons for judging this war to be just are very false and that they have been appealed to by those plunderers who overflow far and wide that whole [new] world. He is a little more careful, however, regarding some of these tales, since he wishes to moderate what seemed to the Emperor's party to have been rather harshly put, although for lovers of the truth nothing he discussed in the first part is harsh; that is, it has not merely been true in the past, but is Catholic and certainly very true. He indicates this well enough by speaking conditionally, stating that he might suppose or make false statements instead of true ones. Now since the circumstances that this learned father supposes are false, and he says some

The Second Section: Las Casas's Comments

things hesitantly, surely Sepúlveda should not have thrown up against us [Vitoria's] opinion which is based on false information.  
Las Casas concluded his brief but significant allusion to Vitoria by indignantly denying that four Dominicans (Miguel de Arcos, Herrera, Esbarroya, and Diego de Vitoria) supported Sepúlveda's position, as the latter had claimed. These ecclesiastics voluntarily wrote to Las Casas to complain against Sepúlveda. Even in the sixteenth century there were ample opportunities for scholars to misunderstand each other, for they complain that you attribute to them what they have never said. Others, furnished with false information and willful lies, have answered conditionally that this war can be just, not only on the basis of all those criminalities which they were persuaded when they were consulted. They have added, however, that your work which contains those outrages, should under no circumstances be published, so that this highly tried little book of yours should not give added encouragement to the wicked, who lack only the excuse to plunder and murder. In fact, this is what, un solicited by any letters of mine, they have voluntarily written to me. So stop covering up your error with the names of so many men rather you should add the cause of Christ, as befits a scholar.  

Gonzalo Fernández de Oviedo y Valdés

Sepúlveda's reliance upon Oviedo as an authority on Indian capacities infuriated Las Casas, who, as we have seen, had known and distrusted the royal historian for more than thirty years.  
He [Sepúlveda] offers a confirmation of his most consistent opinion, that is, a work on Indian matters -- which its author, a certain Oviedo, calls A General History. In book 3, chapter 6 of this work, this Oviedo writes that the people on the island of Española are undespicable, idle, untruthful, inclined to evil and given over to many vices, incessant, forgetful, cowardly, ungrateful, and hardly capable of anything. Then he says that although they are somewhat virtuous during adolescence, when they enter the age of manhood they fall into abominable vices. Then, in chapter 9 of book 6, speaking about the inhabitants of the mainland, he calls them wild, fierce, incorrigible, unable to be corrected by severity or to virtue by inducements or friendly warnings, that they are shameless, prone to evil, harsh, and that they do not know how to show mercy. He also writes that their baptized children can attain eternal happiness but that once they become adults, they have little concern about the Christian religion even if they receive baptism at that time or have received it previously, both because the Christian religion seems burdensome and
botherome to them and because, being forgetful, they immediately forget whatever is taught them. Osorio is not shamed to write these lies, scattered in various passages of his history, from which he stupidly promotes himself im-

[The practical consequences of holding such views are obvious] by his most virulent slanderers, this utterly empty tirade has encouraged very wicked plunderers to destroy a nation totally undervaluing of such treatment and has lessened the zeal of Godly men who thought that they were preaching the gospel, not to make wild beast of one person in a sin worthy of eternal death—the more serious in proportion to the loss of proper-

ly or honor that results from it—and if a sin of this type is so freely forgiven by

[reparation], what must one think of a man who can so unwillingly exonerate the sin of this very unhappy man who revives almost the entire human race and from whose sins so many massacres, so many burnings, so many bereavements, and, finally, such an ocean of evils result?12

Las Casas then explained that Osorio reviled the Indian people with such slanderous lies “because he himself from 1513 had participated in the conquest and shared the loot.” In their raids, the con-

quistadores spared neither women, children, nor the aged, and even burned men alive so that they might steal their gold, and divided the other men among themselves, that is, enslaved them. At that time, when Osorio was in charge of inspection of the King’s accounts, his office was that of the person we call in Spanish the

[tesoro]. To him belonged a share of the loot that was taken during those desolate raids. The poor Indians were asleep—insensible—and behold, before dawn, those savage men, plunderers rather than soldiers, rushed to attack the Indian huts, which are made of straw, put them to the torch, and burned men alive, together with their homes. After the flames died out they looked for the gold melted down by the fire. Not content with this, they most cruelly tortured the Indians they had captured alive so that they would tell where a greater supply of gold might be hidden.14

Naturally, Las Casas said, one must be suspicious of a person who engaged in such nefarious activities, for how could his word be trusted?

If Osorio was a member of this wicked expedition, what will he not say about the Indians? With what vices will he not charge them in his writings? But what trust is to be given an enemy, one who has fabricated all that history from absolutely shameless lies? Because of these brutal crimes, God has blinded his eyes, along with those of the other plunderers who were infamous for their pride, greed, brutality, lust for power, and ambition, in order that he should not be allowed by God to know that these naked people were mild, simple, and meek.15

Las Casas also attacked Osorio for alleging that the Indians were guilty of sodomy and “other heinous crimes,” a charge Las Casas said Osorio fabricated from stories told him by a sailor: “God willing, I shall teach at greater length in the history which I shall write about Indian affairs” that the Indians of Hispaniola and the other islands were completely free of sodomy, nor did they offer human sacrifice or eat human flesh. It sounds as if Las Casas, in mentioning “the history which I shall write,” is referring to the Apología Historica, or perhaps to the Historia de las Indias. In any case, this projected work seems to be closely connected with his argument at Valladolid, for he concluded his remarks against Osorio by saying that his “assertion that the Indians are unteachable and incorrigible is false rather than false, as will be clear from the second part of this Defense.”16

The Papal Bull of Alexander VI

Las Casas condemned Sepúlveda’s assertion that Pope Alexander exhort the kings to subjugate the Indians by war, and to prove his own position he analyzed the bull in detail, making much of the Pope’s reference to the “meekness, sincerity, and simplicity of the Indians,” as well as their capacity and receptiveness for “accepting God’s word”: “It was unthinkable that the Pope believed that such a gentle people had to be overcome by war against them, which was “evil and essentially unchristian.” The Pope’s intention, clearly, was that the Indians “should be led to the truth by a holy and Catholic instruction. Therefore the assertion that the Pope advised the Kings of Castile to wage war against the Indians is false.” Queen Isabella, “the ornament of her century,” well understood what the Pope had in mind, as demonstrated by her will, in which she commanded her heirs not to consent to any action whereby the Indians would “suffer any harm in their persons or goods.”17

Las Casas concluded his voluminous Defense with a passionate ex-

hortation to Sepúlveda and the “other enemies of the Indians . . . to listen to and respect the traditions of the holy Fathers, and fear God who punishes perverse undertakings.” He also declared that the se-

cond part of the Defense, the Spanish Apología, would provide “very clear arguments and a true description of that world in order that the wicked plunderers who have defamed that very sincere, docile, moderate, and clever people by poisonous detractions and slanderous lies may be silenced.”18
Análisis de Las Casas’s Testimonio

NOTES

1. Lasada (1849), p. 206. Dr. Lasada and I have corresponded on this subject, and at my request he prepared the following note and has authorized its reproduction.

"Para que está bien de duda que, cuando he escrito a Las Casas preparó su larga Apología de la duela en dos partes: una escrita de 1545 (actualmente manuscrito de París) en la que expone la argumentación de hecho y segunda parte por parte a la Apologia de Sulpicio en la que expone el argumento de hecho inmediatamente para demostrar la argumentación de Sulpicio; da a este respecto testamento en F. de Orleans: el testamento no entra en la condición jurídica a decirse de este.

"Para mí es también casi seguro que hizo también versiones en castellano de la Apología de Sulpicio, y tal es indicado del Escriván el Señor se hace también una traducción castellana del manuscrito de París, aunque directamente no se ha conservado en su versión castellana pero hubiera ahorrado muchas horas de traducción. El proceso tan largo, pues el contenido de dicho manuscrito estaba hecho muy popular con metros de la lenta y habilidad hubo algo en que llegar al mayor número de lectores incluso a los que no dominan tanto el latín.

"Pero ahora a la cita que ve en transcripción del libro III, cap. 151 de la historia de los indios.

"En el primer lugar hay uno que el original debe decir... en nuestra Apología escrita en lengua castellana y en latín... es decir... se me permitirá citar en alguno de mis próximos trabajos Castellano de los más notables que Las Casas más indicado... citado en otra versión castellana de su Apología (primera parte).

"Por otra parte no hay que olvidar que el texto de la transcripción de la que contiene el manuscrito es el que contiene el testamento del momento de la Reina Isabel, ello, aunque difícilmente justificaría que cierto sentido la traza en lengua castellana y en latín. Yo se cree que hay dos versiones del texto del manuscrito de París la latina y castellana.

"Hago también creer que la segunda parte es castellana. A lo que se quiere Las Casas se refiere en el manuscrito de París narra... el elemento esencial que el que es el que en el manuscrito de París en el texto y en el poema no se dice en el poema, porque con este no dice nada... y que dice que después fue Apología Historia... reza a las sumedas del mismo nombre "Apología" viene a indicar que transcribió parte de su gran Apología y sobre todo la parte esencial en el manuscrito de París en el manuscrito de París sobre el contenido del texto en su segundo pie y sobre el hecho de estar escrito en castellano.

"Lo que, en mi caso escrito, es que Las Casas, después que la lenta de Valla... saldrá tras veinticinco años más tarde en la segunda parte en que se encontraran esta segunda parte como en la Apología... conforma a su método alfil cual y allá y la misma es la misma en el poema no dice... no son así po ejemplo en la Apología... tal como las dos en la definitiva versión intercalado discurso sobre las diferentes clasas de servidumbre que aparecía ya en el crecimiento en la primera parte (manuscrito de París) y no es por tanto lógico que esto se hubiera en la primera versión de la mencionada segunda parte. Esto plantea otro importante problema a la versión definitiva de todas las obras de las Casas tal como la que imprimió el P. de Haro en 1558. De Haro, en 1561, Análisis, Apología... son en buena parte un conglomerado de alardos y resecciones de otras partes del texto.

2. Lasas (1967), 1, 2. As an example of the interest acquired by the Apología Historia, one may cite the manuscript owned by the Vatican Library (Reg. Lat. 608), discovered by the Portuguese Jesuit Bárbara Vázquez Cigarrón (1970), 1, 318. I am deeply indebted to Dr. Antonio de Igalna, S. J., of the Institute of Jesus History in Rome, for the following note on this manuscript:

"No es cierto sino resumen breve sacado de la obra del P. Las Casas, omito o abrevía todo lo referente a las largas descripciones de Las Casas sobre los pueblos clásicos, lo mismo que los pasajes en que trata de discursos filosóficos o jurídicos: No se nota en el abreviador su pánico de las obras de Las Casas, con el mismo interés de éste, defensor de los indios. No se dice su resumen ni en capítulos ni en libros... Al fin (fol. 158b-220) se añade: 'Como propuesto para salir de cierta duda. Se trata de un español que habría ido a las Indias en tiempo de la conquista, y después hubo cargado de regalo un puebло, por mandato del gobernador, sin que la gobernatura, y había percibido 5000 ducados; y se pregunta si está obligado a la rentas. El autor consultado responde alternativamente:...

"En resumen, no se trata de una copia fiel, se trata de una reducción. Esto se hace omitiendo capítulos y párrafos enteros, restando otros, expoliando las mismas conceptos en sentido. No se altera el pensamiento de Las Casas, si se conserva su letra materialmente en capítulos, y en otros se abrevia su pensamiento en sentido." (Letter from D. Igalna dated 29 March 1977.)

3. Rocha, ibid., p. 64.

4. Néron (1970), 1, 49. See also Torres Villas (1970), 1, 49. De самых драматичных и красочных примеров получается общий образ, который может быть использован в дальнейшем. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения.

5. Flore (1970), 1, 49. See also Torres Villas (1970), 1, 49. De самых драматичных и красочных примеров получается общий образ, который может быть использован в дальнейшем. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения. В частности, можно привести примеры, которые были использованы в учебниках, например, "Las Casas-Seville" длиной в несколько страниц, которые могут быть использованы для выявления латинского языка. Это подчеркивает важность различных аспектов их использования для обучения.

6. las Casas probably refers to Oviedo here. Emphasis added.

7. Ibid., ibid., p. 64. Emphasis added.

8. Ibid., ibid., p. 64. Emphasis added.

9. Ibid., ibid., p. 64. Emphasis added.

10. las Casas (1970), 1, 3.

11. Ibid., ibid., p. 64. Emphasis added.

12. Ibid., ibid., p. 64. Emphasis added.

13. Ibid., ibid., p. 64. Emphasis added.

14. Ibid., ibid., p. 64. Emphasis added.

15. Ibid., ibid., p. 64. Emphasis added.

16. Ibid., ibid., p. 64. Emphasis added.

17. Ibid., ibid., p. 64. Emphasis added.

18. Ibid., ibid., p. 64. Emphasis added.

19. Ibid., ibid., p. 64. Emphasis added.

20. las Casas (1970), 1, 3.

21. Ibid., ibid., p. 64. Emphasis added.

22. Ibid., ibid., p. 64. Emphasis added.

23. Ibid., ibid., p. 64. Emphasis added.

24. Ibid., ibid., p. 64. Emphasis added.

25. Ibid., ibid., p. 64. Emphasis added.

26. Ibid., ibid., p. 64. Emphasis added.

27. Ibid., ibid., p. 64. Emphasis added.

28. Ibid., ibid., p. 64. Emphasis added.

29. Ibid., ibid., p. 64. Emphasis added.

30. Ibid., ibid., p. 64. Emphasis added.

31. Ibid., ibid., p. 64. Emphasis added.

32. Ibid., ibid., p. 64. Emphasis added.

33. Ibid., ibid., p. 64. Emphasis added.

34. Ibid., ibid., p. 64. Emphasis added.
For a note on the new interpretation by Dr. Eduardo O’Gorman, see appendix 4.

18. As referred to above (p. 43), Las Casas once stood that sometime before 1530 he had considered composing an apology of Tzona to oppose Sepúlveda’s Summary, but he did not say that he actually wrote such a work. Moreover, from Las Casas’s description, the treatise he had in mind apparently would have concentrated more on doctrine than on Indian culture and thus might have been a prototype of the Dédos. We know, however, that among Las Casas’s papers were “un libro, en romance, entintulado Sumario del libro que el Doctor Sepúlveda compagha contra las indias” and “parte de una apología que contra él hizo el obispo de Chiapa, de 40 hojas escritas en folio” (D.L.I., XIV, 166).

19. Las Casas (1640), i. 283.

20. Pedro Dédos, p. 22.

21. Ibid., pp. 11-12.

22. Las Casas (1640), ii. 933, 973, 979, 981, 997, 1001, 1017, 1041, 1053, 1137, 1147.

23. Pedro Dédos, p. 28.

24. Ibid., p. 38.


26. Sepúlveda (1580), pp. xxiv-xvii. For an English translation of one of these earlier versions, see Sepúlveda (1725).

27. Sepúlveda (1931), p. 35.


29. Ibid., p. 30.

30. Ibid., pp. 76-79.


34. Pedro Dédos, p. 55.

35. Ibid., pp. 78-79.

36. Ibid., p. 96.

37. Ibid., p. 102.

38. Ibid., chap. 13.

39. Ibid., p. 121.

40. Ibid., p. 173.

41. Ibid., p. 181.

42. Ibid., p. 184. Miguel Bataliño commented thus in his briefte comenta in Spain participated in the great debate over Indian problems: “En esta España de Caro V que se comienza a pasar a los negocios de la paz, en donde se han hecho tantos discursos en que muchísimos entendidos participan en la unión de una pascua cristiana impuesta por las armas del Emperador, no hubo un solo economista que tomara contra Sepúlveda la de- fensa del pocilogo radical y sencillo. Cuando el Deoseco el pióctido, después de las Reridaciones de Vicsetia, el problema de la guerra justa a propósito del caso concreto de la conquista de America, no se ve tampoco que los escenicos intervinieron en el debate... En suma, lo que hoy que comienza en la ausencia del eresco expuesto, después de las muestras de Dávila de Valdés, en los grandes debates sobre la guerra y la paz” (Bataliño [1963], p. 623).

43. Pedro Dédos, p. 190.

44. Ibid., p. 214.

45. Ibid., pp. 147-148.

46. Ibid., chap. 35.
nunca hubo tiempo para que aquellos de los indios se alcanzaran. Y si verdad fue, naciones indios entre las antiguas que vieron sin oportunois de Dios, que acontecieron lo mismo, como a la larga en nuestra Apologética Historia montárnos." Las Casas (1552), Libro III, cap. 24.

Las Casas could not contain his indignation in recounting the many dreadful qualities Oviedo attributed to the Indians, including the remark about these heads bring so hard and thick that Spaniards broke or blunted their swords when they struck them.

"¿Qué más puede decir, aunque fuera verdad, en infamia de todo este orbe nuevo donde tan infinitas naciones hay, y engaño a todo el otro mundo visto por donde anda su historia? Si infatuar una sola persona, puesto que se dice verdad, desconociendo sus pecados, de donde la puede venir, o por si le viniese, algún gran daño, es grande pecho mortal y en obligado el tal infamado a restituirse de todos aquel daño, ¿qué pecho fuera de Oviedo y a cuánta restauración será obligado, habiendo infamado de tan buenos pecados ¿a tan sin número multitudinarios de gentes, tanta infamidad de pueblos, tantas provincias y regiones peninsulares de mortales que nunca vido ni leyó decir, por la cual imensidad incurriéronse todas en odio y en honor de toda la cristianidad, y los que a estas partes han pasado de los nuestros y de los de otra nación, en las guerras que se hallaron, no hicieron más cuenta de meter indios que en buscar el oro, y hiciéronse por esta causa en ellos tanto género y novedades de cruellos, que ni en figuras ni el mismo oro y leones, antes ni los mismos figuras y leones fieros, humedrantas, en otras de otro género no las hicieron tales como ellas cometieron en aquellas gentes desviadas y sin armas?" (Ibid., cap. 143).

As he continued his strong and sustained attack on Oviedo in the Historia de las Indias, Las Casas referred to greater details on this at that matter in his Apologética Historia (Ibid., cap. 144-145). He rightly understood that the opinions of the Oviedo, the royal chronicler, as printed in the two editions of Part I of his Historia, might well influence the Council of the Indies and others, in 1550 or later, to support the learned Sepúlveda's application to the Indians of Aristotle's doctrine of natural slavery. Hence his fierce onslaught on Oviedo in his writings against Sepúlveda in both Latin and Spanish, as well as in his later Historia de las Indias.

77. Pedro, Defenso, pp. 355-356, 357.
78. Ibid., p. 362.

IV

The Aftermath of the Conflict

Echoes of the Controversy to 1573

III judges at Valladolid, probably exhausted and confused by the sights and sounds of this mighty conflict, fell into argument with one another and reached no collective decision. Las Casas later stated that the decision had been favorable to his viewpoint, "although unfortunately for the Indians the measures decreed by the Council were not well executed;" and Sepúlveda wrote to a friend that the judges "thought it right and lawful that the barbarians of the New World should be brought under the dominion of the Christians, only one theologian dissenting."

The dissident was perhaps either the Dominican Melchor Cano, who had previously combated the ideas of Sepúlveda in systematic fashion in one of his works, or Domingo de Soto.

The available facts do not conclusively support the claim of either