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# POPE PAUL III AND THE AMERICAN INDIANS \*

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## ABBREVIATIONS

- A. de I. Archivo General de Indias (Seville).  
D. I. I. Colección de documentos inéditos relativos al descubrimiento, conquista, y colonización de las posesiones españolas en América y Oceanía. Madrid, 1864–1884. 42 vols.  
D. I. U. Colección de documentos inéditos relativos al descubrimiento, conquista, y organización de las antiguas posesiones españolas de ultramar. Madrid, 1885–1932. 25 vols.  
Hernández Francisco Javier Hernández, Colección de bulas, breves y otros documentos relativos a la iglesia de América y Filipinas. Brussels, 1879. 2 vols.  
Pastor Ludwig Pastor, *History of the Popes*. London, 1891–1933. 24 vols.  
Solórzano Juan de Solórzano Pereira, *Política Indiana*. Madrid, 1648.

## I

WHEN Alexander VI promulgated the bull *Inter caetera* on May 4, 1493 granting Spain a large part of the new world, there seems to have been no doubt that the natives who dwelt in the 'very remote islands and mainlands' would be willing and able to accept the teachings of the Catholic church. For Alexander had been informed that in those far off lands were

very many peoples living in peace and, as reported, going unclothed, and not eating flesh. Moreover, . . . these very peoples . . . believe in one God the Creator in heaven, and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals. And it is hoped that, were they instructed, the name of the Savior, our Lord Jesus Christ, would easily be introduced into the said countries and islands.<sup>1</sup>

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\* For assistance in collecting the facts upon which the following essay is based, I am indebted to the following persons: Mr. Charles J. Bishko, Mr. Walter Briggs, Mr. Wilberforce Eames, Dr. Marie Edel, Rev. Pedro Leturia, S. J., Señor D. Juan Tamayo y Francisco, Director of the Archivo General de Indias, and to His Eminence Cardinal Mercati, formerly Prefect of the Vatican Library. For the interpretation of these facts, I alone am responsible. I have also been fortunate enough to have had the benefit of various criticisms made by Mr. Wilbur J. Bender, Mr. Thomas Berry, Rev. Benno Biermann, O.P., Professor C. H. Haring, Professor A. P. Whitaker, and above all by Professor George La Piana.

<sup>1</sup> Francis G. Davenport, ed., *European treaties bearing on the history of the United States and its dependencies to 1648* (Washington, D. C., 1917), p. 76.

These optimistic predictions were not fulfilled and, as the Spanish conquest of the Americas proceeded to reveal the existence of millions of natives, the action of the papacy in the conversion and protection of these masses of Indians became an important matter, for as that studious seventeenth century jurist, Antonio de León Pinelo, declared:

Inasmuch as the Indies were conceded to the kings of Castile principally in order to favor and convert the Indians, no harm must come of this concession.<sup>2</sup>

León Pinelo considered the subject to be of such importance that he composed a work entitled *Gobierno Espiritual i Eclesiástico de las Indias*, unfortunately now lost, which contained, among other things, he declared:

more than three hundred pontifical decisions concerning the Indies, drawn from papal bulls and briefs and from replies of the congregations of the cardinals, of which I have brought together more than seems possible.<sup>3</sup>

The study of this subject also received an impetus from the controversy which arose following upon the charges of certain writers of the 'Age of Enlightenment' that the papacy had ruthlessly encroached upon Indian liberty. To refute this assertion search was made into the records of the past, and the bull of Pope Paul III was triumphantly cited to prove that the papacy attempted to protect and not to despoil the American Indian.<sup>4</sup> It is this single but not inconsiderable issue which will be considered in this essay. Whoever attempts to write the ecclesiastical history of the Spanish American colonies must grapple with this problem, and it is hoped that the information brought forward here will help to resolve it.<sup>5</sup>

<sup>2</sup> *Tratado de confirmaciones reales* (Buenos Aires [Madrid, 1630], 1922), p. 241.

<sup>3</sup> Andrés Gonzáles de Barcia, ed., *Epítome de la biblioteca oriental y occidental*, II (Madrid, 1737), 786.

<sup>4</sup> Joseph Hergenröther, *Catholic church and Christian state*, II (London, 1876), 153, and Ludwig Pastor, *History of the Popes*, VI (London, 1898), 162.

<sup>5</sup> None of the recent works on the period have considered the American aspect of events. This is true not only of Capasso's books on Paul III but also of the following: G. Buschbell, *Die Sendungen des Pedro de Marguina an den Hof Karls V im September/Dezember 1545 und September 1546*, *Spanische Forschungen der Görresgesellschaft*, IV (1933), 311-354; Ludwig Cardauns, *Zur Geschichte Karls V, 1536-1538*, *Quellen u. Forsch. aus ital. Archiven und Bibl.*, XII (Rome, 1909), 189-211, 321-367; Walter Friedensburg, *Kaiser Karl V. und Papst Paul III. (1534-1549)*, *Schriften des Vereins für Reformationsgeschichte*, Jahrgang 50, Heft 1 (Leipzig, 1932), 1-99.

## II

From the very beginning of the conquest, opinion was sharply divided concerning the nature of the Indians and their capacity to live according to the ways of Christian Spaniards.<sup>6</sup> Some Spaniards considered the natives as uneducated savages who could become hewers of wood and drawers of water but nothing else. Other Spaniards invited those who held such a low opinion of the Indians to consider first the motes in their own eyes. Juan de Castellanos, the sixteenth century poet-historian, well caught the spirit of the times when in the following verses he portrayed Columbus as replying to the charges of his companions that the Indians were a backward, deceitful people:

Cuántos pueblos hay entre cristianos  
 Por Italia, por Francia, por España,  
 Do no halléis lectores ni escribanos  
 Ni pueden a las letras darse maña?

Ved vuestros más vecinos y cercanos,  
 Ved la rusticidad de la montaña:  
 Que sería, si hoy están tan botos,  
 Por siglos de memoria tan remotos!<sup>7</sup>

As the discovery and colonization proceeded, the treatment of the Indians became an issue of prime importance, and the Spanish government discovered that the controversy concerning the capacity of the Indians to receive the faith was a fundamental problem which all administrators in the Indies considered a thorny one.

The combatants in this struggle made no effort to compromise. As early as 1517 when Bartolomé de Las Casas was agitating at court for laws to protect the Indians, a member of the royal council suggested that Indians were too low in the scale of

<sup>6</sup> For more information on this controversy consult my essay, *The First Social Experiments in America* (Cambridge, Mass., 1935).

<sup>7</sup> *Elegías de Varones Ilustres de las Indias* (Madrid, 1589), Primera parte, elegía I, canto 6, stanza 28. Sixteenth century Spanish poets in general exhibited a very generous and humane spirit whenever they depicted the American Indian. For details on this subject consult John Van Horne's article on *The Attitude toward the Enemy in Sixteenth Century Spanish Narrative Poetry*, *Romanic Review*, XVI (1925), 341-361.

humanity to be capable of the faith. Las Casas promptly declared this opinion to be heretical. To settle the question, he had one of the important theologians of the time, Fray Juan Hurtado, and thirteen other doctors of the University of Salamanca discuss the matter. After considerable debate, they drew up a series of conclusions which they all signed, the final one being that whoever defended with pertinacity such a proposition must be put to death by fire as a heretic.<sup>8</sup> These fulminations evidently effected only a temporary lull, for in 1532 the principal officials, prelates, and friars in New Spain felt it necessary to state 'that there is no doubt that the natives have sufficient capacity for the faith and that they greatly love it.'<sup>9</sup> And the theologian Francisco de Vitoria took the trouble to reply to the charge that Indians were of unsound mind (and hence unable to own property or to exercise true sovereignty) in his famous lectures *De Indis* delivered about 1532.<sup>10</sup>

### III

It was to combat the charge that the Indians were not capable of receiving the faith that an earnest and fiery Dominican named Bernadino de Minaya interrupted his missionary labors in the Indies and returned to Spain. Failing to find support there he hastened to Rome and laid before Pope Paul III his contention that the millions of unconquered souls in the Indies ought not to be jeopardized by the selfish designs of those Spaniards who insisted on considering the natives brutish animals (*bruta animalia*),<sup>11</sup> and therefore unfit for the eternal

<sup>8</sup> Bartolomé de Las Casas, *Historia de las Indias*, lib. III, cap. 99.

<sup>9</sup> A. de I., *Indiferente General* 1530, fol. 452.

<sup>10</sup> Section I, proposition 22.

<sup>11</sup> Francisco Javier Hernández, *Colección de Bulas, Breves y Otros Documentos Relativos a la Iglesia de América y Filipinas*, I (Brussels, 1879), 102.

It may be pertinent to point out here that civilized nations in general have rarely been magnanimous in their attitude toward subject natives. For example, we find Samuel Sewall at the beginning of the eighteenth century, when he was a judge of the Superior Court of Massachusetts Bay Colony, noting down in his diary that he had 'essayed to prevent Negroes and Indians being rated as cattle, but could not succeed.' [As quoted by William Sumner Jenkins, *Pro-Slavery Thought in the Old South* (Chapel

mysteries of the faith. It would be impossible to discover how many *conquistadores* really believed the Indians to be animals. But there is no doubt that some did hold this view and that if such an opinion had prevailed the *conquistadores* would have been able to use the lives and property of the defenseless natives unchecked by the protecting hand of the church, and the friars would have had no souls to win.

Minaya was not the first friar who attempted to secure papal protection for the Indians. As early as 1517 an unnamed

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Hill, 1935), p. 4.] And during the Pequot War in 1637 people were not wanting who felt that 'the Lord [had] delivered up the heathen as stubble to the sword of his chosen people and dunged the soil with their flesh.' [Samuel Eliot Morison, *The Founding of Harvard College* (Cambridge, 1935), p. 177.] In 1703 in the same colony the Reverend Samuel Hopkins is supposed to have expounded the idea that God had willed the extermination of the Indians and therefore had approved when Popham hunted them down with dogs, a procedure much favored by the Spaniards. [G. Stanley Hall makes this assertion, *The Relations between Lower and Higher Races*, *Proceedings of the Massachusetts Historical Society*, Second Series, XVII (1903), 7-8.]

The Puritans considered the Indians and negroes accursed savages who might properly be destroyed or enslaved. 'We know not when or how these Indians first became inhabitants of the mighty continent, yet we may guess that probably the Devil decoyed these miserable salvages hither in hope that the gospel of the Lord Jesus Christ would never come to destroy or disturb his absolute empire over them,' said Cotton Mather. [As quoted by Thomas J. Wertenbaker in *The First Americans* (New York, 1927), pp. 231-232.] John Eliot started his missionary work in Massachusetts about 1636. Neither he nor his more vocal contemporary Roger Williams ever occupied the place in the English colonies as protectors of the Indians that Las Casas did in the Spanish world. Eliot's statement that 'to sell soules for mony seemeth to me a dangerous merchandize' is a mere lamb's bleat to the roars of Las Casas against Spanish practices.

[The best brief comparison of the English and Spanish views and actions on the Indian question is Chap. V, *The Wards of the Spaniards*, in Herbert I. Priestley's *The Coming of the White Man* (New York, 1929). A. W. Lauber's *Indian Slavery in Colonial Times Within the Present Limits of the United States* (New York, 1913) is useful too.]

However universal may have been the mistreatment by 'civilized' nations of subject people, the idea that only the Spaniards were cruel has lingered on in strange places, for we find even such a widely read and critically minded student as William Graham Sumner asserting: 'The Spaniards and the Portuguese of the sixteenth century treated all aborigines with ruthlessness because the aborigines were outside of Christianity and entitled to no rights or considerations.' [Selected Essays of William Graham Sumner, A. G. Keller, ed. (New Haven, 1924), p. 329.] It should be said that one of Sumner's disciples, E. G. Bourne, wrote the first significant and fair-minded work in English on the Spanish colonies.

Dominican had presented a memorial <sup>12</sup> to the king suggesting that a true account be sent to the pope of the enormities being committed against the Indians in spite of the Laws of Burgos (1512). This Dominican had further advocated that the pope be asked to denounce these crimes in a bull, that fines be levied on persons who persisted in such actions, and that the money thus obtained be used to aid the Indians and to settle in the Indies as colonists a number of Spanish laborers with their wives. About 1535 still another Dominican, Julián Garcés, Bishop of Tlaxcala in New Spain, sent to the pope, Paul III, a long and powerfully worded argument <sup>13</sup> on behalf of the Indians which doubtless prepared the way for Minaya's personal representations made two years later. Garcés was no mean advocate, for, according to the Aragonese chronicler Argensola, he was 'so perfect in his knowledge of Latin that Antonio de Nebrija confessed that he himself was obliged to study furiously to exceed Garcés.' <sup>14</sup> In order to demolish the argument of those who considered the Indians so brutal and barbarous that they were unworthy of the name of rational beings, the Bishop of Tlaxcala wrote a 'large, learned and well written' letter to Paul III. <sup>15</sup>

<sup>12</sup> Colección de documentos inéditos relativos al descubrimiento, conquista, y colonización de las posesiones españolas en América y Oceanía, XII (Madrid, 1864-1884), 107-108. About the same time Leo X seems to have interested himself in the controversy between the parties contending over the Indian slavery problem, but nothing much is known concerning this matter. The only reference to it occurs in a rare work by Angelo Fabroni, *Leonis X Pontificis Vita* (Pisa, 1797). The Library of Congress has one of the few copies in the world, a copy which William Hickling Prescott owned in 1829. Unfortunately the *Regesta* of Leo X compiled by Cardinal Joseph Hergenröther (Freiburg, 1884) do not go beyond 1515.

<sup>13</sup> Hernández, vol. I, pp. 56-65. For a bibliographical note on Garcés and a list of other volumes in which the letter has been printed, see Robert Streit, *Bibliotheca Missionum*, I (Münster, 1916), 14. The Biblioteca Nacional (Madrid) possesses a *Memoria que Diferentes Autores Hacen del Ilmo. Sr. D. Fr. Julián Garcés, Primero Obispo del Pueblo de los Angeles, Sección de Manuscritos*, Ms. 3048, no. 1. Among the unpublished works of Dr. Nicolás León was a study entitled *Documentos y Noticias Inéditas o Poco Conocidos referentes al Ilmo. Sr. D. Fr. Julián Garcés, Primer Obispo de Tlaxcala, Dr. Nicolás León. Noticia de Sus Escritos Originales Impresos e Inéditos . . . 1874 a 1925* (Mexico, 1925?), p. 37.

<sup>14</sup> Bartolomé Juan Leonardo de Argensola, *Anales de la Corona de Aragón*, lib. I, cap. 74.

<sup>15</sup> Juan de Solórzano Pereira, *Política Indiana* (Madrid, 1648), lib. II, cap. 1, núm. 10. Agustín Dávila Padilla asserts that this letter was printed in Rome in 1537, *Historia de la Fundación y Discurso de la Provincia de Santiago de México de la Orden de Predicadores*, lib. I, cap. iii.



In this letter Garcés lauded the Indians' intelligence and willingness to receive the faith, and declared they were not 'turbulent or ungovernable but reverent, shy, and obedient to their teachers.' Although acknowledging that some misguided Spaniards believed the Indians unfit to belong to the church and incapable of comprehending its mysteries, he held strongly that the pope ought to reject such a conception, 'which had surely been prompted by the devil himself.' He defended the Indians against the charge of barbarity, cruelty, and cannibalism, cited many examples of their aptitude for Christianity, and closed with an enthusiastic description of the recent missionary activity of Bernadino de Minaya on the road from Mexico to Nicaragua. According to Bishop Garcés, Minaya's efforts had been miraculously successful, and the crowds of natives who flocked to hear his message afforded a convincing illustration of the aptitude and yearning of the millions of Indians for the blessings of Christianity. Minaya's journey to Nicaragua, continued Garcés, had been a triumphal procession, resulting in the destruction of many pagan idols, the foundation of many churches, and the baptism of many Indians, who, although they had never seen a single missionary before, received him with garlands of roses, offered him food and drink, swept the streets of the towns through which he passed exceedingly clean in his honor, and gave thanks to God after him with the same words, *Benedictus qui venit in nomine Domini*.<sup>16</sup>

Following the representations of Bishop Garcés and Minaya, Paul III issued on June 9, 1537, the momentous bull *Sublimis Deus* in which he declared:

The sublime God so loved the human race that He created man in such wise that he might participate, not only in the good that other creatures enjoy, but endowed him with capacity to attain to the inaccessible and invisible Supreme Good and behold it face to face; and since man, according to the testimony of the sacred scriptures, has been created to enjoy eternal life and happiness, which none may obtain save through faith in our Lord Jesus Christ, it is necessary that he should possess the nature and faculties enabling him to receive that faith; and that whoever is thus endowed should be capable of receiving that same faith. Nor is it credible that any one should possess so little understanding as to desire the faith and yet be destitute of the most necessary

<sup>16</sup> Hernáez, vol. I, p. 65.



faculty to enable him to receive it. Hence Christ, who is the Truth itself, that has never failed and can never fail, said to the preachers of the faith whom He chose for that office 'Go ye and teach all nations.' He said all, without exception, for all are capable of receiving the doctrines of the faith.

The enemy of the human race, who opposes all good deeds in order to bring men to destruction, beholding and envying this, invented a means never before heard of, by which he might hinder the preaching of God's word of Salvation to the people: he inspired his satellites who, to please him, have not hesitated to publish abroad that the Indians of the West and the South, and other people of whom We have recent knowledge should be treated as dumb brutes created for our service, pretending that they are incapable of receiving the catholic faith.

We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of His flock who are outside into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the catholic faith but, according to our information, they desire exceedingly to receive it. Desiring to provide ample remedy for these evils, We define and declare by these our letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignitary, to which the same credit shall be given as to the originals, that, notwithstanding whatever may have been or may be said to the contrary, the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen it shall be null and of no effect.

By virtue of our apostolic authority We define and declare by these present letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignitary, which shall thus command the same obedience as the originals, that the said Indians and other peoples should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.<sup>17</sup>

It was this pronouncement which led the eighteenth century rationalist De Pauw to declare:

At first the American natives were not considered men but orang-outangs which might be destroyed without remorse and without reproach. Finally, to add ridiculousness to the calamities of that time, a Pope issued a bull in which he declared that, having founded bishoprics in the richest parts of America, he and the Holy Spirit were pleased to recognize the Americans as true men. So that without that decision of an Italian the inhabitants of the new world would still be, in the eyes of the faithful, a race of animals of

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<sup>17</sup> Translated by Francis MacNutt, Bartholomew de Las Casas (New York, 1909), pp. 427-431.

doubtful nature. There is no example of a similar decision since the world was inhabited by apes and by men.<sup>18</sup>

In issuing this bull Paul III was following the established tradition of the Christian church. From its earliest days Christianity had proclaimed in the most solemn and exalted terms the absolute spiritual equality and brotherhood of all men.

A study of the famous and oft-quoted bull *Sublimis Deus*, by which Paul III reaffirmed the Christian doctrine, reveals its significance, first, in the history of Spanish-papal relations, and secondly, in the long story of the battle over the capacity of the American Indians.

Paul III may have issued the bull solely because of his desire to protect the Indians, but it is possible that this shrewd and tenacious ruler also intended the bull to be the opening wedge for a more aggressive papal program in the affairs of the Indies. Shortly before issuing the bull *Sublimis Deus*, Paul, probably at Minaya's instigation, had enthusiastically supported, in the brief *Pastorale Officium*, the Emperor's recent declaration against enslaving the Indians and despoiling them of their goods,<sup>19</sup> and added the penalty of excommunication for those who violated the law.<sup>20</sup> Moreover, on June 1, 1537, Paul had handed down an important decision concerning Indian baptism

<sup>18</sup> Corneille de Pauw, *Recherches philosophiques sur les américains, ou mémoires intéressants pour servir à l'histoire de l'espèce humaine*, I (Cleves, 1772), 38.

Of course this shallow and supercilious interpretation of De Pauw was combatted by contemporary writers friendly to Spain. Francisco Clavijero, the Mexican Jesuit, correctly stated in his *Storia antica del Messico* (Cesena, 1780-1781) that the bull 'no tiene por objeto declarar que los Americanos son realmente hombres, pues esto sería una insensatez agena de aquél, y de cualquier otro sumo pontífice: si no sostener los derechos naturales de los Americanos, contra las tentativas de sus perseguidores, y condenar la injusticia, y la inhumanidad de aquellos que, bajo pretexto de ser los Indios idólatros, e incapaces de instrucción, les quitaban los bienes, y la libertad, y los empleaban a guisa de animales. Los Españoles en verdad hubieran sido mas estúpidos que los más incultos salvages del Nuevo Mundo, si, para reconocer por hombres a los Americanos, hubieran necesitado aguardar la decisión de Roma. Mucho antes que el papa espidiese aquella bula, los reyes Católicos habían recomendado eficazmente la instrucción de los Americanos, dando las ordenes mas urgentes para el menor perjuicio en sus bienes, ni en su libertad.' The quotation comes from the Spanish version, *Historia antigua de Méjico*, translated by José Joaquín Mora, II (London, 1826), 331-332.

<sup>19</sup> Probably this refers to the royal order dated Aug. 2, 1530. [D. I. U., vol. X, pp. 38-43.]

<sup>20</sup> Hernández, vol. I, pp. 101-102.

in the bull *Altitudo Divini Consilii*.<sup>21</sup> Shortly afterward, on June 9, had been issued the bull *Veritas Ipsa* which strongly condemned the enslaving of the Indians.<sup>22</sup>

It should be pointed out that these strongly worded papal declarations came at a time when the Spanish theologian Francisco de Vitoria was slowly turning over in his mind the theoretical problems created by the discovery of the new world. It is possible that this *prima* professor of theology at the University of Salamanca may have been influenced by Paul III.<sup>23</sup> For the corner stone of Vitoria's system, which some jurists today hold to be the true foundation of international law, was equality of states, applicable not merely to the states of Christendom and of Europe but also to the barbarian principalities in America.<sup>24</sup>

#### IV

By the papal pronouncements just mentioned, Paul manifested a greater interest in the Indies than had any earlier pope — an interest which a king jealous of his prerogatives might look upon with suspicion. And Charles V had good reason to look to his ecclesiastical privileges when an aggressive and skillful ruler bent upon recovering lost prestige occupied the Holy See. The papacy had not strengthened its position in Spain

<sup>21</sup> *Ibid.*, vol. I, 65–67. As José Toribio Medina pointed out, this bull was important not only because of its clauses against slavery but also because it relegated the Indians, in all matters of faith, to the ordinary jurisdiction of the bishops, giving the bishops power 'ut ipsos apostatas ex vestris dioecesisibus omnino expellatis et expellere satagatis; ne teneras in fide animas corrumpere et seducere possint.' This provision paved the way for such inquisitorial proceedings against the Indians as made Bishop Landa notorious. [Fray Diego de Landa, *Inquisidor de los Indios de Yucatán*, Proceedings, International Congress of Americanists. London, 1912 (London, 1913), pp. 484–496.]

<sup>22</sup> For excellent bibliographical notes on these bulls consult Robert Ricard, *La 'Conquête Spirituelle' du Mexique* (Paris, 1933), p. 111, and Robert Streit, *Bibliotheca Missionum*, vol. I, p. 15. The best Spanish translation of *Sublimis Deus* is given by Mariano Cuevas, *Documentos Inéditos del Siglo XVI para la Historia de México* (Mexico, 1914), pp. 84–86.

<sup>23</sup> Luis G. Alonso Getino remarks upon the similarity between the ideas advanced by Garcés in his letter to the pope and Vitoria's doctrine, *El Maestro Fr. Francisco de Vitoria*, rev. ed. (Madrid, 1930), p. 148. Vitoria had been invited by Paul III in 1536 to come to Rome to help prepare for the Church Council, but did not go.

<sup>24</sup> James Brown Scott, *The Spanish Origin of International Law. Francisco de Vitoria and His Law of Nations* (Oxford, 1934), p. 281.

since the time of Ferdinand and Isabella and even then the papacy had not enjoyed much power in Spain.

In the new world the Spanish monarchs enjoyed even greater ecclesiastical power. From the first they had adopted an independent attitude concerning the bulls to be sent to the Indies.<sup>25</sup> The first bulls despatched were amended by Ferdinand, a matter which the Spanish ambassador Francisco de Rojas found difficult to explain to the entire satisfaction of the papal court.<sup>26</sup> Before the conquest was well under way Alexander VI conceded to Ferdinand and Isabella by the bull *Eximiae* dated November 16, 1501, the right to collect tithes from the inhabitants 'of the islands and regions of the Indies, . . . the Lateran Council, other apostolic constitutions and ordinances or other decrees, to the contrary notwithstanding.'<sup>27</sup> The power to collect tithes did not long satisfy Ferdinand, who had earlier manifested in Granada's ecclesiastical affairs a 'política tenaz y absorbente,' as one Spanish scholar has described it.<sup>28</sup>

The Catholic Kings decided in 1504 to send a special mission to Julius II to congratulate him on his election to the papacy.<sup>29</sup> In preparation for this event, one of the prominent jurists of the day, Dr. Juan López Palacios Rubios, drew up at royal command a treatise entitled *De Beneficiis in Curia vacantibus*, sive

<sup>25</sup> No thorough, complete account exists of the American aspects of Spanish-papal relations in the sixteenth century. A very valuable survey of the materials available is found in Ricardo de Hinojosa's *Los Despachos de la Diplomacia Pontificia en España* (Madrid, 1896). Pedro Leturia has written several excellent articles which bring together many important facts, *El Regio Vicariato de Indias y los Comienzos de la Congregación de Propaganda*, *Spanische Forschungen der Görresgesellschaft*, II (1930), 133-177; *Las Grandes Bulas Misionales de Alejandro VI: 1493*, *Bibliotheca Hispana Missionum*, I (1930), 211-251; *Der heilige Stuhl und das spanische Patronat in Amerika*, *Historisches Jahrbuch der Görresgesellschaft*, XLVI (1926), 1-80; and *Felipe II y el Pontificado en un momento culminante de la historia Hispano-americana*, *Estudios Eclesiásticos*, núm. extraordinario de 1928. See also the earlier chapters in J. Lloyd Mecham's *Church and State in Latin America* (Chapel Hill, 1934) and other works cited therein.

<sup>26</sup> A. Rodríguez Villa, *Don Francisco de Rojas, Embajador de los Reyes Católicos*, *Boletín de la Real Academia de la Historia*, vol. XXVIII, p. 190.

<sup>27</sup> Hernández, vol. I, pp. 20-21.

<sup>28</sup> Pedro Leturia, *El Origen histórico del Patronato de Indias, Razón y Fe*, LXXXVIII (1927), 20-36.

<sup>29</sup> Eloy Bullón y Fernández, *Un Colaborador de los Reyes Católicos; el doctor Palacios Rubios y sus Obras* (Madrid, 1927), p. 69.

pro tuendo Regum Castellae jure patronatus etiam in his beneficiis quae in curia romana vacaverint, in which he supported 'with ardor and erudition' the thesis that royal power should be supreme in matters of church patronage.<sup>30</sup> Queen Isabella's death stopped the projected mission, but on September 13, 1505, Ferdinand notified the pope that the bulls recently issued for the archbishop and bishop of Española did not concede the desired patronage power. He bluntly informed Julius: 'It is necessary that Your Holiness concede all of the said patronage in perpetuity to me and my successors.'<sup>31</sup>

Isabella's death and the subsequent short rule of Philip of Austria, during which Ferdinand had no jurisdiction over Castile, served only as momentary interruptions in the development of Ferdinand's papal policy. Once back at the helm in 1508, Ferdinand ordered his ambassador at the Vatican to present to Julius II an 'Argument concerning the obedience which Spain owes to the pope.'<sup>32</sup> In this rare imprint Ferdinand appealed for aid in his North African wars and pointed with pride to previous Spanish achievements including the conquest of 'the newly discovered islands which are already practically suburban estates of Spain.' Ferdinand appealed in language that was sure to be understood by the bellicose Julius, for he described fully his military and naval preparations and closed with the significant words *Non petimus milites, non equos, non arma, non classes, non commeatus; thesauros ecclesiae petimus.* The details of this proposal, including the nature of the *thesauros ecclesiae*, were to be explained secretly to the pope. Though the intricacies of European politics probably figured most prominently in these secret instructions, the ecclesiastical affairs of the 'newly discovered islands' were not neglected, because in the same month, July 1508, Julius conceded to the Spanish monarchs by the bull *Universalis Ecclesiae* the right to make all important ecclesiastical appointments in the Indies.<sup>33</sup>

<sup>30</sup> Eloy Bullón y Fernández, pp. 240–241.

<sup>31</sup> Colección de Documentos inéditos relativos al Descubrimiento, Conquista, y Organización de las antiguas Posesiones españolas de Ultramar, XIV (Madrid, 1885–1932), 102–105.

<sup>32</sup> Henry Harrisse, *Bibliotheca Americana Vetustissima. Additions* (Paris, 1872), p. 41.

<sup>33</sup> Hernáez, vol. I, pp. 24–26.

The Emperor Charles V carried on Ferdinand's papal policy. As a Spanish scholar, Father Luciano Ildefonso Serrano y Pineda, has well stated:

The spirit which dominated the policy of Charles V, above all in his relations with the papacy, was that of a nationalistically minded Spaniard, and whoever ignores this fact fails to understand the secret of sixteenth century politics.<sup>34</sup>

A little known bull,<sup>35</sup> *Intra Arcana*, issued by Clement VII to Charles V on May 8, 1529, confirms Serrano's statement and proves that the Emperor held on to the patronage power previously won from the papacy. This bull conceded the Emperor great power to present to benefices in the Indies and even to decide ecclesiastical law suits. The livings specifically named included canonries, prebends, and parsonships. In the light of the attitude toward the Indians adopted later by Paul III, it is interesting to find Clement VII saying in this 1529 bull, addressing the Emperor:

We trust that, as long as you are on earth, you will compel and with all zeal cause the barbarian nations to come to the knowledge of God, the maker and founder of all things, not only by edicts and admonitions, but also by force and arms, if needful, in order that their souls may partake of the heavenly kingdom.<sup>36</sup>

<sup>34</sup> *Primeras Negociaciones de Carlos V, Rey de España, con la Santa Sede (1516-1518)*, Cuadernos de Trabajos de la Escuela Española de Arqueología e Historia en Roma, II (Madrid, 1914), 68.

<sup>35</sup> Probably a fair number of papal pronouncements on American affairs are still to be found. Pastor (vol. VI, p. 97) cites an unpublished bull, and a rare imprint has just come to light which includes a brief issued by Clement VII in 1532 to Alfonso Mateo of Española giving him power to create notaries and judges, legitimate children, and grant titles of Bachelor, Licentiate, and Doctor. M. Serrano y Sanz, *Un Impreso rarísimo de 1532, con Noticias de Indias*, [Erudición Ibero-americana, III (Madrid, 1932), 241-247].

<sup>36</sup> *Confidimus te, quoad in humanis degeris barbaras nationes ad rerum omnium opificem et conditorem deum cognoscendum non solum edictis admonitionibusque, sed etiam armis et viribus (si opus fuerit) ut earum animae caelestis regni fiant participes compulsurum.*

The original minute of this bull is to be found in the Archivio Segreto Vaticano, Arm. 35, t. 34, fols. 21-24. The New York Public Library also possesses an unpublished brief *Nuper Maiestati* issued by Clement in March, 1530, which freed all persons from the penalties of former papal decrees, which they might have feared to incur by favoring the Emperor's authority in ecclesiastical appointments. Clement here stated explicitly that archbishops and bishops were nominated by the Emperor. Mr. Wilberforce Eames was good enough to locate this bull and brief and have them photostated for my use together with a report made on March 6, 1850, on the material by Professor G. W. Alexander of Princeton which has been used in preparing this essay.

The causes for Clement's wide grant of power to Charles V may be at least partially explained by the vicissitudes of European politics. Earlier in his pontificate Clement seemed to favor the French, which led Charles to call him 'that poltroon, the pope,'<sup>37</sup> but the sack of Rome by imperial soldiers in 1527 and his subsequent imprisonment in San Angelo influenced Clement to favor Charles.<sup>38</sup> Clement confirmed in the most emphatic terms all the concessions made by his predecessors to Spanish monarchs.<sup>39</sup> On May 7, 1529, Clement sent to the Emperor an autograph letter of thanks for the restoration of the fortresses of Ostia and Civit  Vecchia and two days later sent as a special messenger his Master of the Household, Girolamo da Schio, who carried with him the bull of the Cruzada and other tokens of grace — including probably the bull of May 8 described above — and had full powers to conclude a treaty with the Emperor.<sup>40</sup> Shortly afterward Miguel Mai, the imperial ambassador, reported in cipher to Charles: 'The Pope shows great desire to be in intimate relation with His Imperial Majesty,' and he believed that the pope would grant anything that might be asked of him, except money.<sup>41</sup> A defensive alliance was concluded on June 19 at Barcelona and was sealed in the customary way by a marriage compact, between Margaret, the Emperor's natural daughter, and Alessandro de' Medici.<sup>42</sup> The treaty helped to set the Emperor's hands free in western Europe so that he might embark upon his African campaigns<sup>43</sup> and led to the formal imperial coronation at Bologna in

<sup>37</sup> Pastor, vol. IX, p. 271.

<sup>38</sup> If we follow Professor Hans Zinsser, the latest and most persuasive exponent of the louse theory of history, this bull may be considered a result of the plague which broke out amongst the French army besieging Naples in 1528. The pestilence rapidly destroyed French power in Italy and led directly to the dependence of Clement VII upon Charles V. [*Rats, Lice and History* (Boston, 1935), pp. 252-253.]

<sup>39</sup> Asensio de Morales, Patronato eclesi stico de los Reyes de Espa a, *Revista general de Legislaci n y Jurisprudencia*, XL (1872), 70.

<sup>40</sup> Pastor, vol. X, p. 55.

<sup>41</sup> Calendar of State Papers. Spanish. Pascual de Gayangos, ed., vol. IV, part I (London, 1879), 78.

<sup>42</sup> Pastor, vol. X, p. 56.

<sup>43</sup> Merriman, *The Rise of the Spanish Empire*, vol. III, p. 297.



1530 and to one of the most brilliant years of his life.<sup>44</sup> One of the important provisions of the treaty was that Charles promised to use force to put down the schismatic Lutherans if amicable means failed — an interesting parallel to the order given him by the May 8 bull to use force against the American Indians if necessary in order to convert them.

At the time that Clement urged Charles to use force and arms if necessary to convert the heathen infidels, probably little was known concerning the importance of the problem so far as it concerned America, and perhaps even less was known concerning the natives themselves. True, Cortez had sent a group of Indian acrobats to the pope shortly after receiving in July 1529 the dignity of the 'Marquis of the Valley of Oaxaca.' As Bernal Diaz tells the story,<sup>45</sup> Clement received from Juan de Herrera, the special ambassador Cortez sent to Rome:

a rich present of precious stones and jewels of gold and two Indians dextrous at juggling the stick with the feet, and he reported to him his arrival in Castile, and the countries he had conquered and the services he had rendered to God in the first place and to our great Emperor, and he gave him a full account in a Memorial<sup>46</sup> of those countries, how very extensive they were, and what was their nature, and how all the Indians were idolators and had become Christians, and many other things which it was proper to mention to our Holy Father . . . after he [Herrada] had been to kiss the sainted feet of His Holiness, he presented the gifts which Cortez sent to him, and the Indians who juggled the stick with their feet, and His Holiness greatly appreciated them, and said that he thanked God that such great countries had been discovered in his days, and such numbers of people had embraced our holy faith, and he ordered processions to be made and all to give thanks and praise to God for it, and he said that Cortez and all of us his soldiers had rendered great service, first of all to God, and then to our Lord the Emperor Don Carlos and to all Christendom, and that we were worthy of great reward. Then he sent us a Bull to absolve us from the blame and punishment of all our sins, and other indulgences for the hospitals and churches, and general pardons.

<sup>44</sup> Louis Prosper Gachard, *Relations des Ambassadeurs vénitiens sur Charles-Quint et Philippe II* (Brussels, 1855), p. ix.

<sup>45</sup> *True History of the Conquest of Mexico*, A. P. Maudslay, ed., V (London, 1916), 151–153. Friar Domingo de Betanzos, who held a low opinion of the Indians, was also favorably received by Clement VII a couple of years after Cortez sent his ambassador but not much is known of this episode. [*Historiadores del Convento de San Esteban de Salamanca*, Justo Cuervo, ed., III (Salamanca, 1915), 64.]

<sup>46</sup> This memorial should prove to be an interesting document if ever found. Cardinal Mercati, Prefect of the Archivio Segreto Vaticano, was kind enough to search there but was not able to locate it.

Whatever Clement may have believed or was told concerning the nature of the Indians, his confirmation of previous concessions and his grant of others helped to consolidate the ecclesiastical power of the Spanish kings in the Indies, a power which the distinguished Mexican historian Joaquín García Icazbalceta has described as follows:

By virtue of the bull of Julius II and of other concessions subsequently secured, the Spanish kings came to exercise a power in the ecclesiastical government of America which, except in purely spiritual matters, appeared to be pontifical. Without the king's permission, no church, monastery, or hospital could be constructed and no bishopric or parish erected. No priest or friar might go to America without his express license. The kings named bishops and without waiting for their confirmation by the pope, sent them out to administer their dioceses. The kings marked out the boundaries of the bishoprics and changed them at their pleasure. They could appoint to any religious office — even to that of sacristan — if they wished. They had the power to reprove severely, to recall to Spain, or to banish any ecclesiastical official, including bishops who, even though they might often dispute with governors, never failed to listen to the voice of the king. The kings administered and collected the tithes, decided how and by whom they should be paid, without reference to bulls of exemption. They fixed the income of the benefices and increased or diminished them as they saw fit. They tried many ecclesiastical suits and, by the use of force, paralyzed the action of church tribunals or prelates. Lastly, no decision of the pope himself could be carried out in the Indies without the permission of the king. And in the records of the early church in America are found a hundred laws or provisions emanating from the king or Council of the Indies for every bull or brief sent from Rome.<sup>47</sup>

The state-church which resulted from the exercise of these great powers of the Spanish monarchs over church affairs in the Indies was a noteworthy but not wholly unique phenomenon in sixteenth century Europe. The ecclesiastical privileges and prerogatives of the kings of France and Spain were considerable, but the closest parallel to the *real patronato* of the Indies was the *Monarchia Sicula* which the rulers of Sicily had enjoyed since the Normans had established themselves there in the eleventh century. Norman kings had usually considered ecclesiastical affairs as part and parcel of the business of the state and Pope Urban II had been prevailed upon in 1098 to grant Roger I, Count of Sicily, special privileges in ecclesiastical administration. This grant, as confirmed and interpreted by Paschal II in

<sup>47</sup> Don Fray Juan de Zumárraga (Mexico, 1881), pp. 128–129.

1117,<sup>48</sup> empowered Roger and his heirs to hold the *vicem legati*, or the privilege of acting in place of a legate. Spanish monarchs never enjoyed the title and theoretical powers as *vicem legati* in the Indies but their actual powers seem to have included practically everything embraced by the *Monarchia Sicula*, which led Solórzano to refer to the *patronato* of the Spanish kings as the 'renuevo americano de la célebre Monarchia Sicula.'<sup>49</sup>

Naturally the popes did not consider the grants as irrevocable. At least in the time of Philip II, it is known that he was unable to get the *Monarchia Sicula* officially confirmed and it is not unlikely that Paul III, when faced with the strongly entrenched power of the Spanish monarchs in the ecclesiastical affairs of the new world, may have seized the opportunity to strengthen the power of the papacy in the Indies when Friar Bernadino de Minaya hurried from Peru to Rome in order to win protection for the American Indians.<sup>50</sup>

## V

The career of this Bernadino de Minaya, whose representations led Paul III to issue his well known bull, offers an excellent illustration of the widespread character of the dispute concerning the capacity of the Indians. In a hitherto unknown and unpublished memorial of his services to the Spanish crown, recently discovered by accident in the Simancas archive,<sup>51</sup> this

<sup>48</sup> Angelo Mercati, ed., *Raccolta di Concordati* (Rome, 1919), pp. 1-2.

<sup>49</sup> I owe this reference to Pedro Leturia's recent work *La Emancipación hispano-americana en los informes episcopales a Pio VII* (Buenos Aires, 1935), p. 3.

Portuguese monarchs also enjoyed great ecclesiastical powers. One writer believes that 'probably in no European state was the *Placetum regium* used so widely, or so strictly and for so long a time, as in Portugal and its colonies. . . . Without the *exequatur* of the cabinet, neither ordinance of bishop nor decree of Pope, whether dogmatic or disciplinary, had any validity in law which was recognized by the state within the Portuguese dominions. The publication of any act which was not pleasing to the authorities became physically impossible.' [Adelhelm Jann, *Die katholischen Missionen in Indien, China und Japan* (Paderborn, 1915), pp. 112-113.]

<sup>50</sup> According to Pastor (vol. XX, pp. 499-500), 'Paul III's pontificate formed an epoch in the development of the hierarchy in America, and no less than ten dioceses owed their origin to his pastoral care.'

<sup>51</sup> Archivo General de Simancas, Sección de Estado, Legajo 892, fol. 197 ff. Undated memorial to the king. A transcription of the pertinent parts of this letter is given as Appendix II of this essay.

relatively obscure friar reveals new details of the conquest of Central America and of Peru which warrant lengthy quotation. Minaya was a typical representative of the contemporary Spanish friars who were eager for the conversion of the natives and one of the hundreds of brave ecclesiastics who spontaneously rose to spread their faith overseas. Shortly after witnessing the baptism of Prince Philip in Valladolid in June 1527, 'I departed from San Pablo de Valladolid for the Indies,' stated Minaya in the memorial designed to secure a pension to support his old age:

and I was accompanied by seven other ecclesiastics likewise moved by zeal for the conversion of those peoples to our holy faith. Arriving in Mexico, we were sent to various provinces, I going to Oaxaca, about eighty leagues from Mexico City. Here I erected a monastery and later raised others in Anguayan (?) and in Tehuantepec in which I gathered groups of sons of the principal Indian chieftains. Having taught some three hundred or more of these I went to Soconusco and then . . . to the province of Nicaragua baptizing the natives as I went.<sup>52</sup> . . . The Indians coming out to receive me with laurels of roses and with foodstuffs . . . and after being taught they voluntarily burned their idols and temples. Having arrived in the city of Leon, Nicaragua . . . I began to teach many Indians although Bishop Osorio and the Alcalde Mayor Licentiate Castañeda believed many of them incapable because they had said [considered?] the Ave Maria was something to eat. During Lent I remained there teaching the Indians and preaching to the Spaniards and at Easter time I brought the Indians before the Bishop and Castañeda and proved that the Indians had the ability to become Christians. While in Leon, news came of the discovery of Peru.<sup>53</sup> When some Indians were sent to Panama to be sold as slaves . . . I notified Pizarro of Your Majesty's law against enslaving Indians even when they were the aggressors.<sup>54</sup> He proclaimed the law but at the same time stopped giving me and my companions maintenance. Whereupon I told Pizarro to take care what he did because the Emperor would disapprove what he was doing. Moreover, inasmuch as we were near<sup>55</sup> the lord Atabalica

<sup>52</sup> Streit (*Bibliotheca Missionum*, vol. II, p. 29) states that Bartolomé de Las Casas and Pedro de Angulo accompanied Minaya but this is by no means certain.

<sup>53</sup> Minaya may have been one of the six friars Friar Reginaldo de Pedraza was instructed by royal order in 1529 to take to Peru. [Federico González Suarez, *Historia eclesiástica del Ecuador*, I (Quito, 1881), 24.] On the other hand, Minaya may have been one of those restless friars who wandered to Peru without authority, a common practice in the early days of the conquest, according to a report dated Feb. 3, 1534, made by Bishop Berlanga. [Henry R. Wagner, *The Spanish Southwest, 1542-1794*. An Annotated Bibliography (Berkeley, 1924), p. 48.]

<sup>54</sup> Probably Minaya referred to the ordinances Charles V issued on Dec. 4, 1528, for the good treatment of the Indians [*D. I. U.*, vol. IX, pp. 386-399] or to the law dated Aug. 2, 1530, against enslaving the Indians. [*Ibid.*, vol. X, pp. 38-43.]

<sup>55</sup> Though it is impossible to determine the exact date of this conversation with Pizarro, probably it occurred some time in the period May-September, 1532.

[Atahualpa], I advised him to give me an interpreter and I offered to go with my companions to preach to Atabalica, who, if he should kill us, would thereby secure our eternal salvation by martyrdom and would also afford Pizarro a sufficient reason for waging just war against the Indians. I explained further to Pizarro that God had made known the Indies to us in order that we might win the souls of the inhabitants thereof . . . that if Atabalica received the Faith, all his subjects would follow him and thus Pizarro would show himself a true captain and what he gained would be well gained. . . . I also proposed that we should explain to the Indians the reason for our coming:<sup>56</sup> to make God known to them and not to rob them or despoil them of their lands. Pizarro responded that he had not come for any such reasons; he had come from Mexico to take away from them their gold and he refused to do what I asked.<sup>57</sup> I straightway took leave of him with my companions. When he enquired whether I wanted to take my share of the gold won from the towns already subdued, I replied that I did not want any part of that gold; that it had been won unjustly and that I did not wish to lend approval by my presence to such robberies.<sup>58</sup> And shortly afterward we arrived at Panamá, suffering great hunger because the master of the ship refused us food [on account of their

<sup>56</sup> The Franciscans with Cortez explained to the Indians that they were not gods but men sent by the pope to bring them eternal salvation, not to hunt for gold. [Jerónimo Mendieta, *Historia eclesiástica indiana*, J. García Icazbalceta, ed. (Mexico, 1870), p. 213.] The Jesuit Gonzalo de Tapia declared to the Indians of Orobato, New Spain, in 1591: 'We have not come to seek gold or silver in your lands, nor to make slaves of your women and children. We come to you alone, few in number and unarmed; and we come only to give you the knowledge of the Creator of heaven and earth, for without this knowledge and faith you will be unhappy forever.' [W. Eugene Shiels, *Gonzalo de Tapia, Founder of the First Permanent Jesuit Mission in North America* (New York, 1934), p. 97.] See also José María Póu y Martí, *El Libro perdido de las Pláticas o Coloquios de los Doce Primeros Misioneros de México*, *Miscellanea Francesco Ehrle*, III (Rome, 1924), 281-333. Many other instances might be given.

<sup>57</sup> When Cortez had been offered a grant of land on his arrival in Española in 1504 he is supposed to have refused haughtily, saying, 'I came to get gold, and not to till the soil like a peasant.' [Prescott, *The Conquest of Mexico*, I (Philadelphia, 1890), 195.]

<sup>58</sup> Minaya's fracas with Pizarro was not the first in the Indies. There had been so many that a royal order of Jan. 25, 1531, was sent to the Dominican Provincial of New Spain, stating that 'ecclesiastics must not preach or speak against persons in authority in such a way as to produce a scandal but should reprove them privately and send word to the King.' [Disposiciones Complementarias de Leyes de las Indias, I (Madrid, 1930), 1.] Rev. Benno Biermann, O.P., believes that this royal order was a result of Las Casas' fiery denunciations from the pulpit in Puerto de la Plata.

The reproaches of Minaya and other ecclesiastics against the Peruvian *conquistadores* often had a decided influence as may be seen from the wills they left. Manuel Sierra de Leguizamo doubted that he had acted justly toward the Peruvian Indians and over fifty years after he had helped to conquer their lands he made provision in his will for pious works as an atonement. [Manuel de Mendiburu, *Diccionario histórico-biográfico del Perú*, vol. VII, pp. 391-399.] Another such will was made by Nicolás de Ribera el Viejo in 1556. [José de la Riva-Agüero y Osma, *El Primer Alcalde de Lima Nicolás de Ribera el Viejo y su Posteridad* (Lima, 1935), pp. 28-29.] Mr. Bertram Lee of Lima states that he has seen many similar wills. It is interesting to note that Spaniards in the

opposition to enslaving the Indians] . . . later we arrived in Mexico where the Lord brought me at the very time that a law had arrived from Cardinal Loaysa in which he ordered captains to enslave Indians at their will.<sup>59</sup> He was influenced to do this by a Dominican named Domingo de Betanzos<sup>60</sup> who had stated before the council of the Indies that the Indians could never become Christians despite all that the Emperor, the Pope, the Virgin, and all the celestial orders might do. When the law which permitted the enslavement of the Indians arrived, Don Sebastian Ramírez, Bishop of Santo Domingo and President of the Audiencia in Mexico, called in all the ecclesiastics and bade them write to Your Majesty their true opinion of the ability of the Indians. The Franciscans wrote to you but I wished to speak to the cardinal [Loaysa, then President of the Council of the Indies<sup>61</sup>] personally. . . . I embarked on a vessel bound for Spain with no preparation whatsoever, confident that the other passengers would help me. Arriving at Seville, I went on foot, begging, to Valladolid, where I visited the cardinal and informed him that Friar Domingo [de Betanzos] knew neither the Indians' language nor their true nature. I told him of their ability and the right they had to become Christians. He replied that I was much deceived, for he understood that the Indians were no more than parrots, and he believed that Friar Domingo spoke with prophetic spirit and, for himself, would follow that friar's opinion. When Dr. Bernal Lugo [a member of the Council of the Indies] asked me what had happened at my interview with the cardinal I told him and added that I was determined to go to the Pope concerning this evil which so endangered the Christianity of the Emperor and the many souls in the Indies; that a more cruel judgement had been rendered against them than against the ancient Hebrews, and that, although merely a poor friar, I should not fear to oppose a cardinal on this matter if I could only get a letter of introduction to His Holiness from the Empress.<sup>62</sup> I will arrange this for you, said Dr. Bernal Lugo.

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old world also had tender consciences, for Sepúlveda states that many of the Spaniards who participated in the sack of Rome included in their wills the provision that the goods they had stolen from Roman citizens should be restored. [Bol. de la Acad. de la Hist., XXI (1892), 309.]

<sup>59</sup> This law permitting slavery was evidently decreed as a result of Friar Tomás Ortiz's strong denunciation of Indian character before the Council of the Indies. At least Francisco López de Gómara so states. [Historia General de las Indias, cap. CCXVIII.]

<sup>60</sup> In the light of this statement concerning Betanzos, the recent declaration by Alberto María Carreño that 'Betanzos was responsible for the issuance of Paul III's bull by the mediation of his special envoy Minaya' must be rejected. [Fr. Domingo de Betanzos, Fundador en la Nueva España de la Venerable Orden Dominicana (Mexico 1924-1934), p. 155.]

<sup>61</sup> Loaysa occupied the presidency during the periods 1524-1528 and 1536-1537. [Antonio de León Pinelo, Tablas Cronológicas de los Reales Consejos Supremo y de la Cámara de las Indias Occidentales (2d ed., Madrid, 1892), pp. 2-3.]

<sup>62</sup> It may be that Minaya was the person who froze the blood of Vitoria with tales of Spanish cruelty in the Indies, for Vitoria said that he was informed by one who was in Peru at the time of the first battle with Atahualpa. [Vicente Beltrán de Heredia, Ideas del Maestro Fray Francisco de Vitoria anteriores a las Relecciones 'De Indis' acerca de la colonización de América, según Documentos Inéditos, Anuario de la Asociación Francisco de Vitoria, II (1931), 10.]



Then I went on foot to Rome with my letter of introduction, which I preserve to this day.

A warm letter of introduction from the Empress to the Spanish Ambassador in Rome, dated October 5, 1536,<sup>63</sup> enabled Minaya to win the ear of Paul III, who was evidently convinced by the fiery Dominican's tales. Later Minaya thought he had won the Emperor's approval as well.<sup>64</sup> Then, much to his surprise, he was imprisoned for two years by the general of the Dominican order and on being released was set to work preaching to prisoners in Valladolid. Thus were his labors for the American Indians requited!<sup>65</sup>

<sup>63</sup> Vicente Beltrán de Heredia, *Estudios Teresianos, La Ciencia Tomista*, tomo XLII (1930), 174.

<sup>64</sup> Minaya may have hurried back to Spain to secure this royal approval or he may have waited until the Emperor arrived in Genoa on June 22, 1538. [Manuel de Foronda y Aguilera, *Estancias y Viajes del Emperador Carlos V* (Madrid, 1914), p. 453.] It is difficult to believe, however, that Minaya ever obtained the Emperor's approval.

<sup>65</sup> The hard treatment meted out to Minaya did not prevent other ecclesiastics from seeking aid in Rome for the Indians. Juan Valle, first bishop of Popayán, was on his way to Rome to inform the pope on Indian affairs when death overtook him. [D. I. I., vol. V, pp. 493-496.] Las Casas shipped to Pius V one of his own legal compositions in which he showed why the pope ought to excommunicate and anathematize any one declaring war against infidels to be just. [J. García Icazbalceta, *Colección de Documentos Inéditos para la Historia de México*, II (Mexico, 1866), 599-600.] The Franciscan Alonso Maldonado, considered by some the spiritual descendant of Las Casas, likewise applied to Pius V for aid in protecting the Indians. When his superiors learned that he had sent a volume of suggested reforms for the Indies to the pope, the Franciscans informed the Council of the Indies, denounced his conduct, and imprisoned him. Maldonado escaped from the convent where his superiors had shut him up, fled to Portugal, obtained credentials from Cardinal Crivelli, and in due time presented himself in Rome. The Spanish ambassador immediately bestirred himself and apparently sent both Maldonado and his literary labors back to Spain. [Luciano Ildefonso Serrano y Pineda, *Correspondencia Diplomática entre España y la Santa Sede durante el Pontificado de S. Pio V*, IV (Rome, 1914), lxii-lxiii.] The result was that the pope instructed his nuncio in Madrid to remind the king that 'the Spanish kings had been granted the right to conquer the lands beyond the seas on condition that they planted the Christian faith there . . . that Indians were not slaves and could not be oppressed by heavy taxation . . . that wars against them must not be lightly undertaken and must never be carried on in a cruel way.' [Ibid., vol. II, pp. 472-473; Pastor, vol. XVIII, pp. 330-332.] Philip II clearly showed that he did not approve the discussion by Rome of reforms for the Indies, [Luciano Ildefonso Serrano y Pineda, *Índice analítico de los Documentos del Siglo XVI del Archivo de la Embajada de España cerca de la Santa Sede* (Rome, 1915), p. 16] and in 1593 made a great stir over a memorial which the Archbishop of Lima, Toribio de Mogrovejo, was supposed to have sent to the pope. [Eliás Lizana M., ed., *Documentos históricos del Archivo del Arzobispado de Santiago*, II (Santiago, 1920), 229-258.] Over a century later Capuchins appealed to the papacy on behalf of the Indians. [Joseph Schmidlin, *Catholic Mission History*, Matthias Braun, ed., p. 503.]



Information now available explains the strange treatment accorded him. Minaya went to Rome with the full knowledge and approval of the king, as letters to the Spanish ambassador at the Vatican and to the general of the Dominican order attest.<sup>65</sup> The trouble arose when Minaya sent copies of the bulls and brief from Rome to the Indies without submitting them first to the Council of the Indies for its approval. Minaya's failure to fulfill these conditions thoroughly aroused the antagonism of the king and the council.

Charles was evidently agitated when he realized the importance of Minaya's independent negotiations with the papacy, and on January 14, 1538, the Council of the Indies instructed the general of the Dominican order to submit these papal decisions to the council for examination. The general was also ordered to command Minaya to send all future briefs and bulls to the council before allowing them to go to the Indies. Minaya was to have no further direct communication with the pope on Indian questions.<sup>67</sup> The Emperor showed his personal interest in the case by despatching an order that Minaya be kept in Spain and not allowed to return to the Indies.<sup>68</sup> He also wrote to the viceroy of New Spain, Antonio de Mendoza, on September 10, 1538, informing him of Minaya's illegal actions and ordering all copies of the bulls and brief collected and shipped to the Council of the Indies.<sup>69</sup> The royal order issued on September 6, 1538, which was to serve as a standard law throughout the colonial period, contains a definitive assertion of all of the above-mentioned royal prerogatives and deserves to be quoted in full as it stood in the great law book of the Indies, the *Recopilación de Leyes de los Reynos de las Indias*:

Si algunas Bulas, ó Breves se llevaren a nuestras Indias, que toquen en la gobernación de aquellas Provincias, Patronazgo y jurisdicción Real, materias

<sup>65</sup> A. de I., *Indiferente General* 422, lib. 17, pp. 54-56.

<sup>67</sup> *Ibid.*, *Indiferente General* 423, lib. 18, pp. 57-58, 67-68.

<sup>68</sup> *Ibid.*, *Indiferente General* 423, lib. 18, p. 72. Friar Alonso Fernández states in an early seventeenth century history of San Esteban, the monastery to which Minaya belonged, that Minaya returned to Mexico after securing the bulls. [*Historiadores de Convento de San Esteban de Salamanca*, Justo Cuervo, ed., I (Salamanca, 1914), 73.] If Minaya did return, he must have done so secretly.

<sup>69</sup> Mariano Cuevas, *Historia de la Iglesia en México*, I (Mexico, 1922), 227-228.

de Indulgencias, Sede vacantes ó espolios, y otras qualesquier, de qualquier calidad que sean, si no constare que han sido presentados en nuestro Consejo de las Indias, y pasados por él: Mandamos á los Vireyes, Presidentes y Oidores de las Reales Audiencias, que los recojan todos originalmente de poder de qualesquier personas que los tuvieren, y habiendo suplicado de ellos para ante Su Santidad, que esta calidad ha de preceder, nos los envíen en la primera ocasión al dicho nuestro Consejo; y si vistos en él, fueren tales que se deban executar, sean executados; y teniendo inconveniente, que obligue á suspender su execución, se suplique de ellos para ante nuestro muy Santo Padre, que siendo mejor informado, los mande revocar; y entre tanto provea el Consejo que no se executen, ni se use de ellos.<sup>70</sup>

That Spanish monarchs did not relax their grip on this important weapon and that the royal prerogatives were later invoked may be seen from a royal order of October 13, 1657, now in the archive of the Franciscan monastery of Quito, which directs the Franciscans not to obey papal briefs and patents unless they have first been approved by the Council of the Indies.<sup>71</sup>

To make the matter unmistakably clear to all, the Emperor had prevailed upon the pope to issue another brief on June 19, 1538, which revoked 'all other briefs or bulls issued before in prejudice of the power of the Emperor Charles V as King of Spain and which might disturb the good government of the Indies.'<sup>72</sup> At least this was the sense of the brief as understood by the Spaniards.<sup>73</sup> The actual document did not read exactly in that way, but as follows:

#### PAULUS PAPA III

*Ad futuram rei memoriam. Non indecens videtur si romanus pontifex, qui in specula constitutus existit, quae aliquando ab eo, variis negotiis implicito, in alicuius praeiudicium per circumventionem extorquentur, revocet, corrigat ac mutet, et alia faciat prout in domino conspicit salubriter expedire. Sane carissimus in Christo filius noster Carolus Romanorum imperator semper Augustus ac Hispaniarum catholicus rex nobis nuper exponi fecit quasdam a nobis in forma brevis litteras extortas fuisse, per quas Indiarum occidentalium*

<sup>70</sup> Lib. I, tit. IX, ley ii.

<sup>71</sup> Libro Becerro Núm. i, p. 30 vuelto, Archivo del Convento Franciscano de Quito, Ecuador.

<sup>72</sup> A. de I., Patronato 1, ramo 51.

<sup>73</sup> According to the official Spanish translation in the Archivo General de Indias, the brief revoked 'qualesquiera otros que haya dado antes en perjuicio de la facultad del Emperador Carlos Quinto como Rey de España, y en perturbación del buen gobierno de las Indias.' [Patronato 1, ramo 51.] A similar interpretation is to be found in D. I. U., vol. XVIII, p. 55.

ac meridionalium insularum prosper et felix status ac regimen interturba[n]tur; maiestatique suae et eius subditis valde praeiudicatur. Quare nobis humiliter supplicavit ut in praemissis opportune providere de benignitate apostolica dignemur. Nos igitur quorum mentis nunquam fuit alicui praeiudicare, attententes ex ipsius Caroli imperatoris industria Christianam religionem non parum in partibus illis auctam fuisse volentesque omnia obstacula tollere per quae tam sanctum opus impediri possit, ipsius Caroli imperatoris et regis in hac parte supplicationibus inclinati, litteras praedictas, quarum tenores, continentias et formas ac si praesentibus de verbo ad verbum insererentur, pro expressis haberi volumus et in eis contenta quaecumque auctoritate apostolica per eandem praesentes cassamus, irritamus et annullamus ac pro cassis, irritis et nullis haberi volumus; decernentes processus quos per quoscumque iudices dictarum litterarum vigore futurum haberi, agitari et promulgari contigerit, etiamsi de censuris agatur, ac quaecumque pro tempore inde secuta, nulla et irrita nulliusque roboris vel momenti. Sicque per quoscumque iudices et commissarios etiam s[an]ctae R[oman]ae e[cclesiae] cardinales aut sacri palatii apostolici causarum auditores, sublata eis et eorum cuilibet aliter iudicandi et interpretandi facultate, iudicari, sententiari et diffiniri debere ac irritum et inane, si secus super his a quoque quavis auctoritate scienter vel ignoranter contigerit attemptari. Quodque praesentibus litteris manu alicuius publici notarii subscriptis et sigillo alicuius praelati seu personae in dignitate ecclesiastica constitutae munitis eadem prorsus fides in iudicio et extra illud adhibeatur quae originalibus adhiberetur si essent exhibitae vel ostensae, non obstantibus constitutionibus et ordinationibus apostolicis caeterisque contrariis quibuscumque. Dati in domo Sanctae Crucis extra muros Nicienses sub annulo piscatoris, die XIX Iunii MDXXXVIII, pontificatus nostri anno quarto.<sup>74</sup>

Fabius Vigil[ius]<sup>75</sup>

Of course when Paul III declared in this brief that, at the request of the Emperor and in order that the preaching of the faith might not be impeded, he definitely annulled (*cassamus, irritamus et annullamus*) those letters in the form of a brief which had been extorted (*extortas*) from him and which might disturb the peaceful and happy state of the new world and the Emperor's rule there, the pope did not thereby declare the Indians incapable of receiving the faith. No pope could have made such a decision so contrary to canon law and the practice of the Catholic church. But when Paul III declared in the brief that the ecclesiastical penalties (*censuris*) were null and void, he thereby withdrew from the ecclesiastics in the Indies a powerful weapon which they might have used to good effect in

<sup>74</sup> A. de I., Patronato I, ramo 39. The original minute of this brief is to be found in the Archivio Segreto Vaticano, arm. 41, t. 10, fol. 246, no. 543.

<sup>75</sup> Fabio Vigili, the Bishop of Spoleto, an official in the papal chancery.

Brief of Paul III, dated June 19, 1538, revoking his previous 'letters in the form of a brief' concerning the American Indians, from the Archivo General de Indias, Patronato I, ramo 39.

The original minute of this brief is to be found in the Archivo Vaticano, arm. 1, t. 10, fol. 246, no. 543.

A  
D I V T  
convention  
narium Cal  
turba  
præiudicare  
Ipsius Caro  
et in eis con  
haberi, agita  
aut sacri P  
uis auctorita  
proptus fide  
Sanctæ Cru



FUTVRAM REI MEMORIAM. Non indocens uidetur si Romanus Pontifex qui in specula con-  
 uentionem extorquentur. reuocet corrigat ac mactet et alia faciat pro ut in domino conspicit salubriter expedire. Sa-  
 rum Catholicus Rex nobis nuper exponi fecit. quosdam a nobis in forma Breuis litteras extortas fuisse per quas  
 ba. Al<sup>is</sup> sua et eius subditis ualde praesudicatur. quare nobis humiliter supplicauit. ut in praemissis opportuno  
 iudicare. attendentes ex ipsius Caroli Imperatoris industria. christi anam religionem non parum in partibus illis a-  
 us Caroli Imperatoris et Regis in hac parte supplicationibus inclinati. litteras praedictas. quantum tenores continen-  
 n eis contenta quacumque auctoritate apostolica per easdem partes causamus irritamus et annullamus ac pro casibus irritis et  
 eri. agitari. et promulgari contigerit. et si de censuris agatur. ac quacumque pro tempore inde secreta nulla et irrita.  
 sacri Palatii apostolici causarum Auditores. sublata eis et eorum cuiuslibet aliter iudicandi et interpretandi facultate  
 auctoritate scienter uehementer contingerit attemptari. Quod praedictis litteris manu alicuius publici Notarii sub-  
 sus fides in iudicio et extra illud adhibeatur. quae originalibus adhiberetur si essent exhibita uel ostensa. Non ob-  
 scae Crucis extra muros Nicieni sub Annulo Piscatoris Die XXI Junij. M. D. XXXVIIII. Pontif.



causa constitutus spectat. quae aliquando ab eo varijs negocijs implicato, in alicuius praedictum per eis:  
 sig. Sane Charissimus in Christo filius noster Carolus Romanorum Imperator semper Augustus, ac Hispaniarum  
 Indiarum occidentalium ac meridionalium Insularum prosper et salus status ac regimine: inter  
 oportune providere de benignitate apostolica signaverunt. Nos igitur quorum mentis nunquam fuit alicui  
 illis nullam fuisse, volentesque omnia obstacula tollere per quae tam sanctum opus impediri possit.  
 continentias et serenas ac si praedictis de verbo ad verbum insererentur, pro expressis haberi volumus  
 irritis et nullis haberi volumus. decernentes processus quos per quoscunque Iudices ac arbitrarios vigore  
 irrita, nulliusque roboris vel momenti. Sicque per quoscunque Iudices et Commissarios et S. R. E. Car.  
 facultate iudicari sententiarum et definitur debere, ac irritum et inane si secus super his a quocunque  
 subscripseris et sigillo alicuius Praelati seu personae in dignitate ecclesiastica constituta munitis eade  
 Non obstantibus constitutionibus et ordinacionibus apostolicis ceterisque contrarijs quibuscunque: Dat. in Roma

Nri

Anno

quarto . . .

Fabius vigil.

their attempts to protect the Indians from the rapacity of the *conquistadores*.

At first sight this brief would not seem to refer to the bulls *Sublimis Deus* and *Veritas Ipsa*, for only 'letters in the form of a brief' (*in forma brevis litteras*) are mentioned. The only brief known to have been issued by Paul III concerning the Indians was the letter *Pastorale Officium* to Cardinal Tavera of Toledo, which is in the form of a brief. This letter, dated May 29, 1537, preceded the bull *Sublimis Deus* by only a few days<sup>76</sup> and probably was one of the letters 'extorted' from the pope by Minaya. This strongly worded instruction provides that

even though the Indians are not in the bosom of the church, they may not be deprived of their liberty or their possessions . . . being men and as such capable of receiving the faith and of salvation. They ought not to be destroyed by slavery but rather attracted to the Christian life by preaching and good example.<sup>77</sup>

In order to enforce this decree, Paul empowered Cardinal Tavera to prohibit, either himself or by means of other ministers in the Indies, the enslaving of the Indians under pain of excommunication (*sub excommunicationis latae sententiae poena*), and the strongest measures were to be used if anyone disobeyed. It was this letter that Friar Minaya brought to Tavera and which Minaya thought 'was all that was necessary.'<sup>78</sup>

As stated above, the bulls *Sublimis Deus* and *Veritas Ipsa* are not mentioned in the brief of revocation. But the Emperor seems to have understood that the brief revoked bulls as well as briefs because in the royal order sent to Antonio de Mendoza, Viceroy of New Spain, dated September 10, 1538, he stated that,

having been informed that one Friar Bernadino de Minaya of the order of St. Dominic, moved by a worthy zeal, had importuned our Holy Father to issue certain bulls and briefs concerning the natives of those regions and concerning their instructions and liberty and way of life, in derogation of our Royal preeminence which we have maintained with such care and vigilance, we therefore ordered the original bulls and briefs to be seized and informed

<sup>76</sup> The Latin version of the bull is dated June 9, 1537, while the printed Spanish versions are dated June 2.

<sup>77</sup> Hernández, vol. I, pp. 101-102.

<sup>78</sup> See Appendix II, p. 102.



His Holiness of the matter that he might revoke each and every bull and brief (*todos y cualesquier bulas y breves*) that the said Friar Bernadino de Minaya had secured. And His Holiness thus provided it as you will see by the copy of the brief which I am sending to you.

And because I am informed that the said Friar Bernadino de Minaya had made many copies of those bulls and briefs before the originals were seized and had them sent to many places, it may be that some of these copies have come to your territory. Inasmuch as these copies would produce scandals, I hereby order you to ascertain at once whether there is any copy of the said bulls and briefs in New Spain. If such there be, you are to seize them and send them immediately to our Council of the Indies.<sup>79</sup>

If Paul III did not revoke the bulls *Sublimis Deus* and *Veritas Ipsa* — and no evidence has yet come to light to show that he did, despite the royal order quoted above — why did he revoke only ‘letters in the form of a brief’?<sup>80</sup> The bulls and the brief *Pastorale Officium* all declare the Indians capable of receiving the faith and denounce those who enslave them or despoil them of their goods. In the *Pastorale Officium* Paul III even states that he took this action after he had been shown an order promulgated by the Emperor Charles forbidding Spaniards to enslave the Indians or despoil them of their property.<sup>81</sup> And it was this ‘brief in the form of a letter,’ in which the pope seems to be merely ratifying the Emperor’s previous action, which appears to have been revoked!

Probably the reason for the Emperor’s dissatisfaction with the brief was that it provided for drastic ecclesiastical penalties for those who disobeyed. Charles was just as eager as the pope was to protect the Indians but when Paul III stated in the letter to Cardinal Tavera,

Nos talium impiorum tam nefarios ausus reprimere, et ne injuriis, et damnis exasperati, ad Christi Fidem amplectendam duriores efficiantur, providere cupientes, circumspectioni tuae, de cujus rectitudine, providentia, pietate, et

<sup>79</sup> Mariano Cuevas, *Historia de la Iglesia en México*, vol. I, p. 228. Cuevas dates this order 1528, a manifest error. The true date is given in *D. I. U.*, X, 440–441.

<sup>80</sup> Of course it is possible that these ‘letters in the form of a brief’ may have been hastily made copies of the various papal pronouncements which Minaya wished to send to the Indies at once. Such things had happened before in the history of the papacy. The dispensation for the marriage of Henry VIII with his brother’s widow, for example, was drawn up first in great haste and secretly transmitted to Spain as a brief while it was afterwards more publicly expedited as a bull. [James Hastings, ed., *Encyclopedia of Religion and Ethics*, vol. II, p. 895.]

<sup>81</sup> Hernández, vol. I, p. 101.

experientia in his, et aliis specialem in Domino fiduciam obtinemus, per praesentes committimus et mandamus, quatenus per te vel alium seu alios praefatis Indis omnibus in praemissis efficacis defensionis praesidio assistens, universis et singulis cujuscumque dignitatis, status, conditionis, gradus, et excellentiae existentibus sub excommunicationis latae sententiae poena, si secus fecerint, ipso facto incurrenda, a qua non nisi a Nobis vel Romano Pontifice pro tempore existente, praeterquam in mortis articulo constituti et satisfactione praevia, absolvi nequeant, districtius inhibeas, ne praefatos Indos quomodolibet in servitum redigere, aut eos bonis suis spoliare, quoquo modo praesumant, ac contra non parentes ad declarationem incursus excommunicationis hujusmodi ad ulteriora procedas, et alia in praemissis et circa ea necessaria seu quomodolibet opportuna statuas, ordines et disponas, prout prudentiae, probitati et religioni tuae videbitur expedire.<sup>82</sup>

he was thereby, according to the Emperor's understanding of his *patronato* powers, interfering in royal administration of Indian affairs. Whether the pope promised Charles that he would revoke the bulls as well as the brief remains for future historians to discover. According to our present evidence, Paul never withdrew the bulls in which the official Christian doctrine of the spiritual equality of all men was reaffirmed, but he did revoke the 'letters in the form of a brief' which provided for the enforcement of the doctrine in America by the threat of severe ecclesiastical penalties.

The significance of Paul III's reversal on this important matter has not yet been fully perceived by historians. Juan Bautista Muñoz, the eighteenth century Spaniard who collected a magnificent mass of notes for a history of the Indies, knew of the nullification<sup>83</sup> but never completed his great work beyond the year 1500, and recently the Puerto Rican historian Cayetano Coll y Toste has published an article in which he recognizes that Paul III 'took away with one hand what he gave with the other.'<sup>84</sup> But for the most part, in ecclesiastical and secular histories alike, Paul III is wrongly acclaimed as the great friend and protector of the American Indian.

<sup>82</sup> Ibid., vol. I, pp. 101-102.

<sup>83</sup> D. I. I., vol. VII, p. 414.

<sup>84</sup> El repartimiento de los Indígenas entre los Españoles, Boletín histórico de Puerto Rico, año IX (1922), 284.

## VI

The significant brief of June 19, 1538, and the circumstances which led Paul III to reverse his original policy of protecting the American Indians must be studied in the light of the existing political situation in Europe. Ten days after Paul had issued the bull, he requested aid from Charles in fighting the infidel Turks.<sup>85</sup> During the whole of this year June 1537–June 1538 Paul was eager to ensure Charles's support for the church council which was planned to be held in Vicenza. And finally Paul, in his strong desire to avoid taking sides between France and Spain at a time when religious troubles in Germany demanded united action, was struggling to keep the peace between Francis I and Charles V.<sup>86</sup> When Charles made known to him his dissatisfaction with the papal pronouncements concerning the Indians, Paul was willing to go far in bowing to Charles' will in the Indies if he could thereby save the papal policy in Europe and could strengthen at the same time the position of his beloved Farnese family in Italy.

Rarely did Paul III definitely commit himself on any policy, a habit which made life difficult for ambassadors at his court,<sup>87</sup> but when Charles wished the offending brief annulled, Paul complied at once. The pope may have learned from his astrologers<sup>88</sup> that the moment was propitious, but the fact that on June 18, 1538, Charles and Francis affixed their signatures to the peace so earnestly desired and carefully negotiated by the pope probably more adequately explains the brief of annulment which was issued the next day. The Emperor's natural daughter Margaret was again brought forth to seal the negotiations, and — her first husband, Alessandro de' Medici, Duke of Florence, having been assassinated in the previous year — arrangements

<sup>85</sup> *Papiers d'Etat du Cardinal de Granvelle*, Ch. Weiss, ed., II (Paris, 1841), 515–516.

<sup>86</sup> *Pastor*, vol. XI, pp. 118–119.

<sup>87</sup> Ranke, *The Popes of Rome*, I (4th ed., London, 1866), 165. Sarah Austin, trans.

<sup>88</sup> Paul was 'addicted to consulting astrologers as to the propitious hour before entering on any transactions of importance, consistories, audiences, journeys, and so forth.' [*Pastor*, vol. XI, pp. 38–39.]

were made to marry this able and independent woman to the pope's grandson Ottavio Farnese, an arrangement which proved to be no more satisfactory or binding than the treaty between France and Spain which it was designed to cement. But during the month of June 1538 the three rulers, Francis, Charles, and Paul, enjoyed a period of peace and diplomatic friendship on the sunny coast of southern France, for all the negotiations described above took place at Nice. The acceptance of the truce by Francis and Charles gave Paul almost as much pleasure as had his elevation to the pontificate, if we are to believe one observer.<sup>89</sup> As a final mark of favor Paul bestowed on Charles the *cruzada* for five years together with other church revenues in Spain, estimated to be worth in all two million ducats.<sup>90</sup>

The whole story of the diplomatic negotiations in Rome which followed Minaya's successful attempt to secure papal support for his own optimistic view of the capacity of the Indians unmistakably shows the jealousy of Charles V for his ecclesiastical power in the new world. Indeed, even in spiritual matters the Emperor did not consult the pope during the years immediately following his outburst against Minaya. For when Bartolomé de Las Casas and the Augustinian friar Juan de Oseguera brought before the Council of the Indies the problem of Indian baptism, the Emperor turned for guidance in this crucial spiritual matter not to the Holy See but to a Spanish theologian, Francisco de Vitoria.<sup>91</sup> If Paul III was trying to see whether papal power could be increased in the new world, the Emperor's activity in

<sup>89</sup> Tiepolo, as quoted by Giuseppe de Leva, *Storia Documentata di Carlo V in Correlazione all'Italia*, III (Venice, 1867), 241.

<sup>90</sup> Pastor, vol. XI, p. 291. The most recent writer on the subject is Peter Rassow, *Die Kaiser-Idee Karls V. dargestellt an der Politik der Jahre 1528-1540* (Berlin, 1932), pp. 357 ff.

<sup>91</sup> See D. I. I., vol. XIV, p. 42, for the letter to Vitoria dated January 31, 1539. On March 31, 1541, the Council again requested Vitoria's opinion as a result of Las Casas' questions. [A. de I., *Indiferente General* 423, lib. 19, pp. 228-229.] The reply is dated, July 1, 1541, and is printed in D. I. I., vol. III, pp. 549 ff.

Baptismal problems became burning issues in most mission fields. The Jesuits and Recollects debated the matter in Canada, and in the East Indies too disputes arose. [Pastor, vol. XIII, p. 308.] Likewise in the south before the Civil War the exact influence of baptism on a slave's status became a grave issue and was much discussed by clergy and laity alike. [William Sumner Jenkins, *Pro-Slavery Thought in the Old South*, pp. 18-21.]

the Minaya case was a decisive answer and a distinct warning that the pope was henceforth to keep his hands off. It is clear that Charles did not have the brief annulled because of any feeling of unfriendliness toward the Indians (inasmuch as he himself affirmed four years later in the New Laws this same doctrine that the Indians were free men and must be treated as such) but rather because he desired to insist on his prerogatives.

Considering the importance of the matter, it is curious that the legal nullification of the brief *Pastorale Officium* apparently never became widely known in the sixteenth century. Las Casas treasured the bull *Sublimis Deus* as one of his choicest weapons in the battery of arguments and authorities which he kept constantly trained on the enemy with the merciless zeal often manifested by devoted humanitarians. According to Remesal, Las Casas translated the bull and sent copies to many parts of the Indies that the ecclesiastics might notify Spaniards of the pope's decisions.<sup>92</sup> Las Casas personally distributed many copies, for as one contemporary complained:

He has twenty-seven or thirty-seven Indian carriers with him — I do not remember the exact number — and the greatest part of what they were carrying was accusations and writings against the Spaniards, and other rubbish.<sup>93</sup>

As a result of the tireless efforts of this skillful propagandist — one of the greatest to appear during the century after the invention of the printing press — the authority of Paul III was probably invoked many times by protectors of the Indians just as Minaya had stoutly opposed Pizarro by citing the Emperor's law against slavery. Later writers, too, used the bull to support their demand for better treatment of the Indians.<sup>94</sup> Subsequent

<sup>92</sup> Antonio de Remesal, *Historia de Chiapas y Guatemala* (Madrid, 1619), lib. III, cap. XVIII.

<sup>93</sup> Toribio de Motolinia made this statement in his famous memorial to the Emperor against Las Casas dated Jan. 2, 1555. [D. I. I., VII, 263.] Apparently Las Casas never learned that the brief had been annulled, according to one account of his last years. [Biblioteca de Autores Españolas, vol. LXV, p. 197.] This is in itself striking proof of how unknown remained the revocation, for many Spaniards would have been eager to embarrass Las Casas by citing it.

<sup>94</sup> Such as Friar Gaspar de Recarte in his 'Tratado del Servicio Personal y Repartimiento de los Indios de Nueva España, 1584,' [Mariano Cuevas, *Documentos Inéditos del Siglo XVI para la Historia de Mexico*, p. 356]. On May 5, 1621, Dominicans writing to the king from Concepción stated that they believed the bull gave the king 'potestad imperial' over converted Indians. [A. de I., Chile 65.]

popes such as Urban VIII (1639), Benedict XIV (1741), and Gregory XVI (1839) reaffirmed Paul's 1537 bull without referring to the annulment of the brief which would have made the bull a more potent weapon in the hands of the protectors of the Indians.<sup>95</sup>

Of course the bull alone was worth something but its practical influence — great as it was — must not be exaggerated. As Ludwig Pastor has stated:

If this put an end to uncertainty of opinion by the declaration of a fixed rule of action, a long time had yet to elapse before any substantial success was secured. Even in Rome the Pope was unable at once to carry out effectually his efforts against slavery, and the position of captive unbelievers in Italy still continued to be one of bondage.<sup>96</sup>

The bull did not stamp out the idea that Indians were inferior beings unable to appreciate the full benefits of Christianity. Tomás López found so many persons in Spain spreading the doctrine that the gospel could not be preached to the Indians that he composed an 'Apologia, o sermón defensorio' combating 'these false ideas which surely the Devil himself must have stirred up.'<sup>97</sup> As Joseph Schmidlin points out in his standard work on mission theory:

The fact that all natives were both in theory and practice excluded from the priesthood in the Spanish colonies during the first century of their Christianization must be attributed primarily to the racial prejudice of the whites.<sup>98</sup>

And if the records are to be believed, two Indian chieftains of New Granada admitted their bestiality according to a memoria sent to the pope dated December 23, 1553. Two Dominicans were apparently responsible for their sending a plea to the pope, in the name of Mexican Indians as well, in which the chieftain declared that

if by chance Your Holiness has been told that we are bestial, you are to understand that this is true inasmuch as we follow devilish rites and ceremonies.<sup>99</sup>

<sup>95</sup> J. Margraf, *Kirche und Sklaverei seit der Entdeckung Amerikas* (Tübingen, 1865), pp. 218–230.

<sup>96</sup> Vol. XII, p. 520.

<sup>97</sup> Muñoz Collection, Academia de la Historia, Madrid, vol. 42, fol. 267.

<sup>98</sup> Catholic Mission Theory, Matthias Braun, ed., p. 318.

<sup>99</sup> Mariano Cuevas published this interesting letter as an appendix to his article *Los Primeros Panamericanistas*, *Miscellanea Francesco Ehrle*, III (Rome, 1924), 334–342.

And whatever may have been decided across the seas in Rome, some ecclesiastics in the Indies steadfastly refused to administer the Eucharist to the Indians, alleging their incapacity, for more than a century after Paul III proclaimed *Sublimis Deus*.<sup>100</sup>

It is worthy of note that the Dominican Domingo de Betanzos whose opinion that the Indians were animals had been widely accepted in the decade before 1538 and had so influenced Cardinal Loaysa, President of the Council of the Indies when Minaya arrived in Spain, retracted this opinion on his deathbed. In a deposition made in Valladolid on September 13, 1549, which was recently discovered in a Bolivian monastery, Betanzos repudiated the memorial he had laid before the Council of the Indies and his other statements in which he had declared that Indians were animals.<sup>101</sup> His Dominican brothers were eager, too, to make sure that his retraction was made public and saw to it that the Council of the Indies was officially informed of the deathbed retraction — an indication of the importance of the issue.

## VII

In conclusion, it would seem that the history of the whole controversy concerning Paul III and the American Indians becomes the story of the successful vindication by Charles V of his ecclesiastical privileges in the new world, and it should be emphasized that when Charles V prevailed upon Paul III to issue the brief of revocation, he was not moved by any unfriendly attitude toward the American Indians for, as was noted above, he shortly afterward issued the famous New Laws in 1542 designed to advance their interests. Nor did Charles wish to hinder the attempts of ecclesiastics to protect the Indians, for in 1546 he requested the pope to issue a brief authorizing all ecclesiastics to give information, without thereby incurring any irregularity, concerning all cases of ill treatment of the natives.<sup>102</sup> Charles obtained the brief of revocation for the same reason that the Council of the Indies had refused in 1532 to approve the bull

<sup>100</sup> Felix de Azara, *Viajes por la América Meridional*, Francisco de las Barras de Aragón, ed., II (Madrid, 1923), 108–109.

<sup>101</sup> A transcription of this deposition is given as Appendix I.

<sup>102</sup> Antonio de Herrera, *Historia General*, Dec. VIII, lib. 1, cap. 8.



by which Clement VII had granted to Cortez perpetual patronage of hospitals founded in his name; i.e., because the bull prejudiced the *patronato*.<sup>103</sup> The Emperor Charles V, in short, was determined to maintain all of those valuable privileges included in the *patronato* which Ribadeneyra described as 'la piedra más rica, la más preciosa de su real diadema.'<sup>104</sup> But even though Charles did succeed in having the 'letters in the form of a brief' legally nullified soon after their promulgation in 1537, yet the bull *Sublimis Deus* lived on as a force to be reckoned with in the endless disputes over the true nature of the American Indians because the nullification was not widely known. The battle which the Bishop Garcés of Tlaxcala and an obscure, wandering friar waged to save the souls and bodies of the American Indians was not fought wholly in vain.

## APPENDIX I

FRIAR DOMINGO DE BETANZOS, O.P., RETRACTS HIS OPINION  
 THAT THE INDIANS ARE ANIMALS  
 VALLADOLID, SEPT. 13, 1549

En la muy noble villa de Valladolid a trece días del mes de Setiembre del año del Señor de mil y quinientos y cuarenta y nueve años ante mí, Antonio de Canseco escribano de Sus Majestades, estando en el monasterio de Señor San Pablo desta dicha villa de la orden de Señor Santo Domingo de los predicadores y en un aposento de la dicha casa y monasterio donde estaba un hombre viejo, rapada la barba y corona y echado en la cama y a lo que parezca enfermo, pero en su buen seso, que se dijo y llamó Fray Domingo de Betanzos y dijo y entregó a mí el dicho escribano un pliego de papel que él me dijo de él está escrito y declarado ciertas cosas que tocaban a su conciencia y descargo que señaladamente tocaban a las cosas de Indias el cual dicho escrito y declaración que así me dijo y entregó; estaba firmado de una firma que decía Fray Domingo de Betanzos y de otras cuatro demás que dicen Fray Didacus Ruiz, prior; Fray Petrus de Belón, Fray Antonio de la Madalena, Fray Vicente de Las Casas, como presentes; parece su tenor del cual es éste que se sigue.

Digo yo Fray Domingo de Betanzos, fraile de Santo Domingo que porque yo muchas veces he hablado en cosas que tocaban a los indios diciendo algunos defectos de ellos y deje en el consejo de las Indias de Su Majestad escrito y firmado de mi nombre un memorial el cual trata de los dichos defectos diciendo que eran bestias y que tenían pecados y que Dios lo había sentenciado, y que

<sup>103</sup> Diego de Enzinas, *Provisiones, Cédulas, etc.* I (Madrid, 1596), fol. 83.

<sup>104</sup> Antonio Joaquín de Ribadeneyra y Barrientos, *Manual Compendio de el Regio Patronato Indiano* (Madrid, 1755), pp. 3-4.

todos perecerían, de donde podía haber resultado grandes escándalos y haber tomado ocasión los españoles hacer más males y agravios y muertes a los dichos indios que por ventura hicieran no sabiéndolo puesto que mi intención no fué tal que ellos o algunos pensaron o publicaron sino avisos al consejo para que pusiesen buen gobernación y los remedios que convenían y por ventura muchos habían hecho a los dichos indios grandes destrucciones y muertes por sus codicias y servían que ver y de excusar y autorizarlas con muchas cosas que me han levantado que yo dije; y porque yo estoy enfermo y podía ser que Nuestro Señor sea servido llevarme de esta enfermedad y quiero satisfacer lo que al presente puedo por descargo de mi conciencia prenda por ésta firmada de mi nombre, digo y suplico al dicho consejo real de las Indias y ruego a todos los que estuvieren o oyeren en las Indias o en España o en otra cualquier parte que estuvieren, que ningún crédito den a cosa que yo por dicho ni por escrito haya hablado y dicho contra los indios en perjuicio porque no me acuerde haber hecho tal, pero si se hallare, digo que soy hombre y pude errar y así creo que erré por no haber sabido su lenguaje o por otra ignorancia, las cuales según el juicio de Dios y de otros hombres más sabios y entendidos que yo son juzgadas por dañosas y dignas de retratación, y así las retraté, y digo es contrario de verdad ellas y no afirmo ni quiero afirmar cosa que según el juicio de Dios no convenga, especialmente siendo en perjuicio y estorbo de la predicación de la fe y contra la utilidad de la salud de aquellas ánimas y cuerpos ni contra cualquier cosa que sea de buenas costumbres. Por manera que todo lo que está mal error (?) o en otra cualquier he dicho, y declaro hasta el artículo de la muerte insensible sumeto a la corrección de la santa madre iglesia, en la fe y determinación de la cual pertenezco siempre de vivir y morir. Y digo que quisiera tener salud y me pesa por no poder hacer esta retratación delante todos los consejeros de Indias y delante todo el mundo que fuera necesario y revoco y doy por ningunas todas las proposiciones que en el parecer que deje en el consejo escrito y firmado de mi nombre en poder del secretario Samano del consejo de Indias así escandalosas malsonantes, y todo lo que en perjuicio de los dichos indios dije y afirme en aquel memorial o fuera de él contra la salud de aquellas ánimas y cuerpos lo revoco y por signo que es verdad, lo firmo de mi nombre, fecha en San Pablo de Valladolid viernes trece de Setiembre de 1549.<sup>105</sup>

Fray Domingo de Betanços.

Los infrascritos que nos hallamos presentes lo firmamos de nuestros nombres y damos fe que así pasó estando en su juicio y que es él mismo que firmó.

Fray Didacus, prior  
 Fray Petrus de Ulloa  
 Fray Antonio de la Madalena  
 Fray Vicente de Las Casas

<sup>105</sup> This document comes from the library of the Monasterio de San Felipe in Sucre, Bolivia and I am indebted to Rev. José Cuellar for permission to use it. I wish to record here also my gratitude to Sr. D. Julio Querejazu of Sucre for assistance in obtaining a photostatic copy of the document. See also additional note, p. 101 f.

In order to make the text available to more readers, I have expanded contractions and modernized the spelling.

## APPENDIX II

LETTER OF BERNADINO DE MINAYA TO PHILIP II<sup>106</sup>

(CERCA 1559?)

Muy Católica Majestad

. . . . .

Sabr a Vuestra Majestad que, bautizado V.M. en San Pablo de Valladolid, yo me part  a las Indias de V.M. con siete compa eros religiosos con celo de la conversi n de aquellas gentes a nuestra santa fe y llegados a M xico . . . nos partimos a diversas provincias y a m  cupo el valle de Oaxaca ochenta leguas de M xico donde hice monasterio primero y en la provincia de Anguytan (?) otro, y en la provincia de Tehuantepec otro; en las cuales hice congregaciones de los hijos de los indios principales de a trescientos a quinientos y destos ense ados envi  a la provincia de Soconusco donde viniendo de hay donde en un a o alle (alli?) ense ados los indios en muchos pueblos y as  fu  trescientos leguas hasta la provincia de Nicaragua bautizando, sali ndome a recibir con laureoles de rosas; con comida, y las cruces estandartes del rey de la gloria aparejadas para que yo las pusiese donde me pareciese, lo cual hac a despu s de ense ados y que ellos de su voluntad quemasen los  dolos y los cues que son sus adoratorios. As  llegado a la ciudad de Le n que es fundada a la ribera de la laguna de sesenta leguas de agua dulce que estando dos leguas poco m s del Mar del Sur, desagua en el mar del norte nuestro oc ano. Venidas las nuevas del descubrimiento del Per  ech  aqu  un monasterio donde se ense aron muchos indios de los cuales dec an el Obispo Osorio y el alcalde Licenciado Casta eda que eran incapaces porque dec an si el Ave Mar a si era de comer. Me detuve all  predicando a los espa oles la cuaresma y a los indios ense ndolos por los indios y compa eros que llevaba y de tal manera que venida la pascua los llev  al obispo y al Alcalde Mayor Casta eda y dijeron la doctrina cristiana delante dellos y conocieron que ten an habilidad para ser cristianos. Y habi ndome de partir al Per , llamado un barbero nos sangr  a todos y a m  el primero de la vena del coraz n y con la sangre escribimos nuestras protestaciones que ibamos a ense ar la fe y morir por ella. Y los indios ense ados y bautizados se quer an pasar con nosotros y con lagrimas lo ped an. Pasados a la costa del Per  allabamos los pueblos despoblados por donde los espa oles hab an pasados; y andados algunos d as con harta necesidad alcanzamos al Pizarro y de all  siempre fu  en su compa a con dos compa eros religiosos y cuatro indios ense ados hasta la isla de Napunal que se dice agora de donde nos salieron a recibir con cinquenta balsas con sus velas [ondulantes(?)] y remeros cantando y as  nos metieron en la isla y aposentaron trayendo comida. Y despu s desto otro d a piden al principal que hund a cierta pieza de vasijas de oro y plata y diese gente para servicio de los espa oles como hac an en todos los pueblos. Y all  quer an enviar en los nav os los indios que hab an recibido para servicio a vender a Panam  y dellos

<sup>106</sup> Archivo General de Simancas, Secci n de Estado, Legajo 892, fols. 197 ff.

traer vino, vinagre, y aceite. Y como yo supiese esto les notifiqué un traslado autorizado por él mandaba Su Majestad el emperador que no pudiesen hacer esclavos a los indios aunque ellos fuesen agresores. Y así lo apregonaron y cesó el venderlos mas a mí y a los compañeros nos quitaron el mantenimiento sobre lo cual yo dije a Pizarro que viesse lo que hacía, que S.M. no lo tendría por bien; mas que pues estabamos cerca del Señor Atabalica me diese un intérprete y iría con mis compañeros a predicarle y si nos matase sería gran bien a nosotros y tendría ocasión para hacerles guerra. Mas que Dios había descubierto aquellas tierras por ganar aquellas ánimas y ésta era el fin del papa y del emperador cristianísimo y que venido el Atabalica en recibir la fe todos le seguirían según la gran obediencia de los indios y así sería verdadero capitán y lo que ganase sería bien ganado que era razon les dieseamos a entender que veníamos a su provecho que era darles conocimiento de Dios y no a robarlos y despoblarlos de sus tierras que por esto eran encomendadas a los Reyes Católicos como dice la bula de Alejandro de su concesión. El Pizarro respondió que había venido desde México a quitarles su ganancia y que no quería hacer lo que le pedía y así me despedí de él con mis compañeros aunque él me rogaba que no me fuese, que habría mi parte del oro que habían habido de los pueblos. Yo le dije que no quería parte de oro tan mal habido ni quería con mi presencia dar favor a tales robos. Y así me vine a Panamá con harta hambre que el maestre de la nao Quintero no quería darnos cosa diciendo que se había quitado la ganancia de los indios que trajera lleno el navío, mas Dios socorrió que hizo viento que en ocho días venimos al puerto. Y de allí con brevedad venimos a México donde el Señor quiso traerme a tal tiempo que había venido provisión del Presidente Cardenal de Sevilla Loaysa en que mandaba los capitanes viniesen a los indios esclavos a su voluntad movido a esto por un religioso de Santo Domingo que se llamaba Fray Domingo de Betanzos que afirmó y dijo en el Consejo de Indias que los indios eran incapaces de la fe y que en cinco años se habían de acabar y que aunque el emperador y papa con todos sus poderes ni la Virgen ni con toda la corte celestial entendiesen en su remedio no eran bastantes porque eran docti in reprobum sensum in consilio sanctissimae trinitatae perpetuo in acta peccata sua. Y venida esta provisión a manos de Don Sebastián Ramírez, obispo de Santo Domingo en la Española y presidente en México juntó a los religiosos y les dijo esta provisión es venida y sé que por otras partes la han executado y se han estado por esclavos más de diez mil, mas yo temo mi conciencia y encargo las vuestras escribáis a S.M. lo que sentís destas pobres gentes de su habilidad y cristiandad; y así los de San Francisco escribieron a S.M. mas yo pesando informar de la verdad y experiencia al cardenal y ser amparo de tanto mal, vine me al puerto con razón de visitar que era prelado y predicarles en la Vera Cruz y sabido de un navío que estaba para partir a estas partes me embarqué con un compañero sin provisión alguna a confianza de los pasajeros de lo que nos quisiesen dar; y llegados a Sevilla a pie venimos pidiendo a Valladolid donde visitado el cardenal le dije como el Fray Domingo no sabía la lengua ni les entendía y le dije de su habilidad y deseo de ser cristianos cosas notables y me respondió que yo estaba engañado y que lo que sabían era como papagayos y que el Fray Domingo hablaba por espíritu profético, y por su parecer se seguía. Y preguntado por el Doctor Bernal Lugo que había pasado con el Cardenal Loaysa, se lo dije y dije estoy determinado de ir al papa

sobre tal maldad tan perniciosa a la cristiandad del emperador y de tantas ánimas como son en aquel mundo, que más cruel sentencia es dada sobre ellos que se dió contra los hebreos procurada por Amán contra Mardoqueo aunque sepa comer herbas. Mas que en me dará crédito contra presidente cardenal a un pobre fraile si tuviese carta de la emperatriz para su santidad, confiaría de aprovechar algo. Dijo el doctor, yo os la habré y diómela, la cual tengo hoy día guardada como principio de tanto bién y así con ella fuí a pie a Roma y traje los despachos que plugo a Nuestro Señor despachar para descargo de la conciencia imperial y sus sucesores así de libertad de los indios como de la moderación de la iglesia de ellos los cuales puse en manos de S.M. imperial y S.M. como cristianísimo mandó executar. Y como traje a Don Juan de Tavera, cardenal de Toledo por protector de los indios sintiendo ésta baste todo, el cardenal de Sevilla Loaysa procuró con sus informaciones que el provincial me retrujese y así estuve retraído en Triana (?) dos años donde el general me escribió . . . y . . . me llamaron a Valladolid y encomendaron predicase a los presos de la chancillería. Sabrá V.M. que yo he estado diez años en las Indias de V.M. y he visto las tiranías que los españoles hacen en los indios que a Dios quitan las ánimas y a V.M. los vasallos y la destruyen en aquellas tierras . . . y me diga quien es la causa, dije el cardenal de Sevilla. . . .

Magister Bernadinus Minaya de Pace

#### ADDITIONAL NOTE

(Supplement to note 105)

As my friend, Rev. Benno Biermann, O.P., has pointed out to me in a private letter, the importance of this death-bed retraction must not be exaggerated. But even supposing that the opinion given above was extracted from the friar by strong pressure, the fact that such a retraction was deemed necessary indicates that the point was considered an important one by the Dominicans of San Pablo.

Perhaps the time has not yet arrived to draw up a statement concerning the true opinion, or opinions, held by Betanzos throughout his life. He appears to have fluctuated and so states in the letter, as yet unpublished in its entirety, written during the latter part of his career (*circa* 1544?) and now in the Archivo Histórico Nacional (Madrid), *Cartas de Indias*, Caja 2, No. 124. A part of this interesting letter appeared in my *First Social Experiments in America* (Cambridge, 1935), ix. It is certain that Betanzos held an unfavorable opinion concerning the ability of the Indians at certain times, for the records of the proceedings of the Cabildo of Mexico City for June 30, 1533 contains the following passage:

Este dia dixieron que por quanto este dia binieron a este cabildo ciertas personas bezinos desta cibdad e informaron que por quanto fray domingo de betanzos frayle de la orden de santo domingo abia informado, a su magestad y en su consejo de las yndias que los yndios naturales destas partes no eran capaces para se gobernar por si segun la costumbre y policia de los españoles e que asi mismo no eran capaces para imprimir en ellos la santa fee catolica, los señores presidente e oydores con el parescer de algunos frayles franciscos han escrito a su magestad informandole lo contrario, e porque sobre lo suso dicho es justo informar a su magestad de la berdad pues que tanto importa para la conserbacion desta tierra que abran su acuerdo sobre lo quel dicho geronimo lopez e bezinos desta cibdad an propuesto e haran en todo lo con derecho deben. [Actas de Cabildo de la Ciudad de México, Ignacio Bejarano, ed., III (México, 1889), 41.]

Likewise in 1544 Betanzos, along with other Dominicans in Mexico, opposed the training of natives for the clergy, stating

Decimos, pues, que los indios no deben estudiar, porque ningund fruto se espera de su estudio; lo primero, porque no son para predicar en largos tiempos, porque para predicar se requiere que el predicador tenga autoridad en el pueblo, y esta no la hay en estos naturales, porque verdaderamente son viciosos, más que los populares estos que estudian, é no son personas de ninguna gravedad, ni se diferencian de la gente comun en el hábito ni en la conversacion; porque de la mesma manera se trata en esto que los hombres bajos del pueblo.

Lo segundo, porque no es gente segura, de quien se deba confiar la predicacion del Evangelio, por ser nuevos en la fée é no la tener bien arraigada. Lo cual seria causa que dijese algunos errores, como sabemos por experiencia haberlos dicho algunos.

Lo tercero, porque no tienen habilidad para entender cierta y rectamente las cosas de la fée ni las razones dellas, ni su lenguaje es tal ni tan copioso que se pueda por él explicar sin grandes impropiedades, que fácilmente pueden inducir en grandes errores.

Y de aquí se sigue que no deben de ser ordenados, porque en ninguna reputacion serian tenidos más que si no lo fuesen. Porque aun el sacramento de la Eucaristía no se les administra por muchos motivos, que personas muy doctas é religiosas para ello tienen, así por ser nuevos en la fée, como por no entender bien qué cosa sea é cómo se deba rescibir tan alto Sacramento. É porque todas las cosas se ordenan á algun fin, quitadas estas razones, porque ellos debian estudiar, como cosa muy necesaria queda que se les debe quitar el estudio. [D. I. I., vol. VII, pp. 541-542.]

Other documents containing statements by Betanzos concerning Indians may be found in D. I. I., vol. VII, pp. 367-431 (1516); *ibid.*, vol. XI, pp. 211-216 (1517); *ibid.*, vol. XXXV, pp. 199-240 (1519); Joaquín García Icazbalceta, *Colección de documentos para la historia de México*, II (México, 1866), 549-553 (1526); and *ibid.*, vol. II, pp. 198-201 (1545). A useful bibliographical and biographical note on Betanzos is in Robert Streit, *Bibliotheca Missionum*, vol. II, pp. 133-134.