THE SPANISH TRADITION IN AMERICA

edited by Charles Gibson

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THE SPANISH TRADITION IN AMERICA

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Requerimiento

[ca. 1512]

Problems of force in Spanish-Indian relations became progressively more compelling as colonists subjugated native peoples in compulsory labor and attacked them in outright war. In Cuba beginning in 1511 occurred a military invasion not unlike the famous conquests on the mainland in 1519 and after. Rights of conquest had been postulated by the Treaty of Alcaçovas, as well as by many earlier documents. But Spaniards now felt the need for a more particular justification, and the result was the Requerimiento, a document designed to be read to enemy Indians before battle. Its complex message, even if delivered audibly and in a language intelligible to Indians—conditions that were rarely achieved—pointed to one conclusion: that the ensuing battle and subjugation and enslavement and death and robbery were the fault of the Indians, not of the Spaniards. Note the typical concern at the end for the notarial sanction and the confirmation of witnesses, without which no Requerimiento record could be wholly valid.

ON the part of the king, Don Ferdinand, and of Doña Juana, his daughter, queen of Castile and León, subduers of the barbarous nations, we their servants notify and make known to you, as best we can, that the Lord our God, living and eternal, created the heaven and the earth, and one man and one woman, of whom you and we, and all the men of the world, were and are descendants, as well as all those who come after us. But on account of the multitude which has sprung from this man and woman in five thousand years since the world was created, it was necessary that some men should go one way and some another, and that they should be divided into many kingdoms and provinces, for in one alone they could not be sustained.

Adapted by the editor from the translation of Sir Arthur Helps, *The Spanish Conquest in America and Its Relation to the History of Slavery and to the Government of Colonies* (4 vols., London and New York, 1900–4), I, 264–67.

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Of all these nations God our lord gave charge to one man called St. Peter, that he should be lord and superior to all the men in the world, that all should obey him, and that he should be the head of the whole human race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction.

And he commanded him to place his seat in Rome, as the spot most fitting to rule the world from; but also he permitted him to have his seat in any other part of the world, and to judge and govern all Christians, Moors, Jews, Gentiles, and all other sects. This man was called Pope, as if to say Admirable Great Father and Governor of men. The men who lived in that time obeyed that St. Peter and took him for lord, king, and superior of the universe. So also they have regarded the others who after him have been elected to the pontificate, and so has it been continued even till now, and will continue till the end of the world.

One of these pontiffs, who succeeded that St. Peter as lord of the world, in the dignity and seat which I have before mentioned, made donation of these islands and mainland to the aforesaid king and queen and to their successors, our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish.

So their highnesses are kings and lords of these islands and mainland by virtue of this donation; and some islands, and indeed almost all those to whom this has been notified, have received and served their highnesses, as lords and kings, in the way that subjects ought to do, with good will, without any resistance, immediately, without delay, when they were informed of the aforesaid facts. And also they received and obeyed the priests whom their highnesses sent to preach to them and to teach them our holy faith; and all these, of their own free will, without any reward or condition have become Christians, and are so, and the highnesses have joyfully and graciously received them, and they have also commanded them to be treated as their subjects and vassals; and you too are held and obliged to do the same. Wherefore, as best we can, we ask and require that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the ruler and superior of the whole world, and the high priest called Pope, and in his name the king and queen Doña Juana our lords, in his place, as superiors and lords and kings of these islands and this mainland by virtue of

the said donation, and that you consent and permit that these religious fathers declare and preach to you the aforesaid.

If you do so you will do well, and that which you are obliged to do to their highnesses, and we in their name shall receive you in all love and charity, and shall leave you your wives and your children and your lands free without servitude, that you may do with them and with yourselves freely what you like and think best, and they shall not compel you to turn Christians unless you yourselves, when informed of the truth, should wish to be converted to our holy Catholic faith, as almost all the inhabitants of the rest of the islands have done. And besides this, their highnesses award you many privileges and exemptions and will grant you many benefits.

But if you do not do this or if you maliciously delay in doing it, I certify to you that with the help of God we shall forcefully enter into your country and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their highnesses; we shall take you and your wives and your children and shall make slaves of them, and as such shall sell and dispose of them as their highnesses may command; and we shall take away your goods and shall do to you all the harm and damage that we can, as to vassals who do not obey and refuse to receive their lord and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their highnesses, or ours, or of these soldiers who come with us. And that we have said this to you and made this Requerimiento we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requerimiento.

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Laws of Burgos

[1512–1513]

Twenty years after the discovery of America the Spanish monarchy issued its first systematic legal code to govern the conduct of colonists in America. Settlement was still confined principally to the West Indies, and especially to Hispaniola, though Indians were being assembled in substantial numbers from other areas. The Burgos legislation followed upon criticism of the colonists' behavior, and its central focus was the institution of encomienda, in which Indians were assigned to Spaniards as laborers and wards. The crown here sought to specify in detail the encomenderos' obligations. In doing so it betrayed a measure of disillusion with Indian society, described as being prone to idleness and vice, and with the conversion program, in large part a failure at this time. Some standard royal themes received early expression in this code, such as that Indians were not to serve as carriers and that the sons of chiefs were to have priority in education. Note the emphasis given to the religious obligations of encomenderos, particularly in reference to sacramental observation. A measure of the crown's solicitude for Indian welfare is found in the provision that pregnant Indian women were not to be required to work in the mines after the fourth month. On the whole it may be said that the Laws of Burgos are of interest for what they tell us of the existing state of the colony and of the royal attitudes, for it should not be supposed that the meliorative provisions were ever enforced or obeyed.

WHEREAS, the King, my Lord and Father, and the Queen, my Mistress and Mother (may she rest in glory!), always desired that the chiefs and Indians of the Island of Española be brought to a knowledge of our Holy Catholic Faith, and,

Whereas, they commanded that certain ordinances be drawn up, which were indeed drawn up, by their Highnesses, as well as, at

Translation by L. B. Simpson, from *The Laws of Burgos of 1512–1513. Royal Ordinances for the Good Government and Treatment of the Indians* (L. B. Simpson, trans., San Francisco, Calif., 1960), pp. 11–47. Reprinted by permission of John Howell, Books.

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