

"ARE THEY NOT MEN?"

LAS CASAS AND THE PRO-INDIAN MOVEMENT IN THE SIXTEENTH CENTURY

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It all began on the fourth Sunday of Advent in the year 1511. The Place was the island called Espanola, which today comprises Haiti and the Dominican Republic. For almost twenty years the Spanish conquistadores and settlers had lived in the comfortable belief that God had given them the Indies for their own personal pleasure and enrichment. Even as exploitation, enslavement, overwork, and European diseases began the inevitable process of decimating, and eventually exterminating, the native population, the Spanish were looking for new worlds to conquer and subdue. The horizons seemed limitless. Hitherto, nothing had seriously shaken their complacency, at least until that fateful Sunday in Advent when the Dominican friar Antonio de Montesinos ascended the pulpit in the small thatched church.

The sermon for the fourth Sunday of Advent had been set down in writing and signed by the three Dominicans who served in the parish. Montesinos was delegated to deliver it. After the gospel, he announced the text for the day, "I am the voice of one crying in the wilderness." After having said a few words about the Advent season, he began a blistering attack on his congregation and their treatment of the Indians.

In order to make this known to you, I have come up here, for I am the voice of Christ crying in the wilderness of this island, and therefore you had better listen to me, not with indifference but with all your heart and with all your senses. For this voice will be the strangest you have ever heard, the harshest and the hardest, the most terrifying that you ever thought that you would hear... This voice says that you are in mortal sin and live and die in it because of the cruelty and tyranny that you use against these innocent peoples. Tell me, by what right or justice do you hold these Indians in such cruel and horrible slavery? By what authority do you wage such detestable wars on these peoples, who lived mildly and peacefully in their own lands, in which you have destroyed countless numbers of them with unheard of murders and ruin ... Are they not men? Do they not have rational souls? Are you not bound to love them as you love yourselves? Don't you understand this? Don't you feel this? ... Be sure that in your present state you can no more be saved than the Moors or Turks, who do not have and do not want the faith of Jesus Christ.¹

When Montesinos finished his sermon, he descended from the pulpit with his head held high and his eyes blazing. The chronicler of these events tells us that it was almost impossible to finish the mass because of the murmuring and arguments that followed the sermon.

The peace had been broken, the battle joined. The pro-Indian movement, which had been vaguely stirring for almost twenty years, had found its first truly vocal spokesman. For the next century the controversy generated by a sermon by an obscure friar on a remote tropical island would reverberate throughout the Spanish empire. Montesinos had fired the first salvo in what Lewis Hanke has aptly called "The Spanish Struggle for justice in the Conquest of America."² In the lecture that follows, I would like to present a general outline of that struggle, especially as it was personified in one man, Bartolome de las Casas. I am going to talk about the principles and theories that entered into the struggle. In substance, they are as valid today as they were four hundred years ago.

Montesinos' attack did not go unanswered. A delegation of Spaniards went to see the governor and demanded a retraction of the slanders that the friars had inflicted on them. Montesinos and his conferees assured both the governor and the colonists that on the following Sunday they would receive a proper explanation of what had been said. Not unexpectedly, this turned out to be an even more furious denunciation of the crimes committed in the colony. The Spaniards, following a practice common in that century, appointed a delegation to go to Spain and demand the recall or silencing of the Dominicans. The Dominicans, observing the same practice, appointed their own delegation, including Montesinos, to present the Indians' case before the crown.

The principal question, as it was to be throughout most of the century, was that of forced labor. Despite lurid tales of Spanish cruelty and wanton destruction, the real curse of the Spanish Antilles was a crushing system of compulsory labor and tribute payment that had arrived with Columbus. It was called the *encomienda*, from the Spanish word meaning to entrust or hand over. It was a means of rewarding the conquistadores by allotting them Indian villages "to have Indians" was the phrase that was used. This allotment gave the Spaniards two rights: (1) to receive a regular tribute and (2) to demand labor from the Indians. In return the colonials had to provide for the religious good of the natives, especially by founding and endowing churches, and to answer the call to arms in times of emergency. The Spaniards, of course, lost little time in converting the *encomienda* into uncontrolled exploitation, demanding higher and higher tributes, more and more labor (especially in the gold and silver mines), until they threatened to destroy the very economic base on which their newfound wealth was built.

The Spanish crown was never at ease with the *encomienda* and not just for humanitarian reasons. Though the *encomienda* was not a true feudal grant (it did not, for example, grant any judicial rights), it was close enough that the crown, which had spent decades in subjugating the feudal nobility of Spain, was understandably wary of it. After the death of Queen Isabella in 1504, however, her husband Ferdinand became regent of Castile and thus effective ruler of all Spain. The crown needed money for its European adventures, and that money came from the New World. Ferdinand, together with his chief counselor, Juan de Fonseca, the cynical and ambitious bishop of Burgos, was not of a mind to stop the exploitation of the natives nor alienate the Spanish settlers. As Fonseca put it in a moment of appalling realism, after Las Casas had described to him the slaughter of thousands of Indians, "How does that concern me and how does it concern the king?"³

The two delegations that arrived from Espanola laid their cases before the crown. Ferdinand turned the matter over to a commission of theologians. The result was an attempt to compromise two apparently irreconcilable principles: the freedom of the Indians and the need for some sort of compulsory labor system, both to reward the conquistadores and provide income for the crown. The compromise took the form of the Laws of Burgos, which were issued in 1512 and amended in 1513. In delineating those things that were to be forbidden, the laws painted a dreadful picture of native life and labor in the Caribbean. Worse still, from the reformers' point of view, they gave legal status to the *encomienda* and fixed it on the colony as the economic underpinning of society.

The Laws of Burgos did not stop the spread of conquest nor the numerous slave raiding expeditions. The clamor of churchmen against these focused attention on new areas of debate: by what right were Spaniards in the Indies? what was the morality of conquest? what were the bases in law for forcible enslavement? Many of these questions had been asked before and the answers had always been in favor of the Spaniards. In the case of enslavement, Spanish practice, following Roman law, held that such servitude was justified in the cases of criminals, rebels, and captives taken in a just war. But what constituted a just war? One opinion held that stubborn refusal to hear the gospel or to admit the preachers of the gospel was one such justification. Rebels were those who refused to accept the rule of Spain, based as it was on Pope

Alexander VI's famous bull *Inter Caetera* of 1493, which had given papal approval to Spanish rule over the newly discovered lands.

Out of all this came one of the strangest documents in Spanish history, the Requirement, which was probably written by the Spanish jurist Juan Lopez de Palacios Rubio. It contained a synopsis of the history of salvation and the right of Spain to rule, together with a warning to the as yet unconquered Indians that they must accept these or be subject to conquest. Theoretically, the document was to be read to the Indians through interpreters so that they would have the opportunity to submit peacefully and avoid enslavement. If they failed to do so, then the war against them would be just. It takes little imagination to guess what happened in practice. Bartolome de las Casas said that when he read the Requirement for the first time, he did not know whether to laugh or cry.

Most Spaniards laughed. Gonzalo Fernandez de Oviedo recounted how, during an expedition to South America in 1514 led by Pedrarias Davila, one of the most loathsome of the conquistadores, the Spaniards came upon an empty village, where they were later attacked by the Indians.

I should have preferred to have the requirement explained to the Indians first, but no effort was made to do so, apparently because it was considered superfluous or inappropriate. And just as our general on this expedition failed to carry out this pious proceeding with the Indians, as he was supposed to do before attacking them, the captains of many later expeditions also neglected the procedure and did even worse things ... Later, in 1516, I asked Doctor Palacios Rubios ... if the consciences of the Christians were satisfied with the requirement and he said yes, if it were done as the proclamation required. But I recall that he often laughed when I told him of that campaign and of others that various captains later made.⁴

It was at this point that a new figure entered the controversy: a stormy, turbulent, angry man who eventually embodied the most prophetic and extreme elements of the pro-Indian movement. This was Bartolome de las Casas. Las Casas was born in Seville in 1484.⁵ His father was a merchant of modest means. The young Bartolome received his early education in his home city and was old enough to recall Columbus' return in 1493 from the first voyage of discovery. In hope of bettering their fortunes, his father and three uncles accompanied Columbus on his second voyage. When his father returned, he presented Bartolome with a young Indian slave who was later freed because of a royal edict in 1500. In 1501 his father, still trying to better his financial situation, accompanied Nicolas de Ovando, the first governor of Espanola, to that island and took his son with him. Prior to leaving, Bartolome received tonsure and thus became a cleric or member of the clerical state.

They arrived at Espanola in 1502. Some four or five years later Bartolome journeyed to Rome, where he was ordained to the priesthood, though he did not celebrate his first mass until 1512, he always took pride in the fact that he was the first newly-ordained priest to say his first mass in the New World. In 1508, the year in which the Spaniards discovered that Cuba was an island, not part of the mainland, he was granted an *encomienda* on Espanola and became comparatively prosperous. In 1513 he served as chaplain to the expedition that conquered Cuba, during which he witnessed at first hand the atrocities committed by the Spaniards and tried to prevent or moderate them. He was given a large *encomienda* on Cuba and settled down to the comfortable life of a gentleman farmer and landowning cleric. He always maintained that he treated his Indians well, although he neglected their religious instruction.

Las Casas was by nature a choleric, aggressive personality. He loved to argue and was an instinctive dialectician. He tended toward extremes. He was a single-minded person and might even be accused of fanaticism. At least one major Spanish author has accused him of being paranoid and having a split personality.⁶ Benjamin Keen's apt phrase, "God's angry man" is perhaps the best brief description.⁷ He is as influential and controversial today as he was in his lifetime -and his impact has outlasted that of his more moderate contemporaries.

In the years between 1508 and 1515, on both Espanola and Cuba, Las Casas apparently saw little contradiction between his life as an *encomendero* and his commitment as a Christian and priest. Once, when a Dominican to whom he wished to go to confession declined to hear it because he was an *encomendero*, Las Casas argued vehemently with him. He eventually yielded out of respect for the Dominican's holiness and reputation, but he did not change his way of life.

Like other influential people in history, however, such as Saint Augustine or Martin Luther, he found his life changed by the words of scripture. One day in August, 1514 he began preparation for the following Sunday's sermon. Looking through scripture in order to find an appropriate text, he chanced on a passage in Sirach (then called Ecclesiasticus), 34:18, "The sacrifice of an offering unjustly acquired is a mockery; the gifts of impious men are unacceptable". A few days of meditation on these words, his memories of the teachings of the Dominicans, and his own experiences brought about a conversion. The following Sunday he announced from the pulpit that he had divested himself of his *encomienda* and was beginning a life of advocacy on behalf of the oppressed Indians.

The following year, 1515, he joined Antonio de Montesinos on a voyage to Spain, where he intended to act as the Indians' advocate at court. He had one interview with King Ferdinand, but it availed little. In 1516 Ferdinand died and the throne passed to his grandson, the sixteen year old Charles I (later Charles V of the Holy Roman Empire). During the young king's absence from Spain, the country was governed by a regent, Cardinal Francisco Jimenez de Cisneros, a Franciscan who had once been confessor to Queen Isabella. The anti-Indian leaders, including Bishop Fonseca, were fired and a plan was formulated for investigating the situation in the Indies with an eye to future reform. The investigation was entrusted to three reluctant Jeronymite friars, who were sent to Espanola to gather information on the scene. Las Casas received, or appropriated, the title of "Protector of the Indians" and followed the Jeronymites shortly after to act as their advisor. This so-called "Jeronymite Interrogatory" produced volumes of testimony but accomplished almost nothing, being frustrated by conditions on the scene and the obstructionism of the bureaucracy in Spain.

For several years Las Casas lobbied in favor of one of his pet projects: that of colonization and christianization by peaceful means alone. After several years of agitation, he was given permission to make an experiment at Cumana on the northern coast of Venezuela in 1518-19. He hoped to colonize the area with farmers and religious who together would attract the Indians to a settled, Christian way of life by kindness and good example. Knowing the Spanish love for titles and dignities, he even created a knighthood for the immigrants, the Knights of the Golden Spur, but the project failed because the missionaries were dispersed by a storm and because of the hostility of the Spaniards. In addition, slave raiding expeditions by the Spaniards caused the Indians to resist any further intrusions. Las Casas later saw that his project had two basic flaws. First, he had not had total control over it. Secondly, in any effort to make it palatable to the crown, he had promised profits from the experiment, that is, the crown would be the sole *encomendero*.

This failure caused Las Casas to go through a period of soul searching and meditation on the direction of his life. This led him in 1522 to join the Dominican order. The Spanish colonials were relieved by his decision because they believed that he was now out of their hair, it was a classic miscalculation.

Initially, however, the colonists seemed to be right. Las Casas spent the next few years studying theology and law, most of it in a way that would support his ideas. He gathered materials for his *History of the Indians*, one of the most valuable sources that we have for the early discovery and colonization of the New World. He also began a second history, called the *Apologetic History*, which is a landmark in the history of anthropology. About the year 1530, he began writing a Latin treatise with the title *De Unico Vocationis Modo Omnium Infidelium ad Veram Religionem* (The Only Way of Attracting all Unbelievers to the True Religion). Though only a few chapters have survived, they mark it as one of the most important missionary tracts in the history of the Church, and one whose lessons the Church still had not learned some four and a half centuries later. Basically, it was a blueprint for his own later missionary experiments: the spread of the gospel by peaceful means alone, the need for understanding of doctrine and clear catechesis to precede conversion, the need to respect and utilize native cultures as part of the missionary enterprise.

In 1536, together with Bishop Juan de Zumarraga of Mexico City and Bishop Julian Garces of Tlaxcala, Las Casas drew up some petitions on behalf of the Indians to be forwarded to the pope. Out of these came the landmark papal bull *Sublimis Deus* of Pope Paul III (1537), which proclaimed the Indians to be truly men and capable of christianization. The bull became a powerful weapon in the hands of the pro-Indian forces, although it was never formally published in the Spanish dominions.

In that same year, 1537, Las Casas was given a major opportunity to put his missionary theories into practice at Tuzulutlan in modern Guatemala. The Indians there were hostile and so the Spaniards, according to their custom, referred to the area as the tierra de guerra or land of war. Las Casas promptly christened it the tierra de vera paz or land of true peace. Many Spaniards considered this the perfect opportunity to demonstrate the futility of Las Casas' ideas; he saw it as a God-given opportunity to prove the opposite. He used truly ingenious methods. The Aztecs of pre-Hispanic times had often used traveling merchants, called pochteca, as spies or as means of penetrating hostile territory. Las Casas used traveling tradesmen in the same way. He and other friars composed songs in the native language that summarized Christian doctrine and taught these to Christian traders. In the course of visiting the more important villages, after the day's trading was done, the songs were sung as part of the evening's entertainment. When the interest of the non-Christians was aroused, the traders would tell them about the friars who would teach them the rest of the doctrine without demanding anything for themselves. The experiment proved remarkably successful at first, to the chagrin of many a colonial. Ultimately, however, it failed because of the hostility of neighboring tribes, opposition by the Spaniards, and the death of some of the missionaries. By 1550 it was all over, but its memory remains as one of the most fascinating missionary experiments of modern times.

In 1540 Las Casas returned to Spain where, together with other churchmen and laymen, he began to lobby in favor of the Indians at the court of Charles V. As a result of all these efforts, the crown issued the famous New Laws of 1542, a striking combination of political reality and humanitarian idealism. The laws forbade all further enslavement of Indians for any reason whatever. The encomienda was condemned to ultimate extinction. "Henceforth no encomienda is to be granted to anyone, and when the present holders of encomiendas die, their Indians will revert to the crown."⁸ The extinction, it will be noticed, worked in favor of the crown, which now set itself up as eventually the only encomendero. For the colonials, the most appalling prospect was that of not being able to leave their encomiendas to their children and hence of being unable to establish family fortunes, something of surpassing importance to Spaniards of that age.

The reactions of the colonists were predictably stormy. In Peru a revolt temporarily overthrew royal authority and offered the unnerving spectacle of a conquistador strolling about, swinging the severed head of the viceroy at the end of a string. The royal official who was sent to implement the New Laws in New Spain thought better of it and invoking a time-honored Spanish tradition, he suspended them. Within a few years the more stringent of the laws had been repealed. Still, enough remained on the books to spell the virtual, though not total, end of the encomienda as an important economic institution. As happened so often in that century, economics came to the aid of humanitarianism. The growing capitalist economy of New Spain left little room for the encomienda, from which the majority of later settlers was excluded. In addition, catastrophic epidemics, especially one in 1576, which depopulated entire areas and villages, devalued the encomienda and brought many encomenderos to the poverty level.

Despite all the turbulence that he had caused, Las Casas did not fall from royal favor. The crown sought to make him bishop of the rich city of Cuzco but he steadfastly refused. Eventually he had to yield to the crown's determination to give him a mitre and he accepted the recently created and very poor diocese of Chiapas in the south of modern Mexico, near the Guatemalan border. Not surprisingly, his brief tenure as bishop was anything but peaceful, as he ordered priests not to absolve encomenderos and launched his familiar attacks on Spanish exploitation. In 1545 he narrowly avoided assassination. After attending a meeting of bishops and church leaders in Mexico City, he returned to Spain for the last time in 1547. He later resigned his bishopric.

In Spain he founded that the controversies over the Spanish conquest and the treatment of the Indians had entered a new phase. The arguments were now to be carried out on a vastly different level from that of the past. The person responsible for this was a famed Renaissance humanist, Juan Gines de Sepulveda, who was encouraged to enter the fray by Cardinal Garcia de Loaysa, the archbishop of Seville and an opponent of the New Laws. As a result, Sepulveda published a scholarly Latin treatise in dialogue form called *The Second Democrates or Reasons That Justify War Against the Indians*, which circulated in manuscript copies. Among the reasons cited by Sepulveda as justifying war were the practice of human sacrifice and cannibalism. The Spaniards, he wrote, had an obligation to come to the aid of the oppressed victims - and the refusal of the natives to accept the universal rule of emperor and pope. Christianity, he wrote, could be introduced by force, the famous compelle intrare of the gospel as elaborated by Saint Augustine. Since Sepulveda was one of the foremost classical scholars of his time, it was only natural that he should also fall back on Aristotle's theory of natural slavery as elaborated in the fifth book of the *Politics*, that is, that some peoples, by reason of their superior intellect and endowments, are naturally fitted to rule while others, because of their brutishness and limited reasoning, are apt only for subordinate or servile roles. What Aristotle actually meant by this is a matter of dispute today, but there can be no doubt that for Sepulveda and the Spanish colonials, it was perfectly tailored to their concept of the Indians' place in society.

At the basis of all of Sepulveda's theories, and explicitly stated in his work, was the assumption of Spanish cultural and intellectual superiority. He has been called the first ethnocentric Spanish nationalist. Whether he was the first or not can be disputed, but ethnocentric and nationalist he certainly was. Sepulveda did not go so far as to deny the humanity of the Indians, he admitted that they were not quite on the same level as monkeys, but he clearly placed them in an inferior order. This was an interesting position for a man who had probably never seen an Indian.

Las Casas, of course, counterattacked immediately. It was now that his years of selective study of the classics, scripture, the fathers of the Church, and canon and civil law stood him in good stead. He was able to meet Sepulveda on his own grounds.

The *Second Democrates* made the rounds of the universities, where it was almost universally condemned. The uproar that followed caused the Emperor Charles V to convoke a junta of theologians to hear the protagonists and arrive at some sort of conclusion. In preparation for this, he ordered that all further raids and expeditions into Indian lands be halted. As Lewis Hanke has pointed out, "Probably never before or since has a mighty emperor... in the full tide of his power ordered his conquests to cease until it could be decided whether they were just."⁹

The result of all this was the famous junta of Valladolid of 1550-1551. The judges were a panel of fourteen distinguished religious and laity, of whom four were fellow Dominicans of Las Casas. Sepulveda appeared on the first day and gave a three hour summary of the doctrine of *The Second Democrates*. Las Casas appeared on the following day and proceeded to read the entire Latin text of his defense, the *Argumentum Apologiae*, for five full days. He systematically refuted Sepulveda's accusations. Even if the Indians were guilty of human sacrifice and cannibalism, he said, this could be explained as a rational step in the development of religious thought. He strongly defended the right of pagan rulers to have jurisdiction in their lands without interference by Christians, whether ecclesiastic or lay. Peaceful persuasion was the only permissible means of evangelization. If Aristotle believed in natural slavery, then Aristotle was to be rejected. The pope had no right to parcel out pagan lands to Christian rulers. Ruling authority in any nation came from God, but it came through the consent of the governed - no ruler could be imposed on them against their will. The domestic crimes of a nation, no matter how heinous, were not justification for invasion or subjugation by an outside power.

The judges then recessed either, as Las Casas claimed, because they were convinced of the truth of his arguments, or, as Sepulveda claimed, out of sheer exhaustion. There is some evidence of correspondence among the judges, but apparently they were unable or unwilling to come to a final judgment. So far as is known, nothing specific came from the junta or its discussions. One senses here a great tragedy. The judges at Valladolid had an opportunity to have a positive impact on crown policy in a matter of surpassing moral importance and in some way they failed to measure up to it.

In one sense the colonists had the victory. Yet in another Las Casas was the victor. *The Second Democrates* was not published in Sepulveda's lifetime, in fact it did not see the press until 1892. And yet in 1552, Las Casas was able to publish his most famous, or perhaps notorious work, *The Very Brief Account of the Destruction of the Indies*, an angry, inflammatory, exaggerated tract that has provided grist for the Black Legend of Spanish cruelty and exploitation in the New World. Remarkably, it was published without a royal license.

Las Casas still had another fifteen years to life. He spent most of that time as a champion and lobbyist for the Indians at court. There is disagreement among historians as to his effectiveness during this time. For some he was a burnt-out comet, a sort of doddering old man humored by the crown but ultimately ineffective. According to this school of thought, the "American Reality" and the policies of Philip II (1556-1598) spelled the end of the humanitarian movement. Others see Las Casas at the zenith of his work, still keeping the movement alive, and creating a school of followers who would continue his work after his death. Whichever may be the more accurate, it is remarkable that he enjoyed such incredible freedom in criticizing the crown and its policies. Despite his alienation from, and even hostility to so many of his countrymen he was never silenced.

Equally notable is the fact that as he grew older, he became more radical. By the end of his life, he was advocating the wholesale withdrawal of all Spaniards from the Indies-unrealistic, but consistent to the end.

Las Casas died at Valladolid in 1566 and was eventually buried in the Dominican chapel of Atocha in Madrid. There, alas, his tomb was lost in the course of various reconstructions. In his last will he prophesied divine wrath against his country for its crimes against the Indians.

And I believe that because of these impious and criminal and infamous deeds, so unjustly and tyrannically and barbarously done to and against them (the Indians) that God will unleash his fury and wrath on Spain ... unless it does great penance; and I fear it will do it too late or never because of the blindness that God, because of our sins, has permitted in great and small alike.¹⁰

He believed that if men ever needed to know the reasons for this visitation of divine vengeance, they could find them in his writings.

Conclusions

1) It is necessary to remember that Las Casas was not a solitary figure, but part of a general movement within the Spanish empire in the sixteenth century. It was not a monolithic or homogeneous movement. Many different people played important roles in it and represented a wide range of approaches to the questions involved. These include Toribio de Benavente, known as Motolinia, one of the first twelve Franciscans to come to New Spain and an important figure both as missionary and historian in the sixteenth century. Yet he opposed Las Casas and his methods and in 1555 wrote a condemnation of him that was worthy of any encomendero. Other Franciscans, such as Geonimo de Mendieta, were more apocalyptic in their condemnations of Spanish exploitation. On the one hand there were the "root and branch" schools of reformers and on the other those who believed that European control and some system of compulsory labor were necessary for the proper functioning of a new society

2) Las Casas was an extremist, there is no doubt about that. He was a prophetic figure, with all that this implies. He wrote and spoke in superlatives. He never gave his enemies credit for good faith. One was either with him or against him. Whether because of this or in spite of it, he is the one who has left the strongest impression. In this century alone there have been more than two thousand books and articles about him. He has become something of a patron saint for liberation theology. To use an oft-overworked phrase, he was a force of nature and whether one agrees with him or not, it is impossible to ignore him.

3) It is a tribute to the Spanish crown and psychology of the sixteenth century that Las Casas and his fellow reformers had such freedom of speech and action. The Spanish concept of kingship was the medieval one of a dispenser of justice rather than an author of legislation. Spanish government was a careful balancing act among pressure groups, and the crown often showed an amazing readiness to alter policy in response to these groups. At the same time one can feel a certain sympathy for the crown, faced as it was not only with differing demands but a veritable flood of contradictory reports. It is also a tribute to Las Casas' position that he was able to prevent the publication of works by his enemies, such as Sepulveda and Oviedo. Can one visualize a similar situation in the England of that time, the England of Henry VIII and Elizabeth I?

4) The key question, of course, is: how effective was all this? Las Casas' life was filled with failure, contradiction, and bitter compromise. Let us grant that the humanitarian movement lost momentum toward the end of the sixteenth century. Let us grant also that throughout the colonial period the Indian was the exploited, often overworked, and even despised base on which colonial society and economy were built. Permit me, however, to point out something equally important. It is an insight of Lesley Byrd Simpson's, who declared that there has been a tendency to read back into the colonial period the condition of the Indian under the Mexican republics. However much the Indian may have suffered under Spanish rule, he was still surrounded by a network of laws and preferential legislation that gave him a special legal status and a certain degree of protection. It is rash to presume good treatment simply on the basis of written laws, but at least the laws were there. The Indian, it is true, was viewed as a ward of the crown, a political adolescent waiting to reach manhood at some vague and indefinite future. However inadequate, there was still a measure of protection.

The position of the Indian began its worse decline since the sixteenth century when that network of laws was removed. This was done, not by an oppressive, conservative or clerical Spanish regime, but by the liberal governments of independent Mexico. The liberals sought to make the Indians equal with the whites, not mere wards or legal adolescents. The theory was noble but it exposed the adolescents to the cruel, competitive world of nineteenth century liberalism without any preparation for it. Nor did it do anything to alter the prejudices inherited from colonial times. The Laws of the Reform, culminating in the Constitution of 1857, enlightened as they may have seemed in theory, forced the sale of corporate property that was not actually being used for civil or charitable purposes. Though aimed primarily at the Church, these laws exposed the Indian villages to the loss of their common lands (ejidos). One of the authors of these laws was Benito Juarez, a full blooded Zapotec who was Mexico's first and only Indian president. Of him it has been said, "Of the whites who determined the history of the country ... Juarez was the whitest of them all".¹²

All of this came to fruition during the long dictatorship of Porfirio Diaz (1876- 1880; 1884-1911), particularly during its last twenty years. A new breed of thinkers, the científicos, imbued with positivism and social Darwinism, proclaimed the Indian an inferior being who hindered the progress of the nation. The laws of the Reform, together with other later enactments, paved the way for the full-fledged seizure of Indian lands. Entire villages vanished into vast cattle and sugar haciendas. In his brilliant biography of Emiliano Zapata, John Womack has pointed out that the decisive factor that drove Zapata to revolt was the threatened destruction of his village, "the end of a human community some seven centuries old".¹³

It is generally accepted among historians today that the Mexican Indian was in a better economic situation in 1810 than he was in 1910.¹⁴ If this is true, then certainly much of the credit is due to men like Las Casas and their strong appeals to the Spanish conscience.

5) Let us conclude with some reflections closer to home. We Americans, true to our English background, tend to be complacent and self-righteous. We have grown up on the Black Legend of Spanish cruelty and oppression. Yet Anglo-America never produced anything remotely comparable to the Spanish humanitarian movement of the sixteenth century. There is no Las Casas in the history of the United States, either before or after independence. Helen Hunt Jackson hardly fits the role. The record in this country- genocide, internment on reservations, broken treaties, forced removal, stolen lands -is all the more grim because there were no voices, like that of Montesinos, crying in the wilderness. When the English came to these shores, they brought nothing comparable to the vigor, intellectual vitality, or prophetic mission of the Spanish church of the sixteenth century. What they lacked, and what Spain had, was an institutionalized conscience with an acknowledged role within the framework of society. Perhaps the greatest tribute to Las Casas, and to the movement of which he was such a fiery spokesman, is that it has been only within recent times that the Church, and some segments of civil society, have begun to catch up with his ideas and to advocate the same things that he did four centuries ago. Marcel Bataillon has warned against trying to make a twentieth century anti-colonialist out of Las Casas.¹⁵ I disagree. Let us hope and pray that the voice crying in the wilderness is now being heard. We still need to learn the basic lesson of Las Casas when he wrote. All the peoples of the world are men ... All mankind is one."

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Bartolome de las Casas, *Historia de las Indias*, book 3, chapter 4, quoted in Marcel Bataillon and Andre Saint-Lu, *El Padre Las Casas y la defensa de los indios* (Barcelona, 1976, 81). Translation by the lecturer.

Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Boston, 1964).

Las Casas, *Historia*, book 3, chapter 84, in Bataillon-Saint-Lu, *El Padre Las Casas*, 114-15.

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