



---

# "ALL PEOPLE OF THE WORLD ARE HUMANS"

The Struggle for Indigenous Human Rights in  
Early Modern Spain

---

Magistra Beatriz  
Aluares de la Oya

Huapahua II  
August 20, 2022

---

<b>Spanish-Indigenous Relations in the "New World"</b>	<b>1</b>
<b>The School of Salamanca</b>	<b>2</b>
Arguments to Human Rights	2
<b>The Conquest of Cuba</b>	<b>3</b>
Diego Velázquez de Cuéllar	3
Hatuey (d. Feb 2, 1512)	3
<b>The Dominicans in Hispaniola</b>	<b>4</b>
Pedro de Córdoba (c. 1460-1520)	4
Fray Antonio de Montesinas (1475-1540)	5
<b>Bartholome de las Casas (1484-1566)</b>	<b>5</b>
<b>The New Laws of 1542</b>	<b>7</b>
<b>The Valladolid Debate (1550-1551)</b>	<b>8</b>
Sepulveda's Position	8
Justifications for a "Just War"	9
Las Casas' Position	9
<b>Impact and Aftermath</b>	<b>9</b>
Immediate Effects	9
Human Rights in the New World	9
Atlantic Slave Trade	10
The Black Legend	10
Political Discourse	10
<b>Glossary</b>	<b>11</b>
<b>Sources</b>	<b>12</b>

## Spanish-Indigenous Relations in the "New World"

1499: Encomienda system established on Hispaniola by Columbus - assigned 300 Native people to Spaniards

- Isabella I "By what authority does the Admiral give away my vassals?"

Spanish crown "commended" indigenous people to Spanish settlers (encomenderos)

- Granted right to exact labor or tribute from "workers"
- Obligated to provide religious instruction and protection
- Also obliged to Crown to defend land

Island system: service rendered instead of tribute

Mainland system: both service and tribute

1502: encomienda system institutionalized by Nicolás de Ovando (first royal governor of Hispaniola)

- Ovando under orders to take Natives from encomenderos, place under Crown protection & require them to pay tribute from their wages

1503: Ovando permitted to grant Natives

- "Because of the excessive liberty the Indians have been permitted, they flee from Christians and do not work. Therefore they are to be compelled to work, so that the kingdom and the Spaniards may be enriched, and the Indians Christianized. They are to be paid a daily wage, and well treated as free persons for such they are, and not slaves."

1509: royal letter established that Native workers were only to serve one-two years, not life (surprise - that was not enforced)

## The School of Salamanca

### Arguments to Human Rights

1. Sovereignty
  - a. natural realm separate from supernatural realm
  - b. kings have no legitimate power over the soul
  - c. people are the vehicle of divine sovereignty
  - d. men are born free by nature
  - e. community formed by consensus of free will
  - f. societies obliged to respect natural rights
2. Law of Peoples and International Law
  - a. common good of the world is superior to the good of each state
  - b. relations between states should be justified by law, not force
  - c. international society should be ruled by "just forms" respecting the rights of all
3. "Just War"
  - a. War is one of the greatest evils suffered by mankind; therefore, it should only be resorted to when necessary to prevent an even greater evil
    - i. In self-defense, as long as there is a reasonable possibility of success
    - ii. Against a tyrant who is about to attack (preventative war)
    - iii. To punish a guilty enemy
  - b. Additional requirements
    - i. The use of more violence than strictly necessary constitutes an unjust war
    - ii. Governments declare war, but their decision is not sufficient to start a war
    - iii. If the people oppose war, it is illegitimate.
    - iv. The people have the right to depose a govt that is waging or about to wage unjust war
    - v. Once war has begun, there are moral limits to actions

War is only legitimate as a last resort after diplomacy and negotiation have failed

#### 4. Conquest of the Americas

- a. de Vitoria: rejected "illegitimate titles" & questioned if Alexander VI's Bulls of Donation were valid titles of dominion over newly discovered lands
- b. Indigenous peoples were free by nature with property rights - could not be dismissed as sinners or ignorant savages
- c. Identified legitimate claims of title over discovered lands:
  - i. right to travel and do commerce
  - ii. right to preach and proselytize
  - iii. if pagan sovereigns force converts back to paganism
  - iv. if there are enough Christians in a territory to request Christian government from the Pope
  - v. in the overthrow of tyranny or govt harming innocents
  - vi. if associates or friends are attacked
  - vii. if a foreign population is suffering due to lack of just laws

## The Conquest of Cuba

Diego Velázquez de Cuéllar

1493 - sailed to "New World" with Columbus' second voyage - never returned to Spain

1493-1500 - served as acting governor of Hispaniola when Bartholomew Columbus was absent

1503 - put down Taino revolt in western Hispaniola

1509 - Diego Columbus becomes governor of Hispaniola; is charged with the conquest and colonization of Cuba

1511 - Velázquez sails for Cuba

Hatuey (d. Feb 2, 1512)

- Taino *cacique* (chief) of province of Guahaba, Hispaniola (present day La Gonave, Haiti)
- 1511: fled Hispaniola to warn indigenous people of eastern Cuba about Diego de Velazquez' approaching conquistadors
  - Cuban Taino chiefs did not join resistance
  - Hatuey engaged in guerilla tactics against Spanish
  - Spanish captured & executed

"Here is the God the Spaniards worship. For these they fight and kill; for these they persecute us and that is why we have to throw them into the sea..."

"[Hatuey], thinking a little, asked the religious man if Spaniards went to heaven. The religious man answered yes... The chief then said without further thought that he did not want to go there but to

hell so as not to be where they were and where he would not see such cruel people. This is the name and honor that God and our faith have earned.”

1513 - conquest of Cuba accelerates as Velázquez and Pánfilo de Narváez lead 3 expeditions west across Cuba

Narváez met force of 2500 Taíno - 100 Taíno killed - last major resistance to Spanish conquest  
Later that year, Velázquez awarded expanded powers in Cuba

- authorized to assign Indians to encomiendas
- allowed to establish additional towns as needed
- encouraged to create settlements on southern coast to serve as trade posts for Spanish presence in Panama

New towns:

- 1513 - Bayamo
- 1514 - Trinidad, Sancti Spiritus, Havan
- 1515 - Puerto Principe, Santiago de Cuba

1514 - Cuba largely pacified

Velázquez used power to establish encomiendas to reward friends and family - controlled ~3,000 Native slaves

## The Dominicans in Hispaniola

1510: Dominican friars led by Pedro de Córdoba arrive in Santo Domingo (Dominican Republic)  
Denied slaveholders the right of confession - las Casas among the denied

1511: Fray Antonio de Montesinas preached against slavery; implicated colonists in widespread genocide of native peoples

- Las Casas argued against Dominicans & in favor of *hacienda* system
- Dominicans later recalled from Hispaniola

### *Pedro de Córdoba (c. 1460-1520)*

- Spanish Dominican missionary, author, inquisitor on Hispaniola
- First to speak against *encomienda* system for abuses against indigenous peoples
- 1510: sent to Hispaniola as vicar of first group of Dominicans on the island
  - Sent for pastoral care of Spanish settlers and evangelization of Taíno
  - Became aware of mistreatment of Taíno - studied issues in depth and developed policy of denial of confession and absolution to slave owners
- 1513: persuaded King Ferdinand II to allow Dominicans of Hispaniola to go to mainland to convert natives

### *Fray Antonio de Montesinas (1475-1540)*

- Spanish Dominican missionary to Hispaniola
- First European to publicly denounce the enslavement and poor treatment of indigenous people
  - December 21, 1511: preached against practices of *encomienda*, abuses of indigenous Taíno, and issued statement of denial of confession and absolution of slaveholders
- July 1526: joined the Lucas Vázquez de Ayllón expedition to establish San Miguel de Guadalupe, first European settlement in present-day United States
  - One of the first priests to celebrate Mass in New World
- October 1526: de Ayllón died - colony collapsed & survivors returned to Hispaniola
- 1528: appointed “protector of the Indians” in Province of Venezuela
- 1529: Accompanied German expedition to Venezuela
- 1540: murdered by officer of expedition over opposition to exploitation of indigenous people

### Bartholome de las Casas (1484-1566)

1502: immigrated to Hispaniola with expedition led by Nicolas de Ovando

- Became *hacendado* (estate owner) in Cibao province

Las Casas owned slaves, participated in slave raids & military expeditions against Taino people of Hispaniola

1506: completed studies of canon law at Salamanca - ordained deacon

1507: ordained secular priest in Rome

1513: Las Casas participated in the conquest of Cuba

- Campaigns at Bayamo, Camagüey
- Massacre of Hatuey (first Taino chief to lead resistance against Spanish invasion)

Las Casas witnessed atrocities committed against Ciboney and Guanahatabey peoples in Cuba (“I saw here cruelty on a scale no living being has ever seen or expects to see.”)

- Was awarded joint *encomienda* with Pedro de la Renteria - divided time between plantation duties and priestly duties

1514: while studying passage of Ecclesiastes for Pentecost sermon, became convinced that all Spanish actions in in the New World were illegal & constituted great injustice

- Decided to give up slaves, preached that other landowners should do the same
- Met with resistance, decided to return to SPain to fight for rights of indigenous people

1515: returned to Spain with Antonio de Montesinos

- Dec. 25: Arranged meeting with King Ferdinand, agreed on later meeting to discuss plan to end encomiendas in more detail
- Attempted to win over Bishop of Burgos (Juan Rodriguez de Fonseca) and secretary (Lope Conchillos) - in charge of royal policy re: the Indies
  - Failed - both men were *encomiendos*
- Jan 25, 1516: Ferdinand dies without meeting with Las Casas
  - Regency passed to guardians of underage Prince Charles
  - Traveled to Flanders to meet with Charles

1516: During trip to Flanders, stopped in Madrid to deliver written account of abuses in the Indies & proposed solutions to Charles' regents

- *"Memorial de Remedios para Las Indias"*
- Advocated importing black slaves from Africa to replace indigenous peoples
  - primary concern was end of abuses, not end of slavery
  - legal/moral doctrine = slavery as result of just war was legal, therefore African enslavement justified
  - Did eventually recant this position

Cardinal Cisneros sends Hieronymite monks to take over govt of the Indies

- Las Casas names Protector of the Indians - served as advisor to new governors
- Hieronymites revoked some encomiendas
  - Most revoked from Spaniards living in Spain
  - Encomenderos insisted indigenous people incapable of living without supervision
- Las Casas accused Hieronymites of participating in scheme to kidnap indigenous people for encomenderos

1517: Las Casas returned to Spain to inform regents of failure of Hieronymite reforms

Charles V appoints Las Casas and Chancellor Jean de Sauvage (member of Flemish court of Charles V) to develop plan to reform government system of the Indies

- Abolish encomiendas
  - Gather indigenous into self-governing townships
  - Tribute-paying vassals of King
- Sustainable colonization
  - Migration of Spanish peasants to Indies
  - Introduce small scale farming & agriculture
  - No reliance on resource depletion or exploitation of indigenous

1520: Granted land in Venezuela to attempt to establish safe settlements for indigenous - venture failed

1521-22: Venezuelan colony sacked first by Spanish and then by native Carib populations; Las Casas, discouraged, enters the Dominican monastery at Santo Domingo

1530s - Las Casas makes a career of following Spanish expeditions into South and Latin America to “observe” their treatment of indigenous populations

- 1531: encomenderos of Hispaniola complain to the Crown re: Las Casas condemning them from the pulpit
- 1533: brokers peace treaty between Spanish and rebel Taino band
- 1534: attempts to follow Pizarro’s expedition to Peru - got to Panama, turned back to Nicaragua due to weather
- 1535: conflict with governor of Nicaragua re: slaving expeditions
- 1536: follows friars to Guatemala to help prepare mission to the Maya
  - Studied K’iche’ language
- 1536: traveled to Mexico to participate in series of debates among Dominican and Franciscans re: conversion methods
  - Franciscans = mass conversions
  - Las Casas argued that conversion without understanding was invalid
- 1537: Pope issues papal bull *Sublimis Deus* - Natives are rational beings & should be brought to Christianity as such
  - Forbade enslavement
  - Acknowledged rights to freedom and personal property
- 1537: Las Casas returns to Guatemala - successfully converted some indigenous people & established protected colony away from Spanish encomiendas
- 1538: recalled to Mexico
- 1540: returns to Spain

## The New Laws of 1542

1523: Spanish Crown abolishes encomienda system

1526: encomienda system reinstated

1530: Crown reverses edict against slavery

1542: Las Casas argues for the abolition of the encomienda system to council consisting of Cardinal García de Loaysa, the Count of Osorno, Bishop Fuenleal, and several members of the Council of the Indies

Emperor Charles V signs New Laws

- ended encomienda system
- prohibited enslaving natives
- exempted natives of Hispaniola, Cuba, Puerto Rico & Jamaica from tribute & service
- Removed several members of Council of Indies

New Laws were poorly received all around

- Encomenderos and hacenderos rioted across New World
- Las Casas felt laws didn’t go far enough



- Encomienda system to be phased out gradually, which still allowed for future years of abuse
- Drafted amendment stating that laws against slavery presupposed violent conquest & argued for peaceful methods of colonization instead

1545: Las Casas appointed Bishop of Chiapas

- Refused absolution to slave holders and encomenderos unless they freed slaves & returned their property
- Threatened excommunication for anyone mistreating natives in his jurisdiction

October 1545: New Laws repealed

1546: Las Casas leaves his diocese - never returns

- Attends meeting of bishops in Mexico City
  - Moderates stance on confession & property restitution
- Last act as Bishop of Chiapas - writes manual of confession for his diocese that refuses absolution to slaveholders

1547: Arrives back in Spain

## The Valladolid Debate (1550-1551)

Las Casas finds Spanish sentiment turned against him - denial of legitimacy of Spanish rule over natives was seen as a form of treason

Required to defend himself and his views in a debate against Juan Ginés de Sepúlveda, doctor of theology and law

### Sepulveda's Position

- Arguments based on Aristotle and Humanist tradition
  - Some Indians subject to enslavement because they are incapable of self-governance
  - War is acceptable means to subdue native population
- Reiterated arguments from his *Democrates alter sive de justis belli causis* - barbaric traditions of native people justified war against them - Christians obligated to wipe out:
  - idolatry
  - sodomy
  - cannibalism
  - human sacrifice
- only the Spanish could defend weak Indians against the abuses of the stronger ones

## Justifications for a "Just War"

1. Nature - the subjugation of certain Indians was warranted because of their sins against Natural Law
2. low level of civilization required civilized masters to maintain social order
3. should be made Christian and that this in turn required them to be pacified
4. only the Spanish could defend weak Indians against the abuses of the stronger ones

## Las Casas' Position

- Aristotle's arguments do not apply
  - Indigenous people are capable of reason
  - Should be allowed to convert or not, without force
- All individuals are obligated by international law to prevent the innocent from being treated unjustly
  - forced conversion condemned by Saint Augustine and Saint John Chrysostom
  - human sacrifice is wrong, but war is best avoided by any means possible

Results were ultimately inconclusive - both debaters claimed victory

## Impact and Aftermath

### Immediate Effects

#### Las Casas

- did not end wars of conquest in the "New World"
- did not substantially impact treatment of indigenous people

#### Sepúlveda

- New Laws not overturned
- arguments contributed to policy of "war by fire and blood" implemented during 1585 Chichimeca War
- never published in Spain again during his lifetime

## Human Rights in the New World

Las Casas' arguments made a lasting impact on Spanish royal policy

- cemented his position as "Defender of the Indians"
- encomienda system further weakened - replaced with reducciones
- testimony re: peaceful nature of Native population encouraged nonviolent conversion policies in New Spain and Peru
- convinced more missionaries to travel to "New World" to study Native populations
- New Laws created to protect Native American populations from slavery

## Atlantic Slave Trade

- New Laws that protected indigenuous Americans did not also protect African populations
  - establishment of these laws directly contributed to increased slave trade across the Atlantic
- Las Casas' defense of indigenous Americans often linked to earlier (recanted) suggestion that African populations be enslaved instead
  - 19th c. French historian Henri Grégoire rejected implication of Las Casas in slave trade
    - Practice originated with Portuguese ~30 years earlier
    - Las Casas' works specifically state advocate freedom and equality for all men regardless of nationality or ethnicity
  - pinpointed implication to Spanish historian Antonio de Herrera y Tordesillas
  - 1875- Historia de las Indias republished, included Las Casas' regret for lack of awareness of Portuguese trade & condemnation of treatment of African peoples

## The Black Legend

1552 - Las Casas published *Brevísima relación de la destrucción de las Indias* (A Short Account of the Destruction of the Indies) - critique of Spanish military forces in the "New World"

Work forms cornerstone of the Black Legend - anti-Catholic anti-Spanish propaganda popular in Protestant Western Europe

- based on real events of colonization, Hispano-Dutch War, and Anglo-Hispanic War
- combined with decontextualized events, exaggerations, factual errors, lurid depictions of violence, etc.

## Political Discourse

- minor role in development of concept of international politics in the 16th century
  - can law be applied internationally (question of jurisdiction)?
  - can law be applied to "rogue states" at all?
- Contemporary just war theory
  - jus ad bellum - conditions under which a nation may resort to armed force or war (what makes a war just)

## Principles of *Jus ad bellum*

- Proper authority and public declaration
- Just cause
- Probability of success
- Last resort

## Glossary

### *Encomienda system*

- Based on land seizure system used throughout Spain during Reconquista
- Spanish crown “commended” indigenous people to Spanish settlers (encomenderos)
  - Granted right to exact labor or tribute from “workers”
  - Obligated to provide religious instruction and protection
  - Also obligated to Crown to defend land

### *Hacienda system:*

- Translates to “estate,” but means something closer to plantation - were variously plantations, mines, factories, or a combination of all three
- New World system - primarily found in Argentina, Bolivia, Chile, Colombia, El Salvador, Guatemala, Mexico, New Granada, Peru and smaller scale in Philippines & Puerto Rico
- Usually significant in size
- Always owned by either Spaniards or *criollos* (men of Spanish descent born in Spanish colonies)
- Existed parallel to *encomienda* system - often single owner would hold both
- Largely reliant on “free labor” AKA enslaved indigenous persons

### *Humanism*

philosophical stance that emphasizes the individual and social potential and agency of human beings. It considers human beings as the starting point for serious moral and philosophical inquiry.

### *Christian humanism*

regards humanist principles like universal human dignity, individual freedom, and the importance of happiness as essential and principal or even exclusive components of the teachings of Jesus

### *Renaissance humanism*

a revival in the study of classical antiquity, at first in Italy and then spreading across Western Europe in the 14th, 15th, and 16th centuries.

### *Scholasticism*

a medieval school of philosophy that employed a critical organic method of philosophical analysis predicated upon the Aristotelian 10 Categories. Scholasticism is a method of learning more than a philosophy or a theology, since it places a strong emphasis on dialectical reasoning to extend knowledge by inference and to resolve contradictions. It was initially a program conducted by medieval Christian thinkers attempting to harmonize the various authorities of their own tradition, and to reconcile Christian theology with classical and late antiquity philosophy, especially that of Aristotle but also of Neoplatonism.

### *Spanish scholasticism AKA the School of Salamanca*

The Renaissance of thought in diverse intellectual areas by Spanish theologians, rooted in the intellectual and pedagogical work of Francisco de Vitoria. Leading figures of the School were scholars of natural law and of morality, who undertook the reconciliation of the teachings of Thomas

Aquinas with the new political-economic order. The themes of study centered on man and his practical problems (morality, economics, jurisprudence, etc.)

- Dominican Salmanticenses - began with Francisco de Vitoria (1483–1546), and reached its high point with Domingo de Soto (1494–1560)
- Jesuit Conimbricenses of the University of Coimbra - Leading Conimbricenses were Luis de Molina (1535–1600), Francisco Suárez (1548–1617), and Giovanni Botero (1544–1617)

*Secular priest*: AKA diocesan priest

- not part of monastic life
- Committed to specific geographical area
- Ordained into service of a specific diocese

## Sources

Alvarez, C. (2008). New World slavery: redefining the human. *Annali d'Italianistica*, 26, 131–153. <https://www.jstor.org/stable/24016277>

Brennan, E. J. (1958). The Ideology of Imperialism: Spanish debates regarding the conquest of America, 1511–51. *Studies: An Irish Quarterly Review*, 47(185), 66–82. <https://www.jstor.org/stable/30098953>

Fitzmaurice, A. (2007). Moral Uncertainty in the Dispossession of Native Americans. In P. C. Mancall (Ed.), *The Atlantic World and Virginia, 1550–1624* (pp. 382–409). UNC Press. [https://www.jstor.org/stable/10.5149/9780807838839\\_mancall.16\\*6](https://www.jstor.org/stable/10.5149/9780807838839_mancall.16*6)

Hanke, L. (1994). *All Mankind is One: A study of the disputation between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the religious and intellectual capacity of the American Indians*. Northern Illinois University Press. ISBN: 0875805639

Hanke, L. (1965). *The Spanish struggle for justice in the conquest of America*. Boston: Little, Brown and Company. ISBN: 978-1512802054

Homza, L. A. (1997). Erasmus as hero, or heretic?: Spanish humanism and the Valladolid Assembly of 1527. *Renaissance Quarterly*, 50(1), 78–118. <https://www.jstor.org/stable/3039329>

Lantigua, D. M. (2016). The image of God, Christian rights talk, and the School of Salamanca. *Journal of Law and Religion*, 31(1), 19–41. <https://www.jstor.org/stable/24739192>

von Vacano, D. (2012). Las Casas and the birth of race. *History of Political Thought*, 33(3), 401–426. <https://www.jstor.org/stable/26225794>

Ward, T. (2021). *Coloniality and the rise of liberation thinking during the sixteenth century*.  
Leeds: Arc Humanities Press. ISBN: 9781641894104