

Las Casas remembered: the 500th Anniversary of the Struggle for the Human Rights of the Native People of the Americas

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Zusammenfassung

Lang und anstrengend war der Kampf, den Bartolomé de Las Casas für die Rechte der Eingeborenen Amerikas ausfocht und der sein Leben maßgeblich bestimmte. Doch das war nicht immer so. Zunächst Teil des Kolonialsystems und selbst *encomendero*, dann wachgerüttelt durch Fray Montesinos Adventspredigt und »bekehrt« durch die Lektüre von Sir 34,20–21, widmet er sein Leben den *indígenas* – auf den verschiedensten Ebenen: mit Kolonialexperimenten für friedliche Mission, im Ringen um gesetzliche Verbesserung ihrer Situation (*Leyes Nuevas*), bei theoretischen Auseinandersetzungen (wie mit Sepúlveda in Valladolid). Auch die Frage der afrikanischen Sklaven klingt an. Der Beitrag lässt zudem Stimmen aus dem 20./21. Jahrhundert zu Wort kommen (T. Todorov, G. Gutiérrez) und erinnert an das in Leben und Werk Las Casas' liegende Potential für Frieden und Dialog in der heutigen Zeit.

Schlüsselbegriffe

→ Bartolomé de Las Casas
→ Menschenrechte
→ *encomienda*-System
→ (friedliche) Evangelisation
→ Disput von Valladolid
→ Sklavenfrage

Abstract

The battle which Bartolomé de Las Casas fought for the rights of the indigenous people of America and which determined his life in a decisive way was long and hard. But that was not always the case. At first he was part of the colonial system and himself an *encomendero*. Then, having been jolted awake by Fra Montesino's Advent sermon and »converted« by the reading of Sir 34:20–21, he dedicated his life to the *indígenas* – on a great variety of levels: with colonial experiments for peaceful mission, by struggling for a legal improvement of their situation (*Leyes Nuevas*), and in theoretical disputes (as with Sepúlveda in Valladolid). The issue concerning African slaves was also discernible. The article lets voices from the 20th and 21st centuries (T. Todorov, G. Gutiérrez) have their say as well and calls to mind the potential for peace and dialogue in this day and age which lies in the life and work of Las Casas.

Keywords

→ Bartolomé de Las Casas
→ human rights
→ *encomienda*-system
→ (peaceful) mission
→ dispute of Valladolid
→ the slave issue

Sumario

La lucha de Bartolomé de Las Casas por los derechos de los amerindios fue larga y dura, y se convirtió en el leitmotiv de su vida. Pero no fue siempre así. Como *encomendero*, fue primero él mismo parte del sistema colonial; después de haber sido despertado por el sermón de advento de Fray Montesino y de »convertirse« al leer Eclo 34,20–21, dedica su vida a los amerindios – en diferentes niveles: con experimentos coloniales de evangelización pacífica; luchando por mejorar las leyes coloniales (*Leyes Nuevas*) y la situación de los amerindios; con disputas teoréticas (p. e. con Sepúlveda en Valladolid). También se expresó sobre la cuestión de los esclavos africanos. El artículo deja oír además autores de los siglos XX y XXI (T. Todorov, G. Gutiérrez) y recuerda el potencial de paz y diálogo que contiene la obra de Las Casas para nuestros días.

Conceptos claves

→ Bartolomé de Las Casas
→ derechos humanos
→ sistema de *encomienda*
→ evangelización (pacífica)
→ Disputa de Valladolid
→ esclavitud

The Influence of Friar Montesinos and the Dominicans

On August 15, 1514, Fray Bartolomé de Las Casas gave a sermon denouncing the *encomienda* as an institution that was leading to the destruction of the native peoples of the Indies and announced that he had renounced the *encomiendas* that he owned.¹ From that day until his death in 1566 he dedicated his life to building a movement to end the injustice of Spanish imperial rule over the Indians. The doctrine of human rights has captured the moral imagination today. Some scholars trace the origins of the human rights movement to the enlightenment and democratic revolutions of the 18th century. But it is wiser to analyze historical movements for justice in the service of humanity separately with a view of learning from each in order to provide useful insights to improve our own versions of human rights.² Michael Sievernich has presented evidence that the concept of human rights appeared for the first time in 1552 in a work by Fray Bartolomé de Las Casas in which he argued against the injustice of slavery against the indigenous peoples of America and Africans on the grounds that they possessed fully »the human rights of freedom, life and equality, based on reason, natural law, and the commandment of love.«³ This study proposes that the struggle for justice for the indigenous peoples of America by Fray Las Casas and members of his movement is significant and exemplary not only to understand the European discovery and conquest of the indigenous peoples of America at the dawn of modern history, but also to throw much needed light on how we should build new institutions to strengthen the ideals of human rights in our contemporary globalized world.

The narrative of the Lascasian movement for justice began with the majestic sermon of Fray Antón de Montesinos in December 1511, proclaiming the humanity of the indigenous peoples of the newly discovered Indies and condemning the atrocities perpetrated by Europeans before an audience of the powerful elite of colonists and conquistadors in Santo Domingo. We must be grateful to Fray Las Casas for preserving for posterity a selection of the two sermons of Fray Montesinos in his *Historia de Las Indias*. Details of the life of Fray Montesinos are scant but, in order to understand the universal significance of his sermon, it will be useful to give as broad a picture of its context as necessary. The major significance of Fray Montesinos' »voice shouting in the wilderness« lies, arguably, in its stirring of consciences of Las Casas and others in becoming aware of the terrible human cost to the lives of the indigenous people of the Americas from the Spanish conquests, raising more voices against the imperial system, and building a movement to end the injustice and cruelty.⁴

1 Bartolomé de LAS CASAS, *Historia de Las Indias*. Edición de Agustín MILLARES CARLO y Lewis HANKE, Mexico 1986, bk. 3, ch. LXXVIII-LXXVIX, 81-95; for an English translation and selection see Bartolomé de LAS CASAS, *History of the Indies*. Translated and edited by Andr  e COLLARD, New York 1971, bk. 3, 206-211. I use interchangeably the terms, Indians, native peoples, and American Indians to describe the indigenous peoples of America. See the following works by Mariano Delgado: Bartolom   de LAS CASAS, *Werkauswahl*, hg. von Mariano DELGADO, Bd. 1: Missionstheologische Schriften. Studien von Mariano Delga-

do, Horst Pietschmann und Michael Sievernich S.J.,   bersetzungen von Pruno Pockrandt und Henrik Wels, Paderborn, 1994; Bartolom   de LAS CASAS, *Werkauswahl*, Bd. 2: Historische und ethnographische Schriften. Studien von Mariano Delgado, Hans-Joachim K  nig, Johannes Meier und Michael Sievernich S.J.,   bersetzungen von Ulrich Kunzmann, Paderborn, 1995.

2 See Lynn HUNT, *Inventing Human Rights*, New York 2007; Samuel MOYN, *The Last Utopia*, New York 2010; DERS., On the Genealogy of Morals, in: *The Nation*, 05.09.2011, 23-32; see also Eric FONER, Inhuman

Bondage. A Review of Robin Blackburn's *American Crucible: Slavery, Emancipation, and Human Rights*, in: *The Nation*, 05.11.2011.

3 Michael SIEVERNICH S.J., 460 Years of Human Rights. 460 Jahre Menschenrechte, in: *Stimmen der Zeit* 230(12) (2012) 816-826, <http://www.con-spiration.de/texte/English/2012/sievernich2-e.html> (05.11.2015).

4 See Miguel LE  N PORTILLA, Fray Ant  n de Montesinos. Esbozo de una Biograf  a, in: UNIVERSIDAD NACIONAL DE M  XICO (ed.), *Fray Ant  n de Montesinos*, Mexico City 1982, 11-22.

Las Casas was quick to remind readers that the prevailing rush for gold and native workers did not diminish as the Spanish colonists expanded their activity from Española to Puerto Rico, Cuba, Jamaica, and other islands, and the South American continent after Columbus's 3rd voyage in 1498. He commented that with the rapid decline of the population few native people were left in these towns, »only birds and trees.« This was the state of the Indies when the Dominicans arrived in Española in 1510, led by scholar, Fray Pedro de Córdoba, Fray Antón de Montesinos, and Bernardo de Santo Domingo. A fourth, a lay Brother, returned to Spain. The Dominicans soon came to know of the terrible destructiveness suffered by the native people. The story of the cruelties all the more moved them to sympathize with the Indians, and they reflected on what they should do in the face of such injustice. They decided to use their sermons as the means to challenge and speak the truth to the Spanish leaders. The sermon was composed by Fray Pedro de Córdoba; its sentiments were shared by all three Dominicans, and Fray Montesinos was asked to deliver the sermon since he had the reputation as an effective speaker. They selected for the sermon the Gospel reading from St. John where John the Baptist replied to the question by the Pharisees who he was: »I am the voice crying out in the wilderness.« All the major officials and jurists of the colony were invited, including the Admiral Diego Columbus, and were told that the sermon was going to be of great significance. On that day Fray Montesinos went to the pulpit and explained the theme of his sermon, saying that the barrenness and harsh landscape of the desert was a metaphor for the sordid character of their conscience that was unaware of the horrors they practiced. Then he began. »I, the voice of Christ in the desert of this island, say: Open your hearts and senses, all of you, for this voice will speak new things harshly ... This voice says that you are living in deadly sin for the atrocities you tyrannically impose on these innocent native peoples. Tell me what right did you have to enslave them? What authority did you use to make war against them who lived at peace on their lands, killing them cruelly with unheard methods? How can you oppress them and not care to feed or cure them, and work them to death to satisfy your greed? Are they not human beings? Have they no rational souls? Are you not obliged to love them as you love yourselves?«⁵

When the service was over, angry royal officials gathered at the home of Diego Columbus, the son of Christopher Columbus, to plan their response to the accusations by Fray Montesinos. They marched angrily to the house of where the Dominicans were living and demanded a revocation of their views, failing which, they threatened to take the issue to the royal authorities in Spain. Fray Montesinos replied that the sentiments of the sermon were the fruit of deep deliberation and were the common opinion of all of them. It was of the utmost significance to speak the truth that the native peoples were not only treated like beasts in the fields, but were also dying in their own lands. The awareness of what was happening offered the hope of a change in policies that would establish a different character of the relationship between Europeans and native peoples. After all, he argued that as

5 Ibid. 23-31. The original text of this sermon was lost, but Las Casas included it and a summary of the events after it in his *Historia de Las Indias*. Miguel León Portilla commented that this text was fundamental to an understanding of the history of the Americas and the human rights of all peoples. See Bartolomé de LAS CASAS, *Historia de Las Indias*, bk. II, 440-451, 598; bk. III, 107, 374.

6 Fray Montesinos presented a paper on the Defense of the Indians at a conference of Jurists called by the King in Burgos in 1512. Distinguished jurists like Palacios Rubios and Matías de Paz participated.

7 See LEÓN-PORTILLA, Fray Antón de Montesinos (see note 4), 14; David M. TRABOULAY, *Columbus and Las Casas: The Conquest and Christianization of America*, Lanham/New York/London 1994, 46-47.

8 LAS CASAS, *Historia* (see note 1), bk. III, ch. LXXIX: »Pasados, pues, algunos días en aquesta consideración y cada día más y más certificándose al derecho y vía del hecho.« See also Helen RAND PARISH, *Fray Bartolomé de Las Casas*, p. 5.

9 LAS CASAS, *History of the Indies*, ed. by A. M. COLLARD, bk. 3, 207-208.

Christians their duty was to work for their spiritual uplift. Las Casas commented that the reply of Fray Montesinos fell on deaf ears. Addicted to the lure of gold, the colonists were aware that they could not satisfy their thirst without Indian laborers. They again demanded that Fray Montesinos retract his views in his sermon the following Sunday, and threatened to send the friars back to Spain if they refused. The church was packed the following Sunday with all expecting a recantation. In his sermon, Fray Montesinos drew his theme from the book of Job: »From the beginning I shall repeat my knowledge and my truth and I will show my words of last Sunday that so embittered you to be true.« He gave more reasons why the oppression must be ended, and stated that they would refuse to offer the sacrament of confession to those Spaniards who treated the native peoples cruelly. Enraged, the officials and colonists decided to take their issue to the king in saying that the Dominicans had spread »a new doctrine that condemned them all to hell because they used the native people in the mines.« At the court in Spain, there were many like Juan Ponce de León who had enslaved Indians in Española and had come forward to criticize the Dominican friars and describe the native peoples as animals who could not govern themselves.⁶ Commenting on this representation of the native people as animals, Las Casas said that he was not fooled by this argument but knew that it was motivated by the demand for forced native labor in the mines. Despite his disappointment, Las Casas was high in praise for the Dominican friars and praised them as human beings who began to join the idea of human rights to deed, »*derecho con hecho*,« connecting precepts of charity to the most elementary acts of justice.⁷

Bartolomé de Las Casas arrived in Española in 1502 on the same voyage as Governor Nicolás Ovando with some 2500 Spaniards. His father, Pedro de Las Casas, had come with Columbus on his second voyage in 1493. Ordained a secular priest in 1510, he developed a close relationship with the Dominican friars, Fray Pedro de Córdoba and Fray Montesinos. He held an *encomienda* in Española and in 1513 he went with the Conquistador Panfilo de Narváez to Cuba as chaplain and even accepted another allotment in Cuba. Las Casas has justifiably been considered the principal exemplar of the struggle to prevent the destruction of the indigenous peoples of America. Recalling how he came to reject his life as an *encomendero*, he narrated how he had estates in the towns of Concepción and Vega Real which brought him much wealth, that he had Indians working for him, and had engaged in campaigns to seize Indians in Española in 1503.⁸ He admitted that it was his good fortune to meet the Dominican friars when they arrived in 1510. The inspiration of the early Dominicans and his friendship with Fray Pedro de Córdoba, Fray Antón de Montesinos, and Fray Bernardo de Santo Domingo played no small part in his transformation from an *encomendero* to a fervent activist on behalf of the native people. Las Casas confessed that he was horrified by the slaughter of innocent Indians and the allocation of Indians and their land to the Spanish soldiers. He and his friend, Pablo de La Rentería, received a large *encomienda* in Cuba, where their Indians planted crops and washed the sands for gold. But his encounters with the native people began to trouble his conscience and made him feel that the *encomienda* was unjust and that that he was participating in an evil practice:

»So then, death made speedier ravages among Indians here than in other places, starvation and hard labor helping. Since all able-bodied men and women were away at the mines, only the old and sick stayed in town with no one to look after them. So they died of illness, anguish, and starving. I was traveling the Cuban roads then and it happened that entering a town I sometimes heard crying in the houses. I would inquire and was greeted with the words, »hungry, hungry.« Anyone strong enough to stand on his feet was sent to work, including nursing mothers whose milk dried up in their breasts from lack of food and excessive labor, which caused infant mortality at the rate of 7,000 in three months.«⁹

In June 1514, as he was preparing his sermon in Cuba, his eyes focused on a biblical reading from Ecclesiasticus: 34; 20-21.

To offer a sacrifice from the possessions of the poor
Is like killing a son before his father's eyes.
Bread is life to the destitute,
And to deprive him of it is murder.

He said that it was then that he began to reflect seriously on the sermon of Fray Montesinos and his Dominican friends who denounced the cruelty of the colonists, and his own lies when a friar refused to hear his confession because he held an *encomienda*. Troubled for several days over the question whether they had treated the native peoples in accordance with what was right and the means of our action, he came to the conclusion that they had acted unjustly and tyrannically. The moment of truth came on August 15, 1514, when he renounced his *encomiendas*.

The Struggle for Justice for the Indigenous people: Colonial Experiments

For Las Casas and Montesinos the abolition of the *encomienda* was the principal issue because they felt that the already entrenched institution was the major cause of the dramatic decline in the population of the native people. The thirst for gold extended not only to conquistadors and colonists but also to the royal officials, most of whom had financial investments in gold mining first in Española, then Cuba, and later, in Darién. Returning to Española, Las Casas and Fray Montesinos journeyed to Spain to persuade the royal officials to abolish the *encomienda*.

Las Casas remained in Spain until 1520 pleading the case against the *encomienda* before the king, the royal officials responsible for issues in the Indies, Lope Conchillo, Bishop Fonseca, and the jurist, Palacios Rubios. These meetings did not produce much success. When King Ferdinand died in January, 1516, Las Casas saw an opportunity to present his case before the regent, Cardinal Cisneros. As a solution to the destructive consequences of the *encomienda*, he proposed the creation of a community project that would include Spaniards and native people who would create a more just alternative society. Cardinal Cisneros appointed a committee to draw up a plan for the reform of the governance of the Indies. Working hours were to be limited; there was plenty of food; they were not to work far from their homes; they were to be given up-to-date farm tools for their use and have a hospital in each community. The plan assured the royal authorities that the crown would benefit economically from the plan, and owners of *encomiendas* would receive compensation for their loss. Spanish peasants were to be encouraged to come to America to work alongside native Indian families so that a new, mixed civilization would arise. In this way, the indigenous people would learn to govern themselves as free subjects of the king. This plan was the prototype of later community projects designed by Las Casas. Cardinal Cisneros decided to send three friars of the order of St. Jerome to reform the governance of the Indies. Las Casas was given an official position as »Protector of the Indians.« He drafted the instructions for the commissioners. The opponents of reform were already beginning to undermine the new plans. Las Casas and the commissioners departed for the Indies in November, 1516. The commissioners held an inquiry on questions such as whether to release the Indians

from *encomiendas* and placing them in villages, whether they had the capacity to live in liberty, and whether they could govern themselves like Spaniards. Since they interviewed only *encomenderos*, it was to be expected that their answer was negative. The experiment of the Hieronymite commission to establish a more humane colonial rule in the Indies ended in failure in 1517.¹⁰

Las Casas was in Spain when Cardinal Cisneros died in November 1517. With the arrival in Valladolid of the young king Charles I, he set out to meet his advisers to persuade them to view with alarm the injustice that was taking place in the Indies. He found a receptive ear from Chancellor, Jean Le Sauvage, Monsieur de Chievres, and Monsieur de la Chaux. All three were sympathetic to Las Casas's suggestions. The king and his advisers took Las Casas's side in blaming the late king Ferdinand's advisers, Lope Conchillos and Bishop Fonseca, for misgoverning the Indies. Sauvage respected Las Casas's knowledge of American affairs and recommended him to the king who asked Sauvage to work with Las Casas on another reform plan for the Indies.

In 1518 Las Casas prepared memorials to recommend that Spanish peasants migrate to the New World and join with the indigenous peoples to form new communities where all would work as free and equal human beings. These were ideas to stop the systems of forced labor which he insisted were the cause of the terrible cruelties that were taking place and ultimately the reason for the massive decline in the population. His second theme was to emphasize that the indigenous Others were fully human and worthy of respect and liberty. Another theme, by no means minor, was his belief in Spain's spiritual mission as the principal purpose of the encounter with the peoples of America. In the concrete context of his life in the New World, he felt that the spiritual mission had to be linked to the mission to seek justice for the native peoples. In 1518 the Crown supported his project of encouraging Spanish farmers to migrate to the Americas, and offered incentives to do so. When this project failed, undaunted, he applied again for another peasant colonization project, this time for the north coast of South America. Approved in 1520, he raised again the prospect that the colony, in what is today Venezuela, would be an economic success for the royal treasury, obviously drawing on the news about the riches of the Yucatan recently discovered by conquistador, Francisco Hernández de Córdoba, and the accounts of gold by Juan Grijalva. But he was disheartened by the failure of his dream and the awareness that he was powerless to stop the slave raids.

Las Casas decided to join the Dominican Order in 1522 and took his vows as a Dominican friar in 1523. He withdrew from the life of an activist in the cause of justice for the American Indians. Appointed prior of the Dominican convent at Puerto de Plata on the northern coast of Española, he began writing his great work, *Historia General de Las Indias*, in 1527. The contemplative life was only a temporary stage, a moratorium, to refresh his mind, heart, and will. Writing from Puerto de Plata in 1531, he sent a stern letter to the council of the Indies urging its members to stop the genocide in the islands.¹¹

Sailing for Peru in 1534, Las Casas and his party encountered storms and had to disembark in Central America. He went first to Nicaragua and later to Guatemala and Mexico City where from 1535 to 1540 he put into practice projects that he called successful. Now 50 years old, with 35 years experience in the Americas, he carried the weight of two abiding interests and struggles. The first was to end the injustice and cruelty against the native peoples, and the second, to argue that the way to propose Christianity to the native

¹⁰ Ibid., ch. 88-114, 211-214.

¹¹ Ibid., 11-14, 70-78.

people was only by love and peaceful teaching, not by war.¹² His success in peacefully persuading the unconquered hostile Mayan tribes of Tuzulutlán, called the Land of War, to accept Spanish rule and Christianity confirmed the ideas that he had developed from his earlier experiences with Dominicans Fray Antón de Montesinos and Fray Pedro de Córdoba, and Franciscan, Fray Jacobo de Tastera in Yucatan, and even from the utopian experiments he had earlier initiated. His experience in Nicaragua was unhappy because he attacked the cruelty of the *encomenderos* in his sermons as he had done in Española. He blamed the secular and religious officials for allowing 25 thousand native Indians to be sent as slaves to Peru, and another 27 thousand to Darién. Political conditions were more favorable in Guatemala where Bishop Marroquín and Governor Maldonado received a royal cédula in 1536 encouraging Christianization and good treatment of the native Indians. Las Casas decided to enter Tuzulutlán with only his small group of friars with the hope of converting the Indians to Christianity nonviolently. Conversion by war or force was forbidden. There was little gold and silver in the Yucatan, which suffered horribly from the devastation by the conquistador, Diego de Alvarado. Las Casas and his colleagues composed poems of Christian teachings in the Quiche Mayan language, and asked four Indian merchants who traveled frequently to the two Mayan settlements, Zacapulas and Quiche, to learn the poem, set it to music, and have it sung to the accompaniment of Mayan music instruments. Las Casas described the event as spectacularly successful. The concerts took place for eight evenings and the native Indians asked many questions, inviting the friars to return. At Zacapulas, a church was built and the cacique was baptized as Juan. It was said that he then ended the old rituals of sacrificing birds and other animals at fiestas.¹³ Since the Indians lived scattered in small villages, Las Casas proposed that they migrate to small towns near the cocoa fields. With chief Juan's encouragement, one hundred families founded a town called Rabinal, building a church and a school where they taught practical skills to the Indians. In 1536, shortly after he arrived in Nicaragua, Las Casas participated in a meeting with the bishops and heads of religious orders in Mexico City to discuss the issues of evangelization, Indian slavery, and the baptism of Indians. The meeting was called because Emperor Charles V had revoked his edict of 1530 abolishing Indian slavery. Las Casas had already begun writing his first book, *El único modo*. A summary of the meeting was taken by Fray Bernardino de Minaya to Pope Paul III. Most likely completed in Mexico City in 1540, only a fragment of *El único modo* has survived.¹⁴ It contained a copy of Pope Paul III's papal Bull, *Sublimis Deus*, issued on June 2, 1537, which reached America in the fall 1537.¹⁵ In it the Pope proclaimed that Indians were rational human beings, endowed with liberty and free will and capable of receiving the faith.

12 Bartolomé de LAS CASAS, *The Only Way*, New York 1992, 3-7. See also the 1942 edition transcribed by A. Millares CARLO and a Spanish translation by Lewis HANKE.

13 Henry Raup WAGNER with the collaboration of Helen RAND-PARISH, *The Life and Writings of Bartolomé de las Casas*, Albuquerque 1967, 90-93.

14 *Ibid.*, 87, n.7.

15 See Lewis HANKE, Pope Paul III and the American Indians, in: *Harvard Theological Review* XXX (1937) 65-102.

16 LAS CASAS, *The Only Way* (see note 12), 171-182; see also Gustavo GUTIÉRREZ, *Las Casas: In Search of the Poor of Jesus Christ*, translated by Robert R. Barr, New York 1992-1993, 235-240.

17 *Ibid.*, 102.

18 See Helen RAND PARISH / Harold E. WEIDMAN, *Las Casas en México: Historia y Obras Desconocidas*, Mexico City 1992.

19 Francisco de VITORIA, *Relectio de Indis et de lure Belli*, ed. by Ernest Nys, Washington, D.C., 1917; Heinz-Gerhard JUSTENHOVEN, *Francisco de Vitoria zu Krieg und Frieden*, Köln, 1991; Francisco de VITORIA, *Relecciones de Indios y del Derecho de la Guerra*, Madrid 1928; see TRABOULAY, *Columbus and Las Casas* (see note 7), 93-120; Courtney CAMPBELL, »Dirt, Greed, and Blood: Just War and the Colonization of the New World«, oregonstate.edu/cia/shpr/ideas_matter_1992.

20 WAGNER and PARISH, *The Life and Writings* (see note 13), 108-120.

The surviving part of *The Only Way* consists of chapters 5, 6, and 7 of book 3. In his *Historia*, Las Casas revealed that he discussed the principle of restitution in chapters 1 and 2. The notion of restitution became one of the most significant ideas of Las Casas.¹⁶ Las Casas discussed how Indians were included in God's promise of salvation. Next, he proceeded to the topic of Indian capacity: »Among the American natives there were different degrees of understanding as in the rest of the world. But, all of them were ingenious and, even more than other peoples, in the government of human life.« In his conclusion, he asserted that there was only one way to teach the Christian message, namely, that which »persuades the understanding with reason and gently attracts the will, and this is common to all men without any difference, because of errors, sects, or corruption of customs.« »All wars of conquest are unjust, perverse, and tyrannical.«¹⁷

The Papal Bull, *Sublimis Deus* (June 2, 1537) was included in the extant text. Pope Paul III's *Sublimis Deus* is considered to be the first papal announcement that the American Indians were rational human beings endowed with liberty and free will. In *Las Casas en México*, the historian Helen Rand Parish, utilizing previously unpublished documents, showed Las Casas's role in the formulation of the papal Bull, *Sublimis Deus*.¹⁸ Paul III asserted that »Every human being without exception was called to human happiness on the basis of the love of the sublime God for the human race.«

Las Casas arrived in Spain in 1540 and requested a meeting with the emperor to discuss the issues that affected the native peoples of the Americas. It seemed that Charles V had changed his policy on Indian slavery and the *encomiendas*. In 1530 he had issued an edict forbidding Indian slavery, only to revoke this edict in 1535. Even the views of the eminent Salamanca professor, Francisco de Vitoria, changed.¹⁹ In 1532 he had voiced serious questions about the justice of Spain's conquest by war as their title to the dominion of the Indies, but in his *Relectio de Indis* given at Salamanca in late December 1538 or early in 1539 he changed his view, offering reasons to justify the wars of conquest. The context of these developments can be understood in Charles V's edict to the university of Salamanca authorities to prevent the publication and dissemination of all works on the Crown's rights to the Indies without royal license.

The New Laws of 1542

Between 1541 and 1543 Las Casas denounced the policies of the council of the Indies as complicit in the destruction of the peoples of the Indies and proposed remedies for the situation. He presented before the royal council meeting an outline of his thunderous cry for justice for the indigenous peoples of America, *Brevísima Relación de la Destrucción de las Indias*, which he completed in December 1542, three weeks after the signing of the New Laws. He demanded the abolition of the *encomienda* system and proposed a policy of bringing the Indians under royal rule, the abolition of Indian slavery, the opening of roads for carts to ease the loads the Indians had to carry, and the resettlement of Indians from congested settlements to less settled ones. The emperor reformed the council of the Indies, replacing some members with new ones and made Las Casas Bishop of Chiapas in Mexico.²⁰ All sources for the conference that produced the New Laws asserted that Las Casas was the inspiration and force behind the New Laws to reform the governance of the Indies and to bring justice to the native peoples of America. There were also new regulations for expeditions of discovery with special regard to the treatment of Indians, especially the taxes demanded of them. Lastly, the surviving Indians of the Caribbean islands were to

be exempted from all tribute and royal and personal services so that the population could multiply. The laws provided for the gradual end of the *encomienda*, not the immediate end as Las Casas had proposed as the precondition to every reform measure. His major interest was to abolish Indian slavery since the anti-slavery laws were inadequate. But they were bound to fail because the clause »unless the holders could produce titles« was useless because he knew the Spanish propensity for perjury. In Las Casas's mind, all slaves should be set free as there were no titles to any.²¹

On March 30, 1544 Fray Bartolomé de Las Casas was consecrated bishop of Chiapas in his home city of Seville. Las Casas spent a year as bishop of Chiapas and it was an unhappy experience. The New Laws caused widespread dissatisfaction among Spanish colonists and religious who blamed Las Casas as the author of the ordinances against the *encomienda* and Indian slavery. In Peru, a rebellion against the laws arose led by Gonzalo Pizarro, and there was a genuine fear that Peru would break away from the Spanish Crown. Even supporters of Las Casas such as bishop Marroquín and governor Maldonado of Guatemala who had assisted him in the mission at Tuzulutlán became wary of Las Casas. When Las Casas proposed at the meeting of bishops in 1545 that they »should work to prevent wars and slave raids against the Indians of Yucatan,« his former ally, Bishop Marroquín called him arrogant, »better in Castille in a monastery than in the Indies as a bishop.«²² Governor Maldonado called him a scoundrel and a lunatic.

When the news came that the emperor had revoked the law of inheritance, the most hated of the New Laws, he realized that he should give up the office of bishop and return to Spain where he would be more useful in the cause of justice for the Indians. The campaign against the New Laws was widespread and centered in Mexico. Some Dominicans and Franciscans even argued that the *encomiendas* were necessary to maintain the church's interest. At a meeting of friars from the Dominican, Franciscan, and Augustinian orders where the issue was on the wars against the Indians, they agreed that the wars were simply a pretext for enslavement and they resolved not to absolve any colonist until they were examined by the *audiencia*. From this meeting, Las Casas wrote the *Confesionario*, twelve rules for absolution of sin by priests. Las Casas remembered the sermon of Fray Antón de Montesinos where he threatened to refuse the Catholic notion of absolution of sin by confession to conquistadors and *encomenderos* if they continued to be cruel to the native Indians. Rules 1 and 5 of the *Confesionario* required that the penitent on his sick or death-bed sign a legal document authorizing the confessor to dispose of all his property as restitution to the Indians. Las Casas argued that all of the property had been taken from the Indians, and all the wars and conquests were crimes; all the tributes and services were unjust, and all the slaves were acquired unjustly. The confessor was required to give restitution to any surviving victims or their descendants, or their villages. All slaves were to be freed and

21 Ibid., 116–117; in 1552 he published a treatise against Indian slavery which declared that all the Indians made slaves after conquests were unjustly enslaved and should be set free. He described the horrors of the slave raids he had observed in Nicaragua and the cruel branding of some 4,650 men, women and children in the Mixtón war which caused widespread depopulation in many regions.

22 Ibid., p. 147. Las Casas came to learn that Maldonado had married the daughter of Francisco de Montejo of Yucatan and the combined interest of the two families had some 60,000 Indians. At this time, Montejo was active in the second brutal conquest of the Yucatan that brought under his control large number of Indian slaves.

23 See Kathleen Ann MYERS/Nina M. SCOTT, *Fernández de Oviedo's Chronicle of America: A New History for a New World*, New York, 2011.

24 Tzvetan TODOROV, *The Conquest of America: The Question of the Other*, New York 1984, 151–156. See the outstanding work on the debate by the American scholar, Lewis HANKE, *All Mankind is One: A Study of the Disputation between Bartolomé de Las Casas and Juan Ginés de Sepúlveda on the Religious and Intellectual Capacity of the American Indians*, DeKalb 1974; Juan Ginés SEPÚLVEDA, *Democrates Alter*. Spanish transl., Madrid 1951.

pensioned. Rich *encomenderos* could keep a modest part for their families but use the rest for restitution. In short, he concluded that the conquest and exploitation of the Indians were unlawful.

He left for Spain in 1547 with the expectation of continuing his work as defender of the Indians there. His departure did not seem motivated by a sense of having failed in his mission to bring justice to the Indians. He was 63 when he returned to Spain and remained active in the causes of the American Indians. A man of many transformations, he was quick to see injustice whenever it reared its head, prodigious in getting and organizing evidence, and politically knowledgeable in creating networks of supporters to plead his case. His faith in the possibility of persuading political leaders to see the justice of his cause recalls a comment by Dr. Martin Luther King, Jr. in 1965 when he went to England to receive an honorary degree: »It may be true that morality cannot be regulated, but behavior can be regulated: it may be true that the law cannot change the heart, but it can restrain the heartless. It may be true that the law cannot make a man love me, but it can restrain him from lynching me and I think that is pretty important also. So, while the law may not change the hearts of men, it does change the habits of men if it is vigorously enforced: And through changes in habits, pretty soon attitudes change and maybe hearts can be changed in the process.«

On November 28, 1548, a royal decree was issued to confiscate all manuscript copies of the *Confesionario* because it did not receive approval from the council of the Indies. The Council ordered Las Casas to put in writing his view of the Crown's rights to the Indies. In *Thirty Propositions*, Las Casas said that the royal title was based solely on teaching Christianity to the indigenous peoples of America and that all conquests were unjust.

The Debate in Valladolid in 1550 between Prof. Sepúlveda and Friar Las Casas

Some scholars disagreed with Las Casas. The royal historian, Oviedo, held a different view of the native Indians, often denouncing them as savages and less than human.²³ In Las Casas's years in the Caribbean, Oviedo was his main antagonist who came in for a fierce criticism in Las Casas's *Historia*. The noted scholar of Aristotle and philosopher, Ginés de Sepúlveda, was the main defender of war and conquest to pacify and Christianize the native people. Sepúlveda had written a dialogue, *Democrates alter*, which argued that the wars of conquest in the Indies were just and the *encomiendas* and Indian slavery were legitimate. Las Casas had used his influence at the universities and councils of state to block its approval for publication but Sepúlveda composed a summary of his work for publication, an *Apologia*. Las Casas followed and wrote his own defense of his position, namely, that the wars of conquest were unjust and therefore the institutions of forced labor were not valid.

Perhaps challenged by the implication that Spain's title and rule over America was illegitimate, Charles V invited in 1550 Sepúlveda and Las Casas to debate their respective positions before distinguished jurists and theologians in Valladolid. The conference began in late 1550 and did not end until late 1551.²⁴ Sepúlveda appeared at the first session and read his summary of the *Democrates alter*. He was followed by Las Casas who read most of his *Apologia* for 5 or 6 days. Fray Melchor Cano prepared a summary of both arguments. On receiving a copy of the summation, Sepúlveda gave a rebuttal to which Las Casas responded with his answers. The opinions of the jurists and theologians were given 6 or 7 months later.

Sepúlveda argued that the wars of conquest were just. In his opinion, they were the more effective means of converting the native people to Christianity. He asserted that backward,

uncivilized, and slaves by nature, the native people must be subservient to more civilized Europeans. More seriously, the Indians were idolaters and sodomites. Worse, they practiced human sacrifice. Therefore, Spanish rule was necessary to protect the weaker Indians from such tyranny:

»The greatest philosophers declare that such wars may be undertaken by a very civilized people against uncivilized people who are more barbarous than can be imagined, for they are absolutely lacking in any knowledge of letters, do not know the use of money, generally go about naked, even the women, and carry the burdens on their shoulders and backs like beasts for great distances. Moreover, here is the proof of their savage life, »like that of wild beasts, their execrable and prodigious immolations of human victims to demons, the fact of devouring human flesh.«²⁵

A scholar of Aristotle, he used Aristotle's notion of slaves by nature to support his ideology of racial hierarchy and to demonize native Americans as inferior, whose minds were »more like children, women, and monkeys.« Sepúlveda drew on the work of Oviedo as well as the *Relectio de Indis* of Fray Francisco de Vitoria.

Speaking from his personal experience of the Caribbean, Central America and Mexico, and having read the works of friar-scholars in other regions of the Americas, Las Casas argued that there was abundant evidence that the native people were not uncivilized. He said that his successful experiment in Tuzulutlán in Guatemala and the impressive and successful resistance of Enriquillo were effective responses to Sepúlveda in illustrating Las Casas's view that peaceful means to propagate Christianity would be more effective than war.

Some contemporary scholars saw Las Casas early projects and experiments as colonialist and assimilationist.²⁶ A scholar of comparative literature and a philosopher, Tzvetan Todorov, gave an insightful interpretation of Las Casas's early projects for the Indians. He confessed that »no one else ... has dedicated such enormous energy and a half century of his life to improving the lot of others. But it takes nothing away from the greatness of the figure to acknowledge that initially the ideology ›assumed‹ by Las Casas and other defenders of the Indians was a colonialist one.«²⁷ But he did this to show the radical character of Las Casas's final transformation as demonstrated in his debate with Sepúlveda.

The issue of ritual human sacrifice was the most difficult accusation to refute for Las Casas and other sympathizers with the native people. But, reflecting on this practice, he was able to demonstrate that his long struggle for justice for the Indian Other had transformed him. Where he had previously seen the indigenous people as equal and identical, he now argued in defense of their common humanity. He was able to see their religious practice of human sacrifice as radically different from Christianity. In his *Apologia* at the debate, and in several chapters of his *Apologética historia*, he first argued that even if the acts of human sacrifice and cannibalism were evil in themselves, it did not mean that making war was justified: »Such a remedy risks been worse than the disease.« He then tried to make the idea of human sacrifice less strange by recalling that God had asked Abraham to sacrifice his son, and that Jephthah was compelled to sacrifice his daughter (Judges, 11:38). On the matter of cannibalism, he told his audience that he knew cases of Spaniards who by neces-

25 TODOROV, *The Conquest of America* (see note 24), 156.

26 *Ibid.*, 156.

27 *Ibid.*, 173-182.

28 *Ibid.*, 186-193.

29 See footnote 19. See GUTIÉRREZ, *Las Casas* (see note 16).

30 *Ibid.*, 134-135.

sity had eaten the liver and in another, the thigh of a companion. He used this acceptance of human sacrifice to propose the idea of religious feeling, asserting that from human reason human beings had an intuitive idea of God and worshipped God to the best of their abilities and in their fashion. To offer God human sacrifice was the way humans showed their gratitude: »Nature itself teaches who do not have faith, grace or doctrine ... that, in spite of every positive law, they ought to sacrifice human beings to the true God or to the false god who is thought to be true, so that by offering a supremely precious thing they might be more grateful for the many favors they have received.«²⁸ According to Todorov, the character of Las Casas's argument showed that Las Casas had indeed changed from a colonial mentality to understand the different Other from their perspective. He, of course, stressed that the God of the Indians was not the »true God« from his view but was considered thus by them. The significance of this view was that »what remains common and universal is no longer the God of the Christian religion, to whom all should accede, but the very idea of divinity, of what is above us: religion has been replaced by religious feeling. Although the conception of God of the Christian religion might be superior to the Aztec God, *Tezcatlipoca*, the religious feeling of the Aztecs for their God was more intense. The native people »demonstrated that they possessed, better than other nations, natural reflection, rectitude of speech, and in the judgment of reason, they employed their understanding better than the others.« As a Christian, Las Casas believed in One God but in this defense of the American Indians he no longer privileged the Christian path to God. He seemed to say that each person had the right to choose their own path to God. Equality need not be bought at the price of identity. Todorov concluded that Las Casas was able by 1550 to conceive of a higher form of equality, namely, to be able to view the character of the values of the different Other from their perspective.

In his analysis of the debate at Valladolid, theologian and scholar of Las Casas, Gustavo Gutiérrez, also observed the radical transformation of Las Casas's understanding of the native Indians and their world. He agreed that the Aztec practice of human sacrifice and cannibalism were the most serious and convincing reasons to make war against the Indians to defend the innocent Indians from being taken by their rulers to be sacrificed. Gutiérrez began his analysis by comparing Las Casas's views with those of the University of Salamanca Professor and Dominican friar, Francisco de Vitoria.²⁹ Vitoria had written of Spain's conquests in his *Relectio de Indis*, given shortly after the conquest of Peru. Adviser to kings, lawyers, and jurists, Vitoria chose to enter the debate on whether the wars and royal dominion over the peoples and nations of America were justified. He was aware that from Columbus's voyages in 1492 to 1537, continuous wars had taken place. He mentioned that news of »scandals, cruel crimes, and many impieties« had come to his attention and confessed that he was not convinced that the Christian message had been propagated appropriately. However, on legitimate reasons for war, Vitoria cited the tyranny of their rulers and tyrannical laws that ordained the sacrifice of innocent human beings or the slaying of blameless persons for the purpose of sacrificing them. He concluded that Christian princes could make war against such Indian rulers. To those who said that the means of the apostles were peaceful and nonviolent, their opponents responded that the miracle-working age was over. They argued that since the Church was protected by the power of Christian rulers, the power of temporal rulers should be placed at the service of evangelization. For Gustavo Gutiérrez, the supporters of war justified the use of force to remove the impediments to the reception of the faith.»³⁰

In 1535 the humanist Sepúlveda published his *Democrates Primus*, a dialogue on whether Christians should make war. In 1544/45, he published a second dialogue, *Democrates alter*:

The Just Reasons for War against the Indians. He wrote: »The Barbarians must be dominated not only that they may listen to the preachers, but also to doctrine and counsels; threats and fear should be instilled« He explained his ideology in this way: «it is properly the custom and nature that the vanquished readily adopt the customs of the victors and dominators, imitating them in their works and words.»³¹

For Las Casas, the only way of evangelization was by peaceful means, persuasion and dialogue. All uses of force were unacceptable. On the troublesome issue of human sacrifice and cannibalism, practically all the theologians of the sixteenth century argued that war was justified to end the practice and save the innocent Indian victims. Las Casas's view was radically different, born out of a deep understanding of Indian customs and practices, a long experience of their suffering and injustice, and a profound knowledge of the truths of biblical teachings. He felt that the wars of conquest, forced labor in the mines, slavery, *encomiendas*, deaths and insults created a climate of aversion towards Christianity and Christians. He added that there was no other reason why Saracens, Turks, and other unbelievers refused to embrace Christianity than that »we deny them with our conduct what we offer them with our words.« Dialogue and persuasion were the most effective means, not war, he insisted. Freedom was the indispensable condition of religious conversion and required time for acceptance. He said, »When I speak of acts of war, I speak of the pinnacle of all evils.« His early experiment at Cumaná, the story of the rebellion of Enriquillo, the successful mission of Verapaz in Guatemala, Pope Paul III's *Sublimis Deus* of 1537, his book, *Del Unico Modo*, and his influence in the proclamation of the New Laws in 1542, had shaped and convinced Las Casas that a new relationship between Europeans and native Americans, based on peaceful means and dialogue, would end the injustice and destruction of the native people and create a more fruitful climate for creative interaction.

Sepúlveda and Vitoria made their case for war based on defense of the innocent in accordance with the law of nations (*ius gentium*). In his rebuttal, Las Casas widened the focus of his view from the natural law and the law of nations to the notion of the good of the native Indians. He argued that the conduct of war and armed intervention would risk greater deaths and evil from war than be a solution to the problem of rectifying the injustice of innocent victims of human sacrifice. Familiar with the concrete reality of the lives of native Americans, Las Casas challenged the number of 20,000 alleged annual victims cited by Sepúlveda who used that number from the work by Oviedo. He was adamant that wars of conquest would cause more victims than the ritual of human sacrifice: »The Indians sacrifice yearly 30 or a hundred or a thousand persons out of invincible ignorance, while our soldiers in a single day slay 10,000 innocent persons.« Later, Las Casas would place this discussion in the context of a larger reality: »In all truth, it would be far more accurate to say that the Spaniards have sacrificed more to their beloved adored goddess, *Codicia*, »Greed« every single year that they have been in the Indies after entering each province than the Indians have sacrificed to their gods in a hundred years.« The conquistadors never intervened to save the innocent.

Aware of how deep an impression that the stories of human sacrifice and cannibalism had left on the minds of sixteenth century Europeans, he then proceeded to propose ways to understand human sacrifice. Gustavo Gutiérrez saw that Las Casas used the scholastic principle of invincible ignorance to argue that blame should not be placed on the native Indians for the practice of human sacrifice to their gods because no evidence was shown to

31 Ibid.

32 Ibid., 214-215.

them that human sacrifice to their god or the god they think is their true god was against natural reason. Las Casas was now ready to give his view of the issue why the American Indian custom of human sacrifice in certain regions was not against natural reason. Asserting that all peoples have an innate knowledge of God and were inclined by religious feeling in their own way and condition to worship God, by natural law, it was evident that human beings were obligated to offer him in sacrifice the most precious things they had. The native Indians did well to offer god the best they had, their human life.

Las Casas concluded that the Indians had a profound religious sense which made them see human sacrifice as a moral obligation. He added that it would be difficult in a short space of time and teaching to persuade the native Indians that human sacrifice was against nature. This custom could not be suddenly uprooted. It certainly was not a just cause of war. Indeed, it was difficult to abandon a religion once it was embraced. With this perspective, he displayed a respect for Indian social customs and religious rites. As Gustavo Gutiérrez highlighted, Las Casas showed »an acknowledgment of the rights of a people to their own way of life and their own religion ... His attitude is free of all contempt for the customs of others on the basis of cultural or religious considerations.« A critic of Las Casas, T. Ordoñez, took notice that although Las Casas in his early years was so zealous for the conversion of the Indians to Christianity, now at 66 years old, he was a defender of religious freedom and religious pluralism. For Gustavo Gutiérrez, Las Casas's important analysis of human sacrifice – so chilling for some of his contemporaries – »is a mighty effort to understand from within the behavior and values of the native peoples of the continent.«

Las Casas used to good effect his knowledge of scholastic philosophy, especially the thought of Thomas Aquinas, but on the concrete issue of war against the native peoples of America, he developed new theological ideas. He utilized scholastic concepts like invincible ignorance and erroneous conscience to exempt the native peoples from culpability for human sacrifice and cannibalism. His use of these scholastic concepts was not intended to win debating points but to enrich the understanding and awareness of Indian customs and religious feelings: »These acts spring from an erroneous conscience, the conscience of those who believe themselves to be performing a good deed.« He felt that the native people worshipped their god as the true god and they were obliged to defend their religion. Las Casas was proposing that, in the judgment of human beings, the native people possessed social and political rights as individuals and as a people, and their different religious practices should not lead to war. Sepúlveda and his supporters were horrified that Las Casas defended Aztec religious practice of human sacrifice, and declared that that it was not a case of erroneous conscience and invincible ignorance. The long experience of injustice and cruelty to the native people transformed Las Casas and enabled him to develop new, liberal theological ideas. When in the early 1540s, for example, he agitated for an end to the *encomienda* and Indian slavery, Spanish colonists argued that if such institutions were abolished, colonists would return to Spain. The consequence would be that the Spanish Crown's sovereignty over the Americas would decline and the mission to Christianize the native people would stop. Las Casas countered that if Spanish rule in America continued to produce death and destruction to the native people, then it would be entirely just that Spanish sovereignty ceased.³²

There was no formal decision as to who won the debate. Indeed, the question about the justice of the conquest was answered from the second voyage of Columbus in 1493. In 1550 conquests by war had already given Iberia imperial dominion over the Americas. The wealth of the Americas had made Spain the most powerful nation in Europe and both the royal and religious authorities had come to depend on this wealth and power. The contradictory policies of Charles V towards native Indians and even the learned Fray Francisco de Vitoria's

views on the conquests were good illustrations that the enterprise of the discovery of a New World was really an imperial conquest of the peoples of the New World.

As we ponder the significance of Las Casas's debate with Prof. Gñes de Sepúlveda, we should remember also the lectures given by Augustinian friar, Alonso de la Vera Cruz, first professor of Theology and Sacred Scripture, at the inauguration of the university of Mexico in 1553, who chose as the topic for his course whether Spain's rule over the Indies was just.³³ A student of Fray Francisco de Vitoria at the university of Salamanca, he was clearly familiar with the thought of Vitoria on the conquests of America. Focusing on the ideal of raising the civilization of the indigenous people and teaching the Christian message, Vera Cruz used the evidence of his experience among the Tarascan people of Michoacán to illustrate that the ideal was not followed. He saw that the introduction of the *encomienda* and *repartimiento* brought enslavement and near extermination. The Spanish thirst for labor, land, and tribute brought great hardships on the Indians. Advocating the principle of the common good as the principle of his thesis, Vera Cruz argued that native rulers were legitimate rulers of their states, and that those who seized Indian lands without legal title to them or used force must give restitution to the rightful owners. He asserted that neither the emperor nor the pope was the lord of the world and did not have the right to transfer dominion of the Indian lands to the Spanish. He restated that the Indians were lawful owners and rulers of their lands which were not abandoned by them. It was never the case that the lands were empty and belonged to no one. The native people were owed restitution for all the tribute, lands, and wealth achieved »by robbery.« Although he accepted the theory of the spiritual ideal of Spain's dominion over the native people, and the view that force could be used if native rulers placed obstacles on the teaching of the Christian message, he quickly added that »from the beginning armed soldiers came who frightened and plundered and killed the native people.« In his mind there was no justification for the conquests. He rejected the view that the native peoples were immoral and intellectually deficient like children: »Before the Spaniards came, they had officials, orderly government, and their own laws.« Writing more than 30 years after the conquest of Mexico, and 17 years of teaching experience and mastering the native languages, he argued for a place for Europeans in the Americas, provided they »gave no harm to the native peoples.« He did not mince words about the horrors of the *encomienda* and slavery that the Indians suffered, but pleaded for freedom and economic justice for the American Indian.

After resigning officially as bishop of Chiapas, Las Casas made plans for his retirement. He decided to live at the Dominican college of San Gregorio in Valladolid and donated his

33 Ernest J. BURRUS S. J., *The Writings of Alonso de la Vera Cruz: Defense of the Indians: Their Rights*, II, St. Louis/Missouri 1968; TRABOULAY, *Columbus and Las Casas* (see note 7), 121-140; Roberto HEREDIA CORREA, *Fray Alonso de la Vera Cruz. Sobre el Dominio de los Indios y La Guerra Justa*, Mexico 2004; Jesús Antonio DE LA TORRE RANGEL, *Alonso de la Vera Cruz: Amparo de los Indios*, Mexico 1998.

34 See Bartolomé de LAS CASAS, *The Only Way*, ed. by Helen RAND PARISH and transl. by Francis Patrick Sullivan, New York 1992, 201-208: Addendum »Las Casas condemnation of African Slavery.« See Laird W. BERGAD, *The Comparative Histories of Slavery in Brazil, Cuba, and the United States*, New York 2007.

35 The charge that Las Casas was responsible for the introduction of African slavery in the Americas, made in the 19th and 20th centuries, has been discredited. See Isacio PÉREZ FERNÁNDEZ, *Bartolomé de Las Casas. Contra Los Negros?*, Mexico City 1991. Helen Rand Parish said that she will publish an article refuting the slander. »Early

on, Las Casas did repeat a suggestion made by friars, laymen and officials, to bring over a few Christianized black slaves from Spain, duty free, but the suggestion was not followed. Independently, an exclusive license was bought by a courtier and resold to Genoese merchants at an exorbitant price, to ship four thousand blacks from Africa. This monopoly deliberately blocked all but a trickle of slaves for a decade and more, until the gold was gone and most of the Indians wiped out ... It was the sugar industry, the new bonanza, that brought large shipments of African slaves to the deserted West Indies«, Helen RAND PARISH, ed. *The Only Way*, 201-202.

books and writings to the college. He found time to publish eight treatises on the defense of the Indians. Among them were: *Brevísima Relación de la Destrucción de Las Indias* and *Entre Los Remedios*, narratives about the need for the New Laws, and *Tratado Sobre Los Indios que se han hecho Esclavos*, a discourse on Indian slavery. In 1560 and 1561 he began to work on completing his two most important works: *Historia de Las Indias* and his *Apologética historia*. Begun in 1527 in Puerto de Plata in Española, the *Historia* was intended to be a narrative history of the Indies from 1492 to 1550 and to be divided into six books, each covering ten years. When completed in 1561-1563, Las Casas had reached up to 1520 and included three volumes. His personal experience and large collection of documents and writings about the lands and people touched by the Caribbean sea made this work valuable for the scholar. The *Apologética* was an offshoot of the *Historia* and was an encyclopedia of knowledge of the history and culture of the native Indians from the perspective of the Indians. Its political objective was to counter the argument that the Indians were incapable of governing themselves. What was more significant was that it showed his desire to understand the world of the native peoples from their perspective. We see how his sincere respect and love for the native peoples developed. He used his influence at the court of Spain to prevent colonists in Peru from restoring their rights to their *encomiendas* in perpetuity. At the end of his life, he was still arguing against the *encomienda*, zealous of protecting the progress of his advocacy against all systems of forced labor.

Since the enslavement of native Indians became a major issue for Las Casas in the early 1540s, it is appropriate to ask what his position was on African slavery which became a serious issue in the history of the Americas. Indeed, the history of Africans in the Americas was linked to that of the native Indians in that it was the catastrophic decline of the native population that brought Africans to the Americas.³⁴ The old accusation that Las Casas introduced African slavery in America has been discredited. The Portuguese voyages around the West coast of Africa from the 1440s brought African slaves to Lisbon and Southern Portugal. African slaves were present in numbers in Portugal and Spain. Following Columbus's voyages, African slaves were brought to Española in 1502 in the voyage of Governor Nicolás Ovando. Later, in 1510, some 200 came from Spain.

It must be stressed, that the first slaves in the Americas were the indigenous peoples of the Americas. The discovery of gold in Española, Puerto Rico, and Cuba meant that a sufficient supply of labor was needed to develop the gold mines. As the native population declined radically through forced labor institutions, conquests, and disease, the Spanish colonists looked to African slaves to replace the native Indians. As the gold fields declined in the 1520s and 1530s, the settlers turned to small-scale sugar production. This was not yet the sugar plantations that brought immense numbers of African slaves. But, by the 1540s the demand for African slaves was growing. Slavery was practiced almost everywhere in the ancient and medieval worlds. Christianity accepted slavery as legal. According to the thinking of the times, slaves captured in a just war could be bought and sold. Slavery was part and parcel of the social and economic order in the age of the conquest of America. In 1516 Las Casas proposed to the king that twenty »black and other slaves« be sent to work in the mines to replace the Indians. He made similar requests in 1531 and 1543 when he asked for twenty four »black and white« slaves to accompany him to Chiapas when he was made bishop. His moment of truth came in 1547. On his way to Spain, he stopped in Lisbon, Portugal, where he met navigators who were involved in the Portuguese slave trade around West Africa and historians who had written on the slave trade and slavery. He said that he now saw the injustice of African slavery as he had experienced Indian slavery in 1514 in Cuba.³⁵ He added eleven chapters to the already completed first book of his *History*

of the Indies. In these chapters he denounced the »enslavement, death, and other outrages of which both the Canary Islanders and Black Africans are the victims.« He quoted again the Book of Ecclesiasticus that had helped him to become aware of the oppression of the native Indians of the Indies. He used the lesson to »draw the veil from the deeds of the Portuguese«: »In their raids under the pretext of spreading Christianity, they rob and steal.« He proclaimed that the wars of the Portuguese were not just. Their enslavement of the Canary Islanders and Africans was illegal, immoral and a horrifying injustice. Not blind to his own transgression, he recounted the petitions he made to import African slaves and confessed that »he regretted what he had written years before, oblivious of the injustice with which the Portuguese took them and made them slaves.« Speaking about himself, he said, »After he found out the truth, he would not have proposed it for all the world because Blacks were enslaved unjustly, tyrannically, right from the start, exactly as the native Indians had been.«³⁶ This early period of African slavery in the Americas was small. Las Casas repeated that the captivity of African slaves was as unjust as the Indians and he admitted that »the remedy that he had counseled was wrong.« Having confessed that this would not excuse him before divine justice, he condemned the African slave trade and denounced the Portuguese who »have for many years been in charge of plundering Guinea and making slaves of Blacks most unjustly. The Spaniards, too, have responsibility. After all, once the Portuguese saw that we [Spain] demonstrated such a need of them and that we purchased them, they hastened to capture Africans and make them prisoners as they continue to do by as many evil and wicked ways as they are able. Spanish interests motivated the slavers. Greed was infectious. Africans themselves began to wage unjust wars and take other illicit ways to make slaves and sell them to the Portuguese, in such a way that we ourselves are the cause of all the sins committed by both.«³⁷

The closing section in the first chapter of the struggle for the human rights of the native peoples of America, and the long life of its principal activist, Fray Bartolomé de Las Casas, witnessed the intimate collaboration between Las Casas and Fray Alonso de la Vera Cruz. Vera Cruz worked closely with Las Casas from his arrival in Spain in 1562 till Las Casas's passing in 1566. He collected copies of Las Casas's final writings, which showed that his departure from America and his retirement did not mean an attempt to sum up his life's message and soften his image. Las Casas remained active and committed to his radical struggle for justice for the indigenous peoples. He insisted that all the wars of conquest that usurped the kingdoms of the Indies were unjust and tyrannical; that the *encomienda* was evil and all who granted them and held them were in mortal sin; all the wealth, the gold and silver from the Indies were stolen. He then concluded that those who stole their wealth by conquests and forced labor through *encomiendas* and slavery cannot be saved unless they restored to the native people what they stole. At the end of his long life, he shouted loudly the cry of reparation by restitution to the indigenous peoples of the Americas.³⁸ Las Casas died on July 20, 1566 in the Dominican monastery of Atocha in Madrid. The close relationship between Las Casas and Vera Cruz continued to the end. Fray Alonso de la Vera Cruz collected and preserved Las Casas's written works and must be given credit for giving

36 LAS CASAS, *Historia de Las Indias*, bk. 3, ch. 102.

37 LAS CASAS, *Historia de Las Indias*, bk. 3, ch. 129.

38 See the lecture at Harvard of Luis N. RIVERA PAGÁN, *A Prophetic Challenge to the Church: The Last Word of Bartolomé de Las Casas*: www.lascasas.org/Rivera_Pagan.htm (11.11.2015).

39 GUTIÉRREZ, *Las Casas* (see note 16), 459.

us the narrative of the activities of the final years of the person who was at the heart of the struggle for the human rights of the indigenous peoples of America in the sixteenth century.

The journey to discover the indigenous peoples and Others who were different but worthy of respect and equality has not yet ended. Conquests and imperialism and the sense of superiority have played no small part in creating the division between the West and the peoples from the worlds outside the West. As Gustavo Gutiérrez confessed, Las Casas and certain others »gradually divested themselves of their spontaneous sense of superiority and sought to move to the viewpoint of the dispossessed, that as human beings they had the right to life, liberty, and to be different.« From 1514 to his passing in 1566, he fought for justice for the Indians which he said he could not recount »without tears«. Unable to give his final memorandum personally of his views on the American Indians because of failing health, his friend and colleague, Vera Cruz, related sadly that »the council provided nothing in this respect. Instead they said that they would see to it.«³⁹ In our global and technological world, where political, social, and cultural conflicts still rage across and within nations, the narrative of the struggle for justice on behalf of the native peoples of America and his cry for peace and dialogue remain resonant. ♦