

Even before the Laws of Burgos, clergy in the Americas protested the cruel treatment of the Indians. As each new reform failed to improve the situation, some reformers reached the conclusion that conquest and colonization themselves were at the root of the problem, that no reform could be effective as long as Spanish colonists had access to indigenous labor. Among the reformers was Bartolome de Las Casas, whose history of the conquest of Cuba publicized the excesses to the world. The protests of Las Casas and others precipitated widespread debate in Spain over the very morality of the Conquest itself, a debate waged in terms of the Catholic Aristotelian philosophical legacy of the time. Although all opposed excessive cruelty, philosophers disagreed widely on the nature of the indigenous people and the possible justification for waging war upon them and compelling them to become Christians. The moral clash culminated in 1550 when Emperor Charles V convened his Royal Council, which included prominent lawyers and theologians, to hear a formal debate on the question, "Is it lawful for the king of Spain to wage war on the Indians?" The sessions lasted for more than a month.

The Spanish right of conquest was defended by Juan Ginés de Sepúlveda, one of the most renowned philosophers of his day. Sepúlveda argued that the barbarism of the Indians mandated force to liberate them from their condition. Las Casas based his argument on the Indians' humanity. The following two selections are from that debate later published.

Sepúlveda, Treatise on the Just Causes of War Against the Indians

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 meek, as the prodigiously intemperate to the continent and temperate, that I have almost said, as monkeys to men.

Now compare the [Spanish] traits of prudence, intelligence, magnanimity, moderation, humanity, and religion with the qualities of these little men in whom you will scarcely find even vestiges of humanity; who not only are devoid of learning but do not even have a written language; who preserve no monuments of their history, aside from some vague and obscure reminiscence of past events, represented by means of certain paintings; and who have no written laws but only barbaric customs and institutions. And if we are to speak of virtues, what moderation or mildness can you expect of men who are given to all kinds of intemperance and wicked lusts, and who eat human flesh?

And do not believe that before the coming of the Christians they lived in that peaceful reign of Saturn that the poets describe; on the contrary, they waged continuous and ferocious war against each other, with such fury that they considered a victory hardly worth while if they did not glut their monstrous hunger with the flesh of their enemies, a ferocity all the more repellent since it was not joined to the invincible valor of the Scythians, who also ate human flesh. For the rest, these Indians are so cowardly that they almost run at the sight of our soldiers, and frequently thousands of them have fled like women before a very few Spaniards, numbering less than a hundred....

Could one give more convincing proof of the superiority of some men to others in intelligence, spirit, and valor, and of the fact that such people are slaves by nature? For although some of them display a certain talent for craftsmanship, this is not proof of human intelligence, for we know that animals, birds, and spiders do certain work that no human industry can completely imitate. And as regards the mode of life of the inhabitants of New Spain and the province of Mexico, I have already said that they are considered the most civilized of all. They themselves boast of their public institutions, for they have cities constructed in an orderly fashion, and kings, not hereditary but elected by popular vote; and they carry on commerce among themselves in the manner of civilized people.

But see how they deceive themselves, and how much I disagree with their opinion, for in these same institutions I see proof on the contrary of the rudeness, the barbarism, and the inherently slavish nature of these people. For the possession of habitations, of a fairly rational mode of life, and of a kind of commerce is something that natural necessity itself induces, and only serves to prove that they are not bears or monkeys and are not completely devoid of reason. But on the other hand, they have no private property in their state, and they cannot dispose of or bequeath to their heirs their houses or fields, since they are all in the power of their lords, whom then improperly call kings, at whose pleasure, rather than at their own, they live, attentive to their will and caprice rather than to their own freedom. And the fact that they do all this in a voluntary and spontaneous manner and are not constrained by force of arms is certain proof of the servile and abased spirit of these barbarians....

Such, in sum, are the disposition and customs of these little men -- barbarous, uncivilized, and inhumane; and we know that they were like this before the coming of the Spaniards. We have not yet spoken of their impious religion and of the wicked sacrifices in which they worshipped the devil as their God, believing that they could offer no better tribute than human hearts.... How can we doubt that these peoples, so uncivilized, so barbarous, contaminated with so many infidelities and vices, have been justly conquered by such an excellent, pious, and just king as the late Ferdinand the Catholic, and by a nation that is most humane and excels in every kind of virtue?

Las Casas, Apologetic History of the Indies

The Indians are so skilled in every mechanical art that with every right they should be far ahead of all the nations of the known world. 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 have important kingdoms, large numbers of people who live settled lives in a society, great cities, kings, judges and laws, persons who engage in commerce, buying, selling, lending, and other contracts of the law of nations....

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 admitted to the hold 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 justly and equitably, truly governed by laws which at very many point surpass ours.

The Indians are our brothers, and Christ has given his life for them. Why, then, do we persecute them with such inhuman savagery?... They will embrace the teaching of the Gospel, as well I know, for they are not stupid or barbarous but have a native sincerity and are simple, moderate, and meek.... Once they have embraced it, it is marvelous with what piety, 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.

* * *

From examples both ancient and modern, it is clear that no nation exists, no matter how rude and uncivilized, barbarous, gross, savage or almost brutal it may be, that cannot be persuaded into a good way of life and made domestic, mild, and tractable -- provided that diligence and skill are employed, and provided that the

method that is proper and natural to men is used: namely, love and gentleness and kindness....

For all the peoples of the world are men, and the definition of all men, collectively and severally, is one: that they are rational beings. All possess understanding and volition, being formed in the image and likeness of God; all have the five exterior senses and the four interior senses, and are moved by the objects of these; all have the natural capacity or faculties to understand and master the knowledge that they do not have; and this is true not only of those that are inclined toward good but of those that by reason of their depraved customs are bad; all take pleasure in goodness and in happy, and pleasant things; and all abhor evil and reject what offends or grieves them....

Thus all mankind is one, and all men are alike in what concerns their creation and all natural things, and no one is born enlightened. From this it follows that all of us must be guided and aided at first by those who were born before us. And the savage peoples of the earth may be compared to uncultivated soil that readily brings forth weeds and useless thorns, but has within itself such natural virtue that by labor and cultivation it may be made to yield sound and beneficial fruits.

1. Hispañola

2. Visitors were government inspectors.

3. The encomienda, the term derived from the word "entrust," was the dominant institutional arrangement between Spaniards and Indians during the first generations of the Conquest. In essence, an Indian chief, or cacique, and the Indians subject to him were entrusted to a Spaniard. The Indians were obligated to work for the Spaniard and/or pay him tribute. In return, the Spaniard was expected to indoctrinate the Indians entrusted to him in the basics of Catholicism, and to provide the Indians with basic subsistence. Since most encomiendas were poorly supervised, the system often amounted to little more than slavery.

On the mainland, where encomiendas were granted by village, the Spaniard also assumed control of the village lands. In this way, the encomienda served as a precursor to the hacienda.

4. This would be the standard instruction of a peasant in Europe as well.

5. This provision would prove particularly ironic, since many colonists had abandoned their own wives back in Spain. After arriving in America, many found new wives or lived with Indian women.