

LAS CASAS AND THE HISTORY OF IDEAS IN LATIN AMERICA

IN DEFENSE OF THE INDIANS. By BARTOLOMÉ DE LAS CASAS. Edited and translated by STAFFORD POOLE. (DeKalb: Northern Illinois University Press, 1974. Pp. 385. \$15.00)

ALL MANKIND IS ONE. By LEWIS HANKE. (DeKalb: Northern Illinois University Press, 1974. Pp. 205. \$15.00.)

EL P. BARTOLOMÉ DE LAS CASAS Y VALLADOLID. By MONICO MELIDA Y GONZÁLEZ-MONTEAGUDO. (Valladolid, Spain: Casa Museo de Colon, 1974. Pp. 23.

The efforts of Bartolomé de Las Casas, the sixteenth-century Dominican friar, to construct a just, Christian society of Indians and Spaniards in America, have long held the interest of a wide circle of people. This continuing interest is quite understandable, if only because the problems that Las Casas addressed still confront us, even possibly in more acute form. The marginal status of Latin America's Indians, the inequities of the international order that defines Latin America's ties with the rest of the world, the inattention to human rights, and the uncertainty about ultimate human purpose are among the major dilemmas of our time. Fortunately, upon the occasion of the celebration of the five hundredth anniversary of Las Casas' birth, two recent publications of Northern Illinois University, and an essay published by the University of Valladolid, permit a fresh assessment of the origins of these problems, Las Casas' part in their development, and the manner in which their history should be written. Overall, these publications add substantially to our understanding of Las Casas' thought and political activity but are less satisfactory in contributing to a methodology of the history of ideas in Latin America.

In Defense of the Indians, translated and edited by Father Stafford Poole, is one of Las Casas' five major treatises. The most systematic and theoretical of his works, it discusses abstractly the same convictions that he treats more concretely in his other writings: the freedom of all men to dispose of their persons and property; the equality of all souls before God; and the duty of Christians to preach the gospel and enable mankind to attain salvation. The 362 page treatise is a rebuttal to four justifications for war against the Indians, claimed by Ginés de Sepúlveda as a necessary preliminary to preaching to them. The rebuttal was composed for the debate between the two men that occurred in Valladolid in 1550-51 before fourteen theologians and officials.

Las Casas begins the *Defense* by denying Sepúlveda's claim that war can be waged against the Indians because of their barbarism. The Indians are not barbarians, since they do not lack "rules, laws, institutions," which for Las Casas are synonymous with civilized society. In chapters six through twenty-seven, Las Casas then refutes Sepúlveda's allegation that the Spaniards had a right to wage war as punishment for the Indians' idolatry and crimes against

natural law. Such punishment is not permissible, Las Casas states, because Indians, both as unbelievers and as inhabitants of pagan kingdoms, do not fall under the jurisdiction of pope or king for this purpose. Furthermore, punishment obstructs the Church's goal in the Indies, the winning of new souls to Christ through exhortation to penance and forgiveness of sins. Even if the Indians do not wish to convert, their rulers should retain their sovereignty over them, while acknowledging final obedience to the Spanish crown.

Continuing his refutations in chapters twenty-eight through thirty-eight, Las Casas considers Sepúlveda's most convincing justification for war from the standpoint of sixteenth-century political theory: the obligation of the Spaniards to protect innocent Indians from sacrifice, for the innocent were not only fellow members of the human community but potential members of the Christian community. But such protection, Las Casas maintains, would harm more innocent souls than it would save. In the concluding chapters, thirty-nine through sixty-three, his presentation reaches a climax, as Las Casas emphatically denies Sepúlveda's assertion that war is a means of diffusing Christianity. War, on the contrary, is never anything but a last resort. In this case it is illicit, unnecessary, ineffective. The human spirit, Las Casas affirms, cannot be coerced.

Although Las Casas states that he will prove Sepúlveda wrong "in law and in fact," most of the facts, the descriptive materials, are presented elsewhere: Indian society in the *Apologética Historia*, the second part of the *Defense*; Spanish atrocities in the *Brevísima Relación*; and Columbus' voyages and the pre-1520 conquests in the *Historia de Indias*. The "law" Las Casas draws on consists of a wide variety of biblical, patristic, legal, philosophical, and historical writings from antiquity through his own era, most commonly St. Thomas, St. Augustine, and Aristotle. This method of proof apparently satisfied the judges at Valladolid, for while only one vote has been recorded, Sepúlveda's views were not adopted in subsequent royal legislation, nor was he able to publish them, as was Las Casas.

One valuable feature of the *Defense* is precisely that it does serve as a summary statement of these views, as an index to the fundamental beliefs of Las Casas. These were shaped between 1514 and 1531, when his experience as a priest-encomendero in Cuba, his acquaintance with leading theologians and jurists in Spain, and his seven years secluded as a monk on Española meshed to produce his convictions and tools of analysis. Central to his thought was his testing of accepted tenets of political philosophy and Christian doctrine against the American reality. Some of the teachings of Innocent, Aristotle, and even St. Thomas, he says, do not apply to America. When Vitoria puts forward such "titles" to Spanish intervention as the right to communicate and trade or the right to protect the innocent, he is not aware of the pernicious results of these titles that negate their legitimacy. When experience shows principles to have harmful consequences, Las Casas rejects or modifies them, as such scholars as Juan Friede and Manuel Martínez have noted.

The *Defense* must also be seen as part of Las Casas' struggle to translate this new understanding of the Indian into specific strategies for reform. The treatise was written to prevent royal approval of new conquests, since after the

revocation of those parts of the New Laws ending the *encomienda* in 1545, Las Casas had recognized the difficulty of abolishing that institution. He also was trying to convince the judges that Sepúlveda's writings did not merit publication and to obtain more support for his recruiting of friars for missionary work. The arguments and the occasion for the writing of the *Defense* illustrate what is basic to Las Casas' stature: his lifelong campaign to reshape the social structure of the colony in conformity with a vision that, while not unique to him, he embraced with unusual passion and consistency.

The *Defense* is the only major work of Las Casas that has not been published previously. Father Stafford Poole thus has performed an important service in rendering the *Argumentum Apologiae* from difficult Latin into readable English. He preserves Las Casas' digressive and hortatory style, while at the same time making the volume relatively easy to follow. F. Poole furnishes the correct citations to Las Casas' sources at the bottom of each page; at the back of the text, he provides his own notes, chiefly identifying the authors Las Casas used, but also noting erroneous citations, defining theological terms, and commenting on ambiguous Latin words.

Las Casas summons an impressive variety of authorities to his aid in order to reveal how his opponents have "twisted texts." It is clear from some of his own arguments that Las Casas was not above polemical usage of these texts, however, as Ángel Losada and André Saint-Lu also have shown. Since the modern reader is not likely to be familiar with controversial passages from St. Augustine, it would be helpful to have the passage in dispute included in the translator's footnotes. F. Poole does include the "force them to come in" passage in the parable of the wedding feast; others which might be added are St. Paul's statement in Corinthians about passing judgement on those outside, or God's authorization of the destruction of idolators living in the Promised Land in Deuteronomy. The questions of how biblical commentators subsequently interpreted these passages is, of course, an additional complication. In one instance, man's innate ability to know God, F. Poole does state that Las Casas has gone beyond St. Thomas' position on this matter. Similar appraisals of Las Casas' use of St. Gregory's letters to Genadius or of Pope Innocent's definition of papal jurisdiction over violators of natural law, also would have been welcome. Las Casas may have manipulated the texts less than his opponents, but it would be interesting to know in what fashion.

Lewis Hanke's *All Mankind is One*, the companion volume, is an introduction to the *Defense*. The first chapter deals with conceptions held of the Indians and with protective legislation from the time of Columbus' voyages to 1550. Hanke then discusses the background to the Las Casas-Sepúlveda debate, particularly the passage of the New Laws, the reinstatement of the *encomienda*, and the flurry of treatises these measures provoked. After a chapter summarizing the contents of the *Defense*, Hanke considers the impact of the debate on Las Casas' publishing and missionary activities, as well as on the Ordinances of 1573. He then traces the persisting interest of friars, royal officials, and settlers in the subject of Indian capacity. Noting the timeliness of Las Casas' concern with colonialism, Hanke concludes by stressing the consistency and integration

of Las Casas' beliefs, as well as their universalistic and humanistic character. Appendices by Richard Konetzke and Harold Johnson discuss the lack of medieval precedent for the conquest. A third appendix is Domingo de Betanzos' retraction in 1549 of his negative views of the Indians. The final appendix consists of some of Hanke's disagreements with Edmundo O'Gorman about the place of the *Apologética Historia* in Las Casas' writings.

The vitality that Hanke claims for Las Casas' studies is clearly demonstrated in his *All Mankind is One*. As the dean of U.S. *lascasistas*, Hanke is in a good position to present many of the controversies that still animate the field: the charges of paranoia and distortion of evidence; the medieval and modern facets of Las Casas' thought; the continued fascination of Las Casas for those of all ideological camps. Hanke also succeeds in conveying the intense and personal nature of the debate in the sixteenth century. The body of opinion that emerged from it, as he indicates, comprised a range of viewpoints about such topics as the need for encomienda or for Indian education. By giving many examples of this diverse body of opinion, Hanke puts Las Casas in perspective as a shaper and exponent of a movement, rather than a lone critic of Spanish abuses, as he has sometimes mistakenly been depicted.

The relationship of Las Casas' ideas to those of other thinkers interested in Indian affairs is a broad topic not fully treated here. On the theoretical level, for example, the belief that the pope had authority in spiritual matters was interpreted in a variety of ways by Indianists. Las Casas strictly limited papal authority over non-Christians, though even he conceded that the pope could intervene to guarantee preaching of the gospel and protection of Christian converts. Other thinkers accepted additional titles of papal jurisdiction over the New World, without endorsing the extreme view that the pope possessed absolute sovereignty over it. On the practical level, as Hanke described in the *Spanish Struggle for Justice* and subsequent works, some of the reform for which Las Casas lobbied had been proposed by others previously. Matías de Paz suggested restitution of Indian property in 1512; in 1513 Pedro de Córdoba advocated a policy of separation of Indians and Spanish colonists, a remedy Las Casas increasingly favored as his anger at Spanish colonists, especially the wealthier colonists, grew.

The relationship of the Indianist movement to other intellectual currents of the Spanish Renaissance is another important aspect of this topic. It is necessary not only to identify beliefs held in common by the Spanish intelligentsia, such as the right of a people to choose its king, but also to show how these beliefs, and the arguments about them, flowed from a particular philosophical and methodological tradition. It was the tension within Thomistic thought between the right to self-rule accorded all men by Natural Law and the right to salvation accorded all men by the Church that fueled the debate at Valladolid in 1550–51. But the sixteenth century was also a time when this synthesis was challenged outright by Illuminists and Protestants, and, more important for Spain, given a different emphasis by jurists like Vitoria, who stressed the authority of a Law of Nations, regulating the behavior of states, as well as the authority of the pope or emperor, making dispositions for an undifferentiated

mankind. The methodological counterpart to the new approach was the humanist scholarship that questioned the accuracy of traditional sources, such as the Vulgate. Mario Góngora has noted the revival of eschatological and utopian hopes, and of the theory of a universal monarchy, under the stimulus of the discovery of America. Thus, the first half of the sixteenth century, when the Indianist movement developed, was a dynamic and complex period that requires more attention.

In *El P. de Las Casas y Valladolid*, Monico Melida y González-Monteagudo emphasizes the influence of Thomism on Las Casas' thought. He points out that Las Casas' visits at the Dominican monastery of San Pablo in Valladolid, and his acquaintance with faculty at the recently founded Colegio de San Gregorio there with its close ties to the University of Salamanca, helped compensate for Las Casas' lack of theological and legal training as a young man. However, Melida y González-Monteagudo's short essay is primarily concerned with showing the important role of the city of Valladolid in Las Casas' life: a source of colonists for his Cumaná project; a locus of support for his lobbying at court; the scene of his last productive years. Other facets of the sixteenth-century intellectual climate are not discussed.

If one of the distinctive features of Las Casas' life was his political activity, the consequences of that activity must also be evaluated. One of these consequences was the sophistication of the protective legislation for the Indian. There is no doubt that the methods and arguments of Las Casas and other Indianists were crucial in the formation of this body of law, even if the decline of the Indian population or the desire to prevent the appearance of a colonial aristocracy also entered the royal calculations. Nor is there any doubt that the problem of the Indies, whether in the writings of Las Casas, Vitoria, Cano, Cayetano, or Báñez, made a significant contribution to the philosophy of international law, human rights, and missionary work that retains its immediacy and value. The emphasis of Edmundo O'Gorman on Las Casas' archaism, as manifested in his refusal to reject the tripartite division of the world, seems misplaced in light of the contemporaneity of Las Casas' other assertions. Las Casas' actions as well as his writings had a clear impact on these areas of human experience that form part of the historian's proper concern. The impact of law and philosophy on the conditions of Indian life is also an area of concern to the historian, however. This was the yardstick by which Las Casas himself measured his record, and as the dire predictions with which he concluded his life suggest, he was profoundly disappointed by that record. On the other hand, he sustained his belief in the practicality and eventual efficacy of his methods.

In 1971, Lewis Hanke and Benjamin Keen engaged in an exchange of views in the pages of the *HAHR* about the impact of protective legislation on Indian conditions. Hanke defended his position by pointing out that disagreeable laws are always hard to enforce, that other kinds of information about Spain's treatment of the Indians, such as demographic data, have their own limitations, and that legislation can have an ameliorative effect by preventing worse abuses. Most important, he stressed that much evidence from different regions and periods of the colony has not yet been presented. It will be some time before a

thoroughly informed judgement about impact can be made. Yet, as Keen emphasizes, the amount of negative evidence is impressive. The consequences of the lack of implementation of protective laws in many cases, aggravated by nineteenth and twentieth century factors, are painfully apparent today.

Since the difference in approaches to this question has its roots in different philosophies of history, which are in the last resort a matter of the historian's personal preference, it will always exist. What the discipline needs now is analysis of the interaction of social philosophy with social structure in more specific instances. Only in that way will we be able to make sense of colonial Latin America's "double personality."

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