

# THE GOLDEN EMPIRE

Spain, Charles V, and the  
Creation of America



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## Controversy at Valladolid

One of the guardians, a horseback rider, explained that they were slaves condemned by His Majesty to the galleys and so there was no more to be said.

MIGUEL DE CERVANTES, *Don Quixote*

Las Casas returned to Spain in 1547 and went to stay at the monastery of San Gregorio in Valladolid, the splendid palace-convent next to the church of San Pablo. He came with Fray Rodrigo de Andrada, who represented the Indian tribes of Oaxaca and Chiapas, and who wanted to represent them before the Council of the Indies. Las Casas had something more to his taste in his agenda: a riposte to the able lawyer and polemicist Juan Ginés de Sepúlveda's latest Socratic dialogue, *Demócrates segundo*. Las Casas insisted that that book should be examined by the universities of Alcalá and Salamanca.

Sepúlveda was an accomplished, if conventional, scholar with conservative views. He had just finished a great translation of Aristotle's *Politics*. He had also completed a new tract about how to treat Indians. It was rejected by the Council of the Indies, but then it was transferred for approval of the Council of Castile—which, as Las Casas said, knew nothing of the New World. Las Casas supposed Sepúlveda thought that “men who knew nothing of Indian affairs would not notice the poison.” In fact, the Council of Castile referred Sepúlveda's latest treatise to the theologians at Salamanca and Alcalá, where they discussed whether to publish it on many occasions. On mature consideration, they found that the work was unworthy since the teaching in it seemed unsound. Dr. Diego Covarrubias at Salamanca gave lectures criticizing the idea that the Indians' low culture justi-

fied the wars against them. He doubted whether American Indians should be looked on as among those people born to obey.

One who surprisingly seems to have remained on the sidelines in the controversy was Bishop Quiroga, who in 1548—while still bishop of Pátzcuaro, the onetime capital of Michoacán—returned home to work out the boundaries and rights of the bishoprics of New Spain. While in Castile, he wrote a treatise (now lost), *De debellandis Indis*, about whether it was ever just to make war against the Indians. Quiroga, in contradictory fashion, thought that war was usually just since it brought Indians closer to Christianity.<sup>1</sup> Some Muslims had said much the same of slavery.

Sepúlveda wrote to Prince Philip asking for a meeting of theologians to discuss his book. But Philip had left Valladolid for a European tour before he had time to answer, and Sepúlveda instead went to Rome, where, for good or evil, his book appeared. In April 1549, King Charles issued the extraordinary ruling that all conquests and expeditions (*entradas* included) were to be suspended till the dispute between Las Casas and Sepúlveda had been decided and it had become clear whether they were to be looked upon as legal. A declaration of April 1549 entitled “The manner in which new discoveries are to be undertaken” elaborated on this matter. Churchmen were to explain that they had come to the New World principally to secure the friendship of the Indians and to secure their acceptance of their subjection to the Emperor and to God. Conquistadors had been enjoined not to seize Indian women and were to pay for everything that they took from Indian properties, at the low prices set by men of the Church. No force was to be used by Spaniards except in self-defense and then only in proportion to needs. Any breach of these rules would be severely punished “inasmuch as this matter is so important for the exoneration of the royal conscience and of the persons who undertake these conquests, as well as for the preservation and increase of these lands.” Perhaps this remarkable declaration was drafted by Las Casas.<sup>2</sup> Whether that was so or not, the very next month, Las Casas was found writing to Fray Domingo de Soto, now at the forefront of Spain's theologians and much preoccupied by the matter of how to treat the Indians.

Las Casas agreed that the New World was far away but the issues involved were close. He regretted that even pious missionaries offered conflicting advice as to what to do. He said that some friars had been suborned

by money from conquistadors, others did not learn the languages necessary to progress in conversion (Las Casas included!), and still others knew nothing of what had happened. One friar (perhaps de Soto) had eaten the paper on which he had previously signed his support of the perpetuity of the *encomienda*. "Where else in the world," Las Casas continued, "have rational men in happy and populous lands been subjugated by such cruel and unjust wars called conquests, and then been divided up by the same cruel butchers and tyrannical robbers as though they were inanimate things . . . enslaved in an infernal way, worse than in Pharaoh's day, treated like cattle being weighed in the meat market and, God save the mark, looked on as of less worth than bedbugs? How can the words of those that support such iniquities be believed?"<sup>3</sup>

On July 4, 1549, the aristocrat Luis de Velasco was appointed as Mendoza's successor as viceroy of New Spain (the King had quietly pushed aside Mendoza's suggestion that his own son Francisco might be temporarily named in succession). Velasco was worthy of the charge, being of the family of the constable of Castile. He had been Viceroy of Navarre and, like so many, had married a granddaughter of the first duke of Infantado. Thus he was accustomed to grandeur and would soon establish a tradition of having forty people to dine every day.

Mendoza wrote to Velasco about the mission that he was leaving him: Everyone wished the government to conform to his own notions, and the diversity of views was remarkable. Mendoza would listen to all kinds of advice and usually said the ideas were good and that he would adopt them. His aim was to avoid sudden changes, especially in respect of the indigenous people, for so many changes had been made already that he wondered that the populace had not become insane. Though many gave advice, few gave help. The secret of good government was to do little, and slowly, since "most affairs lend themselves to being handled in that way and in that way alone can one avoid being deceived." His chief concern was to maintain good relations between himself, the judges, and the lesser officials.

Mendoza told Velasco that the Spaniards had respect for nothing said to them if they were not treated as gentlemen. The wealth from which the Crown's revenue derived came from them, of course: They had brazilwood, they had mulberry trees for silk, and they had sheep. The Indians' production was of much less value. That had to be taken into account.

Mendoza also said that the Indians should be treated as sons of the Crown and both loved and punished in that spirit. Services and carrying (porterage) should be done away with slowly, so as not to offend the Spaniards. All the same, many Indians were undoubtedly cunning and mendacious. When a legal case was decided against them, they had a habit of bringing the matter up again once they thought that the judge had moved on or everyone had forgotten the case. He, Mendoza, never punished Indians for telling lies, because he feared that otherwise they would not come to him with their stories at all. He had regular hours for them on Mondays and Thursdays, but he was also ready to see them at any time, notwithstanding their "smell of perspiration and other evil odours. Many people thought that the Indians were humble, abused and misunderstood. Others thought that they were rich, idle vagabonds. Neither view was correct. They should be treated as men like everyone else."<sup>4</sup>

On July 3, 1544, the Council of the Indies had told the Emperor that dangers both to Indians and to the royal conscience were so great that no new expeditions should be licensed without his express permission and that of the council. Also, a meeting of theologians was really needed to discuss "how conquests may be conducted justly and with security of conscience." Although laws had been promulgated on these matters, "we feel certain that these have not been obeyed, because those who conduct these conquests are not accompanied by persons who will restrain them and accuse them when they do evil."<sup>5</sup>

Matters continued thus for several years. Pamphlets were written by Las Casas and others discussing the injustice of these wars (in the Indies) "according to all law, natural and divine." Others were contributed by Sepúlveda and others, to the effect that the conquests were just as well as wise.

On September 23, 1549, Sepúlveda (in Valladolid) wrote to Prince Philip saying that "by falsehoods, favours and machinations," Las Casas had succeeded in preventing his *Demócrates alter* from being published and that any copies that reached the Indies were immediately confiscated. Las Casas—"this quarrelsome and turbulent fellow"—had written a "scandalous and diabolical confessionary" against Sepúlveda. He thought that the case ought to be debated before the Council of the Indies. But Las Casas, Andrada, and several doctors of the Church argued fiercely against the idea and managed to shake the opinions of some members of the coun-

cil. Las Casas was able to delay a decision till the emperor Charles returned from Germany. Bernal Díaz del Castillo, who came home from Guatemala to assert the need for the heritability of *encomiendas*, returned to New Spain with this comment: "In this manner, we proceed, like a lame mule, from bad to worse, and from one Viceroy to another, from governor to governor."<sup>6</sup>

A formal visitor, Francisco Tello de Sandoval, reached New Spain in February 1544. He was a characteristic bureaucrat of the age. A Sevillano, he had attended the University of Salamanca and afterwards had entered the bureaucracy of the Inquisition in Toledo. Then, in 1543, Tello joined the Council of the Indies. His nature was inflexible, and he would eventually become a bishop. He brought with him to New Spain not only an instruction to explain the New Laws to the settlers but a document authorizing him to investigate the conduct of almost everyone: viceroy, judges of the supreme court, treasurer, and their subordinates, down to the most insignificant officials in the poorest towns. In addition, he was named *inquisidor* of New Spain.<sup>7</sup> Tello arrived with a financial adviser, Gonzalo de Aranda, who left an account.<sup>8</sup> The colonists wanted to go and greet him to reproach him for the New Laws, but the prudent Viceroy, still Mendoza, restrained them. No grander reception in the event could have been held in Seville or in Valladolid. Tello de Sandoval himself repaired then to the convent of Santo Domingo in Tenochtitlan, where Bishop Zumárraga greeted him and where he installed himself. The very next day, a large number of the colonists and conquistadors besieged him with their complaints, but Tello dismissed them for the time being since he had not yet presented his credentials. Later, he met Miguel de Legazpi, the Basque notary, and some others of the town council, as well as the chief prosecutor, to whom he talked reassuringly.

The next month Tello devoted to meeting people and listening to their anxieties. Then on March 24, Tello instructed the notary Antonio de Tuncios to proclaim publicly the New Laws on the treatment of Indians. The announcement was received with no pleasure. Tello was therefore persuaded by the councillor Alonso de Villanueva to stay the execution of five of the provisions that especially distressed the settlers until an appeal could be made. Then the provincials—that is, the leaders—of the three main orders, the Franciscans, Augustinians, and Dominicans, declared in favor of

the *encomiendas*. The same three provincials went to Spain to protest at the high-handed manner with which they were treated, as did three important councillors: Alonso de Villanueva, mentioned above; Jerónimo López, a survivor of the conquest (he had reached New Spain in 1521 with Julián de Alderete); and Pedro Almíndez Chirino, the odious ex-inspector and enemy of Cortés.

The day after the proclamation of the New Laws, Bishop Zumárraga invited all the leaders of the viceroyalty to take part in a Mass that he celebrated in the cathedral. Tello attended this occasion. Zumárraga preached intelligently and eloquently. But, with the announcement of the New Laws, all business came to a stop in Mexico. Wheat rose in price to 11 reales a fanega, maize to five reales. Settlers went about saying that they would be obliged to kill their wives and their daughters "lest they seek a life of shame." The first fleet returning to Spain after the proclamation carried thirty-five to forty families, six hundred people in all. The Viceroy and the supreme court judges distributed charity to the families of conquistadors to prevent their flight.<sup>9</sup>

The Dominicans mounted an effective counterattack to the New Laws. Thus the provincial Diego de la Cruz and the eloquent Fray Domingo de Betanzos, the onetime friend of Las Casas, wrote to the emperor Charles to say that Indians should not be encouraged to study "since no benefit could be expected for a long time . . . Indians are not stable persons to whom one can entrust the preaching of the Holy Gospel. They do not have the ability to understand correctly and fully the Christian faith nor is their language sufficient and copious enough to be able to express our faith without great improprieties, which can easily result in great errors."<sup>10</sup>

So no Indian should be ordained a priest. This document was signed on May 4, 1544, by all the leading Dominicans in Mexico. A similar letter was written by the town council of Mexico. The councillors begged to be heard before the New Laws were put into execution. This letter was signed, too, by several old conquistadors still on the town council.<sup>11</sup> Meantime, the *procuradores* of New Spain reached Castile, and they immediately sought out Sepúlveda, who had become the prop and stay of the opponents of the New Laws. They could not seek out Las Casas even if they had wanted to, since that now-famous preacher had been named bishop of Chiapas and was on his way to his see.

Both Alonso de Villanueva and Jerónimo López argued in the town council that the Indians would be better off if the *encomiendas* were given to the settlers in perpetuity. Surely that would be best too for the land concerned? They also insisted that, since the leaders of the orders had given their views, individual friars should keep silent.<sup>12</sup> But it had become evident that those same leaders of the orders were more opposed to the New Laws than anyone expected. Thus Fray Diego de la Cruz, who had been the Dominican provincial for nine years, agreed that *encomiendas* in perpetuity should be granted, to avoid Spaniards abandoning agricultural projects in the middle of them. He did not think that the Indians would work hard even if the judges ordered it. The Indians were no longer afraid of horses. So he anticipated a revolt.

The Viceroy sent a serene commentary to the Crown. He noted that even Tello had used Indian services, including slavery, when he had been in Mexico. Anyway, personal services had not been invented by Spaniards but had been used by the Mexica themselves. Even if His Majesty cut off the heads of the settlers, he could not make them enforce his laws, which actually damaged his rents and his income, and would in the end depopulate the country, which really needed people.<sup>13</sup>

A meeting of the Council of the Indies was held in Spain to discuss these matters. The Duke of Alba, who came across from the Council of State—every day more important in the Emperor's counsels—having talked to churchmen from Mexico, advised the King to suspend the New Laws. He urged the grant of *encomiendas* in perpetuity, though without legal confirmation, so that "the Spaniards there would always need some favour of the King of Spain." He opposed the idea of pensions for conquistadors. The Indians should be subject to the Spaniards, of course, but they should be treated well and not required to be slaves or even servants. If the troubles continued, they should be crushed by "a large and powerful armada"—Alba's usual solution to political problems.<sup>14</sup>

The archbishop of Toledo, still Cardinal Pardo de Tavera, thought that some reward should be given to conquistadors but that they should not be in the form of *encomiendas*. Licenciado Juan de Salmerón, who had spent several years as chief magistrate in Castilla del Oro and had been a judge in New Spain, thought that the New Laws were neither just nor practical.<sup>15</sup> Dr. Hernando de Guevara, learned and imaginative as well as eloquent,

thought that till the council received more information about *encomiendas* and *encomenderos*, the New Laws should not be enforced. The count of Osorno, who had acted as president of the Council of the Indies and whose name is preserved in one of the cities founded by Valdivia in Chile, backed the idea of *encomiendas* in perpetuity, though he thought that the *encomenderos* should have only civil jurisdiction. Cobos said that, though he had no experience himself of the Indies, he had noted that two out of the four members of the council who had opposed giving *encomiendas* in perpetuity had indeed been there. Dr. Ramírez de Fuenleal wanted to consider the New Laws themselves first. The trouble had been caused by individuals, not only by the injustice of the laws. He considered that the heir of a conquistador should receive two thirds of his father's property as an entailed estate.

In the end, Cobos argued simply that *encomiendas* should continue to be given to worthy Spaniards in the Indies and agreed with Alba that the New Laws should be temporarily suspended. Cardinal García de Loaisa also supported the concept of *encomiendas* being granted in perpetuity, which he believed would guarantee an income for the King, the conversion of Indians, and peace. Dr. Bernal, Licenciado Velázquez, and Licenciado Gregorio López (an Extremeño from Guadalupe, whose uncle Juan de Sirvela had been prior of the Jeronymite monastery there) supported pensions for conquistadors and "moderate" pensions for other Spaniards who had served in the Indies for two generations. Conquistadors should not collect tribute and should not own property in Spain "so that they would identify themselves with the [new] land."<sup>16</sup>

All these views were passed on to the Emperor, at the time in Germany, and some representatives of New Spain went there to present their views in person.<sup>17</sup> The prince regent Philip wrote to his father that he had talked with representatives of the New World and with "appropriate people" of both the Council of Castile and the Council of the Indies, but "as the matter was so grandiose and of such weight and importance" he, Philip, did not think that he could take a decision which was for his father to resolve.<sup>18</sup>

Philip added, though, that the Council of the Indies evidently wanted someone to put Peru in order. Everyone thought that the ideal person would be Antonio de Mendoza, but all realized that he was too valuable in New Spain to go. Alba and Dr. Guevara thought it essential not to send a le-

*trado*, or university-educated civil servant, but a gentleman (*caballero*), a person in the confidence of the Emperor. But everybody else thought that a *letrado* would be best.<sup>19</sup>

Fray Domingo de Betanzos thought that laws that assumed that sooner or later the Indians would disappear altogether were sound and good. He added that he, like Bishop Zumárraga, longed to go to China, where apparently the "natives were so much more intelligent than those of New Spain."<sup>20</sup>

This decision taken in Malines was against Charles's wishes. He had, however, been much disturbed by the rebellion in Peru of Gonzalo Pizarro, which had been inspired by the New Laws. Las Casas, of course, differed. From Chiapas he sent a message dated September 15 that all who pressed for the revocation of the New Laws should be hanged, drawn, and quartered (*merecen ser hechos cuartos*).<sup>21</sup>