

I. LATIN AMERICA 1450-1600

A. THE FIRST ENCOUNTERS AND THE PERSPECTIVES OF VICTOR AND VICTIM

218. Columbus: First Contact with the "Indians" (1492)

Christopher Columbus (1436?-1506) undertook four expeditions (1492-1493, 1493-1496, 1498-1500, 1502-1504), landing on a Caribbean island for the first time on October 12, 1492. In this report on his first expedition he talks openly about the three elements which embody the mixture of mercantilism and apostolic spirit that one finds at the roots of European expansionism abroad: "God and profit," "faith and gold," or "God and gold." Columbus' report describes the newly discovered islands as a country in which "milk and honey" flow, inhabited by naïve, scarcely armed natives who, because they live without a discernible worship of idols, could easily be made into Christians. With this report the crafty Columbus wished to persuade the Crown to finance a second expedition, for the first expedition had effectively failed: he had "only" found natives, not, as expected, the flourishing commercial centers of Asia. Later Pero Vaz de Caminha's first report about the accidental discovery of the Brazilian coast in April 1500 reads much the same way. For centuries the discovery of the New World by Columbus has been celebrated as an epoch-making event, indeed as one belonging to salvation history. Since 1992 the point of view of the conquered has been more closely considered; according to this view, the Indian who had discovered Columbus had made an awful discover.

Since I know that you will be pleased at the great victory with which Our Lord has crowned my voyage, I write this to you, from which you will learn how in thirty-three days I passed from the Canary Islands to the Indies, with the fleet which the most illustrious King and Queen, our Sovereigns, gave to me. There I found very many islands, filled with innumerable people, and I have taken possession of them all for their Highnesses, done by proclamation and with the royal standard unfurled, and no opposition was offered to me. [. . .] The people of this island and of all the other islands which I have found and of which I have information, all go naked, men and women, as their mothers bore them, although some of the women cover a single place with the leaf of a plant or with a net of cotton which they make for the purpose. They have no iron or steel or weapons, nor are they fitted to use them. [. . .] But so they are, incurably timid. It is true that, after they have been reassured and have lost this fear, they are so guileless and so generous with all that they possess, that no one would believe it who has not seen it. [. . .] So it was found that for a thong a sailor received gold to the weight of two and an half castellanos, and others received much more for other things which were worth less. [. . .] They do not hold any creed nor are they idolaters; but they all believe that power and good are in the heavens and

were very firmly convinced that I, with these ships and men, came from the heavens. [...] This belief is not the result of ignorance, for they are, on the contrary, of a very acute intelligence and they are men who navigate all those seas, so that it is amazing how good an account they give of everything. [...] In all these islands, I saw no great diversity in the appearance of the people or in their manners and language. On the contrary, they all understand one another, which is a very curious thing, on account of which I hope that their Highnesses will determine upon their conversion to our holy faith, towards which they are very inclined. [...] In conclusion, to speak only of what has been accomplished on this voyage, which was so hasty, their Highnesses can see that I will give them as much gold as they may need, if their Highnesses will render me very slight assistance; presently, I will give them spices and cotton, as much as their Highnesses shall command; and mastic, as much as they shall order to be shipped and which, up to now, has been found only in Greece, in the island of Chios, and the Seignory sells it for what it pleases. [...] So that, since Our Redeemer has given the victory to our most illustrious King and Queen, and to their renowned kingdoms, in so great a matter, for this all Christendom ought to feel delight and make great feasts and give solemn thanks to the Holy Trinity, with many solemn prayers for the great exaltation which they shall have in the turning of so many peoples to our holy faith, and afterwards for the temporal benefits, because not only Spain but all Christendom will have hence refreshment and gain.

Source: Letter of Columbus, describing the results of his first voyage, in: *The Journal of Christopher Columbus* (London, 1960), pp. 192, 194, 196-197, 200-201. — *Further Reading:* F. Fernández-Armesto, *Columbus* (London, 1996); R. Crosfield, *Columbus: A Discoverer and His Conscience* (Kirstead, 1998); M. B. Mignone (ed.), *Columbus: Meeting of Cultures* (Stony Brook, N.Y., 1993); K. Sale, *The Conquest of Paradise: Christopher Columbus and the Columbian Legacy* (London, 1992); U. Bitterli, *Die "Wilden" und die "Zivilisierten"* (München, ²1991); J. Gil, *Mitos y utopías del descubrimiento*, vol. 1: *Colón y su tiempo* (Madrid, ²1992); T. Heydenreich (ed.), *Columbus zwischen zwei Welten*, 2 vols. (Frankfurt, 1992); G. Wawor, T. Heydenreich (eds.), *Columbus 1892-1992* (Frankfurt, 1995).

219. Caribbean: On the Religion of the Tainos (1498)

In contrast to what Columbus stated in his first report, Ancient America was not a no-man's-land with respect to the history of religion. Rather, America took part in the general development of the history of religion, in which people had various systems of belief and practice. When Europeans encountered peoples like the Aztecs, Mayans, and Incas, whose religions had a certain analogy to Christianity on the surface since they had temples, priests, and public rites (processions, sacrifices, ritually elaborated worship ser-

vices), the Indian "worship of idols" stood out vividly to the incomers. With respect to others who lived as hunters, fishers, and gatherers, or who were semi-nomadic and had retained more "shamanic religions," the Europeans often thought at first glance that they had met peoples without religion. The following report was written by Ramón Pané who studied the religion and culture of the Tainos, the inhabitants of Española (today Haiti and the Dominican Republic). The excerpt describes the typical ceremony of a shamanic religion, namely, the consultation with the "idol" in a drug-induced state.

And when they want to find out if they will achieve victory over their enemies, they enter into a house in which none but the leading men enter. And their lord is the first one who begins to prepare *cohoba* [sniffing a heady weed = tobacco], and he plays an instrument [before the idol]; and while he is making the *cohoba*, none of those who are in his company speaks until the lord has finished. After he has finished his prayer, he stays awhile with his head lowered and his arms on his knees; then he lifts his head, looking toward the heavens, and he speaks. Then they all answer him aloud in unison; and after all have spoken, they give thanks, and he relates the vision he has had, inebriated from the *cohoba* he had inhaled through his nose and that has gone to his head. And he says he has spoken with the *zemi* and that they will achieve victory, or their enemies will flee, or there will be a great loss of life, or wars or hunger or another such thing, according to what he, who is drunk, may relate of what he remembers. You may judge in what state his brain may be, for they say they think they see the houses turn upside down, with their foundations in the air, and the men walk on foot toward the heavens. And they prepare this *cohoba* not only for the *zemis* of stone and of wood, but also for the bodies of the dead.

Source: Fray Ramón Pané, *An Account of the Antiquities of the Indians*. A new edition with an introductory study, notes, and appendixes by J. J. Arrom (Durham, 1999), p. 26. — Further Reading: E. G. Bourne, *Columbus, Ramon Pane and the Beginnings of American Anthropology* (Worcester, 1906); F. Bercht (ed.), *Taíno: Pre-Columbian Art and Culture from the Caribbean* (New York, 1997); G. Haslip-Viera (ed.), *Taíno Revival: Critical Perspectives on Puerto Rican Identity and Cultural Politics* (Princeton, 2001); W. Krickeberg (ed.), *Pre-Columbian American Religions* (New York, 1969); Dussel, *Church*, pp. 23-42.

220. Mexico: Moctezuma in Anticipation of Cortés (1519)

The report, recorded by the Franciscan missionary and ethnographer Bernardino de Sahagún (1500-1590) around 1570, describes the mood at the court of Moctezuma after the appearance of the Spanish; it follows a familiar pattern. The Spanish are viewed as messengers of the cultural hero or white God Quetzalcóatl, who had disappeared somewhere towards the west; they demand that rule be returned to them in his name, and they will open a new chapter in history. Similar sagas are also known, among others,

from the Inca Empire. Here the cultural hero or white God is named Viracocha, which is why the Spaniards were generally given this name as well. The demise of the Indian cultures under the conquistadors and the process of evangelization was thus to be interpreted as a divinely-ordained *translatio imperii*. Mexico was conquered by Hernán Cortés in 1519-1521, Peru by Francisco Pizarro in 1533.

And then the year changed to the companion to follow, Thirteen Rabbit [1518]. But the year [Thirteen] Rabbit was about to come to an end, was at the time of closing, when [the Spaniards] came to land, when they were seen once again.

And then [the stewards] hastened to come to inform Moctezuma. When he heard of it, then he speedily sent messengers. Thus he thought — thus was it thought — that this was Topiltzin Quetzalcoatl who had come to land. For it was in their hearts that he would come, that he would come to land, just to find his mat, his seat. For he had traveled there [eastward] when he departed. [...]

And Moctezuma loudly expressed his distress. He felt distress, he was terrified, he was astounded; he expressed his distress because of the city.

And indeed everyone was greatly terrified. There were terror, astonishment, expressions of distress, feelings of distress. There were consultations. There were formations of groups; there were assemblies of people. There was weeping — there was much weeping, there was weeping for others. There was only the hanging of heads, there was dejection. There were tearful greetings, there were tearful greetings given others. There was the encouragement of others; there was mutual encouragement. There was the smoothing of the hair; the hair of small boys was smoothed. Their fathers said: "Alas, O my beloved sons! How can what is about to come to pass have befallen you" And their mothers said: "My beloved sons, how will you marvel at what is about to befall you?"

Source: Florentine Codex, Fray Bernardino de Sahagún, *General History of the Things of New Spain*, Book 12 — The Conquest of Mexico, Part XIII (Santa Fe, N.M., 1975), pp. 9, 25. — Further Reading: J. Lafaye, *Quetzalcóatl and Guadalupe: The Formation of Mexican National Consciousness, 1531-1813* (Chicago, 1976); P. Honoré, *In Quest of the White God: The Mysterious Heritage of South American Civilization* (London, 1975); T. Todorov, *The Conquest of America: The Question of the Other* (Norman, 1999); W. Krickeberg (ed.), *Pre-Columbian American Religions* (New York, 1969); Dussel, *Church*, pp. 218ff.

221. Mexico: Lament after the Conquest (about 1523)

This document was written by an anonymous author in Náhuatl, the Aztec *lingua franca*, during the first years following the conquest. It impressively describes the view of the conquered after the conquest, which was experienced as a catastrophe. It also gives an idea of the poetic and religious richness of Aztec culture.

Nothing but flowers and songs of sorrow
 Are left in Mexico and Tlatelolco,
 Where once we saw warriors and wise men.//
 We know it is true
 That we must perish,
 For we are mortal men,
 You, the Giver of Life,
 You have ordained it.//
 We wander here and there
 In our desolate poverty.
 We are mortal men.
 We have seen bloodshed and pain
 Where once we saw beauty and valor.//
 We are crushed to the ground;
 We lie in ruins.
 There is nothing but grief and suffering
 In Mexico and Tlatelolco,
 Where once we saw beauty and valor.//
 Have you grown weary of your servants?
 Are you angry with your servants,
 O Giver of Life?

Source: M. León-Portilla (ed.), *The Broken Spears: The Aztec Account of the Conquest of Mexico* (Boston, 1992), p. 149. Further Reading: M. León-Portilla, *Native Mesoamerican Spirituality: Ancient Myths, Discourses, Stories, Doctrines, Hymns, Poems from the Aztec, Yacatec, Quiche-Maya and Other Sacred Traditions* (London, 1980); idem (ed.), *El reverso de la conquista* (Mexico City, 1964); idem, *Aztec Thought and Culture: A Study of the Ancient Nahuatl Mind* (Norman, 1963); idem, *The Aztec Image of Self and Society: An Introduction to Nahua Culture* (Salt Lake City, 1992); N. Wachtel, *The Vision of the Vanquished: The Spanish Conquest of Peru through Indian Eyes, 1530-1570* (Hassocks, Eng.), 1977; Dussel, *Church*, pp. 218ff.

222. José de Acosta: Conquest and Evangelization (1590)

In the rapid conquest and evangelization of Latin America, Spanish authors saw a historical and theological analogy to events in European antiquity. At the end of the sixteenth century the Jesuit missionary to Peru, José de Acosta (1540-1600), interpreted the Aztec and Inca empires as well as the similarities to Christianity detected in the Indian religions as a providential *praeparatio evangelica*.

I will make an end of this historie of the Indies, showing the admirable meanes whereby God made a passage for the Gospel in those partes, the which we ought

well to consider of, and acknowledge the providence and bountie of the Creator. Every one may vnderstand by the relation and discourse I have written in these bookes, as well at Peru as in New Spaine, whenas the Christians first set footing, that these Kingdomes and Monarchies were come to the height and period of their power. The Yncas of Peru, possessing from the Realme of Chile beyond Quito, which are a thousand leagues, being most aboundant in gold, siluer, and all kinds of riches: as also in Mexico, Montecuma commaunded from the North Ocean sea vnto the South, being feared and worshipped, not as a man, but rather as a god. Then was it, that the most high Lord had determined that that stone of Daneil, which dissolved the Realmes and Kingdoms of the world, should also dissolve those of this new world. And as the lawe of Christ came whenas the Romane Monarchie was at her greatnes: so did it happen at the West Indies, wherein we see the iust providence of our Lord. [. . .] It was also a great providence of our Lord, that whenas the first Spaniardes arrived there, they founde ayde from the Indians themselves, by reason of their partialities and greate diuisions. [. . .] And therefore the law of Christ seemed vnto them, and doth at this day seeme iust, sweete, clean, good, and full of happinesse. And that which is difficult in our law, to beleeeve so high and soveraigne Misteries, hath beene easy among them, for that the Divell had made them comprehend things of greater difficultie, and the self-same things which he had stolen from our Evangelicall law, as their maner of communion and confession, their adoration of three in one, and such other like, the which, against the will of the enemy, have holpen for the easie receiving of the truth by those who before had imbraced lies. God is wise and admirable in all his works, vanquishing the adversarie even with his owne weapon, hee takes him in his owne snare, and kills him with his owne sword.

Source: Joseph de Acosta, *The Natural & Moral History of the Indies* (New York, 1963), pp. 527, 529, 531. — Further Reading: S. G. McIntosh, *Acosta and the "De procuranda indorum salute": A Sixteenth Century Missionary Model with Twentieth Century Implications* (Mac Research, 1989); C. M. Burgaleta, *José de Acosta, S.J. (1540-1600): His Life and Thought* (Chicago, 1999); G. J. Shepherd, *An Exposition of José de Acosta's "Historia Natural y moral de las Indias," 1590: The Emergence of an Anthropological Vision of Colonial Latin America* (Lewiston, NY, 2002); M. Sievernich, "Vision und Mission der Neuen Welt Amerika bei José de Acosta," in: idem, G. Switek (eds.), *Ignatianisch* (Freiburg, 1990), pp. 293-313; Dussel, *Church*, pp. 43-52.

B. LEGITIMATION AND CRITICISM OF THE CONQUEST

223. Sources of Legitimation

The papal bull of concession *Inter Caetera* of Alexander VI (document a) is one of the most researched documents in church history. Still controversial is whether or not it truly con-

cerns a "donation" under international law or a simple "investiture." Yet even the purely legalistic investiture interpretation does not change the facts: "that the Pope grants himself the *dominium* over, in this case the 'supreme ownership of', the discovered region or regions to be discovered" (Reibstein, *International Law*, 274). The papal bull belongs to the curial tradition which, since the middle of the fifteenth century, went hand in hand with the expeditions of the Portuguese. In marked contrast to the papal bull *Romanus Pontifex* of January 8, 1455, which Nicholas V had issued to the Portuguese royal house at the beginning of its expeditionary venture and which Callistus III had confirmed with his papal bull *Inter Caetera* of March 13, 1456 (cf. document 8), Alexander VI refuses to explicitly grant the Catholic Kings and their followers complete and free authority to wage wars of conquest against the Moors, pagans, and other enemies of Christ, wherever they might be. Nevertheless, he speaks first of submission (*subicere*) and then of conversion (*reducere*). Moreover, he assigns to them, "together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered." Since Portugal was not in agreement with the line of demarcation drawn by the Pope, the Spanish and Portuguese met in Tordesillas in order to fix, by way of a bilateral agreement (June 7, 1494), the line of demarcation from the North Pole to the South Pole and 370 leagues west of the Cape Verde Islands. The Portuguese could thus later claim rule over Brazil. The other European countries (France, England and the Netherlands), however, never recognized this line of demarcation and the Iberian monopoly.

Queen Isabella of Castile had forbidden the enslavement of the Indians in 1500. Yet in a decree from December 20, 1503, she ordered the implementation of the *encomienda* (document b), which was to have devastating consequences later and which the defender and "Father" of the Indians, Bartolomé de las Casas, called the "evil of evils" of the Spanish empire (concerning Las Casas cf. document commentary 227). The *encomienda* (from Lat. *commendare*, to entrust, to assign) or *repartimiento* (Lat. *repartire*, to allot) is an institution of the Spanish colonial system, not comparable to benefices in Europe. Introduced in Hispaniola in 1504, under the charge of a Spaniard, in order to Christianize the natives better and make them more Hispanic, it degenerated into a slave-like serfdom. Although forbidden by the "New Laws" (1542), the Crown (for economic reasons and because the prohibition could not be implemented) had to tolerate the *encomienda*. As an institution, the *encomienda* continued to exist up to the end of colonial times, though with diminishing impact.

a. Alexander VI: Bull "Inter caetera" (May 4, 1493)

Alexander, bishop, servant of the servants of God, to the illustrious sovereigns, our very dear son in Christ, Ferdinand, king, and our very dear daughter in Christ, Isabella, queen of Castile, Leon, Aragon, Sicily, and Granada, health and apostolic benediction.

Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially the Catholic

faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself. [. . .]

In the islands and countries already discovered are found gold, spices, and very many other precious things of divers kinds and qualities. Wherefore, as becomes Catholic kings and princes, after earnest consideration of all matters, specially of the rise and spread of the Catholic faith, as was the fashion of your ancestors, king of renowned memory, you have purposed with the favor of divine clemency to bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith.

Hence, heartily commending in the Lord this your holy and praiseworthy purpose, and desirous that it be duly accomplished, and that the name of our Savior be carried into these regions, we exhort you very earnestly in the Lord and by your reception of holy baptism, whereby you are bound to our apostolic commands, and by the bowels of the mercy of our Lord Jesus Christ, enjoin strictly, that inasmuch as with eager zeal for the true faith you design to equip and dispatch this expedition, you purpose also, as is your duty, to lead the peoples dwelling in those islands and countries to deter you therefrom, with the stout hope and trust in your hearts that Almighty God will further your undertakings.

And, in order that you may enter upon so great an undertaking with greater readiness and heartiness endowed with the benefit of our apostolic favor, we, of our own accord, not at your instance nor at the request of anyone else in your regard, but of our own sole largess and certain knowledge and of the fullness of our apostolic power, by the authority of Almighty God conferred upon us blessed Peter and of the vicarship of Jesus Christ, which we hold on earth, do by tenor of these presents, should any of said islands have been found by your envoys and captains, give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, forever, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered towards the west and south, by drawing and establishing a line from the Arctic pole, namely the north, to the Antarctic pole, namely the south, no matter whether the said mainlands and islands are found and to be found in the direction of India or towards any other quarter, the said line to be distant commonly known as the Azores and Cape Verde. With this proviso however that none of the islands and mainlands, found and to be found, discovered and to be discovered, beyond that said line towards the west and south, be in the actual possession of any Christian king or prince up to the birthday of our Lord Jesus Christ just past from which the present year one thousand four hundred and ninety-three begins. And we make, appoint, and depute you and your said heirs and successors lords of them with full and free power, authority, and jurisdic-

tion of every kind; with this proviso however, that by our gift, grant and assign-
 ment no right acquired by any Christian prince, who may be in actual posses-
 sion of said islands and mainlands prior to the said birthday of our Lord Jesus
 Christ, is hereby to be understood to be withdrawn or taken away.

Moreover we command you in virtue of holy obedience that, employing all
 due diligence in the premises, as you also promise — nor do we doubt your
 compliance therein in accordance with your loyalty and royal greatness of spirit
 — you should appoint to the aforesaid mainlands and islands worthy, God-
 fearing, learned, skilled, and experienced men, in order to instruct the aforesaid
 inhabitants and residents in the Catholic faith and train them in good morals.

b. Isabel of Castilla: The Encomienda (December 20, 1503)

Dona Isabel, by the grace of God etc. — Whereas my lord the king and I, by the
 instruction we sent to don Nicolás de Obando, chief commander of Alcántara
 . . . ordered that the Indians of the island Hispaniola should be freed and not
 subjected to servitude . . . and now I am informed that because of the great free-
 dom these Indians have, they withdraw and turn away from conversation and
 communication with Christians, so that even when they are offered payment
 they do not want to work but go vagabonding about, and they cannot be cate-
 chized and attracted to convert to our holy Catholic faith, and that for this rea-
 son the Christians who live on that island have no one to work on their farms
 and upkeep and to help them collect the gold that is on that island, which is to
 the disadvantage of both sides, and that it is Our desire that these Indians be
 converted to our holy Catholic faith and be catechized in matters of faith, and
 because this can best be done through communication between the Indians
 and the Christians who are on that island and walking among them and dealing
 with them and both sides helping each other to work the island, populate it,
 make it fruitful, and gather the gold that is there so that these my kingdoms and
 their neighbors might benefit from it, I have sent this letter for that reason.
 Therefore I order you, our governor, as soon as you see this letter, to compel
 and force these Indians to deal and converse with the Christians on that island
 and work in its buildings and gather gold and other metals and do farm work
 and maintenance for the Christians who live on that island; and to arrange that
 each one be paid a daily wage and maintenance according to the quality of the
 land and the person and the work that you consider should be assigned them;
 and that every chief be responsible for a certain number of these Indians whom
 you will order to work where they are needed, and for bringing them together
 for festivals and other appropriate days to hear and receive doctrine in the
 things of faith at the designated places, and that each chief will come with the
 number of Indians that you designate to the person or persons whom you will

name so that they will work at the tasks assigned by these persons and be paid a daily wage that you will determine. This they will do and fulfill as free persons, which they are, and not servants. And you shall order that these Indians be well treated; those who are Christians better than the others. And you shall not consent or allow that any person harm or wrong them. And neither group may do otherwise, or they will lose my favor, etc.

Source: (a) W. G. Grewe (ed.), *Fontes Historiae Iuris Gentium. Quellen zur Geschichte des Völkerrechts/Sources Relating to the History of the Law of Nations*, vol. 2, 1493-1815 (Berlin/New York, 1988), pp. 103-108; Lat.: *America pontificia primi saeculi evangelizationis 1493-1592*, ed. Josef Metzler (Vatican City, 1991), vol. 1, pp. 79-83; (b) B. de las Casas, *Historia de las Indias* vol. 2 (Obras completas vol. 4), ed. I. Pérez Fernández et al. (Madrid, 1994), p. 1341f (Book II, Chapter 12) — Further Reading: (a) H. Huiskamp, *A Genealogy of Ecclesiastical Jurisdictions: Schematic Outline, Illustrating the Development of the Catholic Church in Territories Assigned to Portugal by Treaty of Tordesillas in 1494* (Kampen, 1994); The earliest diplomatic documents on America. The papal bulls of 1493 and the treaty of Tordesillas, Berlin 1927; A. J. R. Brown, *The Treaty of Tordesillas and the Colonisation of the Wild Coast* (London, 2000); Dussel, *Church*, pp. 43ff., 53ff.; A. García-Gallo, "Las bulas de Alejandro VI. y el ordenamiento jurídico de la expansión portuguesa y castellana en Africa e Indias" (in: *AHDE* 27/28, 1957-1958), pp. 461-829; P. de Leturia, "Der Heilige Stuhl und das spanische Patronat in Amerika" (in: *HJ* 46, 1926, pp. 1-71); idem, *Relaciones entre la Santa Sede e Hispanoamérica 1493-1835*, vol. 1 (Rome, 1959); (b) S. Zavala, *La Encomienda Indiana* (Mexico City, 1992); idem, *Suplemento documental y bibliográfico a la Encomienda Indiana* (Mexico City, 1994); idem, *The Colonial Period in the History of the New World* (Mexico City, 1996); L. B. Simpson, *The Encomienda in New Spain* (Berkeley, 1982); Dussel, *Church*, pp. 53ff.

224. The Advent Sermon of Antonio Montesinos (1511)

The first community of Dominicans reached Española (the Dominican Republic/Haiti) in September of 1510. Since they had come in the spirit of strict observance and radical imitation of Christ, it did not take long for the undaunted Dominicans, in the best tradition of the Order, to make the connection between praxis and law, to detect the contradiction, and to decide to denounce the actions of their compatriots from the pulpit who "were excessively brutal and who knew no mercy or pity" (Las Casas). The prophetic sermon of Antonio Montesinos (d. 1540) on the fourth Sunday of Advent (December 21, 1511) represents a rebellion of conscience and belongs to those events that we should definitely call epochal in ecclesial and human history. Christianity had barely reached the New World in earthen vessels when the Dominicans, by means of this sermon, gave it back its own unique character as a "messianic" religion of the hungry and of those who thirst for justice.

Came the Sunday and the time to preach. Padre Fray Antón Montesino mounted the pulpit. He took as the basic document of his sermon, "I am the

voice of one crying out in the desert" [Joh 1,23] [...]. "I have gotten up here to make you aware. I am the voice of Christ in the desert of this island. Therefore, it would be wise of you to pay attention, more than that, to listen with your whole heart, listen with every pore. That voice will be one you have never heard before, the harshest, hardest, most fearful, menacing you ever thought to hear. [...] You are all in mortal sin," he said, "you live in it, you die in it, because of the cruel tyranny you work on these innocent peoples. Tell me. By what right, with what justice, do you hold these Indians in such cruel and horrible servitude? By what authority have you made such hideous wars on these peoples? They were living on their own lands in peace and quiet. By what right have you wasted them, so many, many of them, with unspeakable death and destruction? By what right do you keep them so oppressed and exhausted? You give them no food, you give them no medicine for the illnesses they incur from the excessive work you put them to every day. And they die on you. Or, to put it better, you kill them. Just to get at gold, to acquire gold, day after day. And what steps do you take to have someone teach them? So they know their God and creator, so they are baptized, so they hear mass, so they keep fast-days feast days and Sundays? The Indians, are they not human beings? Do they not have rational souls? Are you not required to love them as you love yourselves? Do you not know this? Not understand this? How can you be so asleep, so deep in such a torpid dream? Take this for certain, in the state you are in, you can no more save your souls than Moors or Turks who neither have the Christian faith nor want it!"

Source: *Indian Freedom: The Cause of Bartolomé de Las Casas 1484-1566, A Reader* (Kansas City, 1995), pp. 141-142. — Further Reading: G. Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, NY, 1993); B. Biermann, "Die ersten Dominikaner in Amerika," in: *ZMR* 5, 1947/1948, pp. 57-65, 107-121; B. de las Casas, *The Devastation of the Indies: A Brief Account* (Baltimore, 1992); M. A. Medina, *Una comunidad al servicio del indio* (Madrid, 1983); Dussel, *Church*, pp. 43ff, 201ff.; Delgado, *Gott*, pp. 143-176; Delgado, *Abschied*, pp. 29-78.

225. The "Requerimiento" and Criticism of It

After Montesinos' sermon the Crown convened a junta (commission) of theologians and jurists. On the one hand they developed the Laws of Burgos (1512) and Valladolid (1513) in order to limit the fierce exploitation of the Indians and of the *encomienda*. On the other hand they drafted the *requerimiento* (1513) in order to justify the crusades of conquest to the European public, with a subjugation demand or conquistador proclamation (cf. Deut. 20:10-12). The *requerimiento* (document a) is thus the first response to the colonial and ethical "discussion of ownership" which Montesinos had initiated with the question "with what right?" (cf. document 224). Later theologians like Francisco de Vitoria (1483-1546) harshly criticized the *requerimiento* and justified legal titles which were based,

above all, on the *ius communicationis* and the *ius praedicandi*. The *requerimiento* was read out for the first time in 1514 by Pedrarias Dávila during the conquest of Darién (Panama). According to the *requerimiento*, which, among other things, refers to the papal bull of Alexander VI of 1493 (cf. document 223a), a war against the Indians is to be judged "just" after their refusal to submit to the sovereignty of the Pope and the Spanish King. Warfare according to the method of the *requerimiento* belonged to the accepted rules of the game in the confrontation between Muslims and Christians. On linguistic grounds alone, however, it must have appeared completely incomprehensible to the Native Americans. Las Casas' core criticism begins here (document b), but he also (cf. commentary to document 227) criticizes the appeal to the papal bull of concession and the absence of a voluntary treaty of submission.

a. *The Requerimiento* (1513)

On the part of the King, Don Fernando, and of Doña Juana, his daughter, Queen of Castille and Leon, subduers of the barbarous nations, we their servants notify and make known to you, as best we can [. . .] that the Lord our God, Living and Eternal, created the Heaven and the Earth, and one man and one woman, of whom you and we, and all the men of the world, were and are descendants, and all those who come afters us. [. . .] Of all these nations God our Lord gave charge to one man, called St. Peter, that he should be Lord and Superior of all the men in the world, that all should obey him, and that he should be the head of the whole human race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction. [. . .] This man was called Pope, as if to say, Admirable Great Father and Governor of men. The men who lived in that time obeyed that St. Peter, and took him for Lord, King, and Superior of the universe so also they have regarded the others who after him have been elected to the pontificate, and so has it been continued even till now; and will continue till the end of the world. One of these Pontiffs, who succeeded that St. Peter as Lord of the world, in the dignity and seat which I have before mentioned, made donation of these isles and Tierra-firme to the aforesaid King and Queen and to their successors, our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish. [. . .] Wherefore, as best we can, we ask and require you that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the Ruler and Superior of the whole world, and the high priest called Pope, and in his name the King and Queen Doña Juana our lords, in his place, as superiors and lords and kings of these islands and this Tierra-firme by virtue of the said donation, and that you consent and give place that these reli-

gious fathers should declare and preach to you the aforesaid. If you do so, you will do well, and that which you are obliged to do to their Highnesses, and we in their name shall receive you in all love and charity [. . .] and they shall not compel you to turn Christians, unless you yourselves, when informed of the truth, should wish to be converted to our Holy Catholic Faith, as almost all the inhabitants of the rest of the islands have done. [. . .] But, if you do not do this, and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses; we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their Highnesses, of course, nor of these cavaliers who come with us. And that we have said this to you and made this Requisition, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requisition.

b. Bartolomé de las Casas: Criticism of the Requerimiento (ca. 1526)

And first, let all prudent men consider — supposing that the Indians understood our language and its words, and the meaning of each: what news would it convey and what would they feel on hearing that there is a God in the world, creator of heaven and earth, who created mankind or men, when they believed in the sun as God or in other gods whom they believed to have made men and other things? With what reasons, testimonies, or miracles could we prove to them that the God of the Spaniards was more God than theirs, or that he more than the gods they believed in had created the world and men? If the Moors or Turks gave them the same order, affirming to them that Mohammed was the lord and creator of the world and of men, would they be obliged to believe it? . . .

And then, what feelings would they have — what love and reverence toward the God of the Spaniards would it inspire in their hearts, especially in the kings and lords — to hear that by God's order, St. Peter or his successor the pope had given their lands to the king of the Spaniards, while they believed themselves and their ancestors to be true kings and free and the ancient owners of the land from many years before; and that they and their slaves were being asked to accept as lord someone they had never seen or known or heard, not knowing whether he was evil or good, or whether he intended to rule them well or rob or destroy them, especially when his messengers were such fierce, barba-

rous men, so heavily armed? What could they, what should they in good reason assume or expect of such people?

Furthermore: Is it customary and right, in reason and natural law, to ask them to swear obedience to a foreign king without establishing a treaty or contract or covenant with them regarding the good and just way in which the king would rule them, and regarding the service that they are required to render, which treaty would establish from the beginning their choice and acceptance of the new king, or of a new successor if it is an ancient state?

Source: (a) W. G. Grewe (ed.), *Fontes Historiae Iuris Gentium. Quellen zur Geschichte des Völkerrechts/Sources Relating to the History of the Law of Nations*, vol. 2, 1493-1815 (Berlin/New York, 1988), pp. 68-70; (b) B. de las Casas, *Historia de las Indias*, vol. 3 (Obras completas vol. 5), ed. I. Pérez Fernández et al. (Madrid, 1994), pp. 1998f (Book III, Chapter 58). — Further Reading: B. Biermann, "Das Requerimiento in der spanischen Conquista" (in: *NZM* 6, 1950), pp. 94-114; Delgado, *Abschied*, pp. 29-78; J. A. Fernández-Santamaría, *The State, War and Peace* (Cambridge, 1977); L. Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Dallas, 2002); G. Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, 1993).

226. Pope Paul III on the Human Dignity of the Indians (1537)

During the first decades of conquest and evangelization a dispute arose over the human dignity of the Indians and their ability to believe. The missionaries were also divided into "indophobe" and "indophile" parties. In the mid-1530s, the latter addressed themselves to the Pope — thereby circumventing the patronage — with a request for a clarifying word. This led to the authoritative papal bull *Veritas Ipsa* (also called *Sublimis Deus*) of June 2, 1537, which maintained the human dignity of the Indians and their ability to believe. Las Casas and the "indophiles" always quoted and propagated this edict. The "intervention" of Pope Paul III resulted in a patronage conflict with Charles V which was not finally settled until the Treaty of Nice (1538).

Who is never deceived or deceiving, said, as we know, when He sent preachers out to preach the faith: "Go, and teach everyone" [Matt. 28:19]. All, He said, without exception, since all are capable of learning the faith. Satan saw and was jealous of humankind. He fights goodness always to destroy it. He concocted a novel way to prevent the word of God being preached to people for their salvation. He got certain of his lackeys, who wanted to satisfy their lust for riches, to affirm rashly that East and West Indians — and others like them who came into our ken recently, and therefore lacked a knowledge of our Catholic faith — were brute beasts, were to be subjected to our control wherever they were. These lackeys reduce them to slavery, they load them with afflictions they would never load on any beast of burden.

We are the unworthy Viceregent on earth of the Lord. We try with all our

might to lead into the flock of Christ committed to our care, those who are outside the sheepfold. We are aware through what we have been told that those Indians, as true human beings, have not only the capacity for Christian faith, but the willingness to flock to it. We wish to provide apt solutions for the situation. The Indians we speak of, and all other peoples who later come to the knowledge of Christians, outside the faith though they be, are not to be deprived of their liberty or the right to their property. They are to have, to hold, to enjoy both liberty and dominion, freely, lawfully. They must not be enslaved. Should anything different be done, it is void, invalid, of no force, no worth. And those Indians and other peoples are to be invited into the faith of Christ by the preaching of God's word and the example of a good life.

Source: *Indian Freedom: The Cause of Bartolomé de Las Casas 1484-1566: A Reader* (Kansas City, 1995), pp. 214-215. (Lat.: *America pontificia primi saeculi evangelizationis 1493-1592*, ed. J. Metzler (Vatican City, 1991), vol. 1, pp. 364-366. — Further Reading: A. de la Hera, "El derecho de los indios a la libertad y a la fe" (in: *AHDE* 26, 1956), pp. 89-181; M. M. Martínez, "Las Casas-Vitoria y la Bula 'Sublimis Deus,'" in: A. Saint-Lu u.a. (eds.), *Estudios sobre Fray Bartolomé de Las Casas* (Sevilla, 1974), pp. 25-51; H. R. Parish, H. E. Weidmann, *Las Casas en México* (Mexico City, 1992); M. Delgado, "Der Konflikt zweier Universalismen," in: D. Büchel, V. Reinhardt (eds.), *Modell Rom?* (Köln, 2003), pp. 83-100; J. A. Fernández-Santamaría, *The State, War and Peace* (Cambridge, 1977); L. Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Dallas, 2002); idem, *Pope Paul III and the American Indians* (Cambridge, Mass., 1937); G. Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, 1993).

227. Two Controversial Interpretations of the "Compelle intrare"

Relying on the papal bull of concession *Inter Caetera* (cf. document 223a), the humanist and Aristotle expert Juan Ginés de Sepúlveda (d. 1573) advocated the political Augustinianism of the *ecclesia militans*, justifying military campaigns of conquest followed by forced conversion by the de facto dominating force. In contrast, Bartolomé de las Casas (1484-1566: defender of the rights of the Indians as well as of the values of their religions and cultures, denouncer of the conquest and the *encomienda*, defender of peaceful missionary work) insisted that the Gospel has nothing to do with violence and war and that the *compelle intrare* of Luke 14:23, the Bible passage with which Augustine justified the use of force against heretics and schismatics in the fifth century, is to be understood as persuasion of the intellect by rational means and by the gentle attraction and exhortation of the will. This view underlies all his work and his missiological treatise "De unico vocationis modo omnium gentium ad veram religionem," the first such treatise of the modern age. On the basis of Cajetan's commentary on Thomas Aquinas' *Summa Theologiae* II-II, q. 66, a. 8, it was crucial for him that the Indians represented a new type of pagans who had not been able to hear the Gospel until then and, therefore, against whom no coercion was permitted, unlike against the "heretics."

a. *Juan Ginés de Sepúlveda (1544)*

Leopoldo [one of the participants in the dialogue]: Nevertheless, we have not read that Christ or his Apostles obliged anyone to receive the faith or to hear the Gospel, but only invited them. . . . Truly I see no reason to think otherwise.

Demócrates [the other participant]: But St. Augustine does, for when a certain heretic raised a similar objection he replied: "Don't you understand that at that time the new seed of the Church was germinating, and the prophecy had not yet been fulfilled that says: 'May all kings fall down before him, all nations give him service'?" [Psalm 72:11] And in truth the more this is fulfilled, the more the power of the Church grows, not only to invite but also to oblige what is good, and this is what the Lord meant, for although he had great power he preferred to teach humility. And to confirm this opinion with evangelical doctrine St. Augustine added: "Christ gave ample evidence of this in the parable of the feast, when [the host] sent a slave to invite the guests, and when they would not come he told the slave: 'Go out at once into the streets and lanes of the town and bring in the poor, the crippled, the blind, and the lame.' And the slave said, 'Sir, what you ordered has been done, and there is still room.' Then the master said to the slave, 'Go out into the roads and lanes, and compel people to come in, so that my house may be filled.' [Luke 14:21-23] Notice that of the first group he said to invite them, and of the last he said to compel them. This represented the beginning of the still-growing Church, and the later stage when [the Gentiles] had to be compelled by force. . . ." In this way he affirmed that these barbarians should not only be invited but also compelled to the good, that is, to justice and religion, especially when the task can be carried out with so little effort and so few losses on both sides, and the barbarians can submit, and we can once and for all see salvation and great good for an almost infinite multitude of present and future human beings, which will last forever.

b. *Bartolomé de las Casas (1551)*

At this point I would like Sepúlveda and his associates to produce some passage from sacred literature where the gospel parable is explained as he explains it; that is, that the gospel (which is the good and joyful news) and the forgiveness of sins should be proclaimed with arms and bombardments, by subjecting a nation with armed militia and pursuing it with the force of war. What do joyful tidings have to do with wounds, captivities, massacres, conflagrations, the destruction of cities, and the common evils of war? They will go to hell rather than learn the

advantages of the gospel. And what will be told by the fugitives who seek out the provinces of other peoples out of fear of the Spaniards, with their heads split, their hands amputated, their intestines torn open? What will they think about the God of the Christians? They will certainly think that [the Spaniards] are sons of the devil, not the children of God and the messengers of peace. [...]

From what has been deduced so extensively, it is evident what literal meaning was intended by Christ in the phrase from the parable cited above, "Force them to come in" [Luke 14,23]; that is, the compulsion signified here is that which concerns unbelievers who have never heard the truths of faith, and the compulsion is accomplished through the urgings of reason and human persuasion or through the spiritual and interior persuasion attained by the ministry of angels.

Source: (a) J. Ginés de Sepúlveda, *Demócrates Segundo o de las justas causas de la guerra contra los indios*, ed. Angel Losada (Madrid, 1984), pp. 69-71; (b) B. de las Casas, *In Defense of the Indians* (DeKalb, Ill., 1992), pp. 270, 303. — Further Reading: B. de las Casas, "Die Disputation von Valladolid (1550-1551)," in: *Las Casas* (WA) 1, pp. 337-436; J. A. Fernández-Santamaría, *The State, War and Peace* (Cambridge, 1977); L. Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Dallas, 2002); G. Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, 1993); L. Hanke, *All Mankind Is One: A Study of the Disputation between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (DeKalb, 1994); A. Losada, "The Controversy between Sepúlveda and Las Casas in the Junta of Valladolid," in: J. Friede, B. Keen (eds.), *Bartolomé de Las Casas in History* (DeKalb, 1971), pp. 127-234; B. de las Casas, *The Only Way* (New York, 1991); J. L. Phelan, *The Millennial Kingdom of the Franciscans in the New World* (Berkeley, 2nd 1970); Latourette, *Expansion III*, pp. 93ff.

C. ESTABLISHMENT OF COLONIAL CHURCH STRUCTURES

228. Pope Julius II: Kingly Patronage (1508)

The Catholic Kings of Spain, who had been named patrons of Granada because of their role in conquering that region, endeavored to gain that same patronage on discovering the New World. This patronage was shaped by the various bulls they had requested from the Pope. As was the custom, the kings drafted a document which they included with their request, and negotiated the final and definitive document with the Roman curia. Often the document had to be revised many times until the Kings were satisfied. The papal bull of concession *Inter Caetera* of Alexander VI issued on May 4, 1493 (cf. document 223a) already contained wording in the patronage tradition, even if it did not formally award the patronage. In this document a part of the New World was "given, granted and assigned" to the Catholic Kings and their successors for all times. At the same time they were solemnly admonished to appoint "worthy, God-fearing, learned, skilled, and expe-

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