

# THE HIDDEN SIDE OF NARRATIVES OF ADVOCACY

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## THE HIDDEN SIDE OF NARRATIVES OF ADVOCACY

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Narratives written on behalf of exploited beings have existed in what today is Latin America since the beginning of the systemic exploitation of Amerindians. These “narratives of advocacy” have several characteristics in common: they are written by traditional intellectuals; they are read by members of the culturally dominant sector of society; they portray the exploited beings in a particular, empathy-inspiring way; they circulate with relative popularity at a particular time while the exploitation takes place; and they are regarded as influential in the passing of laws to end the exploitation that they denounce. In this dissertation, I analyze these characteristics in a series of texts that advocated for Amerindians in the sixteenth century and for Afrodescendants in the nineteenth century.

While narratives of advocacy are perceived by their readers as a valuable tool to make the capitalist system more just and humane, there is a hidden side to them that actually facilitates the injustice and inhumanity of the system: they appease the members of the culturally dominant sector of society, thus contributing to their disengagement from any exploitation that is not denounced by these narratives; and they reinforce among them the notion that “the exploited” is a subaltern Other who needs a hegemonic mediator to fight against exploitation, thus contributing to their not considering themselves as exploited beings. This hidden side of narratives of advocacy strengthens divisions within the working class, which ensures the availability of exploitable workers that our current mode of production demands.

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## INTRODUCTION

Latin American texts denouncing exploitation in the region have existed long before the territory was called “Latin America.” Not long after the arrival of the Spaniards in the continent, denunciations of their cruelty towards the natives whom they exploited emerged in a sermon given by Fr. Antonio de Montesinos (“Sermón de Adviento,” 1511), in a text written by Fr. Bartolomé de Las Casas (*Memorial de remedios para las indias*, 1516), and in letters written by Fr. Pedro de Córdoba during 1517.<sup>1</sup> These denunciations continued in writings by Fr. Francisco de Vitoria (*De indis insularis*, 1532; *De Jure belli Hispanorum in barbaros*, 1532), by Vasco Vázquez de Quiroga y Alonso de la Cárcel (*Información en Derecho del licenciado Quiroga sobre algunas provisiones del Consejo de Indias*, 1535), and many other texts by Las Casas (such as *Brevísima relación de la destrucción de las Indias*, written in 1542 and published in 1552, and *Tratado sobre los indios que se han hecho esclavos*, 1552). Later, the importation of African into the New World to be exploited as slaves brought about new denunciations of cruelty, beginning in 1627 with both a letter by Fr. Pedro Claver to his superiors in Rome and a book by Fr. Alonso de Sandoval (*Naturaleza, policía sagrada y profana, costumbres y ritos, disciplina y catecismo evangélico de todos etíopes*, 1627),<sup>2</sup> and ending with the many antislavery texts written in the nineteenth century, such as Fermín del Toro y Blanco’s “La sibila de los Andes” (1849), Gertrudis Gómez de Avellaneda’s *Sab* (1841), and Cirilo Villaverde’s *Cecilia Valdés* (1838/1880). After abolition, new sets of texts have come forth to bring awareness about the exploitation of those who have no voice in the dominant culture, such as certain indigenous peasant communities and animals and Nature (the non-human).

I refer to these texts, collectively, as “narratives of advocacy,” narratives that meet the follow-

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<sup>1</sup> *Carta del Vice-Provincial y sacerdotes del convento de Santo Domingo, dirigida a los muy Reverendos Padres, Carta de dominicos y franciscanos de las Indias a los Regentes de España, Carta al Rey del Padre Fr. Pedro de Córdoba, Vice-Provincial de la Orden de Santo Domingo, Carta del Padre Fr. Pedro de Córdoba al Padre Fr. Antonio de Montesinos.*

<sup>2</sup> In 1559, before Claver wrote his letter to Rome and Sandoval wrote his book, Fr. Bartolomé de Las Casas turned his *Historia de las Indias* manuscript to the Rector at the Colegio de San Gregorio. In this text, Las Casas regrets having proposed the enslavement of Africans to replace that of Amerindians, stating (referring to himself in the third person) that “This advice, that licence be granted to bring Black slaves to these lands, was given by the priest without being aware of the injustice with which the Portuguese catch and enslave them. Once he realized it, he would have given anything in the world not to have suggested it” (Las Casas, *Historia Tomo IV* 380). (“Este aviso, de que se diese licencia para traer esclavos negros á estas tierras, dió primero el clérigo Casas, no advirtiéndole la injusticia con que los portugueses los toman y hacen esclavos, el cual, despues de que cayó en ello, no lo diera por cuanto habia en el mundo ...”)

ing criteria: they are written by authors who belong to or have assimilated into the intellectual sector of society; they advocate for exploited beings before readers who, like the authors themselves, perceive themselves as civilized and seek to reach a high level of civility according to what “civilized” and “civility” mean during their time; they portray the exploited beings in a manner that inspires empathy in the reader; they circulate with relative popularity for a particular time while the exploitation takes place; and they are regarded as influential in the passing of laws to end the exploitation that they denounce.

In this dissertation, I focus on the first two types of narratives of advocacy described above: those which advocated for Amerindians in the sixteenth century and for enslaved Africans and Afrodescendants in the nineteenth century. As I mentioned, the perception that society in general—from scholars to the exploited themselves—has of these narratives is that they contributed towards the passing of protective laws for their objects (subjects) of interest, and it is based on the idea that by informing readers about the inhumane living situation of those exploited, they increased public awareness and led to social and/or political mobilization, which, in turn, eventually resulted in protective legislation.

But two observations must be made with respect to the perceived statutory impact of those narratives. First, in both cases—Amerindians and enslaved Africans and Afrodescendants—narratives that denounced their exploitation had been around for decades and centuries, respectively, before any enforced legal change took place; second, any such legal change occurred shortly after these narratives of advocacy went through a relatively brief period of time in which they were, almost in a fashion-like sense, very prevalent among their readers—members of the culturally dominant sector of society<sup>3</sup>—calling attention to the issue at hand and raising the ethical bar that its members, characterized for their wish for an increasingly civil society, aimed to reach. While it would be a mistake to deny that such prevalence did, indeed, contribute to the passing of new laws by gathering support among the culturally dominant sector of society, it would also be a mistake to affirm that those narratives were the reason why the denounced type of exploitation stopped. In the case of sixteenth-century Amerindians and nineteenth-century en-

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<sup>3</sup> In the sixteenth century, the culturally dominant sector of society in Latin America was that of Spain’s, conformed by the nobility and the clergy; in the nineteenth century, after Enlightenment, it was conformed by the intelligentsia—the “very educated people in a society, especially those interested in the arts and in politics” (“[Intelligentsia](#)”). Chapter 1, Section 1.2.2, describes the culturally dominant sector of society in detail.

slaved Africans and Afrodescendants, change was imminent with or without advocacy, as it was capital<sup>4</sup> itself that needed a change: in the sixteenth century, it was no longer viable for capital to exploit Amerindians, as their increasingly dwindling numbers had turned them into an unreliable and unsustainable source of labor; it was, therefore, time to change to a new type of slave: Black Africans. Later, in the nineteenth century, it was no longer advantageous for capital to exploit Black Africans and their descendants through slavery: new machines worked much more efficiently and—just as importantly, and perhaps even more so—new machines together with a different type of laborer posed no risk of rebellion. It was, therefore, time to change to a new, safer, more profitable arrangement for capital, one where Africans and Afrodescendants would no longer be kept as productive assets—in need of feeding, looking after, and controlling to prevent their uprising<sup>5</sup>—but, instead, they would be hired as cheap, disposable, replaceable laborers. So, while it is true that narratives of advocacy helped sixteenth-century Amerindians and nineteenth-century enslaved Africans and Afrodescendants in the sense that they widened the existing awareness about their exploitation by inspiring empathy in the reader, even altering individual behaviors towards those exploited, it is also true that actual change, legal or not, in the living conditions of those exploited only occurred when capital either needed such change or found a way to profit from it—and not before, no matter how many advocating texts had been put forth, nor for how long. (This dissertation will show that the level of readiness that capital has for change is also linked to whether narratives of advocacy are filtered out by the state’s ideological state apparatus,<sup>6</sup> which explains why just before the passing of laws these narratives

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<sup>4</sup> As Karl Marx, *Capital. Vol. I* writes, capital has existed since the Middle Ages, at that time in the form of both “usurer’s capital” and “merchant’s capital”. Later, “[t]he discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signaled the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation” (Capital 703). To Marx, “[i]f money, according to Augier, ‘comes into the world with a congenital blood-stain on one cheek,’ capital comes dripping from head to foot, from every pore, with blood and dirt” (712)

<sup>5</sup> The threat of slave uprising had been a concern for the hegemonic society before, but especially after, the Haitian Revolution. Jerome Branche discusses the subject in “‘Mulato Entre Negros’ (y Blancos): Writing, Race, the Anti-slavery Question, and Juan Francisco Manzano’s ‘Autobiografía.’” (2001), giving examples of slave insurgencies that took place during the eighteenth and nineteenth centuries. In this article, Branche also mentions the correspondence between Domingo del Monte and Alexander Everett, United States special envoy to Cuba, a correspondence which not only shows Del Monte’s racism, but also how the fear of slave revolt was a strong engine behind his efforts to end, above all, the importation of more Black Africans into Cuba: “The wealthiest inhabitants of the country are also blind, and they do not see the imminent danger of losing it all in which they find themselves: they still buy Negroes and they advocate for the continuation of slave traffic” (qtd. in Andioc 61).

<sup>6</sup> These apparatuses, described by Louis Althusser, “Ideology and Ideological State Apparatuses” in his essay,

become more popular than ever among the culturally dominant sector of society.)

The claim that capital allows or does not allow change may sound like a conspiracy theory: a mastermind—capital—is behind all this, and we are its puppets. While this is not the case in the sense that “capital” is not an organization that has closed-door meetings to decide how to best manipulate us all, it is nevertheless a “process of circulation in which money is used to make more money, often, but not exclusively, through the exploitation of labor power” ([Harvey](#)) which cannot take place unless certain conditions are met, including having the support of society in general. In capitalism—the social formation that is the result of the capitalist mode of production—the owners of the means of production, defined by Marx as the ruling class,<sup>7</sup> have one interest that is very clear: to maintain its ability to exploit resources (human and non human) so as to maximize its profit and increase its assets, and the capitalist system has mechanisms in place to ensure that such interest be kept safe. These mechanisms are internalized through the ideological and repressive state apparatuses, achieving results that range from people denouncing anything suspiciously anti-individualistic as “communist,” to actively hiding information and disseminating doubt, to even overthrowing foreign governments and waging wars.<sup>8</sup>

In this system, where elements that go against the interest of capital are inhibited and elements that favor it are rewarded, narratives of advocacy are no exception: they only lead to legal change when the change that they seek does not interfere with the interest of capital, either because capital is not affected by that change or because it has found a way to benefit from it. Yet, the culturally dominant sector of society—which guides society’s morals (the individual

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[“Ideology and Ideological State Apparatuses”](#) (1971), will be discussed in Chapter 4

<sup>7</sup> [Marx and Engels](#) defined the bourgeoisie as the ruling class, “the class of modern capitalists, owners of the means of social production and employers of wage labour” ([Communist](#) 74), which has, “since the establishment of Modern Industry and of the world market, conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie” (76). Because today the meaning of “bourgeoisie” has shifted and it signifies the middle class, I use “ruling class,” instead, to refer to those who own the means of production.

<sup>8</sup> Two examples of information that was harmful to capital, so its corroboration was kept hidden from the public: the tobacco industry hid for decades solid evidence that cigarette smoke contains carcinogens ([Karagueuzian](#)); and the sugar industry hid for decades solid evidence that sugar is linked to heart disease and cancer ([Kearns](#)).

While it is a fact that capital fights whatever growing belief may threaten it by hiding evidence through bribery and lobbying, it also fights it by investing in creating doubt among the public. In 1969, Brown & Williamson—a subsidiary of British-American Tobacco—knew that “with the general public the consensus [was] that cigarettes are in some way harmful to the health.” Unable to claim the opposite, admitting that “no information that [they had] support[ed] such a claim,” they opted for a policy to promote doubt among the public: “Doubt is our product, since it is the best means of competing with the ‘body of fact’ that exists in the mind of the general public” (“[Smoking](#)”). Currently, that doubt is everywhere: an example of it is Monsanto’s response to the film *Food, Inc.* (2008) on its website (“[Food](#)”)



rules to define right and wrong) and defines its ethics (the collective rules to define right and wrong)—believes that narratives of advocacy have played and still play a major role in raising our society’s ethical bar, that our system responds to our awareness by changing the laws to end,—for example, the type of exploitation experienced by Amerindians in the sixteenth century and by Africans and Afrodescendants in the nineteenth century—and that exploitation ends once those laws are passed. This belief allows the culturally dominant sector of society (and hence the rest of our society culturally guided by it, including the exploited beings themselves) to have peace of mind in the assumption that morality and ethics eventually prevail within our system, and that it is only a matter of having any exploitation denounced in order to bring about justice.

Our perception of narratives of advocacy as instruments that end the suffering of the exploited, combined with the characteristics of these narratives, lead us to the formulation of this dissertation’s thesis: while narratives of advocacy are perceived by their readers, members of the culturally dominant sector of society, as a valuable tool to make our capitalist system more just and humane, there is a hidden side to them that actually contributes to the injustice and inhumanity of the system: they appease the members of the culturally dominant sector of society, contributing to their disengagement from any exploitation that is not denounced by these narratives; and they reinforce among them the notion that the exploited is a subaltern Other who needs a hegemonic mediator to fight against exploitation, contributing to their not considering themselves as exploited beings. This hidden side of narratives of advocacy strengthens divisions within the working class and ensures the availability of exploitable workers that our current mode of production demands.

## **DESCRIPTION OF CHAPTERS**

The evidence that supports this thesis is guided by two questions: first, what made narratives of advocacy more popular among the culturally dominant sector of society—the civilized and civil members of our society—than the denunciations brought forth by the exploited beings themselves, to the point that today we, as a society, prevalently think of the former as a main element (“the” main factor, for many of us) that leads to legal change, while we ignore the role played

by the voice and the actions of those exploited?<sup>9</sup> And second, why is this observation relevant today?

Part One presents the literary analysis of the two types of narrative of advocacy that concern my work—those related to Amerindians in the sixteenth century and enslaved Africans and Afrodescendants in the nineteenth century—as well as the theoretical framework for that analysis. Chapter 1 establishes six central concepts: what empathy is (Pigman and J. Hoffman), what social hegemony and cultural dominance are (Gramsci and Bourdieu),<sup>10</sup> what “civilized” and “civil” meant at the time (Elias, Obregón, Biersack, and others), who the authors of the narratives were (Gramsci, Ruiz, Biersack, Sosa Mayor, Ramos), who the readers were, and what made the author reach the reader at the emotional level (de Certeau and John Beverley). Chapters 2 and 3 present

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<sup>9</sup> When searching for Latin American texts that denounced the mistreatment of Amerindians in the sixteenth century and of Africans and Afrodescendants in the nineteenth century, the results that come up only include narratives of advocacy, as I have described them. Only one text written by an enslaved writer comes up among “nineteenth-century antislavery narratives in Latin America,” and that is Juan Francisco Manzano’s *Autobiografía del esclavo poeta y otros escritos*. Because of the large hegemonic mediation in Manzano’s text—imposed both by intellectuals and also by himself, assimilated as “putative member of a group of writers whose racial ideology associated intellectuality or *razón* (reason) with Whiteness” (Branche, “Mulato” 134)—and also because the advocating text circulated among the members of the culturally dominant sector of society at the time of African and Afrodescendant exploitation, Manzano’s autobiography could qualify as a narrative of advocacy; however, I have chosen not to include it in this dissertation because of two reasons. The first one is the pointlessness of yet another literary analysis of this text—there are already many excellent ones, such as Sylvia Molloy’s “From Self to Serf: The Autobiography of Juan Francisco Manzano” (1989), Jerome Branche’s *Colonialism and Race in Luso-Hispanic Literature* (2006), Sonia Labrador Rodríguez’s “La Intelectualidad Negra En Cuba En El Siglo XIX: El Caso De Manzano” (1996), Ilia Casanova-Marengo’s *El intersticio de la colonia: ruptura y mediación en la narrativa antiesclavista cubana* (2002), Julio Ramos’s *Desencuentros de la modernidad en América Latina: Literatura y política en el siglo XIX* (1994), and Russell Boutelle’s “‘The Most Perfect Picture of Cuban Slavery’: Transatlantic Bricolage in Manzano’s and Madden’s Poems by a Slave” (2013).

The second reason is the complicated nature of Manzano’s text as a narrative of advocacy, described by John Beverley as perhaps the most “mediated and editorially mutilated testimonial text in Latin American literature” (*Testimonio* 57): as Sylvia Molloy writes, Manzano’s autobiography was “a slave narrative that, besides having dispossession for its subject, was, in its very composition, dispossessed. It was written at the request of another (Del Monte); it was corrected and edited by another (Suárez y Romero); it was translated and altered by another (Madden); it was integrated into another’s text (Calcagno). It was, in short, a text used by others over which Manzano had, apparently, little or no control. That the text was used to further a worthy cause, one close to Manzano’s heart, does not lessen the importance of that manipulation” (396). Had I included Manzano’s autobiography in this dissertation, I would have needed to analyze it in all its versions because all of its versions were narratives of advocacy, and not only would such analysis have been very lengthy but it would also not have made much difference as evidence to support my thesis.

(In relation to slavery in the United States, a “nineteenth-century antislavery narratives” search leads to many narratives written and published by slaves during slavery. Charles H. Nichols’s essay, “Who Read the Slave Narratives?” (1959), is very informative not only on why slaves were able to publish their narratives, but also on why they found recognition in the United States.)

<sup>10</sup> In this dissertation, I use Gramsci’s original terminology, “social hegemony,” instead of today’s seemingly more prevalent “cultural hegemony.” Although these terms are used interchangeably, there is a difference between the two, and “social” is what best applies to this work.

the literary analysis of five sixteenth-century narratives that advocated for Amerindians—“*Carta en lengua latina de dominicos y franciscanos a los regentes de España*” (1517), “*Carta al Rey, del padre Fray Pedro de Córdoba, Vice-provincial de la Orden de Santo Domingo*” (1517), *De indis et de Ivre Belli* (1532), *Información en derecho del licenciado Quiroga sobre algunas provisiones del real Consejo de Indias* (1535), *Brevísima relación de la destrucción de las Indias* (1542/1552)—and four nineteenth-century narratives that advocated for enslaved Africans and Afrodescendants before abolition—“*Petrona y Rosalía*” (1838), “*La sibila de los Andes*” (1840), *As víctimas-algozes: quadros da escravidão* (1869), and *La campana de la tarde; ó Vivir muriendo* (1873). (Chapter 2 is prefaced by a section that explains what was happening in Portuguese America during the sixteenth-century, and why there are no Portuguese American narratives of advocacy included in this dissertation.)

Part Two looks at the influence that capital and exploited beings have in the legislative process. Chapter 4 describes how the interests of capital had legal predominance during the sixteenth and nineteenth centuries, as well as today, and it shows, with examples, both how protective laws were passed when capital was ready for them and, also, how exploitation continued under new legal frameworks. Chapter 5 analyzes the extent to which the exploited were able to make their interests known, how they did so, and what the results were.

## PART ONE: LITERARY ANALYSIS

### Chapter One: Theoretical Framework

Six fundamental concepts are established in Chapter One: what empathy is, what social hegemony and cultural dominance are, what the concepts of civilized and civil mean, who the narratives of advocacy authors were, who the readers were, and what made the author reach the reader at the emotional level—with the latter concept being illustrated in Chapters Two and Three through ample textual evidence to show how Amerindians and enslaved Africans and Afrodescendants were portrayed as intelligent, individual, and emotionally and physically sentient victims with whom the reader can empathize, consequently experiencing emotions such as empathy, sympathy, anger, indignation, and sadness, which lead to social and political mobilization to de-

mand a change in the situation of those exploited.

Drawing from the theoretical framework provided by Antonio Gramsci, Pierre Bourdieu, Michel de Certeau, and John Beverley, the analysis in Part One shows that the role of the author in these narratives of advocacy is comparable to that of the hegemonic co-author in the *testimonio* genre in that he acts as a mediator so that the Other's plight can be relatable, bearable enough, and believable to the socially hegemonic reader. It also shows that by interceding before the reader on the Other's behalf, the hegemonic author forces him or her to react: the custom-made narrative leaves no doubt of the tragedy that is the current existence of the exploited Other due to the manner in which he is exploited, a manner that the reader recognizes as backward, as non-civilized and non-civil—characteristics frowned upon by the culturally dominant sector of society, especially after Enlightenment. As the text increases its circulation and becomes better known, readers not reacting in favor of such denunciation risk appearing uncivil themselves, compromising their status among their peers. Independently of his or her actual interest in the suffering of the Other, the reader ultimately has little choice but to align himself or herself with the author, with the civil side of society, publicly supporting both the denounced cause and its advocating texts.

As the awareness raised by popular narratives of advocacy eventually leads to the social mobilization that often results in a legal change in the situation of those exploited—as long as capital is ready for that change—the culturally dominant sector of society views those narratives (and not the direct words of those exploited), as an essential tool towards the achievement of a more civil society.

## **Chapter Two: Sixteenth-Century Amerindians**

The study of the representation of the first group of exploited beings, Amerindians, is carried out in Chapter Two through a series of sixteenth-century texts which, having brought awareness to their readers, are widely regarded by scholars and non scholars as having contributed to an improvement in the living conditions of those exploited, not only because they are linked to a modification in individual behavior towards Amerindians but also because they are linked to what is perceived as having been steps towards greater levels of civilization and civility at the

collective level: the Laws of Burgos (1512), the Laws of Granada (1526), several royal decrees (1528), and the New Laws (1542).

The analyzed texts in this chapter are five. First, “[Carta en lengua latina de dominicos y franciscanos a los regentes de España](#)” (1517) and “[Carta al Rey, del padre Fray Pedro de Córdoba, Vice-provincial de la Orden de Santo Domingo](#)” (1517)—compiled in Fr. Miguel Ángel Medina, O.P.’s book, *Una comunidad al servicio del indio. La obra de Fr. Pedro de Córdoba, O.P. (1482-1521)*—written by Fr. Pedro de Córdoba as continual reinforcement to the message in Fr. Antonio de Montesinos’s “[Sermón de Adviento](#)” (1511), a homily in which Montesinos, representing the entire first Dominican Order in the New World, denounced the inhumane treatment of Amerindians by Spaniards, accusing the latter of being in mortal sin due to their cruelty and tyranny: “You can be sure that, in the state in which you are, you will not be able to save yourselves any more than the Moors or the Turks who lack and do not want the faith of Jesus Christ” (Las Casas, *Historia Tomo I* 366). (After the royal authorities in the New World complained about Montesinos’s denunciation, Montesinos and Córdoba traveled to Spain to explain themselves before King Ferdinand II.) Montesinos left no written copy of his sermon, but its contents are known through Fr. Bartolomé de Las Casas, who reproduced the text in his [Historia de las Indias](#) (1520). Las Casas was so affected by what Montesinos said that he eventually abandoned his own position as an *encomendero* and became an advocate for Amerindians.

Second, [De indis](#) (1532), a lecture given by Fr. Francisco de Vitoria at the University of Salamanca to philosophically ponder three questions. First, by what right are Amerindians subjected to Spanish rule? Second, what rights does the Spanish Crown have over those Amerindians in temporal and civil matters? And, third, what rights do the Crown or the Church have over Amerindians in spiritual and religious matters? (Vitoria, *Political* 116). Vitoria concluded that Amerindians had the same rights as any human being to life, ownership of property, and sovereignty, and that it was illegitimate to convert them to Christianity by force.

Third, [Información en derecho del licenciado Quiroga sobre algunas provisiones del real Consejo de Indias](#) (1535), by Vasco Vázquez de Quiroga y Alonso de la Cárcel, who was a member of the Second Audiencia before he became the first bishop of Michoacán, Mexico (1536-1565). In 1535, after an indigenous rebellion, the Audiencia sent him as an inspector (*visitador*) to Michoacán. That same year, Quiroga wrote this report to argue against the enslavement of Amerindians—

which had never ceased in spite of the Laws of Burgos, thanks, in part, to the introduction, in 1513, of the *Requerimiento*—and against Charles I’s reversal, in 1535, of the prohibition of Amerindian slavery in the cases of Amerindians captured in a “just war.”

Finally, *Brevísima relación de la destrucción de las Indias* (1542/1552), a text published by Fr. Bartolomé de Las Casas ten years after delivering it before Emperor Charles V, where the author explained the atrocities carried out by the Spaniards against the Amerindians, and begged him to put an end to them. Not only did Las Casas describe in detail the horrors that were taking place in the New World, but he also suggested a series of remedies to eliminate them, out of concern both for the souls of the Amerindians and for the divine punishment that Spain would incur should it not change its cruel ways. Las Casas’s text, which was eventually banned in 1659 by the Aragonese Inquisition, contributed to the creation of the so-called “Black Legend,” an anti-Spanish series of propagandist writings that emerged in the late sixteenth century, a time of great rivalry between the European colonial powers.

There are several comparative studies of the representation of Amerindians in texts written during colonial times. In her essay, “*La imagen de la mujer indígena en las crónicas de Indias*” (1995), Francisca Noguero analyzes the representation of the indigenous woman in the chronicles of the Indies, where she finds

an interesting contradiction between chroniclers who present them as beautiful and virtuous women, mediators for the Spaniards before American males, and chroniclers who describe them as ugly, selfish, lustful, and evil. Likewise, certain archetypes are repeated, such as those of the noble warrior (associated with the myth of the Amazons), the witch (who earns this title due to her rebelliousness against the colonial system), the object woman (for pleasure or forced labor), and the figure of the collaborator, whose best example is found in Doña Marina “La Malinche.” (116-7)

There is, as well, Clementine Battcock’s and Berenise Bravo Rubio’s *Mudables representaciones: el indio en la Nueva España a través de crónicas, impresos y manuscritos* (2017), a compilation of eight essays that analyze primary sources written in the Viceroyalty of New Spain, showing “the varied representations that were constructed about the Amerindian in New Spain by different ecclesiastic and royal officials who acted as cultural intermediaries during moments of interaction and cultural change” (16). Another comparative text is Miguel León-Portilla’s “*El indio vivo visto por los frailes del siglo XVI*” (2010), a study of how sixteenth-century friars per-

ceived and portrayed Amerindians, in which the author concludes that

among these friars, there survived medieval conceptions [that were] tinted, on occasion, by a Renaissance humanism. And if there were dark and even hostile images towards the natives, in the end, beyond all confrontations, there prevailed appreciations in which their intellectual capacity was recognized, and, in some cases, an acknowledgement was manifested with respect to many of their cultural creations. (295)

One final example of these comparative studies is Enrique Dussel's "[La crisis de las Leyes Nuevas](#)" (1979), a very extensive, very detailed work on how the Hispanic American episcopate took on the task of defending and evangelizing the Amerindians. (The section on the New Laws in this text is extremely useful for my work, as it is there where Dussel explains the background surrounding these laws.)<sup>11</sup>

None of these analyses compare the common, rhetorical, affective devices—revealingly mediative in nature—used by the authors of the time to inspire the empathy of the reader. This comparison contributes to the existing body of knowledge in two ways: first, it provides a compilation of close readings that show the representation of the Amerindian in the narratives of advocacy of the time, which may be used for easy reference in future studies; second, it allows for a solid understanding of the nature of the authors and the readers of these narratives, an understanding that is fundamental for the second part of this dissertation.

### **Chapter Three: Nineteenth-Century Enslaved Africans and Afrodescendants**

There exist several overlapping studies, comparative in nature, of the representation of the African and Afrodescendant subject in Latin American literature, and several of them must be mentioned due to their relevance to this project. First, there is Richard Jackson's [The Black Image in Latin American Literature](#) (1976), where the author looks at the portrayal of the African and Afrodescendant subject in the region's literature and points out several elements: the ironic racism in the White aesthetic of nineteenth-century anti-slavery novels, such as *Francisco* (1838), *Cecilia Valdés* (1839/1879), and *Sab* (1841); the "use, or misuse, [of] black culture as an excuse

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<sup>11</sup> Carol Jopling's [Indios y negros en Panamá en los siglos XVI y XVII: Selecciones de los documentos del Archivo General de Indias](#) (1994) is also worth mentioning among these comparative texts, although not because it is a comparative study of the representation of Amerindians and Africans, but because it is a very thorough compilation of unannotated, primary documents of the era.



to perpetuate one-dimensional racist images of black people” (46) in the work of non-Black twentieth-century authors, such as Alejo Carpentier, Luis Palés Matos, and Emilio Ballagas; the one-dimensional racial preconceptions, misconceptions, and stereotypes present in the work of authors like Bernardo Arias Trujillo, Dionisio Trillo Pays, Alberto Ordoñez Argüello, and Alberto Insúa; and, finally, the racism behind the African and Afrodescendant portrayal in texts such as those by Arturo Uslar Pietri, Enrique López Albújar, and Ramón Díaz Sánchez, which paint the whiter *mulato* as “the wave of the future” (137), attributing “his rebelliousness to a white heritage while casting the black man, the pure African, in a submissive role” ((54). Richard Jackson’s work is remarkable not only in how he articulates the different types of racism behind the texts that he analyzed, but also in how he chooses both well known and obscure texts. Jackson’s analysis goes a little further in his criticism than a contemporary author of his, Lemuel Johnson, who also addresses the subject in “‘A Lack of Legitimate Obedience and Respect’: Slaves and Their Masters in the Courts of Late Colonial Buenos Aires” (1971), a book regarded by critics such as Richard Bjornson and Charles Larson as merely panoramic due to its brevity in relation to the breadth of its scope.

Another comparative text is Carol Anne Beane’s doctoral dissertation, *The Characterization of Blacks and Mulattoes in Selected Novels from Colombia, Venezuela, Ecuador, and Peru* (1980), in which she contrasts “the ways in which the European legacy is continued [in the representation of those subjects], and the ways in which Hispanic American authors eventually modify and depart from it” (2). Many of the texts that Beane analyzes are also the works mentioned by Richard Jackson, and, although she arrives at the same conclusion—that while the “vision of the black as a victim persists, the mulatto, where a victim, has been endowed with greater ability to escape” (176)—she points at

a shift in perception [that is] evident. Victimization posed in terms of emotional distance for the reader leads to sympathy in view of passivity in the black and mulatto characters. However, victimization which engages the reader, making the characters familiar entities, depicting their resistance to injustice, produces admiration and a feeling of solidarity. One also sees a move away from ambivalent feelings about Afro-Hispanics and blackness toward a greater commitment and understanding and appreciation. (177).

There is, also, Salvador Bueno’s *El negro en la novela hispanoamericana* (1986), where the author studies the historico-socio-political context framing a series of Hispano American novels,



such as *El periquillo sarniento* (1816), *María* (1867), *Cecilia Valdés* (1839/1879), *Matalaché* (1928), and *Juyungo* (1942), among others. Bueno points out the “idealist position [in Hispanic American novels] typical of bourgeois liberalism, troubled, moreover, by a philanthropic and moralizing attitude” (290), but, most distinctly, he shows the way in which “the authors pay closer attention to the society in which the [Black and Mulatto] characters live rather than on their psychological traits, the interior lives of these men and women, their most authentic personality” (291), a shortcoming that, even when trying to be corrected in more recent literature, still cannot avoid “falling into the creation of stereotypes” (292).

A fourth existing study is William Luis’s *Literary Bondage: Slavery in Cuban Narrative* (1990), which, in the words of the author, “proposes to show the unity, coherence, and continuity of the theme of slavery in Cuban Narrative” (ix). Luis identifies four historical moments in Cuban anti-slavery literature—slavery, post-slavery, republic, and revolution—and he explains their social, economic, and political situation. Although texts from different times are compared with each other throughout the book, the chapter that is most pertinent to this dissertation is the first one, on nineteenth-century texts, which “describe the abuses of the slavery system and the unjust and cruel punishment of the slave protagonist” (24). Luis arrives at the conclusion that “by making blacks and slaves dominant elements of the emerging Cuban narrative, the antislavery works reflect a historical and literary counter-discourse which directly challenged the colonial and slavery systems” (24).

Many of the findings in this study serve as a springboard for another comparative study, which often overlaps with that of William Luis’: it is Lorna Williams’s *The Representation of Slavery in Cuban Fiction* (1994), an analysis of five nineteenth-century antislavery texts whose literary production may be regarded as “the cultural equivalent of the Spanish American thrust for political independence, with which it coincided” (18): *Autobiografía de un esclavo poeta* (Juan Francisco Manzano), *Francisco* (Anselmo Suárez y Romero), *Sab* (Gertrudis Gómez de Avellaneda), *Francisco* (Antonio Zambrana), *Cecilia Valdés* (Cirilo Villaverde) y *Sofía* (Martín Morúa Delgado).

Two other comparative studies related to the representation of the African and Afrodescendant subject in Latin American literature are Julio Ramos’s “*Cuerpo, lengua, subjetividad*” (1993) and Ilia Casanova-Marengo’s *El intersticio de la colonia: ruptura y mediación en la narrativa anti-esclavista cubana* (2002). Ramos first looks at the way in which the linguistic heterogeneity pre-

sented in the nineteenth-century antislavery novel contributed “to the reflexion that was needed to turn the slave—until then reduced to the category of a gagged and tortured body—to a subject, a proper name with a right to speak, as in Manzano’s key testimony,” aiding in the establishment of a language that would be needed “not only for the installation of the commercial and politico-juridical networks of the modern nation, but also for the establishment of the symbolic order constitutive of modern citizenship” (“Cuerpo” 227); towards the end, Ramos also observes that just as the antislavery novel “projected the incorporation of the silent slave into the rationalized, governed space of the national language” when its slave characters—like Francisco, in *Francisco*—give testimony, it also “irreparably fractures the national allegory” (234) when other slave characters—like Pedro Carabalí, in *Cecilia Valdés*—refuse to speak.

For her part, Casanova-Marengo presents an analysis of three Cuban antislavery texts—*Autobiografía de un esclavo*, *Sab*, and *Cecilia Valdés*—as a product of the Cuban intellectual author’s overlapping of power as a mediator between the slaves (with less power than him) and the English power (with more power than him). According to Casanova-Marengo, this intersection produced “a discourse of complex and problematic confluences that point to the excision of colonial Cuba. This mediation, which unleashes multiple fissures, ambivalences, and contradictions in the antislavery narrative discourse, allows the colonial subject the articulation of strategies of resistance with which to reveal an alternative ontology that challenges the Spanish colonial order” (11).

One last comparative study to mention is Nydia Jeffers’s doctoral dissertation, “*El protagonista negro en la narrativa antiesclavista latinoamericana del siglo XIX*” (2013). Jeffers describes the four ways in which enslaved Africans and Afrodescendants were represented in nineteenth-century antislavery narrative: the alienated slave (the love-stricken victim in *Sab*, 1841, and in “La sibila de los Andes,” 1840), the passive slave (the kind victim in “Petrona y Rosalía,” 1838, and in *Carmela*, 1887), the violent slave (the victimizer victim in “El ranchador,” 1856, and in *Historia del perínclito Epaminondas del Cauca*, 1863), and the rebellious slave (the victorious victim in *Manuela*, 1856, and in *Florencio Conde*, 1875). The author concludes that the different representations of the African and Afrodescendant slave at this time in history “inspire a variety of reactions [frustration, compassion, condemnation, and admiration] on the part of the implicit reader, but one same message against the existence of slavery” (185).

The analysis that I present in this chapter differs from the ones that I have just described in two ways: first, I exclusively focus on the mediating, rhetorical, affective devices used by the authors to inspire the empathy of the reader; second, I analyze texts that are not commonly analyzed. I would have certainly liked to focus on the best known nineteenth-century narratives of advocacy for enslaved Africans and Afrodescendants: *Autobiografía de un esclavo* (1835), *Cecilia Valdés* (1839), *Francisco: el ingenio o las delicias del campo* (1839), *Sab* (1841), and *El negro Francisco* (1875) because these are the texts first recalled today when thinking of the region's anti-slavery literature. However, because these texts have already been analyzed so extensively, I limit myself to citing the findings of other scholars with respect to them, and I draw attention to what occurs in four other such narratives of the time, which, although they are not as well known to us today, they still circulated among the culturally dominant sector of society during the time of slavery,<sup>12</sup> representing the African and Afrodescendant slave in the same way as their better known counterparts did—with a portrayal similar to that of Amerindians in their corresponding sixteenth-century narratives—and contributing to raising that awareness that we associate with the passing of new laws.

In this section, the representation of the second group of exploited beings, enslaved Africans and Afrodescendants, in narratives of advocacy is studied in four nineteenth-century Latin American texts: Félix Tanco y Bosmeniel's "Petrona y Rosalía" (1838), Fermín del Toro y Blanco's "La sibila de los Andes" (1849), Joaquim Manuel de Macedo's *As vítimas-algozes: quadros de escravidão* (1869), and Julio Rosas's *La campana de la tarde; o, Vivir muriendo* (1873).

The first text, "[Petrona y Rosalía](#)," is the second antislavery narrative written in Cuba after Manzano's *Autobiografía de un esclavo*. This short novel has been analyzed from various perspec-

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<sup>12</sup> Based on the information provided by Nydia [Jeffers](#), about half of all Latin American texts categorized as "anti-slavery literature" were written and/or published after abolition took place in their authors's respective countries of origin or residency. Here are examples of the years in which some narratives were written, followed by the country in which they were published and the year in which slavery legally ended in that country: Lastarria's "El mendigo" (1842; Chile: 1823); F.A.'s "El esclavo del Orinoco" and Gorriti's "La esclava" (1863 and 1865, respectively; Argentina: 1853); Irisarri's *Historia del perínclito Epaminondas del Cauca* and Samper's *Florencio Conde* (1863 and 1875, respectively; Colombia: 1852); Blanco's *Zárate* (1882; Venezuela: 1854); Martí's "La muñeca negra" and Delgado's *Sofía* (1889 and 1891, respectively; Cuba: 1880).

William [Luis](#) explains that "[a]lthough the antislavery writers continued to narrate the history of the early part of the nineteenth century, the novels of the republic period went beyond exposing a racial-economic problem based on sugar. They also uncovered a deeper social concern as well [...] [transcending] the temporal limitations of those novels to comment on a contemporary social setting, one present during the time in which the works were published" (8)

tives by several authors,<sup>13</sup> none of whom focus in detail on the author's representation of the African and Afrodescendant protagonist. The story is about the tragic lives of Petrona and her daughter, Rosalía, both of whom are slaves in the family of Doña Concepción Sandoval Buendía. Rosalía is destined to live the same life that her mother lived eighteen years earlier, experiencing rape and punishment before being banished from the house and sent to work to the family's sugar mill. Petrona and Rosalía (and her unborn baby) die within months of each other.

The second text is "[La sibila de los Andes](#)," which tells the story of Elvira, a slave who grows up receiving the same education as her master's daughter, Teresa, after the latter loses her mother as a baby and is placed in the care of Elvira's own mother. The two girls grow up like sisters, until they separate on Teresa's wedding day when Elvira cries her love for Henrique at the ceremony. Decades later, living alone in the mountains, an old Elvira tells her story.

"La sibila de los Andes" is a short story, but it may have been the fragment of a novel—a footnote in [Flores de Pascua. Colección de producciones originales en prosa y verso](#) (1849), which includes the story as it is known it,<sup>14</sup> reads as follows:

One of our most illustrious compatriots, Mr. Fermín Toro, has written a novel titled *La sibila de los Andes*, of which is part this most interesting fragment published today. Perhaps, in better circumstances, Mr. Toro will decide to publish his beautiful work, and then we will admire once again the already very applauded genius of the author of *La viuda de Corinto*. (7)

If, indeed, "La sibila de los Andes" was the fragment of a novel, all traces of that novel seem to have disappeared, to the point that several scholars have discarded the possibility that it ever

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<sup>13</sup> William Luis mentions Félix Tanco y Bosmeniel in his book, [Literary Bondage: Slavery in Cuban Narrative](#) (1990), comparing two of his works—"Petrona y Rosalía" and "Un niño en la Habana" (1838)—to show how the deaths of the children in those stories (a White one and a Black one) symbolize the lack of future that the Cuban society had "within the morally decaying colonial system" (52).

Claudette Williams's essay, "[The Devil in the Details of Cuban Antislavery Narrative: Félix Tanco y Bosmeniel's 'Petrona y Rosalía'](#)," (2006), looks at how the author inscribes himself and his antislavery sentiments in the text.

Beatriz Calvo-Peña and Ebénézer Billé carry out comparative analyses that include "Petrona y Rosalía": Calvo-Peña's dissertation, "[Of Dangerous Women and Hybrid Nations: Women, Impurity and the Nation in Cuban Nineteenth Century](#)," looks at the representation of the feminine figure—the *Criolla*, the Siboney, the mulatta, and the prostitute—in nineteenth-century Cuba, while Billé's text, "[Funcionamiento Del Personaje Femenino Negro En La Novela Cubana Antiesclavista](#)," looks at the role of the female character in five antislavery Cuban novels.

Finally, Karim Ghorbal's "[Un Radical Discret: L'esclavage Dans La Pensée Singulière De Félix Tanco Bosmeniel](#)," analyzes Félix Tanco y Bosmeniel as a marginal protagonist in his narratives, unequivocal in his condemnation of slavery; "Petrona y Rosalía" is one of the texts that the author presents as evidence.

<sup>14</sup> Although *Flores de Pascua* does include this story, and attributes it in the mentioned footnote to Fermín Toro, it also does show the name "Emiro Kastos" as the story's author. "Emiro Kastos" and "Jocosias" were pseudonyms that Toro used, starting in 1837, when he wrote for the Caracas newspaper *El Liberal*.

was anything but a short story. For example, in the introduction to the 1964 edition of Fermín del Toro y Blanco's *Los mártires* (1842), Gustavo Luis Carrera explains that

*Los mártires* was Fermín Toro's only novelistic production. Incorrectness or ambiguities in the criticism [...] have led to Fermín Toro's known stories being pointed out as novels or fragments of novels, especially "La viuda de Corinto" and "La sibila de los Andes." But the reading of these brief prose compositions leaves no room for doubt: they are short stories. "La viuda de Corinto" appeared on July 25th, 1837, in the Caracas newspaper *El Liberal*; and "El solitario de las catacumbas," on February 26th, 1839, in the *Correo de Caracas* (a newspaper founded by the same Toro together with his close friend, Juan Manuel Cagigal). In the case of "La sibila de los Andes," the confusion reaches far back, very likely after its inclusion by José María de Rojas in his *Biblioteca de escritores venezolanos contemporáneos*, in 1875, as "fragment of a novel." (xvi)

Like Carrera, Virgilio Tosta also denies that "La sibila de los Andes" is the fragment of a novel; in his compilation, *Tres relatos y una novela* (1957), he writes a note at the end of this story to provide the same explanation, that is, that José María Rojas's introduction of the story as a fragment led to the confusion. Tosta states that "[t]here is no such fragment. 'La sibila de las Andes' is simply a short story, like 'La viuda de Corinto' or 'El solitario de las catacumbas.' It suffices to read it to become aware of this affirmation" (131). But I am not as convinced as Carrera and Tosta in that "La sibila de los Andes" is not part of a novel. Not only is it not difficult to imagine that "the better circumstances" to which the footnote refers may allude to a time without legal slavery, when a complete antislavery novel could be published without censorship, but it is also not be difficult to argue, with evidence to support it, that the story could perfectly well be part of a larger text, as the reader is left with just too many questions that find no answer and stem from pieces of information that are seemingly irrelevant to the text, both aesthetically and in content.

Whether story or fragment of a novel, what matters to us is that Fermín Toro—who had expressed, in writing, his position against slavery—<sup>15</sup> agreed to have it published as it was, as a story that shows the reader that Elvira is just like Teresa, that how she saw herself in the mirror (an intelligent, beautiful, *deserving* woman) is how society should see women, including Black women; and, also, that Elvira's lament was not related to her regretting that her declaration had trespassed the boundaries that defined her as a slave: it was related, instead, to its trespassing the

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<sup>15</sup> José Luis Da Silva's and Rafael García Torres's essay, "*Revolución francesa y revolución americana: dos visiones desde Fermín Toro*" (2007), offers a thorough analysis of Toro y Blanco's writings in relation to slavery, civilization, progress, and revolution.

boundaries that limited herself as Teresa's sister, as her closest friend. Whether a fragment of a novel or short story, "La sibila de los Andes" offers a portrayal of the African and Afrodescendant slave that is very worthy of a close reading.<sup>16</sup>

The third text analyzed in this section is *As vítimas-algozes: quadros da escravidão*, a set of three separate novellas.<sup>17</sup> This text, antislavery like the others, takes a different approach in its advocacy for the exploited African and Afrodescendant slave: as the title anticipates, the protagonists—all enslaved Africans and Afrodescendants—commit atrocities against their masters. Macedo justifies the bad behavior of the Black protagonists in his stories, insisting that the reason why they have become who they have become is the inhumane condition in which they exist, which, to Macedo, is inhumane even when slaves are treated with kindness by their masters. *As vítimas-algozes* represents the Afrodescendant protagonist as bestial, inhuman, but it does so in a way that seeks to inspire the empathy of the culturally dominant reader: were you in the position in which slaves are, would you not also feel angry, resentful, vengeful?

In the first story, Simeão, a slave raised like a son by his master's family, becomes aware of his condition of slave and wishes to be rich and free, for which he plots to have the family robbed and killed. In the second story, Pai-Raiol, who has just been sold as a slave, allies himself to another slave, Esméria, to kill their master and his family, and take over his house and plantation. In the third story—which will not be analyzed in this dissertation due to its length and its similarities with the previous two stories—Lucinda, a slave at Florencio Da Silva's house, is blamed for the wanton behavior of her master's daughter, Cândida.<sup>18</sup>

The fourth text analyzed in this section is *La campana de la tarde; ó Vivir muriendo* a novel that,

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<sup>16</sup> Nydia Jeffers briefly mentions "La sibila de los Andes" in her dissertation, claiming that Elvira "escapes to the mountains to live independently, expressing appreciation for her value as a woman eligible for marriage and declaring her love for her master's boyfriend" (38). In my analysis, I question this enunciation, as well as Jeffers's notion that "instead of dying by being burned to death by the villain, [Elvira] descends the mountain where she has lived, isolated, all her life after running away in her youth [...] opening the possibility of social integration" ("El protagonista" 38).

<sup>17</sup> Luciene Marie Pavanelo's dissertation, "*Camilo Castelo Branco e Joaquim Manuel de Macedo: convergências na ascensão do romance nas periferias do capitalismo*" (2013), looks at these authors's "subversion of some novelistic conventions, the disruption of expectations in the reading, and the deviation of some of the most common recurring themes and narrative processes in the nineteenth century" (1). Pavanelo analyzes *As vítimas-algozes* from this perspective.

<sup>18</sup> *As vítimas-algozes* was criticized at the time of its publication due to its explicit content; Dr. Pancrácio, for example, commented in 1870 that "[c]ertain descriptions are too realistic, and there are truly repugnant scenes. This takes the realist school too far. What is narrated in chapter LII, in the second volume, is beyond disgusting, ignobly far-fetched in its nature. [...] This book may be enjoyed by adult men, but it is overly immoral to enter the domestic realm. It will serve the abolition cause, but it powerfully aids in the perversion of customs" (14-5).

without any doubt, should receive much more attention from scholars than what it has received so far, which is practically nonexistent. It was written by Francisco Puig y de la Puente under his most commonly employed pseudonym: Julio Rosas (another pseudonym used by the author was “un filántropo abolicionista’ [an abolitionist philanthropist]” (“[Razón](#)” 152). The tragic novel, a melodrama that Julio Rosas uses as a medium to state his personal views on slavery and other topics, tells the story of don Antonio, a kind and wealthy man who marries Angelina, his neighbor’s daughter. In love with another man, however, Angelina never finds happiness with don Antonio, and such unhappiness leads to tragedy. In the end, all the main characters in the novel die.

Just as in the case of the analyses carried out with respect to the narratives that advocated for Amerindians in the sixteenth century, the analyses presented in this section compares the common, rhetorical, affective devices used by the authors of the time to inspire the empathy of the reader; it also contributes to expanding the relatively small body of knowledge currently in existence regarding these lesser known texts, and it adds to the evidence that supports the claim presented in the second part of this dissertation.

## **PART TWO: CULTURAL ANALYSIS**

The socio-political analysis in Part Two of this dissertation is carried out within the framework provided by Marxist theory—specifically, within the framework provided by its comment on capitalism and cultural dominance. Criticism towards Marx and Marxism ranges from the skeptical



and conjectural—like that of Sigmund Freud’s<sup>19</sup>—to the accusatory—like that of Karl Popper’s<sup>20</sup>—to the blindly dismissive—such as that of John Keynes’.<sup>21</sup>

Relevant to my work could be the criticism of Marxism as an economic deterministic theory, that is, as a theory that regards economic factors as the only determinant variable in all spheres of society, leaving humans with no free will or agency and making history inevitable and predictable. This interpretation of Marxism, described as “vulgar Marxism” or “vulgar determinism,” has already been counter-argued by well known theorists, most recognizably by Georg Lukács in *History and Class Consciousness: Studies in Marxist Dialectics* (1923) and by Louis Althusser in “On Marxism” (*The Spectre of Hegel: Early Writings*, 1953), and most recently by Peter G. Stillman in “The Myth of Marx’s Economic Determinism” (2005). Although the economic—the forces and relations of production—is, without doubt, of major importance, “giving weight to economic factors is far from determinism as causality, especially far from strong causality” (Stillman). Marx

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<sup>19</sup> Freud is not skeptical of Marx’s theory itself, but of one of its central components: the idea that humans could eventually leave behind the exploitative capitalist system and live as a society in which the means of production are commonly owned, without social classes, without the State, without private property. Freud sees one problem with this idea: the fact that humans are naturally aggressive, and that their aggression will not go away by eliminating private property—which, he writes, is what communism claims will happen: “If private property were abolished, all wealth held in common, and everyone allowed to share in the enjoyment of it, ill-will and hostility would disappear among men” (87). Freud is not convinced by this “path to deliverance from our evils” (86), and he explains why: “I have no concern with any economic criticisms of the communist system; I cannot enquire into whether the abolition of private property is expedient or advantageous. But I am able to recognize that the psychological premises on which the system is based are an untenable illusion. In abolishing private property we deprive the human love of aggression of one of its instruments, certainly a strong one, though certainly not the strongest; but we have in no way altered the differences in power and influence which are misused by aggressiveness, nor have we altered anything in its nature. Aggressiveness was not created by property. It reigned almost without limit in primitive times, when property was still very scanty, and it already shows itself in the nursery almost before property has given up its primal, anal form; it forms the basis of every relation of affection and love among people (with the single exception, perhaps, of the mother’s relation to her male child). If we do away with personal rights over material wealth, there still remains prerogative in the field of sexual relationships, which is bound to become the source of the strongest dislike and the most violent hostility among men who in other respects are on an equal footing. If we were to remove this factor, too, by allowing complete freedom of sexual life and thus abolishing the family, the germ-cell of civilization, we cannot, it is true, easily foresee what new paths the development of civilization could take; but one thing we can expect, and that is that the ineffaceable feature of human nature would follow wherever it led)” (87-9)

<sup>20</sup> Popper agreed with Marx’s criticism of mid-century capitalism, but he criticized what he considers to be the historicist aspect of the theory. To him, historicists’ precise and short-term predictions are not possible because social sciences are not natural sciences: since no hypothesis put forth can be tested against reality for corroboration or refutation—that is, since it cannot be “falsified”—then it is not valid.

<sup>21</sup> Wondering about Communism, Keynes writes, “How can I accept a doctrine which sets up as its bible, above and beyond criticism, an obsolete textbook which I know to be not only scientifically erroneous but without interest or application for the modern world? How can I adopt a creed which, preferring the mud to the fish, exalts the boorish proletariat above the bourgeois and the intelligentsia who, with whatever faults, are the quality in life and surely carry the seeds of all human advancement?” (300)



does suggest that we are limited in what we can think—perhaps, as Stillman explains, “in parallel to the way the circumstances into which we are born limit how we make history”—but he does not imply that people do not have free will or agency; as a matter of fact, Marx states in *The German Ideology* that “circumstances make men just as much as men make circumstances” (59). As Stillman observes, “[i]n both minor and major works, it is striking how little and how rarely Marx claims an inevitable course for the future or predicts it.”

My dissertation draws from Marxist theory to look at how relations of production condition and limit our forms of consciousness: although we do have free will and agency, we are constrained by forces that, unless they are removed, will continue impeding our liberation by “growing out of control, thwarting our expectations, bringing to naught our calculations” (Marx and Engels, *German* 53). In relation to narratives of advocacy, this statement means that we can read as many advocating texts as we like, we can be moved by them, and we can demand and (sometimes, when capital is ready) achieve the passing of new protective laws; however, in spite of our believing that we have the power to end exploitation, we will not be able to truly liberate those exploited—which, to different degrees, include most of us—as long as the system remains one in which the economic vulnerability of the many leaves them no choice but to lend themselves up to being exploited by the few, the ruling class. That vulnerability, of course, also affects most members of the culturally dominant sector of society; however, as the dissertation will show, it is not a condition that they and the rest of society widely recognize.

#### **Chapter Four: The Voice of Capital in the Legislative Process**

The objective of this chapter is to understand how the interests of capital had predominance within the legal system during the sixteenth and nineteenth centuries—the periods related to the analyzed narratives of advocacy—as well as today.

The section on Amerindians relies on the research of several scholars. First, Juan Cruz Monje Santillana’s “*Las Leyes de Burgos de 1512, precedente del derecho internacional y del reconocimiento de los derechos humanos*” (2009) offers a detailed study of the Laws of Burgos, commending them for being the “first Declaration of Human Rights” (1), but also explaining how they served the ulterior purpose of preventing the formation of a new nobility of *encomenderos* in the

New World. Second, Enrique Dussel's "[La crisis de las Leyes Nuevas](#)" (1979) provides deep insight on the New Laws, not only on how they came about but also what happened in each region in the New World once they were enacted. Third, Manuel Lucena Salmoral's [Leyes para esclavos: el ordenamiento jurídico sobre la condición, tratamiento, defensa y represión de los esclavos en las colonias de la América española](#) (2000) meticulously describes and comments all the laws related to slavery—Amerindian, African, and Afrodescendant—in the New World.

The section on enslaved Africans and Afrodescendants continues relying on [Lucena Salmoral](#) and it brings in new sources, including the invaluable research of Georg [Thomas](#) and Hebe [Clementi](#) on Portuguese American laws. There is also a review on some ideas of Adam Smith and Karl Marx with respect to slavery—foundational for authors such as Eric Williams, who, in his [Capitalism and Slavery](#) (1944), looks at the role of African and Afrodescendant slavery in the formation of capitalism, and at the role of that same capitalism in the destruction of the slavery system—as well as a review of Seymour [Drescher](#)'s argument that abolition meant "econocide" in Latin America.

To give an example of how capital continues affecting legislation today, I rely on to both [Gilens and Page](#), and [North and Clark](#), whose respective studies show the power of lobbying on U.S. and Latin American policy "while average citizens and mass-based interest groups have little or no independent influence" ([Gilens and Page](#) 564).

## **Chapter Five: The Voice of the Exploited in the Legislative Process**

Chapter Five focuses on a series of texts to understand the extent to which the exploited protagonists of the narratives of advocacy analyzed in this dissertation were able to make their interests known, and how. Among several others, these texts include Ethelia Ruiz Medrano's and Susan Kellog's [Negotiation within Domination: New Spain's Indian Pueblos Confront the Spanish State](#) (2010), Rafael Ángel Obando Andrade's "[Manumisión, coartación y carta de venta: tres de los mecanismos legales de obtención de la libertad para los esclavos negros en la América española](#)" (2011), Aline Helg's [Slave No More: Self-Liberation Before Abolitionism in the Americas](#) (2019); Leslie B. Rout, Jr.'s [The African Experience in Spanish America: 1502 to the Present Day](#) (1976); and Stuart B. Schwartz's [Slaves, Peasants, and Rebels. Reconsidering Brazilian Slavery](#) (1992). Other

authors on whose research I rely include Gonzalo [Lamana](#), and Magnus [Lundberg](#).

First, I will look at the “civilized” voice of the Amerindian. Ruiz Medrano’s and Kellogg’s book, a compilation of essays that focus on “indigenous interaction with imperial legal and political institutions in colonial New Spain,” addresses the question, “[W]as the colonial political-legal domain simply an instrument of domination or did councils, courts, and legal personnel allow for or adjust to the assertion of agency?” (19). What can be concluded from these essays is that, as the Spanish courts became the main resource to solve disputes in the region, “the ability of the Crown to assert authority—whether by Isabella in the Caribbean and early sixteenth-century New Spain or the Hapsburgs in later sixteenth-century New Spain and Peru—lay in part in the willingness of the indigenous population to accept that authority,” and that although the negotiations helped the Amerindians to (somewhat) protect their land and culture, they also “led to the creation or reinforcement of various forms of dependency” (21). That same dynamic existed in Castille, Spain, and Van Deusen’s text explains how “unjustly enslaved” Amerindians contested their slavery represented by special counselor appointed to the task.

Second, I will look at the “civilized” voice of the African and Afrodescendant slave to show how “from either an aggressive or a passive resistance, Blacks in America were able, on many occasions, to achieve the government’s compliance of those laws which protected their dignity” ([Obando Andrade](#) 123), including their consuetudinary right to manumission. Of interest to us here is how much that compliance affected capital. Finally, I discuss many of the instances in which Amerindians and enslaved Africans and Afrodescendants chose not to follow the “civilized” route to make themselves heard, looking at what those uprisings achieved in terms of changes to their living conditions.

## CONCLUSION

The conclusion chapter summarizes my findings and establishes the conclusions derived from them. First, narratives of advocacy do not seek to end the exploited’s exploitation, but the exploited’s “uncivilized” exploitation. Second, narratives of advocacy reinforce the otherness of both the exploited Other and of exploitation itself. Third, narratives of advocacy are a class-

marking product for the culturally dominant sector of society. Fourth, narratives of advocacy contribute to the establishment of legal hierarchies within the labor force. Finally, narratives of advocacy contribute to the misguided notion that the civilized voice is more efficient than the uncivilized at the time of bringing change to the situation of the exploited.

Based on these conclusions, I answer the two questions that guide this research, the second one of which makes this project relevant today.

## 1.0 THEORETICAL FRAMEWORK

### 1.1 INTRODUCTION

This first chapter discusses a series of concepts that frame the literary analysis, presented in chapters 2 and 3, of the nine narratives of advocacy that concern us—five that advocated for Amerindians in the sixteenth-century and four that advocated for enslaved Africans and Afrodescendants in the nineteenth century. I will discuss the meaning of “empathy,” “social hegemony,” and “civilized” and “civil,” as well as who the authors and the readers of the analyzed narratives of advocacy were, and what made the authors reach the readers at the emotional level.

To establish these concepts, I first look at [Pigman](#)’s tracing of the concept of empathy, from its first descriptions to its jump beyond aesthetics into psychology, as well as at [M. L. Hoffman](#)’s insights on how this emotion is aroused. Then, I refer to [Gramsci](#) and [Bourdieu](#) to define what social hegemony is, and to several authors—[Elias](#), [Obregón](#), [Biersack](#), [Merquior](#), [Acree](#), and [Jáksić](#)—to understand what “civilized” and “civil” meant during the sixteenth and nineteenth centuries, when our narratives of advocacy were written. Afterwards, I turn to [Ruiz](#), [Biersack](#), [Sosa Mayor](#), and [J. Ramos](#), [Desencuentros](#) to define who the authors of those narratives were, and to [Aspinall](#), [Soriano](#), [Parker](#), [Oriqué](#), “[New Discoveries](#),” [Triana](#), [Sommer](#), and [Nelson](#), to define their readers. Finally, I rely on [de Certeau](#) and [Beverly](#) ([Subalternity](#)) to explore the way the Other has been, and still is, represented in advocating texts, as well as the effects of such representation on the reader and its consequences on society.

## 1.2 THEORETICAL FRAMEWORK

### 1.2.1 On empathy

While the notion of *sympathy* has been around for hundreds of years,<sup>1</sup> the notion of *empathy* is both recent and, as Mark H. Davis explains, also complex:

After studying empathy in one form or another for over 15 years, I am finally beginning to feel as though I have some understanding of the topic . . . Empathy is a multifaceted phenomenon of interest to psychologists of many different stripes (i.e., clinical, developmental, sociobiological, personality, social) as well as to a variety of non-psychologists including anthropologists, philosophers, and theologians. I would suggest that one reason it is difficult to get a good handle on empathy is that it has too many handles (ix).

Until the beginning of the eighteenth century, the concept of and the word for sympathy covered both *sympathy* and *empathy*. Today these are two separate notions, but their difference is subtle enough to lend itself to confusion and this results in the interchangeable use of the terms that designate them. This first section of Chapter One, will show how the concept of empathy came to be, what the distinction is between sympathy and empathy, and how the latter is inspired.

In his meticulously researched 1995 essay, “Freud and the History of Empathy,” George Pigman follows the evolution of the concept of empathy. Although empathy had been described in the past—for example, as “sympathy” by Hume in 1739: “[W]hen I perceive the causes of any emotion, my mind is conveyed to the effects, and is actuated with a like emotion” (Prinz 215); and without name by Johann Gottfried Herder in 1774, when he exhorted his readers to understand the character of ancient peoples: “‘Go to the time, the place, the entire history, feel yourself into everything [*fühle rich in ales hinein*]’” (qtd. in Pigman 238)<sup>2</sup>—Hermann Lotze seems to have been the first person, in 1858, to articulate the emotional process that empathy is, one in which “[o]ur

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<sup>1</sup> The *Online Etymology Dictionary* traces the word *sympathy* to the 1570s, showing its origins the “Middle French *sympathie* (16c.) and directly from Late Latin *sympathia* ‘community of feeling, sympathy’; from Greek *sympatheia* ‘fellow-feeling, community of feeling,’ from *sympathes* ‘having a fellow feeling, affected by like feelings,’ from assimilated form of *syn-* ‘together’ (see *syn-*) + *pathos* ‘feeling’ (from PIE root *\*kwent(h)-* ‘to suffer’). In English, almost a magical notion at first; used in reference to medicines that heal wounds when applied to a cloth stained with blood from the wound. Meaning ‘conformity of feelings’ is from 1590s; sense of ‘fellow feeling, compassion’ is first attested c. 1600. An Old English loan-translation of sympathy was *efensargung* (“*Sympathy*”).

<sup>2</sup> A detailed list of authors and their work on this notion may be found in Laura Hyatt Edwards’ “A Brief Conceptual History of *Einfühlung*: 18th-Century Germany to Post-World War II U.S. Psychology.” In this same text, Edwards explains in depth how Herder “invented *Einfühlung* as an objective scholarly method during 18th-century absolutist-relativist disputes” (269).

imagination allows us to transfer our bodily sensations to animate and inanimate objects, [allowing] us to put ourselves in their place and thus to understand them” (239). Nevertheless, in spite of these references to the notion of empathy, it was not until the end of the eighteenth century that a unique term was coined for it: the German word *Einfühlung*.

*Einfühlung* first appeared in Robert Vischer’s *On Optic Feeling for Form: A contribution to Aesthetics* (1873), where the author supported his father, Frederick Theodor Vischer, in an argument against formalism. To Vischer, *Einfühlung* makes itself evident “[w]hen something in a landscape strikes us as an intention, a mood, an affect; this probably happens because through its forms, lights, and colors, it stimulates our inner self to sympathetic and reactive motions with which our actual body in real life is accustomed to express conditions and commotions of the soul” (qtd. in Pigman 240). After Vischer’s creation of the term *Einfühlung* in relation to aesthetics, Theodor Lipps proposed that it also become part of the field of psychology: “The concept of empathy has now become a fundamental concept especially of aesthetics. But it must also become a fundamental concept of psychology, and it must furthermore become the fundamental concept of sociology.” Explaining how empathy works, Lipps wrote: “I see an expression and begin to imitate it; the expression calls forth in me the corresponding psychic experience. My psychic experience is then ‘felt into’ [*eingefühlt*] the expression” (qtd. in Pigman 242).

Having described Lipps as “the clearest mind among present-day philosophical writers” (qtd. in Pigman 241), Sigmund Freud heeded his call and took the concept of empathy into his field,<sup>3</sup> giving *Einfühlung* the meaning of “putting oneself into another’s position either consciously or unconsciously, and [continuing] to use the word in this way for the rest of his life” (245). Freud’s use of the term *Einfühlung* is aligned with the definition of the term found in the Merriam-Webster

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<sup>3</sup> Pigman explains that the fact that “empathy” has any importance in Freud’s texts may be foreign to English speakers because of two reasons: “First, eight of the twenty occurrences of *Einfühlung* occur in *Jokes and their Relation to the Unconscious* (1905), a work rarely studied by clinicians. Second, the Standard Edition [the original translation of Freud’s works into English] translates only three of the twelve other occurrences as ‘empathy’ and never translates *empfinden* (which occurs eight times) as ‘empathize’ (244). In any case, *Einfühlung* is of such importance to Freud that it is central in his advice to psychoanalysts, encouraging them to develop empathy—“*Einfühlung*,” incorrectly translated as “sympathetic understanding” by Strachey in the Standard Edition—towards their patients, so as to enable “the positive transference necessary to allow the patient to benefit from interpretations of his symptoms” (qtd. in 246).

Louise de Urtubey, however, disagrees with the idea of “empathy” as central to psychology, arguing that “empathy” is not quite “identification,” which is what the analyst must achieve in order to truly help his or her patient access the unconscious (864). Empathy is inspired via what the patient consciously says, which is why Urtubey considers it insufficient for psychoanalysis.

dictionary: “the action of understanding, being aware of, being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of another of either the past or present without having the feelings, thoughts, and experience fully communicated in an objectively explicit manner” (“[Empathy](#)”). The difference, then, between sympathy and empathy is that in sympathy one *shares* the other’s feelings—as in, “I am sad for the same reason you are sad”—while in empathy one projects oneself into the other’s situation without necessarily sharing the other’s feelings—as in, “If I were in your place, I would be sad like you are.”

The understanding and vicarious experiencing associated with empathy do not always occur automatically, according to Martin Hoffman in “[Empathy and Moral Development](#)” (1996), one of his many essays on the subject of empathy, it only occurs under five circumstances: three of them (primary circular reaction, mimicry, and conditioning) are involuntary, and two of them (language-mediated association and role-taking) are “higher-order cognitive modes” (157). These last two modes are of particular interest to us in this research, and Hoffman explains why:

The victim does not have to be physically present for the observer to respond with empathic affect. Humans have the capacity to form images and represent events, and to imagine themselves in someone else’s place; and represented events have the power to evoke affect. For these reasons, it is only necessary to imagine the victim’s plight for empathy to be aroused. Empathy may thus be aroused when reading about someone’s misfortune, arguing about economic or political issues that involve victims or potential victims, or even making Kohlberg-type judgments about hypothetical moral dilemmas. (158)

Also of interest to us are two characteristics of empathy that Hoffman points out: one, that empathy is biased “in favor of one’s kinship or primary group” (159); the other, that “increasing the intensity of empathic distress will increase one’s motivation to help the victim—up to a point. Beyond that point, empathic distress may become so aversive that it is transformed into a feeling of self-distress, and no longer functions as a moral motive” (160).

Empathy has been placed at the center of our contemporary ethical ideology, which, as Alain Badiou explains in Badiou, [Ethics](#) (1993), revolves around the so-called “human rights.” Our ethics is based on our empathy towards the other, on putting ourselves in the other’s shoes, on doing unto others as we would have them do unto us. Empathy plays a role as a mechanism that aids us in preventing the consequences of our selfish nature, which, when left unchecked, is said to lead to the inevitable “solitary, poor, nasty, brutish, and short” existence that Thomas Hobbes described



in his *Leviathan, or The Matter, Forme, & Power of a Common-Wealth Ecclesiasticall and Civill* (1651) (84),<sup>4</sup> and while this statement makes sense, it also leads to the following question: what happens when we do not empathize with those who suffer, when we cannot relate to their suffering? Do we look the other way? Addressing this question, Jesse Prinz argues against empathy as a precondition on moral judgment. In his essay, “Against Empathy” (2011), Prinz arrives at the conclusion that “empathy is not a component, a necessary cause, a reliable epistemic guide, a foundation for justification, or the motivating force behind our moral judgments” (214). Although “[e]mpathy can help us see that some particular action deserves blame” (224), it is not “a suitable tool for morality” because of two reasons. First, it is very limited in its scope, very local, “a dyadic emotion, regulating the responses between two individuals.” Second, because “the biases that lead us to allocate guilt and anger partially may derive from empathy, rather than from those emotions themselves” (229), which is problematic because we then only tend to help those individuals with whom we empathize, ignoring other sufferers (and groups of sufferers) in direct proportion to how much we identify with them and how far away they are. As Prinz clearly presents it, “[w]ith empathy, we ignore the forest fire, while watering a smoldering tree” (228). Instead of empathy, the sentimental foundation for morality should be “emotions such as anger, disgust, guilt, and admiration” (214), which can guide our moral action even when empathy is absent: “[a]nger at injustice, pleasure in charity, and guilt about environmental devastation can carry us across seas because their proper objects are action-types, not individuals. We can militate against genocide because it is a monstrous crime, even if the individual victims of mass killings are too numerous and too foreign to instill vicarious terror” (229). To Prinz, what matters should not be how much empathy we feel towards the suffering of victims, but whether “victims were harmed and whether perpetrators are really responsible” (227).

Whether it should be central to our ethical reasoning or not, empathy is what the authors of narratives of advocacy inspire in the reader. I will illustrate this point in the next two chapters.

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<sup>4</sup> There is an abundance of recent publications on the role of empathy in our civilization: Milton E. Brenner’s *Evolution and Empathy: the Genetic Factor in the Rise of Humanism* (2008); Jeremy Rifkin’s *The Empathic Civilization: the Race to Global Consciousness in a World in Crisis* (2009); Paul R. Ehrlich’s and Robert E. Ornstein’s *Humanity on a Tightrope: Thoughts on Empathy, Family, and Big Changes for a Viable Future* (2012); and Lonnie W. Aarssen’s “Will Empathy Save Us?” (2013), to name a few.

### 1.2.2 On social hegemony and cultural dominance

The notion of *social hegemony* is one of three fundamental concepts—the other two being *ideology* and *organic intellectuals*—through which Antonio Gramsci elaborates his theory on class power, addressing the importance of the non-economic relations between classes. As Valeriano Ramos, Jr. summarizes it, to Gramsci “power for a class rested not only on the economic level and on the simple capture and smashing of the dominant state apparatus, but was highly dependent on the legitimacy the class gained from subordinate classes in civil society through effective ideological struggle therein.”

Gramsci defines that “combination of force and consent, which balance each other reciprocally, without force predominating excessively over consent” (248) as *social hegemony*,<sup>5</sup> and describes the two mechanisms that make it possible:

1. The “spontaneous” consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group; this consent is “historically” caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production.
2. The apparatus of state coercive power which “legally” enforce discipline on those groups who do not “consent” either actively or passively. This apparatus is, however, constituted for the whole of society in anticipation of moments of crisis of command and direction when spontaneous consent has failed. (145)

The “spontaneous consent” needed for social hegemony—a key element in differentiating this type of dominance from authoritarianism—is largely achieved through the cultural institutions that socialize us into the norms and laws that establish what is “civilized” and “civil”—concepts that I will analyze in the next section of this chapter.<sup>6</sup>

And it is at this point that a distinction can be made between social hegemony and cultural domination: those norms and laws that guide us in relation to what and how we should think, what we should remember and what we should forget—helping us to develop our “common sense,” the “uncritical and largely unconscious way of perceiving and understanding the world” (625)—do

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<sup>5</sup> Gramsci adds: “Indeed, the attempt is always made to ensure that force will appear to be based on the consent of the majority, expressed by the so-called organs of public opinion—newspapers and associations—which, therefore, in certain situations, are artificially multiplied. Between consent and force stands corruption/fraud (which is characteristic of certain situations when it is hard to exercise the hegemonic function, and when the use of force is too risky)” (248).

<sup>6</sup> Chapter 4 explains how this “spontaneous consent” develops, from the perspective of Louis Althusser, “Ideology and Ideological State Apparatuses”

not stem from random spheres within the socially hegemonic class, but from a particular subset within it to which I refer as the culturally dominant sector of society.

The culturally dominant sector of society encompasses those members of society who perceived themselves as civilized and civil, and who seek to increase the level of civilization and civility in society according to what civilized and civility mean during their respective time. They have a certain level of education (usually beyond high school), and most of them are salaried, white-collar workers holding positions such as educators, journalists, lawyers, doctors, politicians, etc. Guiding this sector of society as it sets the parameters of what is civilized and civil, creating the “spontaneous consent” to which Gramsci refers, are the “traditional intellectuals,” also a Gramscian term (136): the “intelligentsia” (in its contemporary meaning),<sup>7</sup> the “literati,” the “(wo)men of letters,” who “put themselves forward as autonomous and independent of the [socially hegemonic] group” (138) and enjoy a “certain inter-class aura” (131). However, the autonomy and independence are not quite so; as Gramsci writes, traditional intellectuals are “the [socially hegemonic] group’s ‘deputies’ exercising the subaltern functions of social hegemony and political government” (145), ultimately justifying and benefitting from the system as it is. Thomas [Bodenheimer](#) illustrates the idea:

The working class family knows full well that wages aren’t keeping up with inflation, but the Ph.D. economist has the legitimacy to go on national TV news and tell millions of working families the opposite. This ideological subjugation is not the only mechanism for maintaining bourgeois rule, and it breaks down in periods of insurgency, requiring the application of violent force. But the power of ideas as weapons in the class war is no weaker than the power of guns and strikes. And it is the traditional intellectuals who are the soldiers and the picket captains of the ruling class in the battle of ideas. (23)

While Gramsci sees the traditional intellectuals (who propose our society’s cultural path, who guide us at the ethical level) as aligned with the ruling class—and he maintains that the proletariat will not be able to rise towards socio-politico-economic justice unless it advances towards its own

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<sup>7</sup> In its original meaning, the word “intelligentsia”—coined in pre-revolutionary Russia—referred to the group of people with “an ethical commitment to the struggle for progress, conceived as the liberation of the people from political and economic oppression... Thus, a half-learned student, or even a semi-literate peasant, could become a valued member of the *intelligentsia* through his participation in its liberating mission, whereas a conservative professor had to be excluded as a supporter of reactionary forces. Even the liberal intellectuals could be denied the status of an ‘intelligent’ if they sided with the government against the opposition: such was the case of Boris Cicerin, the greatest liberal thinker of nineteenth-century Russia” ([Walicki](#) 1-2).

Today’s meaning of “intelligentsia” has changed, and it refers to the “very educated people in a society, especially those interested in the arts and in politics” (“[Intelligentsia](#)”)

hegemony, for which it is necessary that it have its own “organic intellectuals” (135) with personal experience of what it means *to be* working-class, to provide “a link between their class and certain sections of the traditional intelligentsia” (132)—Pierre Bourdieu has a different opinion: to him, traditional intellectuals—the only kind that there is in his mind, as he finds the “organic” ones “a myth” (Bourdieu, *Distinction* 109)—are the only hope for a socio-politico-economic just society, but only if they, as “cultural producers,” defend the interests of society in general by agreeing to work collectively and autonomously of any class in particular. Such agreement, if it were possible to reach,

should lead them to assert themselves as an international power of criticism and watchfulness, or even of proposals, in the face of the technocrats, or—with an ambition both more lofty and more realistic, and hence limited to their own sphere—to get involved in rational action to defend the economic and social conditions of the autonomy of these socially privileged universes in which the material and intellectual instruments of what we call Reason are produced and reproduced. (*Rules* 348)

For Gramsci, then, intellectuals are bound to their socio-economic class, with traditional intellectuals bound to the ruling class; for Bourdieu, intellectuals are a *potential* (but not yet there) class in themselves, representing their own interests while invigilating society. Both authors anticipate objections to their perspectives, and their preemptively addressing them helps to see that they have many commonalities in their thinking. Michael Burawoy talks about those commonalities—as well as about the authors’s discrepancies—in his essay, “Gramsci Meets Bourdieu” (2012), in which he concludes that despite Bourdieu’s denunciation of the organic intellectual as a myth, his conception of “the sociologist as a ‘midwife’ who helps people become aware of what they knew all along, the nature of their domination...can be read as a brilliant elaboration of techniques and dilemmas of the sociologist as organic intellectual,” whose “sustained work, enduring patience, and uncompromising collective self-vigilance” (13), was never denied or contradicted by Gramsci, as neither was the collective nature of the project. In summary, then, Gramsci and Bourdieu share a common ground:<sup>8</sup> both of them agree on the existence of the so-called “intelligentsia”—“traditional intellectuals,” in Gramsci’s terms, and “intellectuals” in Bourdieu’s terms—and both agree that as long as the members of the intelligentsia think of

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<sup>8</sup> For a thorough, comparative discussion on who justifies what, and why—a topic that extends beyond the focus of this dissertation—please refer to Burawoy’s and Holdt’s book, *Conversations with Bourdieu: The Johannesburg Moment*, (2012), which includes the mentioned essay, “Gramsci Meets Bourdieu”

themselves as an autonomous class, theorizing on the realities of a mundane world from which they keep themselves isolated and protected, they are both benefitted *by* and beneficial *to* the social formation that produced them. Under this concept, as Bourdieu himself explains it, “neither the ‘sociology of the intellectuals,’ which is traditionally the business of ‘right-wing intellectuals,’ nor the critique of ‘right-wing thought,’ the traditional specialty of ‘left-wing intellectuals,’ is anything more than a series of symbolic aggressions which take on additional force when they dress themselves up in the impeccable neutrality of science” (Wacquant 282)), whose approaches, in the words of Dick Pels,

involve the ‘metonymic fallacy of the intellectuals,’ that is, [the intellectuals] succumb ‘to the universal danger that resides in the very logic of speaking for others, which is to disregard that inevitable hiatus between representers and represented, or the specific sociological ‘strangeness’ which separates spokespersons from the subjects or objects they claim to speak for.’ Intellectuals, Pels wrote, are professional ‘strangers,’ whose class interest it is to protect their ‘estrangement’ from the state, the market, and even—for some he called ‘Bohemians’—the university. (Qtd. in Kurzman 77)

Aligned with the perspective on traditional intellectuals shared by Gramsci and Bourdieu, is Thomas Bodenheimer’s categorization of this sector of society as “a stratum of the new petty bourgeois class” (22), on which Marlene Dixon expands in her writing, “Proletarian versus Petty Bourgeois Socialism,” an essay just as relevant today as that of Bodenheimer’s himself. Both exploited and exploiter, the new petty bourgeois class—traditional intellectuals included—“can become a revolutionary class when it fears that it will be forced into the proletariat”; however, because it

needs the working class in order to save itself from the working class . . . the new, like the old, petty bourgeoisie engages in a strenuous effort to bend and twist proletarian struggle to its own end hoping that the proletariat will save it from the depredations of monopoly capitalism, that the proletariat will sacrifice itself for the salvation of the new petty bourgeoisie, and will immolate itself to preserve the petty power and privilege of this new subaltern class. (6)

Bodenheimer offers these hypothetical cases, illustrating what Dixon means:

The university economist advising the government, the state college economist not allowing students to question the assumptions of capitalism, the scientist and engineer whose inventions are sold to corporations to increase profit and disemploy workers, the planner who figures out how to relocate the poor from the site of a future corporate head-quarters . . . [T]hough the traditional intellectuals see themselves as classless, in fact they are not. They are by and large a stratum of

the new petty bourgeois class... but like the petty bourgeoisie in general, they gain their privilege by putting their skills at the service of the bourgeoisie.<sup>9</sup> (22-3)

In his book, *Historia de los intelectuales en América Latina* (2008), Carlos Altamirano summarizes the role of the traditional intellectuals as follows: “to produce discourses of legitimization of the social order, including the definition of the legitimate culture, which was none other than that of these same intellectuals” (18). The nature of traditional intellectuals and their role in the perpetuation of the social order that upholds the ruling class’s social hegemony is relevant to this dissertation because, as it will be shown in the next sections of this chapter, it is these intellectuals who have been the authors of narratives of advocacy, intellectuals enabled by their contemporaries to be their moral and ethical guides due to the qualities that project them as the most civilized and civil members in society.

### 1.2.3 On the civilized and the civil

According to the definition of narratives of advocacy, these are written to advocate for exploited beings before readers who perceive themselves as civilized and seek to increase their level of civility, according to what “civilized” and “civility” mean during their time. These two concepts, derived from the Latin *civilis*—meaning “of the citizens” and, also, “civil, courteous”—need to be established before looking at who the authors and the readers of the analyzed narratives were. I will focus on the meaning of these concepts since the sixteenth century, when the first narratives of advocacy in the New World were written.

The concepts of “civilized” and “civil” are used interchangeably as synonyms of “cultured, educated, enlightened, humane, refined, sophisticated” (“[Synonyms](#)”); however, their respectively corresponding nouns, “civilization” and “civility,” are not interchangeable: the Cambridge Dictionary defines the former as “a highly developed culture, including its social organization, government, laws, and arts, or the culture of a social group or country at a particular time” (“[Civilization](#)”), while the latter means acting in a civilized manner, particularly with respect to courtesy

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<sup>9</sup> In Marxist terms, “[t]he ruling class in bourgeois society is the bourgeoisie, who own the means of production as private property, despite the fact that the productive forces have become entirely socialized and operate on the scale of the world market” (“[Bo](#)”). Because the term “bourgeoisie” may lead to confusion due to its different meanings—the Marxist meaning and the more widely used “middle class” (“[Bourgeoisie](#)”)—I refer to Marx’s “bourgeoisie” as “the ruling class.”

and politeness: it is “the quality of being polite” (“[Civility](#)”). It is because of the difference in meaning between these two nouns that their corresponding adjectives can also be interpreted as different from each other in their meaning, with “civilized” (related to “civilization”) pertaining to the quality of participating in a highly developed culture with a socio-political organization; and “civil” (related to “civility”) pertaining to the quality of being civil, polite. There is, of course, an overlap between the two terms, but I treat them as separate concepts throughout this work.

Norbert [Elias](#) links the process of “civilization” to the differentiation of social functions, whose increasing complexity and need for interpersonal actions require that people behave in a “civilized” manner (meaning “civil” manner, as I discussed in the previous paragraph) to make those both possible and stable. Civil(ized) individuals regulate their behavior both consciously and unconsciously to “prevent offences to socially acceptable behaviour” (367-8). What is more—and what is one of two elements particularly relevant in this dissertation—their self-restraint “stands in the closest relationship to the monopolization of physical force and the growing stability of the central organs of society... When a monopoly of force is formed, pacified social spaces are created which are normally free from acts of violence” (369). In other words, the more civilized the society, the more civil norms and mores it imposes on its members, and the more dependence those members have on a central, violence-monopolizing authority that “makes the use of violence more or less calculable, and forces unarmed people in the pacified social spaces to restrain their own violence through foresight or reflection” (373). In Part Two, Chapter 2, I will discuss how this imposition is carried out through the ideological and repressive state apparatuses.

The word “civilization” did not gain popularity until the nineteenth century, but the notion of “being civilized” existed before that time ([Bowden, Obregón](#)). In the next pages, I will look at what it meant at the time in which the analyzed narratives of advocacy were written.

**1.2.3.1 In the sixteenth century** In her essay, “[The Civilized and the Uncivilized](#)” (2012), Liliana Obregón writes that the sixteenth-century division between Christian and non-Christian correlates to the nineteenth-century division between civilized and barbaric, and both of those correlate, in turn, to the division in Ancient Greece “between noble, intelligent, virtuous, and godlike Greeks and bestial, mentally inferior, *logos*-lacking babblers who could not speak their language” (919). Obregón explains that, just as it had been the case in ancient Greece,



sixteenth- and seventeenth- century Spaniards believed that “moral and legal order was based on an idea of social and cultural unity among men who should follow primary norms,” but they differentiated themselves from the Greeks in that the latter followed “primary norms (*prima praecepta*) to obtain a life of happiness (*eudaimonia*), the highest end (*telos*) of all men” (919), while the Spaniards followed them to “live virtuously under God’s laws, in order to obtain the *telos* of all Christians: the glory of God” (920).

Being civilized in sixteenth-century Spain certainly meant following God’s laws as they were stated in the Bible, taught and (unevenly) enforced by the Catholic Church’s priests. However, due to the influence of the Renaissance’s Humanist current, it also went beyond that: education—specifically the study of classical (not vulgar) Latin and of humane subjects such as philosophy and history (*studia humanitatis*)—became a class marker for those who wanted to be perceived as most civilized. In his essay, “[The Adoption of Humanism in Catholic Spain \(1470–1520\)](#),” (2019), Martin Biersack explains that “[t]he cultivation of classical Latin forged a collective identity among the humanists, which excluded those whose Latin was not based on the classics. Whoever was not able to write like Cicero or Virgil was labelled a barbarian, be they teacher, cleric, lawyer, or nobleman” (4-5), because of “the conviction that the command of [classical] Latin was necessary not only to study at university or to become a cleric, but also to govern, be it in the royal administration or in the King’s council, to lead in the military, and to govern the estate of noblemen” (4). Biersack also explains that “whilst humanist grammar was still able to assert itself in language teaching in the first half of the sixteenth century, it was exceedingly difficult for the humanists to hold their ground against the theologians in making their claim that humanism was the path to knowledge and truth” (10). To Catholics, being able to interpret the Bible—the civilizing, virtue-leading word of God—was not just a matter of being able to understand the meaning of the words themselves, whether in classical Latin or any other language; it also required the knowledge of theology that only theologians possessed, a knowledge that, in the case of the University of Salamanca, was very much insisted upon: “The theologians of Salamanca were happy for the humanists to interpret Ovid and Virgil, but not Christian texts. That was reserved for them” (12).

Given the paramount importance of Catholicism as the moral compass at the turn of the sixteenth-century in Spain (and later as well, of course), together with the rising importance of



classical Latin proficiency and *studia humanitatis* as a signifier of civility even within the nobility,<sup>10</sup> it follows that university-educated, intellectual priests could not but consider themselves—and be considered by their contemporaries, including the nobility—as among the most civil (if not the most civil) members of the Spanish society, and, as such, as having the right and the moral duty to warn against whatever could endanger the latter’s civility. The well-educated priests of that time not only guided society with the divine authority that their knowledge of theology conferred upon them, but they also guided it with the intellectual authority that their knowledge of classical Latin (and any *studia humanitatis* that came with it, such as philosophy) also conferred upon them. Their writings were aimed at those members of society who, for varied reasons, also cared about being civil—or at least, about being perceived as civil. They sought to spread morality and civility not only in Spain but also in the New World, where they advocated for the kind treatment of Amerindians, but also justified Spanish intervention in the lives of the Amerindians because these were barbarians. As Francisco de Vitoria wrote, they “lacked ‘the letters, arts, crafts, systematic agriculture, manufacture and other things ... indispensable for human use’. Also, due to an inadequate education and their idolatry, Indians ‘were no better than wild beasts’ in the art of self-government or in the food they ate” (qtd. in Obregón 920).

**1.2.3.2 In the nineteenth century** The nineteenth century was a time of great political change in Latin America. By the time the analyzed texts were written, most countries in the region had obtained their independence,<sup>11</sup> and all of them—independent or not—were figuring out their identity as nations, led by the intellectual elites of the time. Altamirano writes that

[i]f one thinks of the nineteenth century, one could not adequately describe the independence process, or the drama of our civil wars, or the construction of our national states, without reference to the point of view of the lettered men, the letrados, qualified in written culture and in the art of discussion and argumentation. Depending on the circumstances, jurists and writers placed their literary knowledge and competence at the service of political combats, both in polemics and in

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<sup>10</sup> As Biersack notes, “[h]umanitas put the educated noble on a par with the scholar, but separated him from a noble untrained in letters or a lawyer trained only in the law. Thus, the *studia humanitas* gave legitimacy to the nobles and at the same time bolstered the claims of humanists to be of equal status to a man of noble birth through their common *humanitas*” (7)

<sup>11</sup> Most Latin American countries became independent between 1810 and 1825. The few remaining countries obtained their independence between 1844 and 1902: Dominican Republic, 1844 (from a Haiti that had been independent since 1804); Belize, 1981; Cuba, 1898 (from Spain) and 1902 (from the United States); Panama, 1903 (from a Colombia that had been independent from Spain since 1821).

the course of wars, at the time of composing proclamations or conceiving constitutions, of acting as counselors to those who exercised the political power, or of exercising power themselves. (9)

There is a large array of books dedicated to the socio-political analysis of Latin America during this time in history, generally pointing towards the same direction: to the region's intellectual elites in the nineteenth century, "being civilized" (*ser civilizado* or *ser civil*, according to the Royal Spanish Academy, showing that the tendency to equate the two terms exists in Spanish as well as in English) meant being aligned with the principles of the Enlightenment, especially with those regarding the emancipation of the individual and the acknowledgment of his or her basic human rights. It meant *being modern*. This notion of what constituted a civilized human being and a civilized society was made evident in the intellectual elites's adoption of liberalism—"the theory and praxis of individual freedom, juridical protection, and a constitutional state," as Giovanni Sartori describes it (qtd. in Jaksic 24)—as the ideology on which the new nations would be developed.

Liberalism manifested itself unevenly in Latin America; not only were "the liberal movements and doctrines powerfully influenced by the national contexts" (Jones 44), but also by the two main political conceptions of liberalism that the intellectual elites of each country preferred, conceptions that were summed up by José Guilherme Merquior in his book, *O liberalismo antigo e moderno* (1991): "[W]hile the English type of liberalism entirely favored the limiting of the state's power, the French type sought to strengthen the authority of the state to guarantee equality before the law. The French version also sought to demolish a feudal order well supported by the social privilege and the power of the Church" (32). In relation to this subject, William G. Acree Jr. and Juan Carlos González Espitia write that

[t]here was no blueprint for building nations at the outset of the 1800s. Liberalism and the dream of republican systems provided some guidelines, but they were not enough to make a trouble-free merger of ideals with reality. In fact, this process fragmented into civil wars between liberals and conservatives (and federalists versus centrists); debates on race and the integration of ethnic groups into national communities; a fierce competition for predominance over national imaginations; and, among other splinters, complex and often tense relationships of popular classes with people in positions of power. Intellectual male elites composed just one of the participating social sectors in this process. Africans and Afro-descendants, indigenous groups, poor creoles, women, and mestizos also defined Latin America in these years. They could be abused and mistreated by the elites, but not ignored. (3)

The discussion on the different paths that each new nation took under their own development

of liberalism lies beyond the focus of this dissertation,<sup>12</sup> what does concern us, however, is that “the liberal agendas of the early independence years ... covered an ample spectrum: freedom of press, division of power, sovereignty of the people and representative governments, abolition of fiscal privilege, elimination of the indigenous tax, emancipation of slaves, and intense efforts towards the design of the Constitution” (Jáksić 25). Whether through limiting the power of the state (English-style liberalism), or through expanding the power of the state (French-style liberalism), the intellectual elites in Latin America sought to achieve the same goal for their nations: modernity, the highest step in civilization—the highest step in European terms. Altamirano explains why these intellectuals could not help but being Eurocentric, having been the product of

a culture of European, western pattern that, since the conquest and the Iberian colonizations, has its seat and its foci of irradiation in the cities ... The programs of cultural autonomy from Europe, which have been born and reborn, once and again, since the years of the Romanticism, never implied a renunciation neither to the western mould nor to the languages received from the Old Continent. Neither was the case when the intellectuals and the state revalued the indigenous cultures and that of the African and Afrodescendant peoples, nor when they looked in those sources for the origins of a national or a continental identity. All in all, the permanence of that mould can be recognized without effort in the disciplines cultivated in Latin American universities, in the discursive genres with which writers shape the wish of literary expression, and in the vocabulary of their ideological debates. (12)

In the nineteenth century, then, the notion of “being civilized” was similar to that of the sixteenth century, except that now, after the Enlightenment, reason had taken the place that religion had previously enjoyed as the preeminent source of knowledge and moral guidance. “Being civilized” also meant displaying an increasingly more public show of *civility*, which, as Cheshire Calhoun’s points out, “has intimate associations with following socially established rules, whether those be rules of etiquette or civil law” (252) and “requires adopting a critical moral point of view and attempting to determine what really counts as kindness, respect for privacy, tolerance, reasonable concern for others’ feelings, and so on” (253). Civility “always involves a *display* [my emphasis, which will become relevant later in this dissertation] of respect, tolerance, or considerateness” (260). This display has several results:

First, [it] signals others’ willingness to have us as co-participants in practices ranging from political dialogues, to campus communities, to funerals, to sharing public highways. Second, for

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<sup>12</sup> For relatively recent and detailed information on this topic, please refer to *Liberalismo y poder. Latinoamérica en el siglo XIX* (2011), a collection of wonderfully researched essays edited by Iván Jáksić and Eduardo Posada Carbó.

those who are not already coerced into sharing social practices with us, civility may be a precondition of their willingness to enter and continue in cooperative ventures with us. Third, civility supports self-esteem by offering token reminders that are regarded as worthy of respect, toleration, and consideration. Finally, civility, particularly toward members of socially disesteemed groups, protects individuals against the emotional exhaustion of having to cope with others' displays of hatred, aversion, and disapproval. (266)

Not only is it useful to understand what *civilized* meant to the authors and readers of the analyzed narratives, but it is also useful to understand how such concept controls the way in which we express our disapproval of the other's exploitation. I will further explain this latter point in Part Two of this dissertation.

#### **1.2.4 On the authors of narratives of advocacy**

I define narratives of advocacy as narratives that meet the following criteria: they are written by authors who belong to or have assimilated into the intellectual sector of society; they advocate for exploited beings before readers who, like the authors themselves, perceive themselves as civilized and seek to reach a high level of civility according to what *civilized* and *civility* mean during their time; and they circulate, alongside similar texts, with relative popularity for a particular time while the exploitation takes place, later being regarded as having been influential in the passing of laws to end the exploitation that they denounce. I have just established what "civilized" meant during the sixteenth and nineteenth centuries; now, in this section, I will look at who the authors who wrote during those times were. In the next section, I will repeat the process with their readers.

**1.2.4.1 In the sixteenth century** It would be nearly impossible to omit in this section any reference to Ángel Rama's *La ciudad letrada* (1984), especially since what he writes works perfectly as an introduction to this section. Rama explains that

[a] distinguished group of clerics, administrators, educators, professionals, writers, and multiple intellectual servants—all those who handled the quill—were closely associated to the functions of power and formed what Georg Friederecki has seen as a model country of public servants and bureaucracy. Since their consolidation during the last third of the sixteenth century, that team showed disproportionate dimensions, which were neither in line with the reduced number of literate people whom their word could reach, nor with their specific obligations. Together, it held

an elevated rank within society, therefore obtaining a by no means negligible part of its abundant economic surplus. (25)

The “distinguished group” that Rama describes is conformed by none other than the “traditional intellectuals” of our society, discussed in section 1.2.2. Carlos Altamirano describes the role of those cultural elites in the region: “Proceeding as hinges between the centers that functioned as cultural metropolis and the local conditions and traditions, they carried out a decisive role not only with respect to the command of the ideas, the art, or the subcontinent’s literature, but also with respect to the command of the political history” (9).

Our sixteenth-century narratives of advocacy were written by four authors who well represent his peers of the time, members of the intellectual elites. These authors were Fray Pedro de Córdoba (*Carta en lengua latina de dominicos y franciscanos a los regentes de España*, 1517, first signed by Córdoba and then cosigned by twenty-one other friars of lesser rank, and *Carta al Rey, del Padre Fray Pedro de Córdoba, Vice-provincial de la Orden de Santo Domingo*, 1517), Fray Francisco de Vitoria (*De indis insularis*, 1537), Vasco Vázquez de Quiroga y Alonso de la Cárcel (*Información en Derecho del licenciado Quiroga sobre algunas provisiones del Consejo de Indias*, 1535), and Fray Bartolomé de Las Casas (*Brevísima relación de la destrucción de las Indias*, written in 1542 and published in 1552). It is not a coincidence that these influential texts were written by members of the clergy: as Teófilo F. Ruiz explains in his book, *Spanish Society, 1400-1600* (2001), at this time, the intellectual class in what is now Latin America was that of Spain’s, which was conformed by the nobility and the clergy. The latter had been expected to be intellectually cultivated through increasingly rigorous monastic studies and, by the time of Columbus’s arrival in America, also through the university studies that became a requirement to hold posts within the high clergy. Martin Biersack also explains in his essay: “[t]he Castilian Church... tried to control the suitability of cathedral dignitaries and bishops by introducing requirements to limit the access to these positions to those with a university degree. In addition, efforts were undertaken to secure a minimum level of knowledge of [classical, not vernacular] Latin, even for ordinary priests” (2). As I mentioned on page 37, the nobility also began to seek a high level of education:

[T]he nobility of Castile and Aragón made the pursuit of letters, authorship, the patronage of the arts, and the inscription of learned motifs in festive cycles a central part of their self-fashioning. The nobility could not exist in the fifteenth century without letters... To be a nobleman now also

implied to be literate, to be open to the new wave of humanist learning and aesthetics that flowed from Italy to the rest of western Europe. (Ruiz 72)

Normally, it was the high, secular clergy—cardinals and archbishops of powerful dioceses—who enjoyed the same prestige and privilege as the nobility, moving “in a rarified world to which other lesser noblemen and clergymen had access only as retainers or servants” (68). While the social status of poor parish priests, rural curates, mendicant friars, monks, and nuns was at the bottom of the ecclesiastic ladder due to their lack of wealth and education, the social status of the authors that concern us, three friars and one soon-to-be bishop, was elevated. In at least three of the four cases— little is known about Fray Pedro de Córdoba— the authors enjoyed individual prestige through their families. Francisco de Vitoria’s (Francisci à Victoria) parents had been, as biographer Gonzalo de Arriaga writes, “residents of the city of Burgos and of honorable descent” (qtd. in Hernández 1033). For his part, Vasco de Quiroga had been born, through his mother’s line, into a noble family: “the first definitely documented appearance of the family occurred during the reign of Fernando III el Santo, when a certain Don Vasco de Quiroga was listed among the *ricohombres*<sup>13</sup> as lord of the castle in the valley of Quiroga” (Warren 9). In Bartolomé de Las Casas’s case, not only had his family—whose original last name was Casaús—been “one of the noble families, renowned as such in the Kingdom of France” (Fabié 10), which helped to settle Seville after the city became conquered by Ferdinand III of Castille in 1252, but also his “father and uncles were all soon involved with the activities triggered by Columbus’s first voyage” (Clayton 10) and later went to the new World themselves, which brought the family great wealth.

Apart from the social prestige that these authors enjoyed through their families, they were also well regarded by their society due to their position as religious men. They were members of the Dominican congregation, which together with the Franciscan congregation had “successfully challenged the power of older and more established monastic establishments (Benedictines, Cistercians) [gaining] an unassailable position” ((Ruiz 82). Igor Sosa Mayor explains that the success of these two congregations, respectively founded by Saint Dominic and Saint Francis of Assisi, can be attributed to their implementation of three structural changes which responded well to their changing society’s demands for access to salvation regardless of occupation: first,

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<sup>13</sup> A *ricohombre* was a “[g]entleman who, in Spain, belonged to the highest nobility and, being a landlord, had the right to hoist the flag, raise and maintain troops at his discretion, be it for war or for the defense of his person and his estate” (M 643)

the friars's adoption of poverty at the institutional level; second, the friars's practice of living among the lay members of society; and third, the friar's pastoral duties, "such as the administration of sacraments and the formation of the laity in Christian doctrine through preaching" (154), which until then had only been carried out by the secular clergy. These changes offered the lay members of society "a new religiosity, new ways of experiencing the sacred, and new ways of interacting with the ecclesiastic institutions" (153), which is what groups such as the Cathars and the Waldensians<sup>14</sup> had also aimed to do. The role that the Dominican and Franciscan friars had in society as well-educated<sup>15</sup> representatives of God on Earth—who, as if that alone were not enough, also made salvation more accessible to everyone through their practices—placed the friars in a position of esteem in society. In the case of the Dominicans, that position of esteem was also combined with prestige: to these friars, even more so than to the Franciscan friars, the regular and structured study of theology was paramount, leading the Dominican Order to "soon integrate itself in the new landscape of knowledge that was outlined in the thirteenth century, via universities and the incorporation, difficult and conflicted, of Aristotelian thought in Christian theology" (154).

All four authors showed themselves worthy of being perceived among the intellectuals of their time by participating in philosophical discussions with other intellectuals as well as with kings and queens, and they also inscribed their names in the renowned intellectual institutions of the time. Pedro de Córdoba studied art, philosophy, and theology at the University of Salamanca, and he advocated for the Amerindians directly in front of King Ferdinand II. Francisco de Vitoria became Prime Chair of Theology of the University of Salamanca, and, as Ramón Hernández writes, "many good friends and admirers among the humanist community" at the

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<sup>14</sup> The Cathars "rejected the teachings of the Catholic Church as immoral and most of the books of the Bible as inspired by Satan. They criticized the Church heavily for the hypocrisy, greed, and lechery of its clergy, and the Church's acquisition of land and wealth" (Mark).

The Waldensians reacted "against the great splendor and outward display existing in the medieval Church; it was a practical protest against the worldly lives of some contemporary churchmen. Amid such ecclesiastical conditions the Waldenses made the profession of extreme poverty a prominent feature in their own lives, and emphasized by their practice the need for the much neglected task of preaching... They propagated the denial of purgatory and of indulgences and prayers for the dead. They denounced all lying as a grievous sin, refused to take oaths and considered the shedding of human blood unlawful. They consequently condemned war and the infliction of the death penalty" (N. Weber)

<sup>15</sup> Information on the education received in the Dominican Order can be found in Pierre Mandonnet's "Order of Preachers" (1913); information on the education received in the Franciscan order can be found in Neslihan Senocak's *The Poor and the Perfect: The Rise of Learning in the Franciscan Order, 1209-1310* (2012).



university (1037) before being sent by Charles V to Coimbra in order to accommodate King John III of Portugal's affection for scholars" (1038)); his work as a theologian, jurist, and philosopher has led to the friar's recognition today "as the founder of international law" (1032). Vasco de Quiroga became a highly regarded royal jurist (*oidor*), first serving in the highest court in Castile (the *Real Audiencia y Chancillería de Valladolid*), then in Algeria, and later in the highest court of New Spain, the *Segunda Audiencia de México*; after that, he moved to Michoacán to serve the Crown as inspector (*visitador*) and, later, as bishop (Warren). For his part, Bartolomé de Las Casas, after resigning as Bishop of Chiapas, showed his level of intellectuality during the famous Valladolid Debate, where he argued against Juan Ginés de Sepúlveda, doctor in Arts and Theology by the Collegio de San Clemente in Bologna, over the rights of Amerindians. It is said that, after this debate, Sepúlveda "described his adversary in a letter to a friend as 'most subtle, most vigilant, and most fluent, compared with whom Homer's Ulysses was inert and stammering'" (MacNutt 6). The debate consolidated Las Casas as an influential political figure, both in Spain as well as in the New World.

The authors behind the sixteenth-century narratives of advocacy that are the focus of this research, which are representative of the narratives of advocacy that circulated at the time and which gained recognition among the intellectual sector of society, fit Gramsci's description of the traditional intellectuals: all of them received their education at renowned institutions that gave credibility to their knowledge, and all of them—including Antonio de Montesinos, although to a lesser extent than the other authors (or rather, considering how little is known of him, to an extent that at least seems lesser)—depended on the ruling class, both financially and politically, to maintain their position in society, ultimately accepting and benefitting from the system as it was (and still is). That dependence on the ruling class was such that, to these authors, the question was not whether the Spanish Crown and the Catholic Church had any right to impose themselves in America, but whether such imposition should be carried out with relative kindness or not.

**1.2.4.2 In the nineteenth century** Our nineteenth-century narratives of advocacy were written by authors who, like those in the previous section, are fair representatives of their contemporary counterparts. These authors were Félix Tanco y Bosmeniel ("Petrona y Rosalía," 1838), writing in Cuba; Fermín del Toro y Blanco ("La sibila de los Andes," 1840), writing in Venezuela;



Joaquim Manuel de Macedo (*As vítimas-algozes: quadros de escravidão*, 1869), writing in Brazil; and Julio Rosas (*La Campana de la tarde; o Vivir muriendo*, 1873), writing in Cuba. All four belonged to the traditional intellectual sector of their society, whose characteristics I will establish in this section.

As the newly independent countries in Latin America were forging their identities as nations, literature gained a central role as a tool to form the nations' citizens. It was, as Julio Ramos writes with respect to Domingo F. Sarmiento's *Facundo* (1845)—in a statement that is applicable to the many works of literature of the time, which contributed to building the social foundation of the nations—"the adequate place for the necessary mediation between civilization and barbarism, modernity and tradition, writing and orality" (*Desencuentros* 76). While literati like Sarmiento may have seen themselves with no outlet in an Argentina ruled by the "barbaric," decentralizing government of Juan Manuel de Rosas, "in other countries it was precisely the literati the ones who were administering, as Andrés Bello points out, the process of '[taking] the force of law out of the custom'" (85), and, until the last quarter of the nineteenth century, the writing of the intellectuals "was a rationalizing practice authorized by the project of state consolidation" (132). These intellectuals, as Ramos writes, were part of the republic of letters, a republic which seemed very impractical to many but which they defended, fragmented as it was, from positions that prioritized knowledge (*saber*), like that of Sarmiento; or aesthetics, like that of José E. Rodó; or "knowledge of how to say" (*saber decir*), like that of Bello. As Norberto Piñero y Eduardo L. Bidau, secretaries of the School of Philosophy and Letters at the University of Buenos Aires, explained in 1888,

[i]t is repeated that the School of Philosophy and Letters is a superficiality, that it does not respond to a practical end and it is contrary to the country's tendencies, because it would take forces away from the industry and it would demand large expenditures only to render useless a number of men, who would find themselves disoriented, outside of the general movement of society because the future and greatness of the Nation lies in the railroads, in the colonization of the land, in farming at a large scale... Precisely because wealth, goods, industries, the desire for opulence and business would develop... it is necessary to spread the high philosophical insights, the arts, and the letters, so that our character does not depreciate and we regard as our highest objective the accumulation of material interests. (Qtd. in *Desencuentros* 128-9)

In that fragmented republic of letters, the four authors that concern us may be placed closer to Sarmiento than to Bello in the sense that they, with the same reservations as Sarmiento himself,

incorporate the other—the African and Afrodescendant slave, in this case—in the incipient nation and even make room for his or her uncivilized speech, albeit in arguably contemptuous italics, quotation marks, or using apostrophes, for example, to signal the incorrect use of the Spanish language, just as Sarmiento does with the gaucho's words in *Facundo*. They also may be placed next to both Bello and Sarmiento in the sense that, as in the case of these two authors, an “ideologizing function” (141) operates in their writing, which is not so much the case for writers towards the end of the century, whose “intellectual practices, especially those related to literature, were beginning to take place *outside* of politics, and frequently opposed to the State, which had already rationalized and autonomized its socio-discursive territory” (142).

Like the analyzed sixteenth-century authors, these four nineteenth-century authors also enjoyed social privilege as recognized members of the intellectual elite of their time, so central in the region's nation building.<sup>16</sup> They were, as Annick Lamperrière describes them,

the possessors and/or creators of the highbrow knowledge, as well as of the literary artifacts of the time and the societies in which they lived. They dedicated a great part of their time, or even its totality, to acquire and discuss them (be it of not in a critical sense), and as much as possible they sought to transmit them to the new generations, spreading them to the public and conferring to them a social or political utility. As a social group, not only did they distinguish themselves by their rank or their income, but also by their functionality and their knowledge, as well as by the institutions in which they carried out their duties. (242)

In the case of Félix Manuel de Jesús Tanco y Bosmeniel (1797-1871), his membership in such elite is traced back to his father, Diego Martín Tanco. Karim Ghorbal writes that Diego had been a Sevillian public officer who “was part of an elite of enlightened creoles gathered around the New Granadan intellectual Francisco José de Caldas y Tenorio” (228), where he stood with much opposition (including from Caldas himself), in favor of a free and universal education for men and women, as well as “against the idea of climatic determinism” (229). A monarchist, Diego Martín Tanco moved with his family to Cuba after Colombia's independence from Spain, where his son, Félix Tanco y Bosmeniel, ended up living most of his life. Once in Cuba, Félix consolidated himself as part of the intellectual elite and became a regular participant in Domingo Del Monte's

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<sup>16</sup> There are many books relatively recently published that look at the Latin American intellectual's role during this time of change. Among them, and in addition to the texts already cited, I find Carlos Altamirano's *Historia de los intelectuales en América Latina* (2008), Diego A. von Vacano's *The Color of Citizenship: Race, Modernity and Latin American/Hispanic Political Thought* (2012), and two readers: Janet Burke's and Ted Humphrey's *Nineteenth-Century Nation Building and the Latin American Intellectual Tradition* (2007), and William G. Acree, Jr.'s and Juan Carlos González Espitia's *Building Nineteenth-Century Latin America. Re-rooted Cultures, Identities, and Nations* (2009).

*tertulias*, befriending Del Monte himself and sharing with him, as Jerome Branche writes, both the alarm “on the matter of Cuba’s racial imbalance”—the *problema negro*—as well as the support for “the idea of importing European laborers to redress the issues” (*Colonialism* 127-8), asking Del Monte: “What hope is there . . . that our land may improve with literature, with city halls, with civil governors, with province representatives, with assemblies, with nonsense and more nonsense, while they stuff us with blacks everywhere?” (qtd. in Ghorbal 231).

With respect to the second author, Fermín del Toro y Blanco (1806-1865), also known as Fermín Toro, his performance in nineteenth-century Venezuela leaves no doubt of his place in society as an intellectual. Toro “was part of the Generation of ’30, integrated by an important group of intellectuals who took part in Venezuela’s public life since the configuration of the republic that emerged in 1830 from the War of Independence and the dissolution of the Gran Colombian project based on Simón Bolívar’s integrationist dream” (Márquez Castro 34). He held several influential positions throughout his life: he was a politician, a career that at first, as José Antonio Armas Chitty writes in his biography, made him feel “lonely because he was an intellectual, a man of thought in an unknown medium, ignorant of the contortions of politics” (218), but in which Toro persisted, becoming a member of Congress, Speaker of the House, and vice president of the Senate. He also held the posts of Minister of Finance, Minister of Foreign Relations, and Plenipotentiary Minister in Nueva Granada and Spain. He also taught as a professor in the prestigious *Colegio Independencia*, and was a published author in various genres, including a chronicle on the return of Simon Bolívar’s remains to Venezuela: *Descripción de los honores fúnebres consagrados a los restos del Libertador Simón Bolívar, en cumplimiento del decreto legislativo de 30 de abril de 1842*. He often contributed to the newspapers *El Liberal* and *El Correo de Caracas*, as well to the journal *El Liceo Venezolano*, where, in 1842, he published *Los Mártires*, considered to be the first Venezuelan novel. The social recognition of Fermín Toro y Blanco as an intellectual of his time is seen today in the several educational institutions named after him, and his essays—particularly “Europa y América” (1839) and “Reflexiones sobre la ley 10 de abril de 1834” (1845)—are enjoying renewed scholar interest due to their progressive nature.

In the case of the third author, Joaquim Manuel de Macedo (1820-1882), the Brazilian Academy of Letters confirms his presence among the country’s founding intellectuals both by describing him as a “journalist, professor, novelist, poet, playwright” (“Joaquim”) and by honoring him as

the patron of the Academy's Chair number 20, which was first occupied by founding member, Salvador de Mandonça. Macedo had practiced medicine for less than a year when his novel, *A moreninha* (1844), made him famous; he then quit medicine and began working as a Professor of History and Geography in a prestigious school, the *Colégio Pedro II*, where he wrote "history manuals that were used until the beginning of the twentieth century" and where he also "became close to the Imperial Family in his function as teacher of Princess Elizabeth's two children." He wrote for many journals and magazines—"Jornal de Commercio, Minerva Brasiliense, Ostensor Brasileiro, A Reforma, and Semana Ilustrada" ([Almeida Daltro Bosisio](#))—and he served first as provincial congressman and, later, as general congressman. He was also a member of the Brazilian Historic and Geographic Institute, of which he became vice president ("Socios"); a board member of the Rio de Janeiro Drama Conservatory; and a member both of the Auxiliary Society for the National Industry and of the [Royal] Court's Directing Council for Public Education.

Our final author, Julio Rosas—a pseudonym of Francisco Puig y de la Puente (1839-1917)—is not as well known today as the other three authors; nevertheless, he, as well, was a member of the intellectual circle in nineteenth-century Cuba. In their book, *Cultura Afrocubana, Vol. 4* (1988), Jorge e Isabel Castellanos describe Rosas as a "journalist, professor, and narrator with a frank independentist orientation" ([459](#)), and the Cuban Institute of Literature and Linguistics lists him both as a "conspirer against the Spanish metropolis" as well as the author of many articles on abolitionism and Cuban reform—published in the main journals of the time—and novels that revolved around "romantic, *costumbrista*, and political" themes, and even a biography of Pedro Santacilia for the periodical "El porvenir," published in New York ([Morales](#) 215). Rosas graduated from the University of La Habana with a degree in Philosophy; afterwards, he briefly studied Medicine before dedicating himself to teaching and writing. He counted among his close friends Saturnino Martínez, editor of the weekly Cuban journal "La Razón," and Cirilo Villaverde, with whom he maintained a substantial epistolary correspondence that has been compiled by María Luz de Nora in "[Cartas de Cirilo Villaverde a Julio Rosas](#)" (1965). Villaverde dedicated one of his novels, (*El penitente*) (1889), to Rosas: "To Julio Rosas: Fervent apostle among those who are hungry and thirsty for justice in Cuba, his dear homeland," and José [Martí](#) wrote a brief, flattering passage about him in the weekly newspaper, Patria, in 1892, before reproducing the biography that Rosas had written about the distinguished orator, Colonel Manuel Sanguily. Martí wrote:

Julio Rosas is one of those criollos of indigenous merit, who, out of the new and pained heart of his land, take out the creative faith... It was he who, when his people dressed up to celebrate the memory of Heredia, greeted the great poet with genuine eloquence, as he did the great orator whose speeches include both the judicial mind and the rushed stanza of the unhappy *santiaguero*, Manuel Sanguily. (“Julio Rosas” 255-6).

Just as in the case of the authors described in the previous section, these four nineteenth-century authors of narratives of advocacy enjoyed a level of credibility that stemmed from their position of privilege—in this case, not only social, as intellectuals, but also directly political, as shapers of the region’s incipient nations. All of them, as well, either depended on the ruling class to maintain their position or, as in the case of Domingo Del Monte—who described “his family’s creation of wealth as ‘honest capitalism’” (Branche, *Colonialism* 130)—were part of the ruling class itself. Ultimately, these authors, like their counterparts in the sixteenth century, fell into Gramsci’s category of “traditional intellectuals,” benefitting from the system as it was (and still is).

### 1.2.5 On the readers of narratives of advocacy

According to the definition of narratives of advocacy, the writers just discussed wrote for readers who, like themselves, perceived themselves as civilized and sought to increase their level of civility, according to what “civilized” and “civility” meant during their respective times.

**1.2.5.1 In the sixteenth century** Our four sixteenth-century authors—Fray Pedro de Córdoba, Fray Francisco de Vitoria, Vasco Vázquez de Quiroga y Alonso de la Cárcel, and Fray Bartolomé de Las Casas—wrote their texts with specific readers in mind, readers who were their intellectual peers and who were perceived as civilized and as seeking to increase their level of civility. Before they did so, however, another priest, Antonio de Montesinos, delivered his “*Sermón de Adviento*” (1511), a text that could be considered a narrative of advocacy were it not for one factor: it was not written for a reader—a listener, in this case—interested in increasing his level of civility. I will briefly discuss the Montesinos case before moving on to the other four authors.

Montesinos delivered his sermon in front of an invited audience that included Santo Domingo’s “notables,” as Dana Aspinall writes, such as “Christopher Columbus’s son and third governor

of the Indies, Diego (1479-1526), as well as several representatives of Spain's King Ferdinand (1452-1516)" (1) and many land and slave owners, including Bartolomé de Las Casas. As Head of the first Dominican community in the New World, Pedro de Córdoba chose Montesinos to be the orator "because he considered [him] his most efficient and forceful speaker" (1), a much needed quality seeing that the purpose of the sermon was none other than to accuse the members of the audience of being in mortal sin for the immense cruelty with which they were treating the Amerindians, all for the greedy, non Christian-like purpose of achieving personal wealth and power. The bravery of Montesinos and the impassioned plea of the sermon that he delivered, published by Bartolomé de Las Casas, call for the text to be reproduced in this dissertation, even though it will not be part of the literary analysis:

I have climbed here to make [your sins] known to you. I, who am the voice of Christ in the desert of this island. And it is best for you to listen to it, not paying regular attention but rather with all your heart and all your senses, as this voice will be unlike any voice that you have heard, the roughest and harshest, the scariest and most dangerous voice that you never thought you would hear... This voice is telling you that all of you are in mortal sin, and that you live and die in it due to the cruelty and tyranny that you inflict upon these innocent peoples. Tell me, what right do you have, and what justice, to hold these Indians in such cruel and horrible servitude? With what authority have you carried out such despicable wars on these peoples who lived, tame and peaceful, on their own land, destroying an infinite number of them through death and ravages never before known?

How is it that you keep them so oppressed and exhausted, not feeding them and not treating their illnesses, so much so that they die, or, more accurately, you kill them, because of the excessive work that you force them to do so that you can obtain gold every day? And what care do you put into their indoctrination, so that they learn about their God and creator, are baptized, hear Mass, observe holy days and Sundays? Are these not humans? Do they not have rational souls? Are you not obliged to love them just as you love yourselves? Do you not understand this? Do you not feel this? How is it that you exist in such a deep, lethargic sleep? You can be sure that in the state in which you are you are no more capable of saving yourselves than the Moors or the Turks who lack and do not want the faith of Jesus Christ.

The sermon received the negative response that the priests had expected from the congregation; after all, they were aware that Pope Alexander VI's Bulls of Donation (1493) had granted to the Spanish Crown "the same authority as that which the Portuguese kings had possessed in West Africa since the 1450s: 'full and free permission to invade, search out, capture and subjugate the Saracens and pagans and any other unbelievers and enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities and other properties... and to reduce their persons into perpetual slavery'" (3). Nevertheless, they persisted: not only did they not re-

voke the sermon, but Montesinos also repeated it the following Sunday and the priests “refused to hear the confessions of any Christian known to hold Indians in forced labor” (2) from then on. The priests efforts did not lead to any quick and significant change in the treatment towards Amerindians, and it would even take Bartolomé de Las Casas several years before he—who today is famous for his Amerindian advocacy—changed his stance on the issue of Amerindian exploitation.

I mentioned that the reason why Montesinos’s sermon is technically not a narrative of advocacy is that it does not fit one of the categorical criteria: it was not written for a receiver seeking to increase his level of civility—or, in this case, one even behaving according to what “civilized” meant at the time. The members of Montesinos’ audience had no interest in “being civilized” and “civil,” which at the time meant following the word of God as it was stated in the Bible, taught by the Catholic Church’s priests. Instead, they were concerned with setting “‘themselves up in imitation of a society to which they had no access in Europe,’” as Anthony Pagden writes (qtd. in [Aspinall](#) 2), seeking prestige as “New World notables” not based on levels of civility but on levels of wealth. This wealth was only attainable through practices that were the exact opposite of being civilized and civil, and the “notables” knew it, which is why they manipulated facts and lied in order to justify their actions: “[d]espite Cristopher Columbus’ repeated commentary on the Indians’ peacefulness and ability to adopt Christianity, [Montesinos’s audience] interpreted every act committed by Indians as hostile or threatening. According to the bulls’ vague language, such behavior granted settlers a right to take from the Indians whatever they found profitable” (4), including their labor and their lives. What is more,

depictions of their activities as military conquests served Spaniards as linguistic erasures of what Pagden calls ‘their shabby deeds.’ Each manipulation of the term ‘conquest’ actually exemplified a ‘wholly mendacious vocabulary’ that the Spanish cleverly developed, one that helped ‘transform’ Spanish ‘massacres’ of natives into ‘victories,’ Indians’ ‘terrified attempts to escape their persecutors into ‘uprisings,’ and their ‘legitimate resistance to the forces of plague and carnage’ into ‘rebellion.’ (4)

While the addressees of Antonio de Montesinos’s Sermon were not fertile ground for any narrative of advocacy, the addressees of the five texts that concern this research were so. As it will be seen next, these included regents, peer intellectuals, and even a king.

Fray Pedro de Córdoba’s letters—one first signed by himself and then cosigned by twenty-



one other Dominican and Franciscan friars, and the other only signed by himself—were part of a series of similar letters written, as Friars Pérez García and Martínez Real explain, as “reports by the Dominican community on the situation of the Indians within the system of the encomiendas. In the letters, the Dominicans denounced the bad treatment that the Indians were receiving and the contempt [the Spaniards] had toward them. They analyzed the causes, identified those responsible, and proposed specific solutions” (Pérez 12). The first letter, the one cosigned by other friars, was addressed to the “Reverendísimos señores y dignísimos gobernadores de los reinos de España,” that is, the “very reverent sirs and very worthy leaders of the kingdoms of Spain”: Cardinal Francisco Jiménez de Cisneros and Archbishop Alonso of Aragón, acting as regents. The second letter was addressed to King Charles I himself, who was recognized as king of Spain by Pope Leo X in 1517, and by the Courts of Castile in 1518.

The first of these regents, Francisco Jiménez de Cisneros, was Regent of Castile between the death of King Ferdinand II in 1516 until the arrival of King Charles in 1517.<sup>17</sup> According to his Torrelaguna biography,<sup>18</sup> he studied philosophy, theology, and civil and canonical law at the Colegio Mayor de San Bartolomé, in Salamanca, before heading to Rome, where he was ordained in 1460. In 1484, he joined the Franciscan Order, which he left in 1492 to become Queen Isabel’s confessor at her request, and later

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<sup>17</sup> Queen Isabel I of Castile had disinherited her daughter, Joanna, due to her lack of religiosity. After the queen’s death, her husband, King Ferdinand II, restored Joanna as the legitimate heiress to the Crown; however, he declared her insane and governed Castile himself in her place. Joanna’s husband, Philip, argued that his wife was not insane, and came to an agreement with King Ferdinand II through which the three of them—the king, Joanna, and Philip as Philip 1—would govern Castile. After only two months in power, Philip 1 died. Joanna was sent to a convent and Ferdinand returned to being the sole ruler of Castile. It is because of Joanna’s still being in the convent under the claim that she was unfit to rule, and because her son was still too young, that Cisneros became regent of Castile after the king’s death.

Joanna’s mental unfitness to govern was very beneficial both to her father, King Ferdinand II, as well as to her son, Charles, who also insisted on her mother’s insanity when the time came for him to rule and had her sign over to him the power to rule as sole monarch. Considering how much both men benefitted from having Joanna out of the way, many historians have been denying for decades the claim that Joanna was actually insane. See [Parker](#) and [Gayarré](#) for more information

<sup>18</sup> Torrelaguna is Cisneros’ birth town, where he founded the Franciscan Monastery Madre de Dios. The so-called “Manuscript of Torrelaguna,” now at the Kenneth Spencer Research Library at the University of Kansas, is a set of texts containing information on the monastery. [Nelson](#) and Weiss write that “although all of the material is of interest, the most exceptional feature of this collection is that it commences with six folia devoted to a brief biography of the founder of the community” (157), and they add that the author of this biography “was someone who may very well have known Cisneros personally; at any rate, he had many points of contact with him . . . Yet, although the tone is one of admiration, it is measured and moderate; the absence of hyperbole is one of the outstanding characteristics of the work. The austerity and self-denial of Cisneros’ life are faithfully reflected in the sobriety of his unknown biographer” (159).



he became Archbishop of Toledo and Primate of Spain, Cardinal, Grand Inquisitor, and near the end of his life, Regent of the Realms. As a military planner, he directed the eminently successful expedition against the Muslim city of Oran that gained Spain a valuable outpost on the coast of North Africa. As a scholar, he encouraged the growth of Spanish humanism, establishing the university of Alcalá de Henares (later moved to Madrid), which quickly became and has remained the foremost institution of higher learning in Spain. Here he established the press which raised Spanish letters to new heights, leading the way with his own project, the Complutesian Polyglot Bible. In addition to all this, he was constantly involved with endowing and overseeing the foundations of numerous charitable and ecclesiastical establishments. (Nelson 156)

The second regent, Alonso de Aragón, ruled as Regent of Aragón between the death of King Ferdinand II in 1516 until the arrival of King Charles in 1517, for the same reason that Cisneros ruled in Castile (see footnote on page 52). Alonso was the illegitimate son of King Ferdinand II and Doña Aldonza Iborra; as such, he enjoyed the many benefits available to him in a century that Konstantin von Höfler called “the era of the bastards” (qtd. in Soriano 9), including a position in the Church, which had been filled with priests of illegitimate birth during that time: the Archbishopric of Zaragoza. As Jaime E. Soriano explains in his profoundly researched doctoral thesis on Alonso de Aragón, between the Black Death and the Lutheran Reform,

persons of spurious birth occupied positions of great importance in the Court or in the Church, lifted by their powerful fathers. In the case of the Crown of Aragón it was not only the archbishops who saw themselves benefited. The monarchs’ illegitimate family was extensive and it received important graces as well as lesser ecclesiastic benefits; thanks to these, they were able, together with the archbishops, to maintain a situation of preponderance. (9)

Alonso de Aragón grew up under the tutelage of Pedro Nuñez Cabeza de Vaca, who not only took care of Alonso within the “educational realm—behavior, horsemanship, arms—and the material realm—physicians, clothing—but he also had to show concern with managing his student’s growing patrimony” (169). In addition, Alonso was also under the tutelage of his father, the king, with respect to his role as Archbishop of Zaragoza, a post that was assigned to him at the age of nine years old and which he kept for forty-two years until his death, in 1520. Soriano describes Alonso de Aragón as dexterous in Latin and highly inclined towards music; he also points out that he was considered by his contemporaries as a “pacifist, a good mediator” (339) who listened to and abided by the decisions that the Archdiocese council put forth.

The social status of Alonso de Aragón and of Francisco Jiménez de Cisneros, and the high esteem and confidence that King Ferdinand II held towards them, led to their being appointed

Lieutenant General of Aragón and Castile, respectively, by the king himself before his death, until the arrival of his grandson, Charles, who would serve as King Charles I.

King Charles I of Spain, also known as Holy Roman Emperor Charles V, was the third person addressed in the letters that concern us, written by Fray Pedro de Córdoba. In his book, *Emperor: A New Life of Charles V* (2019), Geoffrey Parker writes in great detail about the education and the cultural interest of King Charles I. After the death of Charles's father, King Philip 1 of Castile, Charles's grandfather, Emperor Maximilian I, accepted "the tutorship, guardianship, government and administration of [his] most dear and beloved [grand]children, Charles, prince of Castile, Ferdinand, archduke of Austria, and their sisters Eleanor, Isabeau, Marie and Catalina" (16). Charles went on to live with his aunt, Margaret, Duchess of Savoy, whose court, as Geoffrey Parker writes, "soon became the foremost cultural centre in northern Europe. Her library contained almost 400 bound volumes, many of them exquisite illustrated manuscripts . . . she also entertained the famous artists of her day" (19). Although "[t]he surviving evidence of Charles's early literacy suggests a very slow learner" (21), and an impatient one, as well, he "managed to take his oath as duke of Brabant in Dutch. He also eventually became fluent in both Spanish and Italian, and could carry a limited conversation in German" (30), although his Latin always remained weak.

Charles's education rested in the hands of many renowned characters of the time: Luis Cabeza de Vaca, who, according to aunt Margaret's letters to grandfather Maximilian, "had shown Charles 'how to behave, from which (given his age) he has profited greatly,' and 'instruct[ed] him in letters'; Michel de Pavie, who became "his first confessor and was a former rector of Paris University (where he taught Erasmus, among others)" (31); and Adrian of Utrecht, who was a theologian lecturing "on philosophy as well as on theology; and he certainly made sure that his pupil's poor Latin did not deprive him entirely of Classical culture" (31), exposing him to the work of Vives, More, and Erasmus, with the latter being the author of a book dedicated to Charles: *Education of a Christian Prince* (1516). In addition, he reminded Charles to be humble: "I beg Your Majesty not to let all this prosperity make you conceited or proud, but that you rather thank our sovereign God, from whom you have received such benefits, and that Your Majesty humbly recognize your obligation to give thanks for this, and do not display ingratitude so that God does not reject you as he rejected Saul when he failed to obey His holy commandments" (qtd. in Parker 21).

The three addressees of Pedro de Córdoba's letters, then, were men who fit the description

of a typical narrative of advocacy reader, a description that also fits the addressee of Córdoba's third pleading letter, William of Croy, known in Spain as Monsieur de Xèvres, Charles's First Chamberlain—a letter that I will not analyze in this dissertation due to the repetitive style of the narrative. These men were highly educated and they thrived in the aristocratic environment in which they functioned. As such, they were perceived by others—and, without doubt, perceived themselves—as most civilized and civil. These characteristics also apply to the intended receivers of the narratives written by the other three authors, which I will look at next.

Francisco de Vitoria's text, *De indis et de Ivre Belli*, is a lecture that the friar gave at the University of Salamanca, where, as mentioned, was Prime Chair of Theology. The elevated, technical and precise language of the text, as well as his detailed and logical argumentation, demanded a very knowledgeable and attentive audience. The University of Salamanca certainly offered that type of audience, being the “model university” that, according to its records, it had become,

a sort of stereotype of prestige, [celebrated] as the first, most renowned, and most influential universities in the Spains. In other words, it was the most outstanding institution for higher education among the thirty-two foundations with recognized degrees in the Iberian Peninsula towards 1625; it was pluriform in its courses, its departments had professors of the best quality, and it was the least regional in its student body. (“Universidad”)

Whereas Francisco de Vitoria addressed an entire audience, Vasco de Quiroga's text, *Información en derecho del licenciado Quiroga sobre algunas provisiones del real Consejo de Indias*, was aimed at only one person “whose friendship and position,” according to Carlos Herrejón Peredo, “determine that Quiroga can, at the same time, converse with him in different tones as well as offer him abundant material specialized towards the achievement of his objectives: the derogation of the new provision on slaves and the creation of towns of mixed police. As such, the addressee, whose name does not appear, must have been a top figure in the court whose job was related to the affairs in the Indies” (13). Marcel Bataillon has concluded that, due to the language in which the text was written and the references it makes to anecdotes and previous events, Quiroga's interlocutor was Juan Bernal Díaz de Luco, “defender of the Indians at the Council of the Indies; allied, on this ground, with Quiroga and of Las Casas” (86). Díaz de Luco was a “bishop, jurist, and counselor in the Royal and Supreme Council of the Indies” (Fernández Terricabras). He obtained his Bachelor of Canon Law at the University of Salamanca and his Doctorate in the same field at the University of Huesca, publishing numerous works since his days as a student: *Repertorio a las*

*repeticiones de Diego de Segura* (1520), *Instrucción de prelados* (1522), *Colloquium elegans* (written in the 1520s, but published in 1542), *Practica criminalis canonica* (1527), four Masses recorded without name in the *Missale Toletanum* (1539), *Soliloquio* (1539), *Historiae sanctorum episcoporum* (1546), and many others. Díaz de Luco stood firmly against greed and sloth; he “intervened in the famous Junta of Valladolid that carried out the writing of the New Laws in 1542, and he participated in the editing of the Council’s new ordinances in 1543. He defended the elimination of the encomiendas and called for the prioritization of the evangelization over the conquest. He was very especially concerned with sending missionaries to America, for which Saint Ignatius of Loyola called him ‘Indians’ Angel” (Fernández Terricabras). He became bishop of Calahorra and La Calzada in 1545.

The last addressee concerning this research is Charles V, Holy Roman Emperor; it was to him that Las Casas orally addressed the content of his *Brevísima relación de la destrucción de las Indias*, abridged in the published text. Las Casas’ address to Charles V, whom I have already discussed in relation to Pedro de Córdoba’s *Letter to the King*, was the culmination of a series of advocating presentations put forth by the friar on behalf of Amerindians, all of which contributed to the generation of the New Laws of 1542. Published ten years after it was delivered, *Brevísima* is prefaced by a letter from Las Casas to Charles’ fifteen-year-old son, Prince Philip II, who had been placed in charge of the Indies affairs and who would eventually become King Philip II of Spain.

The receivers of these sixteenth-century narratives of advocacy, representatives of many more, fit the description of the typical reader of a narrative of advocacy as these have been defined. They were people who perceived themselves and were perceived by others as most civilized and as always seeking a high level of civility, according to what civilized and civility meant during their time—the same way their counterpart readers in the nineteenth century perceived themselves, as we shall see next.

**1.2.5.2 In the nineteenth century** Unlike what occurred in relation to the sixteenth-century narratives analyzed in this work, nineteenth-century readers of narratives of advocacy were not

addressed directly;<sup>19</sup> the narratives of advocacy written for them were not letters or reports aimed at particular individuals, but instead they were written for a wider audience of people who, just as in the case of their sixteen-century counterparts, also perceived themselves (and were perceived by others) as civilized and as seeking a high level of civility.

Writing in Cuba, Félix Tanco y Bosmeniel described to Domingo Del Monte the type of reader for whom he wanted to write: “I have wanted and I want to write within reach of the Cuban people; I want to be understood by any common man or woman, an overseer, a huntsman, a tripe-butcher black woman [*una negra mondonguera*], etc., but I want just the same to be understood by a marquis, a count, a lawyer, a doctor, a businessman, etcetera” (Triana qtd. in [116]). Whatever his wishes may have been, the reality was that Tanco y Bosmeniel did not write for—or, at least, he certainly could not have expected to be read by—the common Cuban of the time, not only because this common Cuban was illiterate, but also because censorship made it impossible for texts like “Petrona y Rosalía,” promoters of anti-slavery sentiments, to be easily accessible by everyone. Tanco y Bosmeniel’s narratives, among others of its kind, “circulated under the table among many intellectuals and those interested in Cuba’s independence” (88). Specifically, they circulated among the members of the del Monte circle, where, as Doris Sommer explains,

intellectuals read from works that del Monte was preparing for Richard Madden, the British representative to the International Tribunal of Justice that oversaw the ban on slave trading and the protection of freemen. The purpose of del Monte’s circle of liberal planters and professionals was to embarrass Spain into granting abolition and other reforms, including representation in the Spanish *cortes*. (195)

Ultimately, then, Tanco y Bosmeniel wrote for readers who were “white, privileged people [who] would read abolitionist narratives just as they would read picaresque novels, in search of a moral message, and discovered through their reading that trafficking and slavery were inhumane systems that they had to forbid” (Cosme 55). These readers shared the author’s ideology with respect not only to achieving the independence of Cuba, but also to ending the influx of Africans, who, besides the tragedy of their being exploited and mistreated, also threatened the nation’s

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<sup>19</sup> An exception to this—though definitely not the same type of addressing that we saw in the writings of the sixteen-century authors, where many receivers were individually known by the author— is Macedo’s *As vítimas-algozes*. In this text, the author addresses his readers: “If you seriously reflect on these narratives, you must abolish slavery so that they not repeat themselves. Because these very true stories were of yesterday, are of today, and will be of tomorrow, and they will repeat themselves as long as you own slaves. Read and you shall see” (xv).

White hegemony as well as the vision that the *criollos* had to create a civilized and civil country based on the European republican model.

For his part, the second author, Fermín Toro y Blanco also wrote for readers similar to those of Tanco y Bosmeniel's. As I mentioned on page 47, Toro was a Venezuelan intellectual used to writing for renowned national publications on topics related to politics, philosophy and sociology. Rafael [García Torres](#) describes him as “one of the nineteenth-century Venezuelan thinkers who, with the greatest theoretical consistency, tried to establish the bases on which to understand the concept of State,” proposing a “modern, republican vision for which citizenship was conceived as a fundamental condition to enjoy one's rights and one's development as a person, an enjoyment that only a Civil Republican States, in his opinion, could guarantee” (78). Toro made clear his abhorrence of slavery in his [Descripción de los honores fúnebres consagrados a los restos del Libertador Simón Bolívar, en cumplimiento del decreto legislativo de 30 de abril de 1842](#), where he stated that

[t]he annals of the world contain, since its origin, the history of the most enormous crime, the history of slavery, which has falsified philosophy, denied civilization, and questioned the severity of morality and the light of reason; which has sterilized the truths of the Gospel by stimulating avarice, cruelty, depravity of heart, and all the vices that dishonor humanity; which has made thrones, republics, religions, and for even greater shame of the human species the very virtues and innocence, accomplices of the most monstrous traffic; which has undermined in the whole the world the constitution of society, seeding between race and race hates that are not extinguished, vengeance that are not quenched; which has ultimately plagued the entire humanity just like the Jewish leprosy, with ulcers that are not healed, with pains that are not soothed. (46)

The kind of language used by Toro y Blanco in this text, a very ornate language that incorporates non-everyday words, is similar to that used by Rojas in the introduction of [Flores de Pascua. Colección de producciones originales en prosa y verso](#), the anthology in which “La sibila de los Andes” was first published, and by Toro himself in his story. As in the case of Félix Tanco y Bosmeniel, it is evident that Fermín Toro y Blanco was writing for a white, privileged reader, who not only had access to a higher level of education, but who also had enough leisure time to spend on a text of this type.

Writing for white, privileged readers was also what Joaquim Manuel de Macedo and Julio Rosas did, even though their texts, much like that of Tanco y Bosmeniel's and, arguably to a lesser degree, that of Fermín Toro y Blanco's, fit Jean Franco's description: “All too often, the

nineteenth-century Spanish American novel is clumsy and inept, with a plot derived at second hand from the contemporary European Romantic novel” (56). In Joaquim Manuel de Macedo’s case, the author was writing in a Brazil where abolitionist literature had developed late with respect to the rest of the region, and where, as David T. [Haberly](#) explains, the character of the abolitionist campaign “was uniquely and peculiarly Brazilian, utilizing certain highly effective racial stereotypes that were simultaneously anti-slavery and anti-slave” (30) so as to have the desired effect on a reader who had trouble being moved otherwise:

Foreign appeals to morality and humanitarianism, the traditional economic arguments, concern for Brazil’s international reputation—all were too vague, too theoretical to move the vast majority of Brazilian readers. ‘Slavery is bad,’ Francisco Pinheiro Guimarães declared, ‘not only for slaves but for their masters as well,’ and most Abolitionist writers set out to prove this thesis—a doctrine that derived from their own beliefs and from the nature of their audience—by insisting that Negroes were evil and violent, and that slavery was bad because it forced whites into close contact with these dangerous creatures. (33)

Macedo’s readers were “the relatively few Brazilians able to read and rich enough to buy books and periodicals; [they] were generally also those with the greatest investment in the slave system and were understandably loath to patronize writers who directly attacked their interests” (31), but they also included a group of people (journalists, lawyers, members of the military, poets, politicians, etc.) of different social categories, who defended the abolitionist ideas” ([Victor](#) 6). Slave owners or intellectuals, these readers were addressed for their capability to recognize what civilized and civil were, and to react based on those notions.

In the case of Julio Rosas—pseudonym of Francisco Puig y de la Puente—his readers have proven themselves to be a bit more difficult to pin down than the readers of the other three authors. According to the *Dictionary of Cuban Literature*, the press that published Rosas’ novel in 1873, the *Imprenta El altar de Guttemberg*—with the last name “Guttemberg” spelled as such—published only one other work, also by Rosas, also in 1873: *Los cucuyos*, an informative text about fire beetles (*pyrophorus*). There is also some information that points to Rosas’ novel having been published a decade later in a weekly journal: the recent publication, *Cuentos de La Habana Elegante* (2014), states that Rosas “[p]ublished the novel *La campana del ingenio*, abolitionist novel in the weekly Havanan journal *La Razón* (1883-1884), and later [my emphasis] published it, independently, under the title *La campana de la tarde; o, vivir muriendo. Novela cubana* (La Habana:



Imp. El altar de Guttemberg, 1873)” (Camacho 201). Although the given dates are wrong, as 1873 (when the novel was published) did not happen *after* 1883 and 1884 (when the *Dictionary* says that the journal was founded),<sup>20</sup> the cited journal, *La Razón*, a working-class journal, did exist and operated non-continuously, between 1870 and 1883.<sup>21</sup> Not only that: the *Dictionary of Cuban Literature* also states that *La campana del ingenio* was, indeed, published in 1883-1884; however, a letter from Cirilo Villaverde to Julio Rosas makes us wonder how accurate those dates are: in the letter, dated May 8th, 1884, Villaverde “recommends to his friend Rosas that he shorten his novel *La campana del ingenio*, ’to unload that which takes up space and is not necessary. [He adds:] That is what I did with the manuscript of Cecilia Valdés, and I am increasingly happy about having made that decision” (Villaverde, *Cecilia* lxxviii).

The confusing discrepancy in dates does not matter to us, in the end; what matters in relation to this dissertation is that Rosas’ *La campana de la tarde* was published in book format before abolition. Unfortunately, however, the very short existence of its publishing press as well as a seemingly complete lack of information on it, hinders the ability to concretely identify what type of reader bought its books. Nevertheless, considering what the Cuban society was like at the time, it is logical to assume, due to the characteristics of the text—very melodramatic, yet conducive to reflection, and also very informative on all sorts of topics— that the reader that Rosas had in mind was similar to the reader that Cirilo Villaverde had in mind when he wrote the first version of *Cecilia Valdés*, published as a two-part story for the readers of *La Siempreviva*, a periodical whose editorial purpose was

to express, in a light style, good ideas that otherwise would never penetrate the popular masses; to put in the hands of young ladies compositions in prose and verse that they can read without blush or danger; to stimulate, with short and scientific digressions, the effort of the young people who dedicate themselves to the letters and the sciences; and, finally, to publish our local observations on customs, topography, etc: such are the objectives of the present.<sup>22</sup> (lxxii-iii)

<sup>20</sup> I contacted Stockcero, the publishing company of *Cuentos de La Habana Elegante*, for more information, but it was unable to provide any.

<sup>21</sup> “José Rivero Muñiz points out that ‘the first number of this weekly literature and arts journal saw the light of day on December 11th, 1870, appearing as its director José de Jesús Márquez—the champion of cooperativism in its first days. Later, the very [Saturnino] Martínez took over the direction and had no other remedy but to face his enemies . . . In its first phase, [the newspaper] did not enjoy a long life and it was essentially working-class.’ On July 23rd, 1876, it reappeared as *Periódico de literatura, ciencia, artes, mercantil, noticias y anunicos*’ under the direction of J[osé] de J[esús] Márquez . . . The last number (number 385) corresponds to December 30th, 1883” (“*Razón*”).

<sup>22</sup> It could also be presumed that Julio Rosas had in mind the readers of the publications for which he had been a regular contributor, such as *El regañón*, *El Contribuyente*, *El Eco del Comercio*, *El Gorro Frigio*, and *El Curioso Americano*.



In other words, the reader for whom Rosas wrote was like the reader for whom the other described authors wrote: affluent enough to have the time to read books and with the type of bourgeois education that enabled him or her not only to find enjoyment in a sentimentalist novel, but also to be intellectually curious-enough to seek a text that was probably under heavy censorship, having been published after the Ladder Conspiracy of 1844, which, as William Luis writes, “destroyed the environment which had produced such antislavery works as Suárez y Romero’s *Francisco* and Tanco y Bosmeniel’s “*Petrona y Rosalía*” and forced other writers, like Juan Francisco Manzano, into permanent silence” (16).

### 1.2.6 On reaching the readers

I mentioned in the introductory chapter, on page 8 that the authors of narratives of advocacy mediate between an exploited Other and a reader who considers himself or herself to be part of the socially hegemonic sector of society, forcing that reader to publicly react either due to a genuine concern with respect to the denounced uncivilized incivility, or due to a wish to align oneself with such denunciation as a class marker by publicly signaling the virtue of being civilized and civil. The hegemonic author knows how to reach the reader; he knows how to make the story familiar and believable, and he knows how to manipulate emotions while being aware of where the tolerance limit lies, so as not to cause that “empathic over-arousal” (160) against which M. L. Hoffman warns. To explore how the author reaches the reader, I will focus on the writings of John Beverley, differentiating a narrative of advocacy from a *testimonio*, and of Michel de Certeau, addressing the question of the Other and its representation.

In his essay, Beverley, “[The Margin at the Center: On Testimonio \(Testimonial Narrative\)](#)” (1989), John Beverley describes the characteristics of the *testimonio*: “a novel or novella-length narrative in book or pamphlet (that is, printed as opposed to acoustic) form, told in the first person by a narrator who is also the real protagonist or witness of the events he or she recounts, and whose unit of narration is usually a ‘life’ or a significant life experience” (30–1) that is “representative of a social class or group” (33), “implicitly or explicitly a component of what Barbara Harlow has called ‘resistance literature’” (31) in that “the situation in *testimonio* has to involve an urgency to communicate a problem of repression, poverty, subalternity, imprisonment, struggle

for survival, implicated in the act of narration itself,” and that “the position of the reader is akin to that of a jury member in a courtroom” (32)). Also, because “in many cases the narrator is someone who is either functionally illiterate or, if literate, not a professional writer, the production of a testimonio generally involves the tape-recording and then the transcription and editing of an oral account by an interlocutor who is an intellectual, often a journalist or writer” (32). Later, in “‘Through All Things Modern’: Second Thoughts on Testimonio” (1991), Beverley adds that “the testimonial narrator, like Rigoberta Menchú, is not the subaltern who speaks to the hegemony by means of a metonymy of self in the name and in the place of it. Testimonio is located at the intersection of the cultural forms of bourgeois humanism, like literature and the printed book, engendered by the academy and colonialism and imperialism. It is not an authentic expression of the subaltern (whatever that might be), but it is not (or should not be) easily assimilable to, or collectible as, literature, either” (52). Through the testimonio genre, a subaltern can somewhat speak, and, “[w]here literature in Latin America has been (mainly) a vehicle for engendering an adult, white, male, patriarchal, ‘lettered’ subject, testimonio allows the emergence—albeit mediated—of subaltern female, gay, indigenous, and proletarian ‘oral’ identities” (59).

Testimonios and narratives of advocacy have many characteristics in common, most notably the subalternity of those whom they represent, the hegemonic mediation of the denunciation, and the role of jury vested upon the reader. A central difference between these two genres is that testimonial narratives directly reproduce the voice of the subaltern (even when that voice is edited) and may arguably be a subaltern’s medium to assert his own agency,<sup>23</sup> while narratives of advocacy certainly do nothing of the sort: what they present to the reader is not the subaltern’s voice but the voice of the hegemonic author describing the subaltern’s situation, and what they offer is not a medium for the subaltern to have agency but, according to my thesis, a medium for the subaltern to continue depending on a hegemonic savior. There is little doubt that narratives of advocacy are, for better or worse, works of literature—“extensively reworked, with explicit literary goals (greater figurative density, tighter narrative form, elimination of digressions and

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<sup>23</sup> In “The Margin at the Center: On Testimonio (Testimonial Narrative)” Beverley supports such an argument: “testimonio implies a challenge to the loss of the authority of orality in the context of processes of cultural modernization that privilege literacy and literature as norms of expression. It allows the entry into literature of persons who would normally, in those societies where literature is a form of class privilege, be excluded from direct literary expression, persons who have had to be ‘represented’ by professional writers. There is a great difference between having someone like Rigoberta Menchú tell the story of her people and having that story told, however well, by someone like, say, the Nobel Prize-winning Guatemalan novelist Miguel Ángel Asturias” (35).

interruptions, and so on)” (43)—but the same cannot be said for *testimonio*, which is much more “raw,” appearing “as an extraliterary or even antiliterary form of discourse,” even when the argument exists to present it as “a new postfictional form of literature, with significant cultural and political repercussions” (43).

It is the literary aspect of narratives of advocacy—which will be analyzed in depth in chapters 2 and 3—what interests me in this section, the way in which the author inspires in his readers empathy for the suffering of the Other, offering them a text that, while showing the barbarism behind the exploitation, does not alienate them. Michel de Certeau’s *Heterologies: Discourse on the Other* (1986) explains that such empathy is inspired through the portrayal of the Other as Same; he also explains that the Other himself “is amenable to being reduced to the status of the same” (xiii), a notion that pertains to Part Two of this work.

Narratives of advocacy, like Book IV of Herodotus’s *Histories*, as analyzed by Michel de Certeau, combine “a representation of the other . . . and the fabrication and accreditation of the text as witness of the other” (68), constructing, via the mediation of the author, a space that defines who is barbarian and why. In addition, as de Certeau points out in Michel de Montaigne’s essay, “Of Cannibals” (c. 1580)—which “exhibits the same structural features as the fourth book of Herodotus” (68) and where, for this dissertation’s purposes, “cannibals” may be substituted for “Amerindians” or “enslaved Africans and Afrodescendants,” due to how these were perceived by the hegemony in the sixteenth and nineteenth centuries, respectively—the definition of “barbarian” is not the one would expect, showing itself “in three ways which gradually bring into evidence the inadequacy of the word to its supposed referent: an ambivalence (cannibals are barbarian because of their ‘original naturalness’; Occidentals are barbarian because of their cruelty); a comparison (our ways are more barbarian than theirs); and an alternative (one of us has to be barbarian, us or them, and it’s not them)” (73).

To make the reader see that his or her “side”—the “civilized” and “civil” side—is being barbaric when it comes to the topic denounced by narratives of advocacy, the author must find a way to make the reader feel the suffering of the exploited, understand the situation that causes that suffering, and realize who is responsible for that situation. In *Literary Bondage: Slavery in Cuban Narrative* (1990), William Luis describes this process:

The author strives to persuade the reader into understanding and accepting the life of the

slave, someone antagonistic to his own interest and existence. In other words, the narrative strategy reduces the distance between the master's quarters and the slave's barracoon, between the oppressor and the oppressed, the white and the black. The space traditionally occupied by the master and slave is also inverted and the interested reader is persuaded to view slavery no longer from the master's perspective but from the slave's. With the change in space, the signs are also inverted; black as negative and white as positive are revealed not as absolute categories inherent in Western language or culture but as an arbitrary system of signs subject to textual manipulation. If blacks and slaves represented a threat to whites, as the Haitian example suggests, they are now portrayed as the victims of a society which exploits them without apparent justification. Likewise, if the familiar slave master and overseer are the protectors of slavery and the livelihood of whites, they are transformed into morally corrupt individuals whose interest is to satisfy their own libidinal needs. (3)

But conveying the suffering of the other is not just as simple as stating the facts; as Donovan Schaefer writes in his essay about affect and animals, “[s]imply being told that someone is hurting is in no way a meaningful comprehension of that they are going through” (17). Schaefer proposes an “ethics of attunement” to “tune in to the pain of others and build our response around those channels” (29) because “telling a sad story is not the same as sharing pain” (16); however, until Schaefer’s ethics of attunement takes hold, all we seem to have to convey the pain of the other—and, certainly, all we had for that purpose during the sixteenth and nineteenth centuries—has been nothing but sad stories that, through the use of sentimentalism, make the reader empathize with the described exploited Other, reacting against both the exploitation and its cause.

In its relationship with what concerns us—the moral judgment carried out by the reader—sentimentalism has yielded the concept of *moral* sentimentalism, which, like affect theory, is not uniformly upheld. With respect to moral sentimentalism, “[s]ome believe moral thoughts are fundamentally sentimental, others that moral facts make essential reference to our sentimental responses, or that emotions are the primary source of moral knowledge. Some believe all these things” (Kauppinen). And with respect to affect theory, some believe that “emotions are embodied, intentional states governed by our beliefs, cognition, and desires,” while others “interpret the affects as non-intentional, bodily reactions, [positing] a constitutive disjunction between our emotions on the one hand and our knowledge of what causes and maintains them on the other, because according to them affect and cognition are two separate things” (Leys 437).

In this dissertation, I will neither use moral sentimentalism (“moral sense”) theories nor affect theory as a theoretical framework, but I will look at sentimentalism as a literary recourse

to inspire empathy. It is easy to see the sentimental element in the analyzed nineteenth-century narratives of advocacy, where, just as David Brion Davis writes with regards to British abolitionist texts, it helped the reader to “conceptualize the meaning of enslavement only in the familiar terms that increasingly aroused a sensitive response from the middle class” (qtd. in Boulukos, “Capitalism” 28). George Boulukos writes that sentimentalism in anti-slavery narratives made the horrors of slavery accessible to “good Britons” (and, I add, to good nineteenth-century Latin Americans, as well), for whom “slavery was so inhumane” (28) that even when they were aware of it, it was almost impossible to believe. One could suspect that such sentimentalism was not present in sixteenth-century narratives of advocacy because these were written as informative reports, yet the images that these painted were similar to those painted in the nineteenth century: “the separation of young lovers; the heartless betrayal of an innocent girl; the unjust punishment of a faithful servant” (28), the separation of babies from mothers, the capricious torture and killing of submissive beings, and so forth. These images made the exploited beings relatable to the civilized and civil readers, be they a sixteenth-century king or a nineteenth-century bourgeois housewife, inspiring in them what the author sought: an empathy that would lead to sadness, sorrow, compassion, and mobilization.

By publicly aligning himself or herself with the denunciations presented in narratives of advocacy—denunciations that leave no room for doubt about the suffering of the Other because of their civilized, empathy-inspiring sentimental language—the reader declares himself or herself civilized and civil, with all the connotations that these adjectives have: cultured, educated, enlightened, refined, sophisticated, all characteristics closely associated to wealth and/or social prestige. On the contrary, not reacting in support of the denunciations made by narratives of advocacy places the reader at risk of being judged uncivilized and uncivil by his peers, the members of the culturally hegemonic sector of society. This is an adverse judgement that is easy to avoid when the denunciation comes directly from the exploited Other himself, as his or her denunciation, distant in tone and language to those of the culturally dominant sector of society, allows the reader to distance himself or herself just as much, pleading incomprehension, impotence, or any other reason for which to look away, including one that is not publicly admitted: nobody who matters is watching.

### 1.3 CONCLUSION

Several observations may be made based on what has been discussed in this chapter. First, the authors of narratives of advocacy are traditional intellectuals, members of the social sector that has been guiding our society at the cultural level since at least the sixteenth century and that ultimately contributes to the legitimization of the ruling class's social hegemony, which not only fosters their development but which also provides them with a cultural and social capital that results in social privilege

Second, the feeling of empathy (and not of sympathy) that narratives of advocacy inspire in their readers, members of the culturally dominant sector of society, not only helps them to understand the suffering of the exploited Other, but also reinforces a perception of otherness both in "the exploited" and in exploitation itself. Exploitation, then, is something that occurs to someone who is usually phenotypically different and also socially inferior—so much so that s/he needs help from the members of the culturally dominant sector of society because s/he does not even have a transcendental civilized voice.

And third, narratives of advocacy have become both a class-marking product for the culturally dominant sector of society—allowing it to show its level of civilization and civility through public reaction and mobilization—as well as an instrument that contributes towards the establishment of hierarchies within the labor force, via the culturally dominant sector of society's push for protective laws for those exploited beings whom it deems deserving of advocating intervention. As a result, not only are many exploited beings left ignored, but also—and very beneficially for the ruling class—the working class becomes divided.

In the next two chapters I will analyze the selected narratives of advocacy within the theoretical frame discussed in this chapter; and in the Conclusion chapter I will return to the observations made in this chapter, elaborating several premises based on them.

## 2.0 SIXTEENTH-CENTURY AMERINDIANS

### 2.1 INTRODUCTION

As it was mentioned in this dissertation's introduction, there already exist many studies on how Amerindians were portrayed during colonial times. They focus on different topics, such as how indigenous women were described in the chronicles of the Indies (Noguerol), or how Amerindians in general were represented by sixteenth- and early seventeenth-century bishops (Dussel; León-Portilla, or by Spaniards and *criollos* (Sarzi Amade and Campoverde), or by ecclesiastic and royal officials (eight essays compiled by Battcock and Bravo Rubio).

These studies reveal that the representation of Amerindians since the arrival of the Spaniards at the New World varied according to the interests of the authors of those descriptions; but, they also reveal that their portrayals had one aspect in common: consciously or not, all of them painted Amerindians as inferior to Europeans—physically inferior, morally inferior, or both. A survey carried out as early as 1517 shows that people like conquistadors, *encomenderos*, and anyone who benefitted from physically exploiting Amerindians, described the latter as “‘having many vices and as not being of service to Our Lord, as not acting like humans and as having an inclination towards being lazy...lacking the capacity to rule or govern themselves, unlike any Spanish person, no matter how rustic they may be...and without any type of reasoning to be able to do anything’” (qtd. in León-Portilla, “El indio” 283). The same survey also shows that the Catholic Church ministers also described Amerindians in a negative way, justifying their evangelization by representing them as morally inadequate and in need of being “saved.” In the words of Fray Tomás Ortiz:

They are more sodomitic than any generation; there is no justice among them; they go naked; they have no love or shame; they are unintelligent and rash; they lie ...they are inconsistent

...they are beastly and they pride themselves in having abominable vices ... They are not capable of either doctrine or punishment; they are traitors, cruel, and vengeful, who never forgive; they are fierce enemies of religion ... They are dirty, they eat lice, and spiders, and raw worms wherever they find them; they do not have human art or skill. (qtd. in “El indio” 285)

The objective of this chapter is to show the way in which Amerindians were represented in several sixteenth-century narratives of advocacy, that is, the images that the culturally dominant, advocating author painted of the exploited Amerindian using affective devices, revealingly media-tive in nature, both to inspire empathy in the reader and to lead him or her to social mobilization—all while ultimately contributing to the legitimization of the ruling class’s social hegemony, which I will discuss in Part Two. The analyzed texts are five: Fray Pedro de Córdoba’s “*Carta en lengua latina de dominicos y franciscanos a los regentes de España*” (1517) and “*Carta al Rey, del padre Fray Pedro de Córdoba, Vice-provincial de la Orden de Santo Domingo*” (1517); Fray Francisco de Vitoria’s *De indis et de Ivre Belli* (1537), Vasco Vázquez de Quiroga y Alonso de la Cárcel’s *Información en derecho del licenciado Quiroga sobre algunas provisiones del real Consejo de Indias* (1535), and Fray Bartolomé de Las Casas’s *Brevísima relación de la destrucción de las Indias* (written in 1542 and published in 1552).

Before beginning the literary analysis, I will briefly look at what was happening to Amerindians in Portuguese America during this time, to better understand why there are no sixteenth-century narratives of advocacy from this region included in this dissertation.

### 2.1.1 Portuguese America

During the sixteenth century, when Amerindians in Brazil were legally enslaved under Portuguese law, seven laws<sup>1</sup> were passed in relation to them—six of them in relation to the fairness of that enslavement. I will analyze these laws in Chapter 4; for now, I quickly summarize them to explain why I do not include in this dissertation any narrative of advocacy associated with them.

Of the six laws, two were passed before the arrival of Jesuit missionaries in Brazil. *Rules of procedure from King Manuel I to the captain of the Bretoa ship* (1511) forbid “the crew to offend,

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<sup>1</sup> *Regimento do Rei D. Manuel I ao capitão da nau Bretoa* (1511); *Instruções dadas pelo rei D. João III à Martim Afonso de Sousa* (1530-1533); *Regimento de Tomé de Sousa* (1548); *Lei sobre a liberdade dos gentios* (1570); *Lei que S. M. passou sobre os Índios do Brasil que não podem ser captivos e declara o que o podem ser* (1587); *Lei sobre se não poderem captivar os gentios das partes do Brasil, e viverem em sua liberdade, salvo no caso declarado na dita lei* (1595); and *Lei sobre a liberdade dos índios* (1596).



mistreat, harm, or deceive Indians, under threat of severe punishment,” allowing for their transportation as slaves provided that the ship’s owner prevented “abuses from the crew” (Ungaretti 236); and *Rules of procedure for Tomé de Sousa* (1548) reaffirmed “that the reason for colonization was catechesis,” allowing for the declaration of a Just War against Amerindians, in which case it was “legal to enslave the barbarians” (236). This second law was passed after the establishment in 1532 of the Council of Conscience and Instruction (Mesa de Consciência e Ordens), whose ideas, before the arrival of the Jesuits in Brazil, mostly “aligned themselves with the theoretical lineage of [Bartolomé de] Las Casas and Francisco de Vitoria” (Fidelis 24), but also aligned themselves with Juan Ginés de Sepúlveda and his Aristotelian views on Amerindian slavery. These two laws, then, may be viewed as the result of two of the Spanish American narratives of advocacy that I analyze in this dissertation: those of Las Casas and Vitoria.

With respect to the remaining laws, they were not prompted by particular texts, but rather by a combination of elements: the Catholic Church, influenced by the authors whom I analyze in this dissertation; the Mesa da Consciência e Ordens, also influenced by those same authors, as well as by Juan Ginés de Sepúlveda<sup>2</sup> and the two main figures who concerned themselves with Amerindians in sixteenth-century Portuguese America: Jesuit friars Manuel da Nóbrega and José de Anchieta. The *Law on the freedom of the barbarians* (1570) allowed for the capture and enslavement of Amerindians only in cases of Just War or to prevent anthropophagy. The *Law that H.M. passed on the Indians of Brazil who cannot be captive, declaring what they can be* (1587), “reaffirmed the 1570 law, maintaining the principle of captivity and rescue through Just War ... [also allowing] for the hiring of Amerindians service with payment in the form of catechesis” (Ungaretti 237). The *Law on the ability to capture barbarians in certain parts of Brazil and on their living in freedom, except for in those cases stipulated by this law* (1595) addressed the infractions committed against the 1587 law, and reiterated that only justly captured Amerindians could be enslaved. Finally, the *Law on the freedom of Indians* (1596), shifted the fiscal and political running of Amerindians in Brazil to the hands of the Jesuits, who would now be able to decide who could be enslaved and

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<sup>2</sup> Juan Ginés de Sepúlveda was a Spanish Dominican priest most famous for his stance on the Just War, opposite to that of Bartolomé de Las Casas. The two priests presented their positions in front of the Junta of Valladolid (1550-1551). Las Casas considered Amerindians as human as Spaniards, with behaviors that were no more cruel than those found in Europe; also, he did not consider evangelization to be a Spaniard duty, and he regarded the Just War as unjust. Sepúlveda, on the other hand, considered Amerindians as inferior human beings with anti-natural behavior, and he thought that Spaniards had the right and the duty to subjugate and indoctrinate them in order to save their souls and the lives of their future victims.

who could not.

The last three laws were promulgated by Philip II, King of Spain, who also became King Philip I of Portugal in 1580, a man who had been reading Spanish American narratives of advocacy since before his becoming king. (Las Casas addressed his published version of *A Short Account of the Destruction of the Indies* to him in 1552, four years before his coronation as king.) It is certain that the narratives of advocacy analyzed in this dissertation influenced the passing of all the sixteenth-century laws aimed at protecting Amerindians in Portuguese America; nevertheless, the dissertation would be most complete if it also included a text originating in this region, written by one of the mentioned Jesuit priests.

As it turns out, however, the writings of those priests are problematic as narratives of advocacy. When they began to be written, the texts were not about preventing the Portuguese colonizers from enslaving Amerindians; rather, they were about preventing the Portuguese colonizers from *only* enslaving them, without evangelizing them and without teaching them how to be civilized. They were not about preventing the seizing and baptizing of Amerindians; they were about seizing, baptizing, and moulding them from the savage, naked, anthropophagous, lawless, godless, reasonless beings that they were into civilized Christians living a more European lifestyle. As time passed, the texts advocated not so much for Amerindians, but more so for the Jesuit system of *aldeias* to control Amerindians. While it is true that, towards the end of the century, there were texts that could have belonged to narratives of advocacy, such as such as José de Anchieta's "[the Portuguese] captured, iron-branded, sold [Amerindians], separating them from their wives and children" (qtd. in [Faria](#) 130)—written in 1585—or Luís da Fonseca's "[the Portuguese] have brought many thousands of Indians . . . separating women from their husbands, children from their parents" (qtd. in [Faria](#) 149)—also written in 1585—these descriptions became lost in texts that focused on other issues: who should enslave Amerindians, what should be taught to them, what was the best system for their indoctrination.

Unlike the Spanish narratives of Córdoba, Quiroga, Vitoria, and Las Casas, the Portuguese narratives did not focus on the suffering of exploited beings; their main focus was elsewhere, and the suffering was mentioned almost in passing (especially when compared to the aforementioned Spanish texts). As such, these Portuguese narratives do not fit into the category of narratives of advocacy as I have defined it: the empathy of the reader is not inspired; there are no sentimental

stories, no descriptions of suffering beings in the hands of cruel oppressors. The plea is not for the merciful intervention of a high authority—King, Queen, Council—to save the exploited from torture and misery; instead, the plea is for a high authority to ensure that Amerindians are baptized and evangelized—a Catholic imposition that, unlike what occurred in Spanish America, was not questioned.

To illustrate this last argument, I turn to a letter written by Manuel da Nóbrega in 1559, addressed to King John III, where the priest depicts Amerindians as brutal people who are impossible to indoctrinate unless subjugated. Nóbrega had not always been in favor of Amerindian slavery, which was carried out not only through attacks (*saltos*) and Just War (*Guerra Justa*), but also through the enslavement of Amerindians who volunteered to be slaves for different reasons—such as an alternative to being captured by an enemy tribe, or to starving to death due to the scattering of their tribe—and their capturing in expeditions (*bandeiras* and in rescues (*resgates*), where the Portuguese would “rescue” prisoners of other tribes, justifying their enslaving them because they had saved them from death. Concerned about Amerindian and Portuguese sinning, and also concerned about the way Amerindians were captured, Nóbrega had shown himself aligned with Las Casas in a letter addressed to Friar Simão Rodrigues de Azevedo in 1549, stating that “it is a rarity to find a slave here who has not been captured by force... It is a rarity to find a place here where the Christians have not been the cause of war and discord,”<sup>3</sup> which led to vengeance on the part of the Amerindians, and that “it might be good to gather [the slaves] and return them to their land, and have one of [the priests] stay with them to teach them” (Nóbrega 32).<sup>4</sup>

Now, ten years later, Nóbrega’s position has changed: going against the Papal Bull *Sublimis Deus* (1537), the priest’s message to King John III is that Amerindians need to be captured—which necessarily implies their enslavement, as they will need to follow work orders in order to grow their food and live in a “civilized” way, as their captors’s command—because “[I]f left free and to their will, since they are brutal people, nothing can be done with them, as our experience has shown us all this time in which we dealt with them with so much effort, obtaining no results except for a few innocent souls that we sent to Heaven” (319).<sup>5</sup> What Nóbrega advocates for,

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<sup>3</sup> “...de maravilha se acha cá scravo que nom fosse tomado de salto ... De maravilha se achará cá terra onde os christãos nom fossem causa da guerra e dissensão ...”

<sup>4</sup> “...me parece que seria bom juntá-los e torná-los à sua terra e ficar lá um dos nossos para os ensinar ...”

<sup>5</sup> “...se o deixão em sua liberdade e vontade, como hé gente brutal, não se faz nada com eles, como por experiencia vimos todo este tempo que com ele tratamos com muyto trabalho, sem dele tiráremos mais fructo que poucas almas

then, is the evangelization of Amerindians, not their freedom and not even their unconditional good treatment, considering how “brutal” they are. Without that evangelization, with just plain enslavement, Nóbrega sees Amerindians and Portuguese as being in mortal sin:

And things are such in these parts that if all the dwellings in this land were to be observed, all of them would be found full of mortal sins, fornications, incest and abominations . . . And what could I say about other sins? There is no peace; everything is hate, rumors, thefts, deceiving, and lies. There is no obedience, and not one of God’s commandments is observed, let alone any coming from the Church. (322)<sup>6</sup>

We can also look at how José de Anchieta, the other Jesuit priest associated with Amerindians in Portuguese America during the sixteenth century—so much so that he was canonized in 2014 for his labor as a missionary in the region—concurs with the opinion expressed by Nóbrega in his letter to the King. Writing to Fr. Ignacio de Loyola in 1555, Anchieta declares that “the conversion of the barbarians in this land can neither be expected nor achieved without the arrival of many Christians who, aligning themselves and their lives to the will of God, subject the Indians to the yoke of slavery and force them to embrace the flag of Christ” (Leite, *Novas* 207). And in his letters written from 1554 to 1594 (published in one volume in 1933), Anchieta does not represent Amerindians the way Dominican and Franciscan priests represented them in Spanish America. Whenever the words “cruel” or “cruelty” appear in Anchieta’s texts, they describe not the way Portuguese treat Amerindians, but other things: the tyranny that the Devil “exerts against them” (129);<sup>7</sup> the methods Amerindian women employ to “kill their babies” (149);<sup>8</sup> the way in which “an innocent little boy was killed” to “avenge the injuries and deaths that they received from their enemies” (152);<sup>9</sup> the fight sustained against the French (159); the way in which the Tamuja tribe “continuously takes the slaves, the women, and the children of the Christians, killing them and eating them” (197), as well as the tribe’s nature, “friend of war and enemy of all

innocentes que aos ceos mandamos.”

<sup>6</sup> “E asi esta agora a terra nestes termos, que se contarem todas as casas desta terra, todas acharão cheas de peccados mortais, cheas de adulterios, fornicações, yncestos e abominações . . . Pois dos outros peccados que direi? Nam há paz, mas tudo odio, murmurações e detrações, roubos e rapinas, enganos e mentiras; não há obediencia nem se guarda hum soo mandamento de Deus e muyto menos os da Ygreja.”

<sup>7</sup> “...a exercer contra eles tão cruel tirania.”

<sup>8</sup> “...e com outras muitas maneiras que a crueldade deshumana inventa.”

<sup>9</sup> “...por se haver de matar um menino inocente con tanta crueldade”; “...vingar as injurias e mortes que recebiam dos inimigos...”

peace” (234);<sup>10</sup> the nature of this “butcher nation” (201);<sup>11</sup> the nature of one of the chiefs (206); the way an Amerindian man was planning on assassinating his wife (398); the nature of the Amerindians in Camanú, who “eat human flesh” and “very feared by the Portuguese due to their cruelty and ferocity” (414);<sup>12</sup> the way in which the French, the English, and other Amerindians “would take the children and the women” of the Guaube tribe (422)<sup>13</sup>; the cruelty with which Jesus’s hands were pierced (510), as well as his torso (515); the nature of Paul, who dragged “men and women, with great cruelty, and had them jailed and lashed” (518).<sup>14</sup> (In all these texts, the only time when “cruel” or “cruelty” is employed in relation to Amerindian suffering is to describe the tyrannic way in which female slaves are often victims of “slapping, stabbing, lashing for not consenting to sinning” (151)<sup>15</sup> with their masters.) The words “evil,” “abuse,” “injustice,” follow the pattern of “cruel” and “cruelty”: they are not used to describe the suffering of the Amerindian, but to describe other things. The result is that, unlike what happens in the case of Spanish American narratives of advocacy, the image that Anchieta creates in the mind of his reader is not one of a helpless, exploited, defenseless Amerindian, victim of unimaginable cruelty. Instead, much like Nóbrega does, Anchieta portrays an Amerindian who is wild, rebellious, barbaric; even in those cases where tribes are not vicious, they are still depicted as having a propensity to kill: “Naturally, they have a tendency to kill, but they are not cruel ... If they employ any type of cruelty, even rarely, it is through the example of the Portuguese and the French” (329).<sup>16</sup>

In his effort to “demonstrate that José de Anchieta founded the Brazilian indigenism” (1), Carlos Javier [Castro Brunetto](#) proposes that the priest’s stance with respect to slavery is ambiguous, theorizing that his “subtle writing” on the subject may have been such in order to pass “‘the filter’ of the colonizers” (5), who could have read those texts before these reached their intended recipients. To support this claim, Castro Brunetto cites fragments of letter written by Anchieta, such as the one mentioned above: “female slaves suffer when their masters mistreat them through

<sup>10</sup> “...levando continuamente os escravos, mulheres e filhos dos Cristãos, matando-os e comendo-os...”; “...sua natureza cruel, amiga da guerra e inimiga de toda paz...”

<sup>11</sup> “...nação tão cruel e carniceira.”

<sup>12</sup> “...comem carne humana...”; “são mui temidos dos Portugueses por sua crueldade e ferocidade.”

<sup>13</sup> “...lhes tomavan os filhos e mulheres com muita crueldade.”

<sup>14</sup> “...tirava desta a rasto os homens e mulheres, com grande crueldade, e fazia-os encarcerar e açoitar...”

<sup>15</sup> “tirania a mais cruel ... [sofrem] bofetadas, punhaladas, açoutes por não consentirem no pecado...”

<sup>16</sup> “Naturalmente são inclinados a matar, mas não são crueis ... Se de alguma crueldade usam, ainda que raramente, é com o exemplo dos Portugueses e Franceses.”

slapping, stabbing, lashing” when they resist being raped, defending themselves with “screams, hands and teeth, making those who want to force themselves on them flee” (8); or another one, in which Anchieta writes that slave owners use their slaves but do not “concern themselves with their indoctrination” (9). Castro Brunetto points out that in none of his letters does the friar

clamor for protective legislation for the indigenous from the abuses of the colonizers, but that he does manifest his position with such ardor, so well anchoring it on the principles of Christian morals that it is not difficult to deduce that the very content of the text is, in itself, an explicit suggestion for change in the treatment of the indigenous, slave or not slave, which from the colonies a humble friar could not carry out, but could indeed propose to the general of the Company. (8-9)

Castro Brunetto also states that Anchieta’s “criticism of the colonial slavery system is constant, a steady and penetrating dripping that perforated the foundation of an organization that [was failing] in what mattered most: the indoctrination and the ways to achieve it through settlements (*aldeamentos*)” (9), adding that the priest

used his correspondence in a clear and solid manner to inform the metropolis and Rome about the terrible harms of the colonial system against the indigenous, be they slaves or not. Anchieta’s entire opus vigorously proclaims those abuses, but the caution, diplomacy, and, above all else, the religious principle of obedience, advised him not to directly denounce the fact outside of the religious framework, delegating that responsibility to those in charge of administering such information. (10)

Although I do believe that Anchieta did not want to see Amerindians harmed or deprived of what he believed to be eternal life in Heaven, I am not as sure as Castro Brunetto is that the priest constantly criticized—and certainly not “with ardor”—Amerindian enslavement and the colonial system. Other authors have written on the subject, also disagreeing with Castro Brunetto’s position: Celestino de Almeida (1998); Moreira, (2004); Santos Neves, (2010); McGuinness, (2018).

This issue, however, is not relevant at this point; what is relevant is that since my research limits itself to the sixteenth century, it also limits itself to the texts written by Nóbrega and Anchieta, and these are not exactly narratives of advocacy. Although it would be illuminating to analyze them from other perspectives, I will leave them out. Were I also focusing on the seventeenth-century, then the narratives of Fray António Vieira (1652-1662) would have made the cut; however, such inclusion would have also meant focusing on the laws that were passed during that century, the role that capital played in their promulgation and enactment, the voice that the exploited themselves had, and so on—a task that would make this dissertation impossibly long.

Finally, were I focusing on all narratives of advocacy written in Portuguese America or in Portugal during the sixteenth century—not just those related to Amerindians—Fernando Oliveira’s *Arte da Guerra no Mar* (1555) could have been a candidate for consideration, although ultimately it would not have been included because Oliveira advocated for slaves in West Africa, not in America. As David [Orique](#) explains,

Oliveira pointed out that African monarchs waged unjust wars with other African states to obtain slaves to sell to the Europeans, or they obtained fellow-Africans for the slave trade through robbery. Although a market existed among Africans, he accused the Portuguese of creating the demand for slaves and thus extending the slave trade across the Atlantic. He further charged the Portuguese with conducting slave raids and unjust warfare in order to obtain slaves on the West African coast. He reasoned that if there were no buyers, there would be no sellers, and denounced his countrymen as the inventors of such a vile trade, never before used or heard of among brothers as the buying and selling of peaceable freemen as one buys and sells animals, with the spirit of a slaughterhouse butcher. (“[Comparison](#)” 107)

In the next sections, I will carry out a literary analysis of each selected text, and then I will offer an encompassing conclusion tying my findings to the theoretical framework presented in Chapter 1. All texts have been translated from Spanish to English by me, keeping in mind changes in word definitions and staying as close as possible to the meaning of the original text, which is found in footnotes throughout the chapter.

## **2.2 CARTA EN LENGUA LATINA DE DOMÍNICOS Y FRANCISCANOS A LOS REGENTES DE ESPAÑA (1517)**

“[Carta en lengua latina de dominicos y franciscanos a los regentes de España](#)”—“Letter in Latin Language from Dominicans and Franciscans to the Regents of Spain”—is a letter addressed to the regents of Spain, who at the time were Cardinal Francisco Jiménez de Cisneros and Archbishop Alonso de Aragón. It is dated May 27, 1517, and is co-signed by twenty-two friars: Fr. Pedro de Córdoba, leader of the Order of Preachers (also known as the Dominican Order) is the first signatory under the title of “provincial vicar,” preceding both a group of nine other Dominican



friars<sup>17</sup> and a group of twelve Franciscan friars<sup>18</sup> who subscribe to the contents of the letter and refer to themselves as “humble, small servants of your excellencies, lesser brothers of observance” (Medina 168). In *Cartas censorias de la conquista* (1938), José María Chacón y Calvo states that although the letter is equally signed by all these friars, “its style and spirit [make it] seem to have been written by Córdoba” (4), a statement that is not easy to contradict especially after analyzing the next text in this dissertation, written by Córdoba to King Charles I, which indeed has the same style as this letter to the regents, as well as some of its same content and the same words.

The letter assumes that the regents already know about of the abuses taking place in the New World, but it nevertheless describes them in general terms. It places blame on those responsible for the abuses, it lists solutions, and it asks that the regents implement those solutions. Towards the end, it mentions Fray Bartolomé de Las Casas, asking the regents to give him credit when he presents himself in front of them in the near future.

The original letter is found in the General Archive of the Indies,<sup>19</sup> and a reproduction in Latin, the language in which the latter was written, is found in Dr. Miguel Ángel Medina, O.P.’s *Una comunidad al servicio del indio. La obra de Fr. Pedro de Córdoba, O.P. (1482-1521)* (1983), whose translation to Spanish is the version I use in my research.

### 2.2.1 Analysis

The letter begins with two moves that situate its readers, the regents, in a particular position with respect to the situation denounced by Córdoba and the other priests. The first move reinforces the regents’s place in the Spanish society as the most powerful, most civilized and civil authorities: they are addressed through the very complimentary qualifier expressions “most reverend,” “most dignified,” and “judges of the Earth to promote the good and correct the evil” (Córdoba, “*Carta en lengua latina*” 258).<sup>20</sup> Once the authoritative place of the regents is reinforced, the second move is

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<sup>17</sup> Fr. Tomás de Berlanga, Fr. Juan de Tavira, Fr. Bernardo de Santo Domingo, Fr. Tomás de Santiago, Fr. Tomás de Toro, Fr. Pablo de Santa María, Fr. Pablo de Trujillos, Fr. Domingo de Betanzos, and Fr. Pedro de la Magdalena

<sup>18</sup> Fr. Tomás Infante, Fr. Juan Flamenco, Fr. Rodrigo Gani, Fr. Jacobo Herinio, Fr. Remigio de Faulx, Fr. Jacobo Scoto, Fr. Juan de Guadalajara, Fr. Guillermo Hebert, Fr. Nicolás Desiderio, Fr. Laterano de Beuit, Fr. Juan Verlonis, and Fr. Juan Flamenco

<sup>19</sup> Archivo General de Indias. Patronato, 171, número. 2, ramo 2.

<sup>20</sup> “Reverendísimos,” “dignísimos,” “jueces de la tierra para promover el bien y corregir el mal.”



made, where the regents are implicitly asked to take a stance: they either comply with what the letter asks and corroborate, before the world, their status as most powerful, most civilized and civil, or they do not comply with what is asked and risk losing that status, appearing before the world as barbaric, complicit enablers of the denounced, barbaric crimes. The choice is presented in the letter's very first paragraph:

Since Your Most Reverend Lordships have been named regents and judges of the Earth to promote the good and correct the evil, to have the just praised and the unjust punished: It is appropriate that those who are in charge of correcting everything not ignore what must be corrected; therefore, you must benignly listen to each and everyone of those who expose and declare that which takes place and is done in towns and places. With more reason this must be done in the case of religious men, being that they do not seek their own gain but that of Christ, the truth, justice, and charity ... [W]e must tell Your Reverences the truth, and we must do it in such a way that you can know everything that must be corrected. (258)<sup>21</sup>

Telling the regents the truth “in such a way that [they] can know everything that must be corrected” does not require the letter to include the gory details of the crimes committed against Amerindians, nor an explanation of each crime itself: because the regents “already know all those evils through other testimonies, there is no need for us to extensively expose each one of the abuses,”<sup>22</sup> the priests explain, adding that they “do not intend to enumerate the crimes but to find remedies” (258).<sup>23</sup> Nevertheless—and perhaps just in case—Córdoba and the other priests still consider it important that their letter remind the regents why the situation in the New World is so desperate and why it is necessary that they intervene. In other words, the letter still needs to paint a picture that conveys the suffering of those exploited while not being too gory in detail; it needs to inspire the empathy of the regents without causing them to stop reading, so that they react and act against the ongoing abuse. For this purpose, a series of sentimental images are submitted.

The first image is one of “innumerable persons and peoples, rather malleable in faith, tame,

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<sup>21</sup> “Como vuestras Señorías Reverendísimas han sido nombradas rectores y jueces de la tierra para promover el bien y corregir el mal, para que se alabe a los justos y se castigue a los injustos: Es digno que aquellos a quienes compete corregir todo no ignoren lo que se debe corregir; y por tanto deben escuchar benignamente a todos y cada uno de los que exponen y declaran lo que acontece y se hace en pueblos y lugares. Con mayor razón se debe hacer esto con los hombres religiosos, ya que no buscan su propio provecho sino el de Cristo, la verdad, la justicia y la caridad ... [D]ebemos contar la verdad a vuestras reverencias en esta carta y hacerlo de tal forma que puedan conocer todo aquello que debe ser corregido.”

<sup>22</sup> “... ya conocen todos estos males, por otros testimonios, no tenemos necesidad de exponer extensamente todos y cada uno de los abusos.”

<sup>23</sup> “... no pretendemos enumerar los delitos sino procurar sus remedios.”

humble, and obedient” (258)<sup>24</sup> now almost extinct. The few who have managed to “free themselves from death and injuries”<sup>25</sup> have done so “hidden in dens and caverns”<sup>26</sup> abandoned by others—others who “have been taken ... to work in the gold mines,”<sup>27</sup> be it on their own island or elsewhere, only to end up “broken down and debilitated, or, in other words, in agony” (259).<sup>28</sup> Should this image not inspire enough empathy in the regents, a second image follows, one that shows the extreme degree of barbarism that is taking place: not only are men being exploited, but also women and children. As the letter reads:

[J]ust like the men, [women and children] had to endure, naked, the heat all day, the summer, the rains, and exposure to the elements. Like the men, they received, as remuneration for their work and as temporary rest at the end of the day, the hard ground. Like the men, they suffered from thirst and hunger. Like them, when suffering from illnesses contracted due to the work, after a faithful and continuous service, they were abandoned and despised and held as inferior to beasts. (259)<sup>29</sup>

A third image follows, one that evokes the devastation witnessed by Córdoba and the other priests. This devastation is both physical and spiritual, and while the former is painted as a post-apocalyptic scene—“Who among those, after such mistreatment and corporal fatigue, could be apt for procreation rather than to be commended to Mother Earth, eager to consume their dying bodies?... Their bodies are mistreated with such harshness as the manure that is stepped on in the ground” (259)<sup>30</sup>—the latter is painted in the context of the Last Judgment: not even in death will these Amerindians be able to receive the peace and wellbeing that they have been denied in life, because their spirits will not be received in a place of comfort:

But, oh! Their spirits certainly disappeared in Endor [Psalm 82, 11], that is, without the fountain of spiritual regeneration, being that this [Baptism] was not received, as it was advisable, because they were not instructed, nor did they know that which was administered to them ... They

<sup>24</sup> “...innumerables gentes y pueblos, bastante dóciles a la fe, mansos, humildes y obedientes.”

<sup>25</sup> “...librarse de la muerte y daños...”

<sup>26</sup> “...escondidos en antros y cavernas...”

<sup>27</sup> “...han sido llevados a trabajar en las minas de oro...”

<sup>28</sup> “...quebrantados y debilitados, y por decirlo así, en la agonía.”

<sup>29</sup> “...igual que los hombres, tenían que soportar desnudos el calor todo el día, el verano, las lluvias y la intemperie. Como los hombres recibían, como remuneración por su trabajo y como descanso temporal al final del día, la dura tierra. Como los hombres padecían sed y hambre. Igual que ellos, en las enfermedades contraídas por el trabajo, después de un fiel y continuo servicio, eran abandonados y despreciados y tenidos por inferiores a las bestias.”

<sup>30</sup> “¿Quién de ellos o ellas después de tan malos tratos y fatigas corporales podría ser apto para la procreación, y no más bien para ser encomendados a la madre tierra deseosa de consumir sus cuerpos moribundos? ... Sus cuerpos son maltratados con tanta dureza como el estiércol que se pisa en la tierra.”

were commended to and associated with Christians, not to imbue them with faith nor to treat them with charity, but to lose their bodies and not to obtain benefit for their souls. (259)<sup>31</sup>

As they paint these images, Córdoba and his co-signers mention what has been experienced by the Amerindians, and they do so in the passive voice (which in Spanish is achieved through the word *se*, an indicator of impersonal and passive sentences): “crimes and sins of cruelty, violence, and other evils have been committed [against them] as they had not occurred, according to our belief, in the entire globe until these days”;<sup>32</sup> “they were taken ...to work in the gold mines”;<sup>33</sup> “they are being destroyed and annihilated by the violence”;<sup>34</sup> “they have been deprived of their natural propagation”;<sup>35</sup> and, “suffering from illnesses contracted due to the work, after a faithful and continuous service, they were abandoned and despised and considered as inferior to beasts.”<sup>36</sup> Although the passive voice’s “they” places the focus on what has been done to the Amerindians and not on who “they” is, the letter makes sure not to leave doubt of who is behind the tragedy: the Amerindians “have not disappeared due to the sterility of the Earth, but rather due to the unbearable work imposed on them” (259)<sup>37</sup> by “[t]hese Christians of ours, or rather not lambs of Christ but cruel enemies,”<sup>38</sup> Spaniards who greedily exploit Amerindians as slaves in mines and in fields; who unmercifully leave those same Amerindians to their luck even when they fall ill due to the excessive work; and who are disloyal to the king and even to Christ himself, for not carrying out the mission charged to them: “[t]he most Christian king has lost its people ... The souls that Christ had redeemed and had commended to us to free them from the power of the devil, he has lost them irreparably” (259-60).<sup>39</sup>

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<sup>31</sup> “Pero, ¡ay! sus espíritus desaparecieron ciertamente en Endor [Salmo 82, 11] es decir, sin la fuente de regeneración espiritual, al no recibir ésta [el bautismo] como convenía, porque no fueron instruidos ni sabían lo que se les administraba ... Estuvieron comendados y asociados a los cristianos, no para imbuirles la fe, ni para tratarles con caridad, sino para perder sus cuerpos y no obtener beneficios para sus almas.”

<sup>32</sup> “...se han cometido delitos y pecados de crueldad, violencia y otras muchas maldades como no habían acontecido, según creemos, en todo el orbe de la tierra hasta nuestros días ...”

<sup>33</sup> “...han sido llevados a trabajar en las minas de oro ...”

<sup>34</sup> “...van siendo destruidos y aniquilados por la violencia ...”

<sup>35</sup> “...se les ha privado de la propagación natural ...”

<sup>36</sup> “...en las enfermedades contraídas por el trabajo, después de un fiel y continuo servicio, eran abandonados y despreciados y tenidos por inferiores a las bestias.”

<sup>37</sup> “No han desaparecido por la esterilidad de la tierra, sino por los trabajos insoportables que les han impuesto ...”

<sup>38</sup> “Estos cristianos nuestros, o mejor no corderos de Cristo sino crueles enemigos ...”

<sup>39</sup> “El rey cristianísimo ha perdido a su gente ... Las almas que Cristo había redimido y nos había encomendado para librarlas del poder del diablo, las ha perdido irreparablemente.”

Through the sentimental descriptions that have been discussed—men, women, and children “destroyed and annihilated by the violence” (258); “broken down and debilitated, or, in other words, in agony”; “deprived from natural propagation” (259); treated like manure; hungry and thirsty; naked and vulnerable to the elements—the letter shows its readers both the barbarism behind the exploitation of Amerindians as well as who the real barbarians are. This barbarism is also conveyed in another way, a way that cannot be dismissed by the regents: even if these do not perceive as barbaric the exploitation of those “tame, humble, and obedient” (258)<sup>40</sup> people, or are not greatly moved by what Amerindians must endure, they will surely perceive as barbaric—and/or, more importantly, they will surely need to publicly react as if they were perceiving as barbaric—the fact stated in the following comparison: “Not even the pharaoh nor the Egyptian people so cruelly mistreated the children of Israel; nor martyr persecutors the children of the Church” (259).<sup>41</sup> The regents are already reading this letter in Latin, corroborating, in part, their being civilized and civil; now they must also corroborate the other part of what being civilized and civil meant at the time: being extremely Christian, acting very much unlike those against Christianity, such as the Egyptian pharaoh and martyr persecutors. The regents, then, must condemn the Spaniards who are behaving like the pharaoh; not doing so would place them on the uncivilized side.

The letter ends with a series of proposed measures to remediate the situation of the Amerindians: “to reject all those remedies that imply any type of work at the service of any Christian”;<sup>42</sup> to “place them in communes, or Christian towns, or by themselves, without their serving anyone, for now, not even the king”;<sup>43</sup> to have them work only if the work is “almost recreational and for their sustenance (for which they need very little), and that they accept it voluntarily” (260);<sup>44</sup> to only allow religious men “to illuminate and instruct those most disposed to receiving the doctrine” (260-1);<sup>45</sup> and to have them “fed with the goods of the king and the Christians, leaving for them and giving them the fields of the king and the Christians from where they may harvest what

<sup>40</sup> “...mansos, humildes y obedientes.”

<sup>41</sup> “Ni el faraón ni el pueblo egipcio maltrató tan cruelmente a los hijos de Israel, ni los perseguidores de los mártires a los hijos de la Iglesia.”

<sup>42</sup> “...se han de rechazar todos aquellos remedios que impliquen cualquier tipo de trabajo al servicio de algún cristiano.”

<sup>43</sup> “Colóqueseles en comunas o pueblos cristianos o ellos solos y no sirvan por ahora a nadie, ni aún al rey.”

<sup>44</sup> “...casi recreativo y para su sustento (para lo cual necesitan poquísimo) y lo acepten voluntariamente.”

<sup>45</sup> “...para iluminar e instruir a aquellos más dispuestos a recibir la doctrina.”

is necessary” (261).<sup>46</sup> Interspersed between these requests, which the regents may consider insolent, are more empathy-inducing images that help to justify the priests’s boldness: “we see that these people have been destroyed, that their skin sticks to their bones and it is dry, that they have lost all their strength”;<sup>47</sup> “they will necessarily die and fall like tree leaves lacking in sap”;<sup>48</sup> “[t]hey go to death in herds, and they are not immediately helped”;<sup>49</sup> “all that any Christian possesses and has acquired here has come from the guts, the sweat, and the blood of the Indians” (260).<sup>50</sup> And, to soften even more the boldness of the requests, Córdoba and the co-signing priests end the letter both apologizing to and flattering the regents to reiterate the place of utmost honor that the latter have:

These are the things that we think had to be said for the tranquility and safety of our consciences, begging forgiveness to Your Most Reverent Lordships if we have erred in something or if we have offended you. May the mercy of the Lord maintain your health and even increase it; may the divine light illuminate your beings; may love brighten them so that you examine, with care, all you may believe should be done, and that you ensure that it be put into practice. (261)<sup>51</sup>

*Carta en lengua latina de domínicos y franciscanos a los regentes de España* is, without doubt, a narrative of advocacy, meeting all the requirements of the category. First, it was “written by an author who belonged or had assimilated into the intellectual sector of society”: although it was co-signed by twenty-two friars, not all of whom may have been intellectuals, its first signatory and, as it was mentioned, probable author of the letter was Fray Pedro de Córdoba, someone with academic credentials who not only was a member of the intellectual sector of society, but was also known to the Spanish Crown, and whose signature gave the letter a credibility that it would probably not have had otherwise. Second, the letter “advocated for exploited beings before readers who, like the authors themselves, perceived themselves as civilized and sought to reach a high level of civility according to what *civilized* and *civility* mean during their time”: the letter

<sup>46</sup> “...que se les alimente con los bienes del rey y de los cristianos, dejándoles y dándoles campos del rey y de los cristianos de donde recojan lo necesario.”

<sup>47</sup> “...vemos que estas gentes han sido destruidas, que se les ha pegado la piel a los huesos y está seca, que han perdido todas sus fuerzas.”

<sup>48</sup> “...morirán necesariamente y caerán como las hojas de los árboles cuando les falta la savia.”

<sup>49</sup> “Van a la muerte en manadas y no se les ayuda inmediatamente...”

<sup>50</sup> “...todo lo que tiene y ha adquirido cualquier cristiano aquí ha salido de las vísceras, sudor y sangre de los indios.”

<sup>51</sup> “Estas son las cosas que pensamos debían ser dichas para tranquilidad y seguridad de nuestras conciencias: pidiendo perdón a vuestras Señorías reverendísimas sin en algo hemos errado o les hemos ofendido. La misericordia del Señor les mantenga la salud y aún se la aumente: la luz divina ilumine a sus personas: el amor las inflame para que examinen con cuidado todo aquello que crean que se debe hacer y procuren que se realice en la práctica.”

advocated for exploited Amerindians before the regents of Spain. Third, the letter circulated, alongside similar texts, with relative popularity, for a particular time while the exploitation took place, later being regarded as having been influential in the passing of laws to end the exploitation that they denounce: this text, together with others similar to it—such as the one that I will analyze next—circulated with relative popularity among the members of the intellectual sector; in the case of this letter in particular, it circulated among the regents, their counselors, the Church authorities, all while the exploitation was taking place. This letter forms part of the larger group of similar advocating texts which eventually led to the passing of the New Laws, texts that society in general has since credited for that juridical change.

### **2.3 CARTA AL REY, DEL PADRE FRAY PEDRO DE CÓRODOBA, VICE-PROVINCIAL DE LA ORDEN DE SANTO DOMINGO (1517)**

“Carta al Rey, del padre Fray Pedro de Córdoba, Vice-provincial de la Orden de Santo Domingo”—“Letter to the King, from Fr. Pedro de Córdoba, Vice-Provincial of the Saint Dominic Order”—is a letter dated May 28, 1517, the day after the previously analyzed letter. Written by Fray Pedro de Córdoba, this time without co-signers, it is addressed directly to Charles I, who had proclaimed himself King in 1516 after the death of his grandfather, Ferdinand II of Aragon, but who had not yet been officially accepted as such by the courts—a fact that would take place towards the end of 1517 in Castile, and in mid-1518 in Aragon—eventually becoming Holy Roman Emperor. The original letter is found in the General Archive of the Indies;<sup>52</sup> in this study, I refer to the version published in Medina’s *Una comunidad al servicio del indio. La obra de Fr. Pedro de Córdoba, O.P. (1482-1521)* (1983), where the previous letter is also found.

#### **2.3.1 Analysis**

There are several similarities between Córdoba’s letter to the King and the letter that he and the other priests wrote to the regent: they both represent Amerindians and their suffering in

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<sup>52</sup> Archivo General de Indias. Patronato, 171, número. 2, ramo 5.

an empathy-inspiring manner; they both introduce Bartolomé de Las Casas; and they both offer remedies. There are, also, several differences: in this one, the King's authority is implicitly questioned; the details of what is done to the Amerindians are deeper and are mostly told in the active voice, directly blaming the Spaniard colonizers throughout the text; there is an appeal to the King's pride as ultimate ruler and protector of his subjects; and the potential consequences are laid out for the King should he not do anything to change the situation in the New World.

Córdoba begins the letter by situating the King in a peculiar position with respect to everyone else in society: he first places him above everyone else, including Córdoba himself—both by addressing him as “most serene and very high King and lord of ours”<sup>53</sup> and by figuratively “kissing the Royal hands and feet of Your Highness” (“[Carta al Rey](#)” 263)<sup>54</sup>—but then he challenges his position as the highest authority in society by denouncing defiance towards him from many of his subjects. First, defiance from those subjects who are in charge of updating him on the current situation in the New World, but who instead keep him misinformed:

I have agreed to inform Your Highness about the things of the Indies ...I do not think that others have not already informed you; rather, I think that those who falsely informed you must be recognized as such and held as such. And among those who, with truth, spoke to Your Highness to serve him and, even, to relieve [their] conscience, I have wanted to be one ... (263)<sup>55</sup>

Second, defiance also from those subjects who have been sent to the New World with the King's blessing: those subjects have been defying the King's authority not only by ignoring his mandate to evangelize the Amerindians in exchange for their labor, but also by destroying what belongs to him:

Your Highness should know that the king who, on this earth today, is most offended by his servants and vassals, and against whom most acts of treason have been committed, is Your Highness, because these islands and these territories newly discovered and found so full of peoples, who God, Our Lord, placed under the power and lordship of Your Highness, have been and are today destroyed and depopulated by the great cruelties. (264)<sup>56</sup>

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<sup>53</sup> “Serenísimo y muy alto Rey e señor nuestro.”

<sup>54</sup> “...besar las Reales manos y pies de Vuestra Alteza...”

<sup>55</sup> “...he acordado de informar a Vuestra Alteza de las cosas de las Indias...No pienso con todo eso, que otros no ayan informado; más pienso que los que falsamente informaren, deben ser conocidos y por tales tenidos; y de los que con verdad hicieron relación a Vuestra Alteza, por le servir y aun por descargo de mí conciencia, he querido ser uno...”

<sup>56</sup> “...Vuestra Alteza sabrá que el Rey que hoy en la tierra ay más ofendido de sus servidores y vasallos, y contra quien mayores traiciones han hecho, es Vuestra Alteza; porque estas islas e tierras nuevamente descubiertas y hal-ladas tan llenas de gentes, las quales Dios Nuestro Señor puso so el poder y señorío de Vuestra Alteza, han sido y son oy destruidas y despobladas por las grandes crueldades que en ellas los cristianos han hecho...”



In this letter, Córdoba implies that the way for the King to reassert his position as highest authority among his disloyal subjects, is to take control of what is occurring in the New World, ending both the disobedience of the Spaniards in the region—the defiance itself—as well as the consequences of that disobedience—the destruction of what belongs to the Crown and the loss of the possibility of eternal life in Heaven, not just for unbaptized Amerindians but also for those Spaniards who are now in mortal sin through their cruelty. To move the King to affirm his authority, Córdoba appeals both to his empathy towards Amerindians and to his pride as ultimate ruler and protector of his defenseless subjects.

The way in which Córdoba portrays the Amerindians in this letter to the King is similar to how he and his co-signers portrayed them in the letter to the regents: they are described as “so tame, so obedient, so good” (264),<sup>57</sup> “sad people who have been [the Spaniard Christians’] friends and helpers in their own land,”<sup>58</sup> “very willing to receive the Faith” (265).<sup>59</sup> And while their suffering is also described in a manner that is similar to the one used in the letter to the regents, that is, superficially enough so as not to lead the reader to such extreme displeasure that he may stop reading,<sup>60</sup> the descriptions in this letter to the King are somewhat more detailed—perhaps due to Córdoba’s suspicion that the King is being misinformed, or even not informed at all—all while still being framed in the sentimentalism necessary to inspire the pity and empathy of the King, moving him to intervene. So, while the fact that Amerindians are made to “mine for gold and work in farms” (264) is surely known by now to the King, he may not know or have reflected on how they Spaniards keep the Amerindians

working the entire day and suffering the heat of the sun—which in [the New World] is very high—the rains, winds, and storms, being naked and barefoot, sweating under the fury of the work, not having on what to sleep at night except for the ground, not eating or drinking enough to sustain life even without work, killing them of hunger and thirst, and, in their illnesses, having less regard for them than beasts usually have, because these are usually cured, unlike them. (264-5)<sup>61</sup>

<sup>57</sup> “... tan mansos, tan obedientes, tan buenos ...”

<sup>58</sup> “... tristes gentes que han sido sus amigos e ayudadores en su propia tierra ...”

<sup>59</sup> “... que de muy buena voluntad querian recibir las cosas de la fe ...”

<sup>60</sup> Córdoba even writes: “I will attempt brevity in order not to be annoying to Your Highness” given that the list of cruelties “would be too long a thing and the pious ears of Your Highness would not be able to hear it” (“*Carta al Rey*” 169-70). (“... procuraré brevedad por no ser enojoso a Vuestra Alteza”; “... sería muy larga cosas, y las piadosas orejas de Vuestra Alteza no las podría oír.”)

<sup>61</sup> “... trabajando todo el día en peso, y sufriendo el ardor del sol, que en estas tierras es muy grande, las aguas, los vientos y tempestades, estando descalzos y desnudos, en cueros, sudando so la furia de los trabajos, no teniendo a la noche en qué dormir sino en el suelo, no comiendo ni bebiendo para poder sustentar la vida, aun sin trabajo, matándolos de hambre y de sed, y en sus enfermedades, teniéndoles mucho en menos que bestias suelen ser tenidas,



The final image in this description, the one depicting ill Amerindians as treated with even less consideration than beasts receive, is the same one painted by Córdoba and the other priests in their letter to the regents. So is the image painted next, where Córdoba describes how even women are made to work and how “not even the Pharaoh nor the Egyptians carried out such cruelty against the people of Israel” (265);<sup>62</sup> here, however, Córdoba expands his description and portrays a much more heartbreaking and empathy-inspiring representation of the Amerindian woman’s situation:

The women, exhausted from their work, have fled conception and birth so that, being pregnant or giving birth, they would not have work on top of work; at the same time, many of them, being pregnant, have taken things for the purpose of miscarrying, and have miscarried their babies; others, after giving birth, with their bare hands have they killed their own sons, so as not to place them or leave them in such harsh servitude. (265)<sup>63</sup>

Another instance in which Córdoba provides more gruesome details than those found in the letter to the regents is when he sums up how Spaniards subjugate and mistreat Amerindians, “taking them to and from [the many different islands], with killings and strange torments, burning them alive on grills and dismembering them” (265).<sup>64</sup> The idea of people being burned alive on grills and dismembered is certainly shocking enough to cause a reader not to want to continue reading, especially after just having read about the anguish of the Amerindian woman; however, it is the last of three images presented matter-of-factly in one same sentence and in an increasing order of harmfulness, all of which diminishes the shock value of the image and allows Córdoba to take the King by the hand from one seemingly harmless situation (Amerindians being transported to and from different islands), to a more desperate situation (Amerindians being killed and being strangely tortured—with “strange torments” becoming a category of something that is probably terrible, but which still remains vague enough not to be too shocking), to an atrocious situation (Amerindians being burned alive and dismembered). In doing so, Córdoba somewhat eases the King into the facts, allowing him to become generally aware even of some of the worst types

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porque aun aquellas suelen ser curadas, más de ellos, no.”

<sup>62</sup> “...que Pharaon y los egiptíos aun no cometieron tanta crueldad contra el pueblo de Israel.”

<sup>63</sup> “Las mugeres fatigadas de los trabajos han huido el concebir y el parir; porque siendo preñadas o paridas, no tuviesen trabajo sobretrabajo, en tanto que muchas, estando preñadas, han tomado cosas para mover e han movido las criaturas, e otras despues de paridas, con sus manos han muerto sus propios hijos, por no los poner ni dejar debajo de tan dura servidumbre...”

<sup>64</sup> “...sacándolos e trayéndolos dellas, con muertes y estraños tormentos, asándolos y despedazándolos...”

of cruelty being carried out against his recently acquired vassals, all without a high risk of the King's ending his reading at this point.

These more explicit details in Córdoba's letter are one of the differences between it and the letter to the regents. But there are other differences, as I mentioned, and they are more noticeable: the relative scarcity of the use of the passive voice when describing what is being done to the Amerindians, the appeal to the King's pride as ultimate ruler and protector of his subject, and the description of the consequences of the situation for the King himself.

With respect to the relative scarcity of passive voice in the description of what is being done to the Amerindians, it can be observed that, throughout his letter, Córdoba describes not what is being done to them by someone, but rather what someone is doing to them, thus ensuring that the reader, the King, does not lose sight of who are responsible for the ongoing cruelty, and how violent those responsible have become. Córdoba does not take long before pointing at the culprits: in the letter's second paragraph, he makes his accusation for the first time: it is "the Spaniard Christians who, from Castile, have come to populate [this land], or better said, to depopulate it."<sup>65</sup> And he repeats his accusation across the letter: it is "these malintentioned Christians"<sup>66</sup> who "have placed [the Amerindians] in such strange physical work, to which they are not accustomed and in which they are cruelly detained, that in this Hispaniola Island alone, where this letter is being written, they have destroyed and killed more than a million";<sup>67</sup> who have modeled for the Amerindians "instances of lust, of violent acts, of blasphemy, of diverse cruelties"<sup>68</sup> instead of teaching them the Catholic faith, which of course they could not teach because "how could the infidel teach the faith, he who does not know it for himself";<sup>69</sup> who "have put much care and diligence in having [the Amerindians] mine for gold and work doing other things" (264),<sup>70</sup> having them work all day long, naked, barefoot (as described on page 84). It is those same Spaniards who make the above-mentioned women work as they do, "as much or more as the men, and naked, and without beds, like the men, and some even pregnant, and

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<sup>65</sup> "...los cristianos españoles que de Castilla han venido a poblar en ella, o por mejor decir a despoblarla ..."

<sup>66</sup> "...destos mal aventurados cristianos ..."

<sup>67</sup> "...los han puesto en tan estraños trabajos corporales, no siendo usados a ellos, y siendo cruelmente detenidos en ellos, que en sola esta Isla Española, de donde esta es scripta, han destruido y muerto ... a más de un cuento ..."

<sup>68</sup> "...ejemplos de luxurias, de violencias, de blasphemias, de diversas crueldades ..."

<sup>69</sup> "...cómo podrá enseñar la fê el infiel, aquel que para sí no la sabe ..."

<sup>70</sup> "...han tenido mucho cuidado y diligencia de hacerles sacar oro e labrar otras haciendas ..."

others just having given birth” (265),<sup>71</sup> suffering so much that they resort to the acts described on page 85. Córdoba does not end his accusations there: he also describes how, as if all this were not enough, the Spaniards,

not happy with the evils on this island, have also destroyed, in the same manner, the island of San Juan, and by the same craft, they are destroying the islands of Cuba and Jamaica, as well as the continent. And in the same way, they have devastated and depopulated the many islands said to belong to the Lucayans and the islands said to belong to the Giants, taking [those Amerindians] out of them and bringing them to Hispaniola, with killings and strange torments, burning them alive on grills and dismembering them, so that they can make use of them. (265)<sup>72</sup>

In terms of the difference related to the appeal to the King’s pride as ultimate ruler and protector of his subjects, this is seen in several instances where Córdoba implies that the King’s subjects are not being loyal to him, and that such disloyalty is leading to the suffering of those under the King’s care. Some of those subjects, in Court with the King, are misinforming him and “must be found out and held as such” (263);<sup>73</sup> others, in the New World, are manifestly defying him: they are offending him and committing “acts of treason” (264)<sup>74</sup> against him by destroying both his belonging and his indigenous vassals (as cited on page 83); they are ignoring the remedies established by the King’s grandfather, Ferdinand II, remedies that “were not enough and the Christians have not paid much attention to them” (266);<sup>75</sup> and they are dishonorably representing the Crown:

After three judges, called appellate judges, were sent to this island, many evils and harms have grown into many dissensions, and differences, and bands as have never existed before; and there is much hate and feuds, murmurations and denigrations in many cases related to disputes and expenditures on many and strange rights over where the land is very poor and destroyed. All these evils I, who knew this land before their arrival, never saw before. (266-7)<sup>76</sup>

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<sup>71</sup> “...tanto o más que los hombres: y así desnudas, y sin comer, e sin camas, como los hombres, y aun algunas preñadas, e otras paridas...”

<sup>72</sup> “...no contentos con los males desta isla, han destruido también por la misma manera la isla de San Juan, y por la misma arte, van destruyendo las islas de Cuba e de Jamayca, y tambien la Tierra firme; e así mesmo, las muchas islas que dicen de los Lucayos, y las islas que dicen de los Gigantes, han asolado y despoblado, sacándolos e trayéndolos dellas, con muertes y estraños tormentos, asándolos y despedazándolos’ e los demás, trayendo a la Isla Española para se servir dellos...”

<sup>73</sup> “...deber ser conocidos y por tales tenidos...”

<sup>74</sup> “...traiciones...”

<sup>75</sup> “...no fueron bastantes, ni aun los cristianos se han dado mucho por ellos...”

<sup>76</sup> “Que despues que a esta isla fueron embiados tres jueces, que dicen de apelacion, se han recrecido muchos males y daños en muchas dissenciones, y diferencias y vandos que en la tierra ha abido, y ay en muchos odios y enemistades, murmuraciones y detraciones en mucho huego de pleitos e de gastos, de muchos y estraños derechos por donde la tierra está muy pobre y destruida; los quales males, yo que vi la tierra antes de que ellos viniesen, no conocí en ella.”

The final noticeable difference between Córdoba's letter to the King and his co-authored letter to the regents is the description of the consequences of the situation for the King himself, found after the descriptions of the different cruelties carried out on the Amerindians. The first consequence that Córdoba enunciates is the number of servants that the King has lost, without whom he will not be able to mine the gold that he wants:

At the moment, Your Highness has remaining on this island ten or twelve thousand Indians, men and women, from so many as abundant as the grasses, in a manner of speaking, at the time this island was discovered... In four or five years, they will be extinguished like the others. Your Highness has lost much overall; how much, it seems to me, could not be estimated, because if the dead were alive, with very little work and service that they would have provided to Your Highness, being they so many, it would have been large the amount of gold that for Your Highness's expenses could have come out of this island and others. (266)<sup>77</sup>

The second consequence that Córdoba enunciates is the danger in which the King's soul finds itself, a danger that he has already anticipated in the letter's first paragraph when he explains that it is necessary for the King to be informed about the events transpiring in the New World because, in Córdoba's opinion, "the life of his blessed soul is at stake" (263).<sup>78</sup> Córdoba returns to this polite threat in the middle of the letter, explaining the danger:

With respect to the spiritual, the grace of Your Highness is not safe if after so many evils are known—although it has not even been possible to say here the least of them—all diligence and care were not put forth so that these sad peoples may heal themselves being set free, and the bad Christian vassals of Your Highness be known for who they have been. (266)<sup>79</sup>

Despite the differences that this letter has with respect to the letter to the regents, it is just as much a narrative of advocacy: it has the same traditional intellectual author, the same exploited beings for whom it advocates, the same type of reader who perceives himself as civilized and civil—the King this time, instead of the regents)—and the same type of circulation (the King

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<sup>77</sup> "...al presente han quedado a Vuestra Alteza, en esta isla, diez o doce mil indios entre hombres e mugeres, de tantos a manera de decir como yerbas, que en esta isla abia al tiempo en que fue descubierta ... de aquí a quatro o cinco años, ellos serán acabados como los otros; ha perdido Vuestra Alteza mucho en lo temporal, quanto me parece que no se podría estimar; porque si vivos fueran los muertos, con muy poquito trabajo e servicio que a Vuestra Alteza hicieran, siendo tantos, fuera grande la cantidad del oro que para los gastos de Vuestra Alteza desta isla e de las otras salieran."

<sup>78</sup> "...le va en ello la vida de su bienaventurada ánima."

<sup>79</sup> "Pues quanto a lo spiritual, la gracia de Vuestra Alteza no está segura, si después de sabidos tantos males, aunque no se ha podido decir aquí la menor parte dellos, no pusieren toda diligencia y cuidado en que estas tristes gentes se remedien siendo puestas en su libertad, y los malos vasallos cristianos de Vuestra Alteza, sean conocidos e tenidos por quien han sido."

instead of the regents, the royal counselors, the advising Church authorities), all while the exploitation takes place. Like the letter to the regents, this letter also forms part of the larger group of similar advocating texts which eventually led to the passing of the New Laws—texts that society in general, as mentioned, has since credited for that juridical change.

#### **2.4 INFORMACIÓN EN DERECHO DEL LICENCIADO QUIROGA SOBRE ALGUNAS PROVISIONES DEL CONSEJO DE INDIAS (1535)**

The most faithful translation of the meaning of this title may be “Attorney Quiroga’s Fortright Advice with Respect to Some Resolutions Adopted by the Council of the Indies,” a translation that not only reflects the contents of the report but also its background, on which Carlos Herrejón Peredo has published several findings. As he writes, “the objectives of *Información en derecho* are two: to shatter a royal resolution that allowed the slavery of the indigenous, and to recommend, once again, the general remedy for the New World: the creation of villages of a certain type, already proposed by Quiroga” (Quiroga 9). Like Córdoba in his letter to the King, Quiroga also warns against those who falsely inform the Crown: “‘they should not be believed,’ as they ‘are ‘enemies of the Earth and friends of their interests,’ ‘exceedingly greedy people who live here and inform there’ news ‘of notorious and manifest deception’ and declare war on the Indians with false information” (9);<sup>80</sup> and it is because of these warnings that, although the text’s title may be interpreted under two meanings of the word “derecho”—“Law” and “straightforwardness”—it is the latter that better fits the work. In other words, in spite of its language, this is not a report “on the Law” surrounding the adopted resolutions; instead, it is a “straightforward” report impugning them—especially the one related to the legal slavery of Amerindians—from the perspective of “a humanist and pragmatic missionary, a politician trying to fix things, to reconcile the profit and the legitimate interests of everyone: Indians, Spaniards, King, and Church” (11), all under the guidance of God.<sup>81</sup>

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<sup>80</sup> “... ‘no deberían ser creídos’, como que son ‘enemigos de la tierra y amigos de su interese’, ‘gentes codiciosísimas que acá pasan y allá informan’ noticias ‘de engaño muy notorio y manifiesto’ y declaran guerra a los indios con información falsa.”

<sup>81</sup> Quiroga had not yet been ordained as priest in 1535, when he wrote this report—his ordination as a Franciscan friar would take place four years later, in 1539, three years after having been named Bishop of Michoacán—he [felt]

*Información* is dated in Mexico, July 24, 1535, but Herrejón well points out that it is a text that must have taken over a year to write: the royal resolution had arrived in Mexico during the second half of 1534, which indicates that

many of [Quiroga's] fundamental ideas were conceived towards the end of 1534, and that the writing was carried out during the first half of 1535 ... In difficult circumstances, between the duties as Auditor and the issues in his two villages in Santa Fe, living in tight financial conditions, Vasco de Quiroga must have had to write the *Información* in a very fragmented manner. This explains the repetitions and justifies the lack of explicit connection between the different parts. (14)

Just as Pedro de Córdoba and the Dominican and Franciscan priests addressed the regents, and Pedro de Córdoba addressed the King, so does Vasco de Quiroga address someone whom he considers civilized and civil, someone interested—or apparently interested—in seeking as high a level of civility as he can: Juan Bernal Díaz de Luco, member of the Council of the Indies and, later, Bishop of Calahorra. Quiroga's regard towards Díaz de Luco is made evident through the tone of his text: he considers him a friend, addressing him in a familiar way both at the beginning and the end of the text, and he also considers him an intellectual peer, using, as Herrejón describes it, “the quill of the jurist, the style of the judge, and the language of the litigant” (17) during Part One, where he criticizes both Spaniards for using war to enslave [Amerindians], and Amerindians for living barbarically and tyrannically, and Part Two, where he questions the royal resolution on Amerindian slavery.

The version of the text that I use in this dissertation is the one reviewed by Carlos Herrejón Peredo, published in 1985.<sup>82</sup> Apart from the already mentioned analyses carried out by Herrejón Peredo, this edition also includes his structural analyses related to the text's language, style, and tropes, as well as a very interesting section on the sources used by Quiroga, which show his familiarity and that of his addressee with Latin through his plentiful use of expressions and quotations in this language as well as “an ingrained habit to alternate the daughter tongue with the mother tongue” (19). These Latin quotations are included in this version of the text as footnotes, and “omissions in previous editions are indicated at their sites,” (25). In addition, Herrejón Peredo facilitates the reading by providing the reader with a modernized orthography and a very

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on him the responsibility of apostle and pastor” (Quiroga 11), even concluding the report with an invocation to the Holy Spirit.

<sup>82</sup> The original manuscript is “currently found in the National Library of Madrid, under the number 7369 (letter S. X I; 0; 220X0, 325” (24).

useful summary of each chapter. Adding to Herrejón Peredo's contributions to our knowledge on *Información*, this dissertation offers in the next section Vasco de Quiroga's portrayal of the Amerindian as an Other deserving of advocacy.

### 2.4.1 Summary

*Información* is a very repetitive text that jumps back and forth among three topics: Quiroga's criticism to the new Council's resolution, the Amerindian situation before and after that resolution, and Quiroga's opinion on what should be done. The aforementioned fragmented and repetitive nature of the text, as well as its lack of logical flow, were recognized by Quiroga himself, who towards the end of the text writes that he "[has] made this salad out of what [he has] written down and thought about during many days" (204).<sup>83</sup>

The length of this text makes it impossible to dissect it in detail; however, such dissection is unnecessary for the purposes of this dissertation. What is important, though, before moving on to the analysis of the author's representation of the Amerindian, is to summarize its contents to understand what he argues. Carlos Herrejón Peredo has divided the text in four parts: Introduction (chapters 1 and 2)); Part One (chapter 3, from paragraphs 1 to 73); Part Two (chapter 3, from paragraphs 74 to 185); and Part Three (chapter 3, from paragraphs 186 to 277). Because this division is logical and it facilitates the summarizing of the text, I will adhere to it.

**2.4.1.1 Chapter 1** In the very short Chapter 1, Quiroga states the purpose of his report: to "offer his lengthy and particular advice on some resolutions that have emerged from [the] Royal Council of the Indies through sinister tales brought forth by people who, truth be told, do not have as much experience or as much good understanding of things as it would be convenient, or who, by chance, may not be as free of certain little passions, greeds, and other particular interests" (47).<sup>84</sup> Although Quiroga writes "resolutions," in plural, he almost exclusively focuses on one resolution: the reauthorization of Amerindian slavery, with just wars as the legitimate

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<sup>83</sup> "He hecho esta ensalada de lo que muchos días he tenido sobre esto apuntado y pensado..."

<sup>84</sup> "...avisar más largo y particular, sobre algunas provisiones que dese Real Consejo de las Indias han emanado por siniestras relaciones de personas que, en la verdad, no tienen tanta experiencia, o tan buen entendimiento de las cosas quanto convendría, o por ventura, no estarían tan libres de algunas pasioncillas, de codicias y otros intereses particulares..."



means of enslavement,<sup>85</sup> and the reason why he accuses those people with their “sinister tales” of having misled the Council is because the Resolution itself states that it was the information they provided which led to this change:

And now [after the [previous] Resolution of August 2, 1530) we [the members of the Council of the Indies] are informed by many in the main regions in the Indies, through letters and tales brought from said people, who have a good zeal for serving God and us, that from the compliance and observance of the contents of our mentioned letter, and from a lack of enslaved people during just wars, more Indian deaths in the hands of Indians have taken place, and these have become more emboldened in their resistance against Christians and in their making war on them, seeing that none of them was imprisoned or enslaved, as in the past. And our Christian subjects, seeing the damage, wounds, and deaths caused by said Indians during war, and also seeing that killing them all would neither be beneficial to them nor would it leave behind any estate to compensate their expenses and damages, are afraid of such war and no longer participate in it, as it has been forbidden to them what is allowed by right and by the laws of our kingdoms. (Lucena Salmoral, *Leyes* 614)<sup>86</sup>

Quiroga announces that he is going to describe “some of the many instances of deceit,”<sup>87</sup> and he will do it “as witness both in sight and in real experience” (48)<sup>88</sup> to show the Council that it had, indeed, been misled by those with a special interest in the matter. Alternating observations with descriptions of the Amerindian suffering—on which I will focus in section 2.4.2—Quiroga then sums up his opposition towards the Council’s reauthorization of Amerindian slavery: “it is the total perdition of the entire land. Because, although it fills the [Spaniards’s] money bags and populates the mines, it destroys these true settlers and it depopulates their villages” (49);<sup>89</sup> it allows for Amerindians “to be iron-branded and sold and bought ... for them to die in the mines rather than for their being indoctrinated, as it is sinisterly informed over there [in Spain]” (50);<sup>90</sup> and

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<sup>85</sup> The Resolution of February 20th, 1534. (*Provisión del 20 de febrero de 1534*.)

<sup>86</sup> “Y agora [después de la Provisión del 2 de agosto de 1530] somos informados de muchos y de las más principales partes de las dichas Indias, por cartas y relaciones de dichas personas que tienen buen celo al servicio de Dios y nuestro, que de la guarda y observancia de lo contenido en la dicha nuestra carta y de no se haber fecho esclavos en guerras justas, se han seguido más muertes de los naturales de los dichos indios y han tomado ellos mayor osada para resistir a los cristianos y les hacer guerra, viendo que ninguno dellos era preso, ni tomado por esclavo, como antes lo era, y nuestros súbditos cristianos, viendo los daños, heridas y muertes que reciben en guerra de los dichos indios, y que de los matar a todos ningún beneficio reciben, ni dejan en los pueblos haciendas para enmienda de sus gastos y daños, temen la dicha guerra y la dejan de hacer por les haber prohibido lo que de derecho y por leyes de nuestros Reinos está permitido.”

<sup>87</sup> “... algunos de los muchos engaños ...”

<sup>88</sup> “... como testigo de vista y experiencia cierta ...”

<sup>89</sup> “... la total perdición de toda la tierra. Porque, aunque a aquellos hinche las bolsas y pueble las minas, a estos verdaderos pobladores destruye y despuebla los pueblos ...”

<sup>90</sup> “... han de ser herrados y vendidos y comprados ... para que mueran en las minas, y no para ser doctrinados, como allá siniestramente se informa ...”



it allows for the Devil himself to ruin the work that had already been done to prevent Spaniard tyrannies, which would not be there now “if the old agitator, Satan, would not, with this resolution, contaminate and unsettle it all” (51).<sup>91</sup>

The terrible situation of exploitation in which the Amerindians find themselves, which harms them physically and psychologically, is not all that worries Quiroga. He is also worried about another consequence of the resolution, the fact that it has taken away “almost all hope for spiritual and temporary good that had been hoped for the people of this land”:<sup>92</sup> not only has the resolution impaired the Amerindians’s access to the Word of God, but it has also, in the process, stolen from “the saintly men who reside in this land (for the benefit of their own souls and those of these poor little ones), their almost sole interest there, which is to instruct them and guide them” (51).<sup>93</sup> Spreading Catholicism is not something that these men do “just out of their own free will, but rather due to a very strong and firm mandate in the Alexandrine Bulls, conceded to the Catholic Monarchs” (52)<sup>94</sup> to grant them the right to conquer the New World and the duty to evangelize its people.

Quiroga concludes the chapter declaring that he considers it necessary to share his opinion on what should be done to return to the path towards achieving the Alexandrine objectives, and that such is his duty as Auditor: “And because of the post that I unworthily hold, and because His Majesty has so declared it in his resolutions and you in your letters, it is necessary [for me] to opine, more for the purpose of obeying and executing than of presuming or being daring” (54).<sup>95</sup>

**2.4.1.2 Chapter 2** In Chapter 2, Quiroga discusses two problematic situations that he has observed after the passing of the Council’s resolution. The first one relates to the peaceful and settled Amerindians whom the Spaniards provoke so that they will fight back, as it is only through war that Spaniards can legally seize and enslave Amerindians. Quiroga states that this situation has led some Amerindian men to grab “their children, women, and poor belongings”<sup>96</sup> and either

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<sup>91</sup> “...si el antiguo conturbador Satanás, así ahora con esta nueva provisión todo no lo contaminara y conturbara.”

<sup>92</sup> “...cuasi toda la esperanza del bien espiritual y temporal que de aquestas gentes en esta tierra

<sup>93</sup> “...santos varones, que [en esta tierra] (por la ganancia de sus ánimas y de las de estos pobrecillos) residen, de casi todo el interesse que en ella pretendian, que es instruirlos y encaminarlos cómo salven sus ánimas...”

<sup>94</sup> “...no por sola voluntad, sino por una muy fuerte y firme obligación de la bula del Papa Alexandro, concedida a los Reyes Católicos...”

<sup>95</sup> “Y pues por razón del lugar que indignamente tengo, y por así mandarlo su Majestad por sus provisiones y vuestra merced por sus cartas, es necesario dar parecer, más por obedecer y descargar que por presumir ni osar...”

<sup>96</sup> “...tomaban algunos sus hijos y mujeres y pobre ajuar...”

turn themselves in or “secretly flee this village” (56).<sup>97</sup> Through a retelling of a recent event, reminiscent of a parable, Quiroga warns of the possibility of backfire: after catching an Amerindian child, a mountain lion is injured by other Amerindians and releases its prey in its flight; not having learned the lesson, the mountain lion returns to the village the following day to catch someone else, being killed by the tribe. According to Quiroga, the mountain lion’s fate could be that of the Spaniards should they also continue provoking the Amerindians. The author also tells another anecdote to show the passivity of these Amerindians: the Amerindian authorities of Michoacán argued their case before the Royal Audience, emotionally (and in a civilized manner) explaining that the Spaniards kept provoking them in spite of “the much love that they had towards them and the services that they wanted to provide for them” (58).<sup>98</sup> Quiroga referred to these leaders as “such good Christians and such loyal vassals of His Majesty, and of such goodwill that it merits giving thanks to God,”<sup>99</sup> concluding the section by reiterating the injustice in “the danger faced by the already pacified and subjected Amerindians, now able to become slaves through war due to the new provision” (59).<sup>100</sup>

The second issue that Quiroga describes is in relation to those Amerindians who have never been “subjected, or introduced to the Requerimiento,<sup>101</sup> or pacified.”<sup>102</sup> He affirms that “there is no doubt that these do not overrun us, nor do they bother us, nor do they resist the predication of the Holy Gospel, except when they defend themselves against coercion and violent acts and thefts, carried out on behalf of ourselves and our leaders by the Spanish warriors who say that they are going to pacify [the Amerindians]” (59).<sup>103</sup> He argues that these Amerindians are justified in defending themselves against the conquistadors because the latter “go stealing and destroying people, estates and lives, houses, sons and women,”<sup>104</sup> and that they “are very right in not

<sup>97</sup> “...se salían secretamente de esta ciudad.”

<sup>98</sup> “...el mucho amor que les tenían y servicios que les deseaban hacer...”

<sup>99</sup> “...tan buenos cristianos y tan leales vasallos de su Majestad, y de tan buena voluntad que es para darse muchas gracias a Dios.”

<sup>100</sup> “...el peligro que corren los indios que ya están pacíficos y sujetos, pudiéndose hacer esclavos de guerra por la nueva provisión y facultad.”

<sup>101</sup> The Requerimiento “is the work of the royal jurist Palacios Rubios and dates from 1514; it is a text born of the necessity to regulate conquests hitherto somewhat chaotic. Henceforth, before a country is conquered, its inhabitants must have this text read to them” (Todorov 146)

<sup>102</sup> “...sujetos ni requeridos ni pacificados...”

<sup>103</sup> “...no hay dubda sino que aquestos no nos infestan, ni molestan, ni resisten a la predicación del Sancto Evangelio, sino defendiéndose contra las fuerzas e violencias y robos, que llevan delante de sí, por nuestras y por adalides, los españoles de guerra, que dicen que los van a pacificar.”

<sup>104</sup> “...van robando e destruyendo las personas, haciendas e vidas, casas, hijos e mujeres...”

trusting people so strange to them and so brutal, who go inflicting on them so many wrongs and harms” (59–60).<sup>105</sup> Quiroga adds that the way for Amerindias to trust, to be pacified, and to know God can only be through kindness, through having them see and feel “good deeds and Christian conversations” (60)<sup>106</sup> as they are “of a very tame and humble, shy and obedient quality” (61).<sup>107</sup>

Quiroga concludes the chapter with one more piece of evidence to support his case against the new Council’s resolution: the way in which it has ruined what had already been achieved. He writes that “a path seemed to have been found for these people to come into some good knowledge of things divine and human, and of the good that means being subjected to His Catholic Majesty, and the protection that in this they have against the tyranny in which they used to be” (64).<sup>108</sup> Now, under the threat of war and enslavement, not only does that path no longer exist, but also Amerindians are scattering themselves away from Spaniards, and that scattering means that they are alone, without the support of their people, and with little resources and sustenance to fend for themselves.

**2.4.1.3 Chapter 3** Chapter 3 is the longest of this text, and the last one. In Part One (paragraphs 1 to 73), Quiroga restates his position with respect to the Spaniards: “I have no doubt about the truth, the equity, and the sanctity of the considerations in the first [resolution], just as I also do not have doubt about the great deceit suffered by this second resolution, nullifier of the first one” (67).<sup>109</sup> To him, there is no other reason for this new resolution than “for the greedy to have more opportunities and disposition for being daring and enslaving without rein and with unrelenting greed, without fear of punishment to the soul of the body, as I have said” (68).<sup>110</sup>

The author argues in great depth that since the right to conquer the New World was given by the Pope to the Spanish Crown in exchange for the promise to evangelize of the Amerindians, then

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<sup>105</sup> “...tienen mucha razón de no se fiar así luego de gente tan extraña a ellos y tan brava y que tantos males y daños les va haciendo.”

<sup>106</sup> “...buenas obras y conversaciones de cristianos...”

<sup>107</sup> “...de una calidad muy mansa y humilde, tímida y obediente...”

<sup>108</sup> “...ya siquiera parecía haberse hallado algún camino por do estas gentes viniesen en algún buen conocimiento de las cosas divinas y humanas, y del bien que es ser sujetos a su Majestad católica y a su justicia, y del amparo que en ella tienen de la tiranía en que estaban...”

<sup>109</sup> “...no tengo duda de la verdad, equidad y sanctidad de las consideraciones de la primera, así también no dubdo del grande engaño que se ha recebido en esta provisión segunda, revocatoria della.”

<sup>110</sup> “...los cobdiciosos más ocasión y aparejo de se atrever y herrar a rienda suelta y a cobdicia desenfrenada, sin temor de la pena del alma ni del cuerpo, como tengo dicho.”

evangelizing the Amerindians is what should be done, and it can only be done by imitating “the way Christ came to us, doing good and not harm, pieties and not cruelties, preaching, healing and curing the ill; in short, [performing] other works of mercy and of Christian kindness and piety, in such a way that they see it in us” (68).<sup>111</sup> Doing otherwise—that is, through war—would mean sinning: “We would most gravely sin if we expected to dilate the faith in Jesus Christ this way. We would not come to be their legitimate masters, but instead we would commit great larceny and we would be forced into restitution as responsible for an unjust war” (71).<sup>112</sup> Quiroga also restates his opinion on the need for Spaniards to intervene in the lives of Amerindians, not just to guide them to eternal life but, also, to help them become civilized through the practices pointed out by Thomas Cajetan: “to be governed according to the royal system, [and] to comply with the regime of citizen participation” (72).<sup>113</sup>

To Quiroga, it is impossible for a people not to be barbaric unless they live under a monarch, with an aristocracy, and with political organization; the Spanish intervention would help Amerindians leave behind their “living in notorious offense against God, their creator, and in cult of many diverse gods, and against natural law and in tyranny of themselves, as barbaric and cruel people, and in ignorance of things and of the good political living, and with neither law nor king” (72).<sup>114</sup> He maintains that “the Spaniards liberated [the Amerindians] from the tyrant and barbaric leader [Moctezuma], but not from the tyranny and barbarism in which they were ... because [they] do not heed what God orders, nor the King and his instructions, nor the papal bull related to the concession of this land, but only heed [their] interest and unrelenting greed (75).<sup>115</sup> Citing philosophers and theologians (Thomas More, Jean Charlier de Gerson, Thomas Cajetan, Cyril of Alexandria, Sebastian Bran) as well as the Scripture itself (gospels, letters, psalms), with

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<sup>111</sup> “...como vino Cristo a nosotros, haciéndoles bienes y no males, piedades y no crueldades, predicándoles, sanándoles y curando los enfermos, y en fin, las otras obras de misericordia y de la bondad y piedad cristiana, de manera que ellos en nosotros las vieses...”

<sup>112</sup> “...pecaríamos gravísimamente si pretendiésemos dilatar la fe de Cristo Jesús por este camino. No llegaríamos a ser sus legítimos señores, sino cometeríamos grandes latrocinios y quedaríamos obligados a la restitución, como responsables de una guerra injusta.”

<sup>113</sup> “Sea que se gobiernen de acuerdo al sistema regio, sea que se ajusten al régimen de participación ciudadana.”

<sup>114</sup> “...vivir en notoria ofensa de Dios su Criador, y en culto de muchos y diversos dioses, y contra ley natural y en tiranía de sí mismos, como gente bárbara y cruel, y en ignorancia de las cosas y del buen vivir político, y sin ley ni rey...”

<sup>115</sup> “...los libraron del tirano y bárbaro, pero no de la tiranía y barbarie en que estaban ... porque no tenemos intento a lo que manda Dios, ni el Rey ni sus instrucciones, ni a la bula de la concesión desta tierra, sino a sólo nuestro interese y cobdicia desenfrenada.”

some texts in Latin to add to his exhibition of intellectuality, Quiroga reiterates that the Council's resolution needs to be revoked, that the war needs to stop, and that the only right and duty that the Spaniards have is to evangelize the Amerindians and teach them how to live in a civilized manner.

Parts Two (paragraphs 74 to 185) and Three (paragraphs 186 to 277) are well described by Herrejón Peredo as more formal than the rest of the text, "with a vocabulary of specialists, very repetitious; and although here and there the colloquial language springs up, what prevails is the quill of the jurist, the style of the judge, and the tongue of the litigant" (17). In Part Two, Quiroga explains the system that Amerindians have—at least the Amerindians living in "Mexico and its adjacent regions" (165),<sup>116</sup> the ones he knows—is to regulate the work that a person does for another person. While the system includes the sale of work and the rental of work in perpetuity—and in either case "freedom neither remains futile nor defrauded" (106)<sup>117</sup>—it does not include slavery, especially not the "manner and genre of slaves that [Spaniards] have, who lose their freedom and innocence, town and family, which is the greatest civil reduction" (104).<sup>118</sup>

Quiroga then dedicates fourteen paragraphs (79 to 93) to Roman Law—specifically, to the Breviary of Alaric—to establish the instances and conditions in which slavery could be acceptable, concluding that none of them apply to the Amerindians: "the free man cannot be sold, nor appraised, nor fall into our commerce, nor be his own master or that of the members of his community" (113).<sup>119</sup> And even in those cases when the "wretched Indians sell themselves or consent to being sold, which, in truth, they do not sell themselves as a trick but out of the extreme necessities and miseries that they suffer" (116),<sup>120</sup> their slavery is not legal: "neither is he is master of himself nor can he pass on to another the ownership of that which he himself does not have (113).<sup>121</sup>

Quiroga ends this second part of the text pointing out again, on several occasions, the enor-

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<sup>116</sup> "...México y sus comarcas ..."

<sup>117</sup> "...no queda inútil ni defraudada la libertad."

<sup>118</sup> "...esta manera y género de esclavos que nosotros tenemos, que pierden la libertad e ingenuidad, ciudad y familia, que es la máxima civil disminución ..."

<sup>119</sup> "...el hombre libre no puede ser vendido, ni reciba estimación, ni caya en comercio nuestro, ni sea señor de sí ni sus miembros ..."

<sup>120</sup> "...estos miserables indios se venden a sí mismos o consienten ser vendidos, que en la verdad no se venden por engañar, sino por extremas necesidades y miserias que padecen ..."

<sup>121</sup> "...él no es señor de sí ni puede pasar en otro el señorío que él de sí mismo no tiene ..."

mous damage that the Council's resolution has caused: Spaniards send the Amerindians "to the mines, instead of granting them the right to *postliminium*"<sup>122</sup> (162);<sup>123</sup> "they take out their lives and blood, and they destroy their souls" (164);<sup>124</sup> "instead of attracting and converting them and providing them [with preaching and Christian doctrine], we provide them with how to go, iron-branded as slaves, to the mines, where they may damn themselves and the Christian name" (165).<sup>125</sup> It is no wonder, concludes Quiroga, that the Amerindians do not trust the Spaniards: "seeing the great opposition and incompatibility between deeds and words, it is out of necessity that they think of us as dubious and mockers and deceivers, and that they hide and greatly scandalize, and with good reason, of our deeds, never daring to trust us or our words" (168).<sup>126</sup>

In Part Three, the last section of the text, Quiroga readdresses his criticism to the new resolution and offers a solution. This criticism, which he has already presented in great and repetitive detail throughout the text, comes down to this: the resolution should limit itself to allowing non-subjected Amerindians to be rescued, but not enslaved. It should not allow for their "iron-branding or being thrown in the mines; nor being loaded up, turned into *tamemes* [an Amerindian used to carry loads]; nor having their children kept as slaves, or having them lose their innocence, or their freedom. or anything of his or his family; but rather having them be as the law allows, with hiring contracts or rental of work in perpetuity" (177).<sup>127</sup> With respect to another point brought up by the resolution—that "women and children below the age of fourteen should be taken as *naborías* [indians used for domestic service] to serve in houses without their being sold and with their being treated well" (178)<sup>128</sup>—Quiroga does not object—he just expresses his concern

<sup>122</sup> Postliminium is "the right or rule of international law under which when persons or things taken by an enemy in war come again under the control of their own state they as a general rule regain the rights belonging or relating to them before capture" ("Postliminium")

<sup>123</sup> "...los envían a las minas, en lugar del beneficio del derecho al postliminio que debieran go

<sup>124</sup> "Les sacan las vidas y la sangre y les destruyen las almas."

<sup>125</sup> "...en lugar de los atraer y convertir y procurarles esto, les procuramos cómo vengan herrados por esclavos a las minas, donde maldigan a sí y al nombre cristiano."

<sup>126</sup> "...viendo esta grand repugnancia y contrariedad que tienen las obras con las palabras, de necesidad nos han de tener por sospechosos y burladores y engañadores, y recatarse y escandalizarse en grand manera, y con mucha razón, de nuestras obras, sin osarse jamás fiar de nosotros ni de nuestras palabras."

<sup>127</sup> "...no se herrasen ni los echasen en las minas ni los cargasen, haciéndolos tamemes, ni quedasen sus hijos por esclavos ni perdiesen por ello ingenuidad ni libertad ni cosa alguna de su hacienda y familia, sino que fuesen en todo y por todo de la manera que el derecho permite el contrato de venta de alquiler o locación de obras a perpetuidad..."

<sup>128</sup> "...las mujeres y niños de catorce años abajo, que se tomen por naborías para servir en casa sin los vender y tratándolos bien."

about who will enforce it, and how.

Quiroga anticipates great long-term damage unless the resolution is revoked,: as Amerindians continue to be enslaved, the land “they work and benefit and sustain” (186)<sup>129</sup> will become depopulated and, in turn, the same will occur to the Spanish population, dependent on Amerindian labor, and to

this new church in these parts, deprived of the hope and fruit that it was hoping from them, of their good simplicity and much humility and obedience and patience and meekness. In this way, the mines will be populated and the villages will be emptied of their laborers; and once the land is destroyed and all else is also devastated, the mines will not be able to be sustained, and just like that, without noticing it, everything will die. (186)<sup>130</sup>

The solution that Quiroga offers “would be very easy, gathering [the Amerindians] together under a very good, mixed political order and a very good state, one that were Catholic and very useful and advantageous, both in spiritual and in temporary terms” (168).<sup>131</sup> Quiroga proposes “few, clear ordinances, suitable to [the Amerindians’s] quality, manner and condition, and simplicity and capacity, so that they could learn and understand them” (170);<sup>132</sup> he wants the Spanish Crown to rule over them, “governing them, instructing them and pacifying them as apostles” (169),<sup>133</sup> but with no interference from the greedy Spaniards who want to enslave them, so that there is no contradiction between what is taught and what is done and that Amerindians “feel and know and trust what is done to them and what will be done to them” (165).<sup>134</sup> Specifically, Quiroga proposes a social system that Silvio Zavala sums up clearly and concisely:

A city of six thousand families—each family composed of from ten to sixteen couples—would be ruled, regulated, and governed as though it were a single family. The father and mother would control the families. Each magistrate would take care of thirty families. Each governor would preside over four magistrates. In addition, there would be two ordinary mayors and a *tacatecle* [an official position similar to that of mayor]. The magistrates would be chosen according to a method copied from the *Utopia*. At the head of the whole organization would be a mayor-in-chief,

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<sup>129</sup> “...que labran y benefician y sustentan...”

<sup>130</sup> “...esta nueva iglesia destas partes, defraudada de la esperanza y fruto que esperaba dellos, de su buena simplicidad y mucha humildad y obediencia y paciencia y mansedumbre. Y así podrán quedar pobladas las minas y despoblados los pueblos de casi todos sus maceoales; y destruida la tierra y asolado todo también, no se podrán sustentar las minas, y así sin sentirlo perecer todo.”

<sup>131</sup> “...sería muy fácil, juntándolos a ellos a su parte en orden de una muy buena policía mixta y muy buen estado, que fuese católico y muy útil y provechoso, así para lo espiritual como para lo temporal...”

<sup>132</sup> “...ordenanzas pocas, claras, conforme a su calidad, manera y condición y simplicidad y capacidad que ellos pudiesen saber y comprender...”

<sup>133</sup> “...gobernándolos y doctrinándolos, instruyéndolos y pacificándolos como apóstoles...”

<sup>134</sup> “...que ellos sientan y conozcan y confíen qué se les hace y ha de hacer...”



or a Spanish *corregidor*, appointed by Audiencia which would be the supreme temporal tribunal. The religious orders, in these cities, would instruct as many of the people as possible. (344)

## 2.4.2 The Amerindian portrayal

What concerns us in this dissertation with respect to this text is how Vasco de Quiroga portrays the Amerindian to inspire the empathy of the reader, thus increasing the chance that his plea be heeded. As discussed, Pedro de Córdoba inspired this emotion by focusing on the sentient condition of Amerindians, which he conveyed via sentimental images; now, I will look at what Quiroga's approach has been in his text.

Quiroga falls between Córdoba and, as it will be seen in the upcoming analysis, Francisco de Victoria in his representation of the Amerindian, advocating for them both through sentimentalism as well as through legal arguments. Throughout the entire text, he refers to the Amerindians using sentimental descriptors, such as "iron-branded" (26 times) "wretched" (20 times), "docile" and "humble" (6 times), "poor little things," "most docile," and "pacific" (3 times), "obedient" and "tame" (twice), and "sad" and "capable" (once), never allowing the reader to forget that, far from being defiant and dangerous, as the Council had been falsely informed, Amerindians are worthy of kindness and should not be enslaved.

The author also paints many sentimental images to inspire empathy by appealing to sorrow and compassion. In Chapter 1, Amerindians "are iron-branded and sold and bought ... without any pity, for them to die a bad death at the mines, and not for being indoctrinated",<sup>135</sup> and they are intimidated by the Spaniards, who "trick them and coerce them and scare them... so that they confess that they are slaves" (50);<sup>136</sup> These "poor people highly push their bodies to suffer and carry their load without moaning, dying underneath it in the end,"<sup>137</sup> and they endure "the confusion and hell of the mines, where there is no order at all but rather an everlasting horror, where these poor, wretched little ones, iron-branded for the purpose, go cursing the day in which they were born" (51).<sup>138</sup>

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<sup>135</sup> "...han de ser herrados y vendidos y comprados ... sin ninguna piedad, para que mueran de mala muerte en las minas, y no para ser doctrinados ..."

<sup>136</sup> "...engañándolos y forzándoles y atemorizándolos ... para que confiesen ser esclavos ..."

<sup>137</sup> "...esta pobre gente, se hagan bastantes en los cuerpos para sufrir y llevar adelante la carga y no gemir y al fin, morir debajo della."

<sup>138</sup> "...la confusión e infierno de las minas, donde no hay orden alguno, sino habita un horror sempiterno, donde



In Chapter 2, Quiroga describes two pity-inspiring events in the Amerindian life. The first event refers to a group of Amerindians who, not knowing what else to do after being provoked by the Spaniards, “grabbed their children, women, and poor belongings and went, naked and unarmed as they go, to seek refuge in the houses of those same Spaniards (also, so that [the latter] would see their innocence), trembling, not knowing where to go; and others, out of fear, secretly fled this village” (56).<sup>139</sup> The second event returns to the indigenous authorities of Michoacán, who, presenting themselves before the Audience to argue their innocence in the latest Spaniard provocation, “placed themselves in [the Audience’s] hands, with such sad stories and insistence and good manners, that the talk made the *naguatato* [interpreter] cry, and [these interpreters] tend to be more cruel towards Indians than Nero, and due to his tears he was not able to recite for us” (58).<sup>140</sup>

Chapter 3 also includes sorrowful stories. In Part One, Amerindians “flee and hide like sheep from wolves, whose only defense is to flee just as these flee, retreating to the forests in fear, terror, and dread of all this” (95);<sup>141</sup> and they beg for their freedom “with so much determination and tears” (98).<sup>142</sup> Those who have fled the villages and live alone in the fields, must endure the cruelty of the Spaniards whenever they are found, with [the latter] “not ceasing doing them wrong and causing them harm, carrying out thefts and violent acts against them, taking away *tamemes* and food, children and women” (100),<sup>143</sup> and having them face a situation that is desperate and unfair:

the poor Indian is alone in his hut and unarmed and naked; he does not even dare to complain, nor does he have anyone to whom to complain, even though he has plenty to denounce. And, this way, he suffers and he keeps quiet and he endures, the wretched and unfortunate one, any coercion and oppression carried out over him... without any remedy whatsoever, nor reparation nor amends that makes up for the damage; and even if he wanted to complain, because he is alone in the fields and there is neither a judge nor a witness for that, it is impossible for him. (100)<sup>144</sup>

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estos pobrecillos miserables, que así han de ser herrados, han de ir a maldecir el día en que nacieron.”

<sup>139</sup> “... tomaban algunos sus hijos y mujeres y pobre ajuar, y se iban, desnudos y desarmados como andan, a guarecer a las casas de los mismos españoles (y porque vieses su inocencia), temblando, que no sabían dónde se meter; y otros, de miedo, se salían secretamente de esta ciudad.”

<sup>140</sup> “... se ponían en nuestras manos, con tantas lástimas y encarecimientos y buenas maneras de decir, que hizo la plática llorar al *naguatato*, que suelen ser para con indios más crueles que Nerón, y de lágrimas no nos lo podía referir...”

<sup>141</sup> “... huir y se absconder como las ovejas delante de los lobos, cuya natural defensa es el huir, como aquestos huyen, alzándose a los montes de miedo, espanto y temor de todo esto...”

<sup>142</sup> “... con tanta voluntad e lágrimas...”

<sup>143</sup> “... por los campos, solos, donde no les dejan de hacer males y daños, robos y violencias, y tomas de *tamemes* y comidas, y de hijos y mujeres...”

<sup>144</sup> “... el pobre indio está solo en su buhío y desarmado y desnudo; quejarse ni osa ni tiene a quién, aunque tiene

Part Two does not present many sentimental images until towards the end, where, after concluding that there are no legal grounds for slavery, Quiroga writes that perhaps slavery would be fair if it were better than death, but such would not be the case for Amerindians: “the iron-branded necessarily ends up in the grave that is the mines, where not only will he die at some point, and that will be very shortly, but also where no matter how little time he will last there, he will die living as those who are in the punishments of hell” (153)<sup>145</sup>

Quiroga adds two sentimental images to this section. The first one is a personal anecdote taking place at the village, where a group of Amerindians is to be iron-branded and sold. When he asked

to those who brought them what wrong had those women and unweaned children done so as to have them branded like that, [the captors] replied that they had been taken out from between rocks, where they had been found as runaways and hiding ... The sheep flee from the wolves, and they hide in fear and dread in the forests and scrublands, and even then they are not left alone, but instead they are taken as fair war gains. (156)<sup>146</sup>

The second sentimental image in this section is just one line: “They take their lives and their blood, and they destroy their souls” (164),<sup>147</sup> in reference to the Spaniards’s not only enslaving the Amerindians and sending them to die in the mines, but also taking away from them the chance to be baptized and have eternal life.

Part Three shows sentimental language once Quiroga addresses the problems that he sees with the Council’s new resolution and focuses on the suffering now brought to the Amerindians, inspiring in the reader empathy through sorrow. Now the Spaniards can carry out “great coercions and violent acts, frauds, ruses and tricks against these wretched ones, who do not dare offer any resistance or contradiction” (173–4).<sup>148</sup> Now, the violence and oppression that the enslaved Amerindians experience is the same one they used to experience in the past, in the

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harto de qué; e así, sufre y calla y padece el miserable y desventurado cualquier fuerza y opresión que se le hace ... sin remedio alguno ni reparo ni enmienda que lleve tal daño; y aunque quiera quejarse, a causa de estar por los campos solo e de no haber juez ni testigo para ello, le es imposible ...”

<sup>145</sup> “el herrado ha de ir de necesidad a parar en la sepultura de las minas, donde no solamente no morirá una vez, y ésa muy en breve, pero siempre eso poco que durare, morirá viviendo como los que están en las penas infernales.”

<sup>146</sup> “...a aquellos que los traían qué mal habían hecho aquellas mujeres y los niños de teta para así los herrar, respondieron que de entre las peñas los sacaron, donde los hallaron huidos y abscondidos ... Huyen las ovejas delante los lobos, y escóndense las tristes de miedo y temor por los montes y breñas y aún no las quieren dejar, sino que las toman por de buena guerra.”

<sup>147</sup> “...Les sacan las vidas y la sangre y les destruyen las almas.”

<sup>148</sup> “...grandes fuerzas e violencias, fraudes, cautelas y engaños contra estos miserables, que ninguna resistencia ni contradicción osan tener ...”

hands of their own tyrannic leaders, without any recourse to justice: “there is no one who can remedy [the situation] on the side of the judges, nor anyone who can speak the truth due to a lack of witnesses, nor anyone who can make allegations as a lawyer, as they have few or none and those are against them, due to the unrelenting greed that blinds them all” (174).<sup>149</sup> Now, any caught Amerindian can be

sold, iron-branded on the cheeks with the iron that [Spaniards] claim to be from His Majesty, and without awaiting sentence nor approval from this Royal Audience, and without forgiving women, boys and girls under the age of fourteen, and even unweaned children, and everyone iron-branded with said iron, so large that it barely fits in their cheeks. They are all treated the same, without distinction of age or sex. (182)<sup>150</sup>

Apart from describing the cruelty that the new resolution has reintroduced and, as mentioned on page 99, the long-term damage that it could cause, Quiroga also inspires the reader’s empathy in a unique way in one particular instance: he appeals to the reader’s generosity, in itself a sign of being civil and civilized, especially during a time when the Catholic Church set the guidelines for what those concepts meant (See section 1.2.3.1).<sup>151</sup> First, Quiroga compares the New World to the mythological Saturn’s Golden Age, an epoch characterized by plenty and peace. Then, recounting what made that Golden Age so special, Quiroga invites the reader to imagine the better life that it offered through “equality, simplicity, kindness, obedience, humility, parties, games, pleasures, drinks, leisure, idleness, nudity, poor and unimportant furnishings, clothing and footwear, and eating, according to what the earth’s fertility would give, offer, and produce out of grace and with almost no labor, care, or request” (189).<sup>152</sup> Once that image is painted, Quiroga compares that utopia to Amerindian life:

[N]ow, in this New World, [that Golden Age] seems to exist and is seen in these natives, with their lightheartedness and an underplaying of everything superfluous, with that same content-

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<sup>149</sup> “...en quien ni quien lo pueda remediar por parte de los jueces ni quien diga la verdad por falta de testigos ni quien lo sepa alegar de parte de los abogados, pues tienen pocos o ningunos y por contrarios a todos y a la cobdicia desenfadada que es la que ciega a todos.”

<sup>150</sup> “...vendidos herrados en los carrillos con el hierro que ellos dicen de su Majestad, y sin esperar sentencia ni aprobación desta Audiencia Real, y sin perdonar a mujeres ni a niños ni a niñas menores de catorce años, hasta los niños de teta de tres o cuatro meses, y todas y todos herrados con el dicho hierro tan grande que apenas les cabe en los carrillos, y al fin todos pasados por un rasero sin distinción de edad ni de sexo.

<sup>151</sup> Opposite to avarice, one of the seven capital sins, generosity is a virtue to Catholics, and it is encouraged throughout the entire Bible.

<sup>152</sup> “...igualdad, simplicidad, bondad, obediencia, humildad, fiestas, juegos, placeres, beberes, holgares, ocios, desnudez, pobre y menospreciado ajuar, vestir, y calzar y comer, según que la fertilidad de la tierra se lo daba, ofrecía y producía de gracia y cuasi sin trabajo, cuidado ni solicitud...”

ment and very large and unrestricted freedom in their lives and in the moods that these natives enjoy, as if they were not forced nor subjected to the chaos of fate out of being pure, prudent and most simple, without wanting anything, marveling at us, and at our things and at the worries and uneasiness that we bring. (189)<sup>153</sup>

The comparison shows the reader—Juan Bernal Díaz de Luco, as discussed on page 55—that without uncivilized, greedy Spaniards around and with the help of the Church’s envoys, Amerindians could actually live in a nearly utopian society, one without major worries and, above all, without at least five of the seven capital sins that are behind all corruption and pain: avarice, envy, pride, wrath, and lust. Not only that: Quiroga also points out that while Amerindians could have the option to live in a Saturnian Golden Age, Spaniards (including himself and the reader) do not have that option, as they live in an age that “has become of iron and steel, and worse” (190).<sup>154</sup> Defining the two possible outcomes for the Amerindians—one, mistreated and killed under greedy Spaniards; the other, free and without unnecessary suffering in an Amerindian-Saturnian lifestyle—Quiroga appeals to the generosity of his reader: even if he, as the Spaniard that he is, cannot live in such utopia, he should still make an effort to see that at least the Amerindians can do so, enjoying their “simplicity, tameness, and humility and freedom of spirit... without any greed or ambition” (195),<sup>155</sup> free from the corruption of the Old World.

The idea that Amerindians may be less barbaric than Spaniards is one that Quiroga conveys, directly or indirectly (as in this last case), throughout the text. This statement can be explained through an analysis of how Quiroga uses the words “barbarian,” “barbarism,” and “barbaric” in his report. His use of the first two words is not all that important—the word “barbarian” is used four times, three of which refer to the “barbarian man” in general (102, 140, 209) and one which refers to Moctezuma: the Spaniards “liberated [the Amerindians] from the tyrant and *barbarian*” (75);<sup>156</sup> and the word “barbarism” is used twice, once to describe the situation in which Amerindians lived under Moctezuma—“the tyranny and barbarism in which they were” (75)<sup>157</sup>—and another

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<sup>153</sup> “...este Nuevo Mundo parece que hay y se ve en aquestos naturales, con un descuido y menosprecio de todo lo superfluo con aquel mismo contentamiento y muy grande y libre libertad de las vidas y de los ánimos que gozan aquestos naturales, y con muy grand sosiego dellos, que parece como que no estén obligados ni sujetos a los casos de fortuna, de puros, prudentes y simplecísimos, sin se les dar nada por cosa, antes se maravillan de nosotros y de nuestras cosas e inquietud y desasosiego que traemos...”

<sup>154</sup> “...de hierro y de acero y peor...”

<sup>155</sup> “...simplicidad, mansedumbre y humildad y libertad de ánimo de aquéllos, sin soberbia ni cobdicia ni ambición alguna...”

<sup>156</sup> “...los liberaron del tirano y bárbaro...”

<sup>157</sup> “...la tiranía y barbarie en que estaban...”

in reference to barbarism in general in a quote by Saint John (209).

But Quiroga's use of the word "barbaric" is of particular interest to us. It is used forty-five times throughout the text in relation to different groups of people: Amerindians in general, Amerindians before the conquest, Amerindians after the conquest, Amerindians after the passing of the new resolution, Amerindians who have yet to be exposed to the Spanish religion and political organization, and Spaniards. What is significant is that, although the adjective is not flattering, it only attains a truly negative connotation when Quiroga refers to barbaric Spaniards or barbaric Amerindians before the conquest.

When Quiroga describes as barbaric the Amerindians before the conquest and today's enslaving Spaniards, he does something that he only does with these two groups: he couples the adjective with another element—an adjective, a phrase, a noun—that emphasizes the negative undertone of the term. This way, Amerindians before the conquest are not just "barbaric" but "cruel, barbaric, ferocious" (72);<sup>158</sup> "cruel and barbaric" (119);<sup>159</sup> "barbaric and tyrant" (129);<sup>160</sup> "barbaric and ignorant and without law" (132);<sup>161</sup> "barbaric and ignorant, without law and without king, and without sciences or good disciplines, and without the good politics that brings order to all human conversations that are not corruptions" (135);<sup>162</sup> "barbaric and tyrannic chiefs and principals" (140);<sup>163</sup> For their part, Spaniards are "barbaric and tyrannic" (162),<sup>164</sup> with a "barbaric cruelty and inhumanity" (50).<sup>165</sup> But when Quiroga uses "barbaric" to describe today's Amerindians, the ones for whom he advocates, the term does not convey any other meaning than "not civilized"—as in not having the political organization and Christian knowledge that Quiroga (and his civilized and civil peers) consider essential to live well—without this being a conscious choice, unlike being "cruel," "tyrannic," or "ferocious." Quiroga's Amerindians are just "barbaric people" eleven times (52, 92, 122, 126, 128, 133, 138, 142, 150, 158, 161),<sup>166</sup> and they are once "mostly

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<sup>158</sup> "...cruels, bárbaros y feroces..."

<sup>159</sup> "...[gente] bárbara y cruel..."

<sup>160</sup> "...bárbaros y tiranos..."

<sup>161</sup> "...gente bárbara e ignorante y sin ley..."

<sup>162</sup> "...gente bárbara e ignorante, sin ley y sin rey, y sin ciencias ni disciplinas buenas, y sin la buena policía que pone orden en todas las conversaciones humanas, que no sean corrupciones..."

<sup>163</sup> "...caciques e principales bárbaros e tiranos..."

<sup>164</sup> "...gente bárbara y tiránica..."

<sup>165</sup> "...bárbara crueldad e inhumanidad..."

<sup>166</sup> "...gente bárbara..."

barbaric” (52)<sup>167</sup> and “barbaric and simple” (132).<sup>168</sup>

One thing Amerindians are not is “barbaric and bestial”: “So that nobody thinks or says that these native people are simple, barbaric and bestial, and incapable of such art and republican state and Catholic doctrine ...” (209),<sup>169</sup> Quiroga writes towards the end of his report (paragraph 261 out of 277). But the reader already knows this by the time he reads this statement, and he knows it because Quiroga has already portrayed his Amerindians as anything but savage. In addition to his describing them with the descriptors mentioned above, on page 100—iron-branded, wretched, docile, humble, poor little things, most docile, obedient, tame, and sad—he also describes them as having “simple and good intentions”<sup>170</sup> and “such good manners and methods, discretion and reasonings” (51),<sup>171</sup> as “not overrunning or bothering us [the Spaniards], nor resisting the preaching of the Holy Gospel” (59);<sup>172</sup> as being “docile and capable, and of such apt substance for all this [for being organized and evangelized by the Spanish Crown] and for anything ordered by His Majesty and by his Royal Council of Indies” (82),<sup>173</sup> due to being “so humble, so obedient, so new, so free of nuisances, and so malleable” (191).<sup>174</sup> These Amerindians are, in other words, the opposite of what has been reported to the Council by those greedy Spaniards who want to enslave them. They are not savage by nature, and if they are rebellious, it is because they are being provoked, resorting to their “natural defense which they seem to naturally have against our violence, coercions, oppressions, and bad treatment that we have with them in their pacification for our greed” (55).<sup>175</sup> These, Quiroga affirms, are “docile human beings, redeemed by the same blood as us” (99).<sup>176</sup> And because the author sees them as humans, he believes that they need and deserve to live the way he, himself, lives—in civilization, under a king, gathered “in large cities that are organized and full of everything necessary, under a good and Catholic governance” (82).<sup>177</sup>

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<sup>167</sup> “...gente mayormente bárbara...”

<sup>168</sup> “...gente bárbara y simple...”

<sup>169</sup> “Y porque nadie piense ni diga que esta gente natural es simple, bárbara y bestial, e incapaz de tal arte y estado de república...”

<sup>170</sup> “...intenciones, simplecillas y buenas...”

<sup>171</sup> “...tan buenos modos y maneras y medios, reposo y razonamientos...”

<sup>172</sup> “...no nos infestan, ni molestan, ni resisten a la predicación del Sancto Evangelio...”

<sup>173</sup> “...gente dócil y capaz y tan apta para todo esto y para cuanto se les mandare por su Majestad y por ése su Real Consejo de las Indias...”

<sup>174</sup> “...tan humilde, tan obediente, tan nueva, tan rasa y tan de cera blanda...”

<sup>175</sup> “...su defensa natural que parece que naturalmente tienen contra nuestras violencias, fuerzas, opresiones y mala manera que tenemos con ellos en su pacificación por nuestra cobdicia...”

<sup>176</sup> “...hombres humanos y dóciles y redimidos por la misma sangre que nosotros...”

<sup>177</sup> “...recogimiento de ciudades grandes que estén ordenadas y cumplidas de todo lo necesario, en buena y católica

To support his belief with impassive evidence, complementing his emotional appeal that was analyzed thus far, Quiroga resorts to the law. First, he explains that, among Amerindians, there is no slavery like the one Spaniards are allowed to impose on them under the new Council's resolution:

[T]his manner and genre of slaves that we have, who lose their freedom and innocence, city and family, which is the utmost civil reduction and what is required of them to undergo by necessity in order to be true slaves among us, awarded no civil rights, with the children of a slave mother slaves themselves, under the power of a master without being able to testify or stipulate, dispossessed of any goods or any other thing of their own, as the slaves that we have about us and as they were about Roman citizens, I do not see among these ones; in fact, I see the opposite, with them retaining everything; freedom, family, and city or place, without changing state or condition, without losing anything of their own or have them undergo the conditions of slave but rather of free people, which is sign and great evidence that they are not true slaves, because if they were, they would have all their characteristics. (104)<sup>178</sup>

He also observes that the Amerindians's system even prevents serfdom, for whenever anyone whose labor has been rented or sold—even “in perpetuity” (195)—“wants to pay the interest or subrogate and substitute someone else in his place, son or relative or any other person serving then as substitute, is able to do it even if this were against the will of the hirer, and will be able to do any time he wants” (195–6);<sup>179</sup> and that once the hirer or the worker are dead, “the work is extinguished and expired (106),<sup>180</sup> and no successor inherits them.

Quiroga offers one final piece of evidence against the Spanish enslavement of Amerindians, one he presents throughout 106 paragraphs (79 to 185): he refers to laws written by the “most Christian emperor, Theodosius I, and the supplemental laws of Emperor Valentinian I and other emperors, whom Saint Ambrose praised in his letters, and the sentences and opinions of jurists

policía...”

<sup>178</sup> “... esta manera y género de esclavos que nosotros tenemos que pierden la libertad e ingenuidad, ciudad y familia, que es la máxima civil disminución y lo que se requiere que concurra en ellos de necesidad para ser verdaderos esclavos entre nosotros, que son reputados nada de derecho civil, y para que los hijos de la madre esclava sean esclavos y para que estén en poder del señor y no puedan testar ni disponer, ni tener hacienda ni cosa alguna que sea suya, como son los que son esclavos acerca de nosotros y como lo eran cerca de los ciudadanos romanos, cuyas leyes en esto nosotros tenemos, aunque no como leyes, sino como razones de sabios, yo entre éstos no la veo, antes lo veo todo al contrario y que lo retienen todo: libertad, familia y ciudad o lugar, y que no mudan estado ni condición, y que no pierden cosa de él, ni concurren en ellos las condiciones de esclavos, sino de libres, que es señal e indicio grande que no son verdaderos esclavos, porque si lo fuesen, tendrían las condiciones dellos.”

<sup>179</sup> “... cada e cuando que el así alquilado o vendido quisiera pagar el interese o subrogar y sustituir otro en su lugar, hijo o pariente u otra persona, y así servir por sustituto, aunque sea contra la voluntad de su alquilador, lo puede y podrá muy bien hacer cada y cuando que quisiere...”

<sup>180</sup> “...se extinguen y expiran las obras...”



Julius and Paulus (107)<sup>181</sup> to show that “the free man is not merchandise, and [that] the free man is not owner of the members of his community” (110).<sup>182</sup> And then, four paragraphs later, he writes what will be his conclusive stance on this subject, even though he will further discuss the matter for ninety-six more paragraphs: Amerindians cannot be enslaved because they are free humans, and if they chose to put themselves in a position of servitude, they should be free to leave when they please, either by buying themselves out for the same price they sold themselves, or by being substituted by someone in agreement with the arrangement. In Quiroga’s words:

[A]lthough it may be a great truth, as it is, that the free man cannot be sold, nor appraised, nor fall into our commerce, nor be his own master or that of the members of his community if he were to allow himself, in spontaneous and agreeable will, to be sold to a buyer in good faith, one who thought was buying a slave, and if the sold person is older than twenty-one years of age, knowledgeable of the price and agreeable to other requirements of the law, able to deliver himself but not give himself, as such would be making himself belong to the buyer, something that he is neither able nor forced to do because he is not owner of himself, because ... not even the nature of the contract forces him to become slave because he is not master of himself, so he cannot pass on to another the ownership of that which he himself does not have. He becomes slave, but in a revocable manner. (113)<sup>183</sup>

With the new resolution, not only will Amerindians not be as free as they should be, but they will also not have access to learning how to be civilized, a condition that Quiroga wants for them. In spite of all that has been achieved since the arrival of the Spaniards in the New World, with Amerindians learning about God, about the tyrannical ways under which they lived, and about the judicial system as a recourse to “ask for their due justice and freedoms (50),<sup>184</sup> all they can expect now is to find themselves in a worse situation than before, “disorganized and barbaric and in a savage and bestial life, uneducated, scattered, insufficient in numbers and not enough, and wretched and wild as they are, [despite their] being most docile by nature (92).<sup>185</sup> It does

<sup>181</sup> “...cristianísimo emperador Teodosio y de las novelas del emperador Valentiniano Augusto y de otros emperadores, a quien tanto san Ambrosio alaba en sus epístolas, y de las sentencias y pareceres de los juriconsultos Cayo Julio y Paulo,

<sup>182</sup> “...el hombre libre no es mercancía, y otra, que el hombre libre no es dueño de sus miembros...”

<sup>183</sup> “...[A]unque sea muy grand verdad, como lo es, que el hombre libre no puede ser vendido, ni reciba estimación, ni caya en comercio nuestro, ni sea señor de sí ni sus miembros; pero si de su espontánea y agradable voluntad permitió ser vendido al comprador de buena fe que pensaba que compraba esclavo, y siendo el vendido mayor de veinte años y recibiendo el precio y concurriendo los otros requisitos que se requieren de derecho y pudiéndose entregar, aunque no dar, porque es hacerse del señorío del comprador, que esto ni lo puede ni es obligado a lo hacer, porque él no es señor de sí ni puede pasar en otro el señorío que él de sí mismo no tiene, ni la natura del contrato le obliga a ello; hácese esclavo, pero de manera revocable.”

<sup>184</sup> “...pidiendo su justicia y libertades...”

<sup>185</sup> “...mal ordenados y bárbaros y en vida salvaje e bestial, indoctados, derramados, insuficientes y no bastantes,



not matter that they are just as children of God as any Spaniard, or that they are eager to learn from good Spaniards how to live better, both at the spiritual level (through the knowledge of Jesus Christ) and at the civil level (leaving behind the tyrannies in which they lived). It also does not matter that they naturally have the attributes required to be good Christians—"humility, patience and obedience, and disdain for these ostentations, temptations of our world, as well as for other passions of the soul; they are so devoid of all that it seems that only faith and knowledge of Christian things is all that is missing from their being perfect and true Christians" (198).<sup>186</sup> As long as the resolution remains in place and the Spaniards's "greed" (mentioned twenty-three times), "presumption," "ambition" (mentioned twelve times), and "malice" are given leeway,<sup>187</sup> making them "greedy" (mentioned twice) and "most greedy" (mentioned twice), "avaricious" (mentioned three times), "arrogant" (mentioned fourteen times),<sup>188</sup> Amerindians will continue being "easily frightened, indomitable, unsociable, unable to converse, relentless, fleeing and hiding and crowding together in the forests and the caves, the ravines, the cracks between rocks, away from all Spanish people as from death and pestilence themselves, which seem to follow everywhere the Spaniards go, chasing after the natives" (154).<sup>189</sup>

Like Córdoba's letters, Quiroga's *Información en Derecho* also fits into the narrative of advocacy category. The author was an intellectual, a jurist and member of the Audience in New Spain; the recipient of his text, a member of the Council of the Indies, perceived himself as civilized and civil, like Quiroga himself, and it mattered to him to be (or, at least, to present himself) as civil and civilized as he could. In addition, the text was written while the exploitation of the beings for whom it advocated took place, later being regarded as having been influential in the passing of laws—the New Laws—to end the exploitation that it denounced.

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e miserables e silvestres como están, siendo de sí dócilísimos por naturaleza ..."

<sup>186</sup> "...humildad, paciencia y obediencia y descuido y menosprecio destas pompas, faustos de nuestro mundo, y de otras pasiones del ánima, y tan despojados de todo ello, que parece que no les falte sino la fe y saberlas cosas de la instrucción cristiana para ser perfectos y verdaderos cristianos."

<sup>187</sup> "Cobdicia," "presunción," "ambición," "malicia."

<sup>188</sup> "Cobdiciosos," "cobdiciosísimos," "avaros," "soberbios."

<sup>189</sup> "...espantadizos, indómitos, zahareños e inconvertibles e implacables, huyendo y abscondiéndose y amontándose por los montes y cavernas, ramblas y resquicios de peñas, de toda gente española como de la misma muerte y pestilencia, que parece que por doquiera que van españoles los sigue y va con ellos tras estos naturales."

## 2.5 DE INDIS INSULANIS (1537)

*De indis insulanicis* is a *relectio*—a “re-lesson”—written by Francisco de Vitoria in 1537 and delivered in 1539, during his tenure as Chair of Theology at the University of Salamanca. Vitoria’s “re-lessons,” as Joana Abrisketa explains, were annual, extraordinary lectures that the priest used to give as a complement to his regular teaching; in them, he discussed “matters that had not been able to be explained in class, or queries on current issues” (39), such as civil power (*De potestate civilis*, 1528) or the right of Spaniards to go to war against Amerindians (*De iure belli hispanorum in barbaros*, 1539). *De indis insulanicis* and *De iure belli* were Vitoria’s two re-lessons on the Amerindian situation in the New World.

High in its level of intellectuality and argumentation, *De indis insulanicis* is an intricate text that is considered to be foundational in international law (Scott, 1934; Anghie, 1996; Beneyto and Varela, 2017; Rasilla del Moral, 2017), being a three-part dissertation in which Francisco de Vitoria addresses one main question from the perspective of the law: seeing that Saint Matthew wrote that Christians should “teach all nations, baptizing them in the name of the Father and Son and Holy Spirit,” is it legal to baptize Amerindians “against the wishes of their parents” (*De indis* 116)?

I will first carry out an overview of the three parts that conform *De indis insulanicis*, and then I will focus on how Vitoria portrayed the Amerindians in this text. For this analysis, I use John Pawley Bate’s English translation of *De Indis*, edited by Ernest Nys, while corroborating its content with both the Spanish version of the text published in 1975 by Colección Austral (3rd. edition), and with the Latin version, *Relectiones theologiae XII*, published in 1557 by Jacob Boyer in Lyons.

### 2.5.1 Summary

To arrive at a conclusion on the legality of baptizing Amerindians against the wishes of their parents, Vitoria offers this lecture consisting of three parts—three reflections—summarized in his introduction: “In the first part, I will inquire by what right these Indian natives came under Spanish sway. In the second part, what rights the Spanish sovereigns obtained over them in temporal and civil matters. In the third part, what rights those sovereigns or the Church obtained

over them in matters spiritual and touching religion” (Vitoria, *De indis* 116).

**2.5.1.1 First reflection** The first part of *De indis insularis* is a discussion on the right of the Spanish Crown to rule over the Amerindians. Anticipating skepticism on whether the issue is even worth discussing—not only because it had been taking place for forty years, but also because it would question the authority and the good intentions of the monarchs sponsoring the conquest—Vitoria justifies his venture by enunciating a premise:

[when] some project is on foot concerning which there is a genuine doubt whether it be good or bad, just or unjust, it is then advantageous to take advice and to deliberate and to abstain from premature action before finding out and determining how far it is or is not lawful... [I]t would be sinful for anyone to do it before assuring himself of its lawfulness. (117)

From this premise, Vitoria establishes three propositions: first, when in doubt about the lawfulness or unlawfulness of an act, one must seek the advice of someone qualified in order to be safe in conscience; second, if the received advice indicates that the act is unlawful, one is to follow that advice, even if the act is lawful; third, if the received advice indicates that the act is lawful, one is safe following that advice, even if the act is unlawful. Vitoria then states that, taking these propositions into account, one would think that it is legal for the Spanish Crown to rule over the Amerindians, not only because “the whole business has been carried on by men who are alike well-informed and upright” but also because any doubt on the “plundering of otherwise innocent men” had already “been discussed and settled by the wise, and so everything is now being administered in accordance with their advice and we have no need of a fresh inquiry” (119). But then he argues that this position is misguided and that, contrary to what the consensus might be, it may actually be illegal to have the Amerindians as subjects of the Crown: all discussions on the subject were carried out by jurists who “are not skilled enough in the divine law to be able by themselves to settle questions of this sort” (119). Vitoria concludes that, in view of the fact that this is not a settled issue, there should not be skepticism on the usefulness of this first part of the lecture; as he puts it, the discussion “is not only not futile and useless, but [also] well worth the trouble” (120).

To decide whether Spaniards have, in fact, a right in ruling over Amerindians, Vitoria guides the audience through a series of questions aimed at building a logical path towards a definitive

answer, with each question heading each section of this work. The first question, the one that concerns this first section, asks whether Amerindians “were true owners in both private and public law before the arrival of the Spaniards” (119). To this, he presents two options: the answer is either negative because Amerindians are “little different from brute animals and utterly incapable of governing” and, according to Aristotle, this makes them natural slaves and slaves cannot be owners; or the answer is affirmative and, since the Amerindians “were in peaceable possession of their goods, both publicly and privately . . . they must be treated as owners and not be disturbed in their possession unless just cause be shown” (120).

If the answer is negative then it means that, being slaves, Amerindians “could be taken into possession by the Spaniards” because “a slave who has been abandoned by his master and not taken into possession by anyone else, can be taken into possession by anyone” (120). Vitoria addresses this matter of “natural slavery” at the very end of the section, arguing against it by presenting his assumptions on what Aristotle really meant when he advanced his thoughts on slavery: “My answer to this is that Aristotle certainly did not mean to say” that a mentally weak people is, “by nature, subject to another’s power,” and that it is permissible to seize their patrimony and enslave them and put them up for sale; what he meant, instead, was “that by defect of their nature, they need to be ruled and governed by others which is good for them “just as sons need to be subject to their parents until of full age, and a wife to her husband” (128).

If, on the other hand, the answer is affirmative, it remains to be seen whether any “just cause” may be shown to argue for their losing that dominion. Vitoria anticipates several such causes, and he addresses them.

The first possible argument that Vitoria anticipates is that of John Wycliffe and Armachanus: “no one is a civil owner while he is in mortal sin” (qtd. in 121), and since Amerindians live in mortal sin—due to their not being baptized and their behavior that does not fit the Catholic doctrine—they then cannot be owners. Vitoria then offers eight proofs to show that natural ownership, or dominion, is what is a gift of God, not *civil* dominion, and that the Holy Scripture itself “often names as kings those who were wicked and sinners,” who, in spite of their impure condition still had dominion. Furthermore, he suggests that implying that one’s dominion is lost when one is in mortal sin is “manifest heresy”: just as God sends his rain and his sun to both just and unjust, “so also He has given temporal goods alike to good and to bad” (122).

The second possible argument that Vitoria anticipates is the precedent established by a legal text, *De haereticis*, where it is ruled that the goods of heretics are confiscated by the very fact.” Vitoria refutes this argument in terms of both divine law and human law. With regards to divine law, he refers to St. Thomas Aquinas—”unbelief does not prevent anyone from being a true owner. This is the conclusion of St. Thomas Aquinas (Secunda Secundae, qu. 10, art. 12)—and to the Scripture itself—”Scripture gives the name of king to many unbelievers, such as Sennacherib and Pharaoh and many other kings”—citing different pertinent passages in St. Paul, St. Peter, Tobias, Genesis, and St. Thomas. With these examples, Vitoria concludes that “[f]rom the standpoint of the divine law, a heretic does not lose the ownership of his property.” With respect to human law, Vitoria first links the work of authors like Conrad, Joannes Andrae, Baotista de Salis, and Sylvester, among others, as well as the actions of the Pope, to show what these believe: that “a heretic loses the ownership of his property, and so in the forum of conscience ceases to be capable of dominion” (123). Then, he addresses this stance through a series of propositions, corollaries, and proofs, showing why their thinking is not logical and presenting the conclusion that, from the standpoint of the human law, a heretic “cannot be barred from being true owners, alike in public and in private law, by reason of the sin of unbelief or any other mortal sin, nor does such sin entitle Christians to seize their goods and lands” (125).

The final possible just cause that Vitoria anticipates is “whether the Indians lacked ownership because of want of reason or unsoundness of mind” (125). To respond to this, the author first refutes the conclusions of Conrad and Sylvester: in the first case, for example, the questioned conclusion is that “ownership is competent to irrational creatures, alike sensible and insensible,” being that “ownership is nothing more than the right to put a thing to one’s use” (126). Vitoria argues that “irrational creatures cannot have dominion” because “dominion is a right . . . and since irrational creatures cannot have rights they cannot, therefore, have dominion” (126). Anticipating objections, Vitoria develops a series of arguments to refute them, and he arrives at the conclusion that the Amerindians “were true owners, before the Spaniards came among them, both from the public and the private point of view” (128).

**2.5.1.2 Second reflection** Having established the premise that the Amerindians are true owners, Vitoria continues his lesson addressing a follow-up topic: “it remains to be seen by what

title could the Spaniards have come into possession of them and their country". Addressing this question, he first analyzes in this second part of his dissertation the existing titles which "might be alleged, but which are not adequate or legitimate" (129). (Later in the dissertation, Vitoria will analyze these.)

The first of the inadequate titles is that of the Emperor as "lord of the world" (130), which would grant him dominion over everything. Through a series of arguments and proofs, Vitoria concludes that such title is untrue, and that the proof lies in "the fact that dominion must be founded either on natural or divine or human law; but there is no lord of earth in any of these," and "as regards divine law, we do not read that before the coming of our Saviour Christ, the Emperors were lords of the whole world" (131). Anticipating objections, Vitoria adds that even if "the Emperor were the lord of the world, still that would not entitle him to seize the provinces of the Indian aborigines and erect new lords there and put down the former ones or take taxes," for "even those who attribute lordship over the world to the Emperor do not claim that he is lord in ownership, but only in jurisdiction" (134), a jurisdiction which does not entitle him to "convert provinces to his own use or to give towns or even estates away, at his pleasure. (134).

The second of the titles establishes the Pope, the Supreme Pontiff, as "monarch of the globe, even over the temporal" (134). Again, Vitoria presents a detailed argument to argue that "the Pope is not civil or temporal lord of the whole world in the proper sense of the words 'lordship' and 'civil power'" (135), and that, as Torquemada's doctrine states, his temporal power "is in subservience to matters spiritual" (136). As such, "the Pope has no temporal power over the Indian aborigines or over other unbelievers" (137).

The third title questioned by Vitoria, on the right to discovery, is easily rebutted by the author: the New World had already been discovered by and was the dominion of the Amerindians. Also rebutted—although in a more lengthy manner—is the fourth title, which states that the Amerindians "refuse to accept the faith of Christ, although it is set up before them and although they have been adjured and advised to accept it" (139), to which Vitoria replies that "[b]efore the barbarians heard anything about Christianity, they did not commit the sin of unbelief by not believing in Christ" (140), and that they are also not sinners when they do not simply believe what is announced to them, "for such announcement is no proof or incentive to belief" (143).

The fifth title, which justifies attacks on Amerindians based on their mortal sins, is opposed by

Vitoria's argument that "Christian princes can not, even by the authorization of the Pope, restrain the Indians from sins against the law of nature, or punish them because of those sins" (146), or seize their territory. The author presents six proofs to support his affirmation, not only concluding that "they who are not Christian can not be subjected to the judgment of the Pope" (147), but also that it is not entirely clear that what is considered to be against the law of nature is evil: "we certainly possess clearer proofs whereby to demonstrate that the law of Christ is from God and is true than to demonstrate that fornication is wrong or that other things forbidden by natural law are to be shunned" (147).

The last two titles—on the voluntary choice that Amerindians have to subject themselves to the Spaniards, and on the Amerindians as a special gift from God to the Spaniards—are as easily refuted by Vitoria as the third title has been. With respect to the first, Vitoria argues that there cannot be voluntary choice within "fear and ignorance, which vitiate every choice" (148). And with respect to the second, the author explains that

even assuming that it is true that the Lord had determined to bring the barbarians to perdition, it would not follow that he who wrought their ruin would be blameless, any more than the Kings of Babylon who led their army against Jerusalem and carried away the children of Israel into captivity were blameless, although in actual fact all of this was by the special providence of God, as had often been foretold to them. (148)

After rebutting these seven titles, Vitoria concludes the second section of his dissertation stating that unless there are other titles that justify the Spanish occupation of the Amerindian territory, such occupation would be "of ill omen for the safety of our princes, or rather, of those who are charged with the discovery of these matters; for princes follow advice given by others, being unable to examine into these matters for themselves.(149)

**2.5.1.3 Third reflection** After scrutinizing the seven inadequate titles, exposing their illegitimacy at the time of justifying the Spaniard takeover of Amerindian land, Vitoria then focuses on eight titles that are "lawful and adequate titles whereby the Indians might have come under the sway of the Spaniards" (151).

The first adequate title "is that of natural society and fellowship," and Vitoria advances seven propositions with respect to it, supporting each one with a range from one to fourteen proofs "derived from the law of nations, (*jus gentium*), which either is natural law or is derived from



natural law” (151). Vitoria concludes that this first title gives the Spaniards the right to occupy “the provinces and sovereignty of the natives” only if the natives do not “allow the Spaniards to traffic peaceably among them”; otherwise, “the Spaniards could not allege in this connection any just cause for [occupying] their goods any more than the goods of Christians” (156).

The second possible adequate title is on the propagation of Christianity, to which Vitoria offers four arguments and their respective proofs to conclude that

if there is no other way to carry on the work of religion, this [this second title] furnishes the Spaniards with another justification for seizing the lands and territory of the natives and for setting up new lords there and putting down the old lords and doing in right of war everything which is permitted in other just wars, but always with a regard for moderation and justice, so as to go no further than necessity demands, preferring to abstain from what they lawfully might do rather than transgress due limits, and with an intent directed more to the welfare of the aborigines than to their own gain. (158)

The Spanish seizing of territory and goods would also be justified if any of the converted Amerindians were subjected by force or fear to return to idolatry (third title, one proof); or if the Pope saw it fit to establish “a Christian sovereign and depose other unbelieving rulers” (158) in order to guide converted Amerindians (fourth title, one proof); or if it were needed to end the killing of Amerindians for sacrificial and/or cannibalistic purposes (fifth title, two proofs); or if converted Amerindians voluntarily accepted the King of Spain as their ruler (sixth title, one proof); or if a group of Amerindians asked for Spanish help to fight a war against another group, sharing later what was obtained in battle (seventh title, one proof).

Vitoria arrives at the last title, which declares that Amerindians are not intelligent enough “to found or administer a lawful State up to the standard required by human and civil claims” (160–1), which is why “the sovereigns of Spain might undertake the administration of their country, providing them with prefects and governors for their towns, and might even give them new lords, so long as this was clearly for their benefit” (161). Although Vitoria warns that this title “can indeed not be asserted but brought up for discussion,” and that he dares not affirm it nor entirely condemn it (160), he later does certainly affirm it: he acknowledges that Amerindians “have no proper laws nor magistrates, and are not even capable of controlling their family affairs; they are without literature or arts, not only the liberal arts but the mechanical arts, also; they have no careful agriculture and no artisans; and they lack many other conveniences, even necessities, of

human life” (161), and he affirms that Spaniards should govern them “on the precept of charity, they being our neighbors and we being bound to look after their welfare” (162).

Having presented his arguments, Vitoria presents his last card, one that trumps any possible objection including the fact that these titles may also not be valid: no matter what the situation is, there is no reason why trade should be halted, nor why the Crown should stop setting taxes on gold and silver, nor why it should abandon the administration of the already converted Amerindians. is not necessary to is no need to halt trade, there is no need to , trade does not have to end and “cause great loss to the Spaniards, as well as grave damage to the royal treasury” (161-2). Vitoria’s trump card gives permission to the Spanish Crown to continue profiting from its presence in the New World, a profit that also benefits himself in his position of traditional intellectual at the University of Salamanca.

### 2.5.2 The Amerindian portrayal

As it has been shown, the representation of the Amerindian in Pedro de Córdoba’s letters and in Vasco de Quiroga’s report emphasized the humanity behind the peoples in the New World through a sentimental approach, both rendering heart-breaking images—particularly in the letters written by Córdoba—to which the readers could relate, as well as presenting Amerindians as just-like-Spaniards, except with a different culture and a different ontology. In *De indis insulanicis*, Francisco de Vitoria does not take the sentimental approach,<sup>190</sup> but his strategy is no less effective to both inspire empathy and to place Amerindians at the same level as Spaniards in terms of their humanity: to Vitoria, Amerindians are human beings, they are rightful owners of their territories, and they are subjects of the same divine law as Spaniards are.

In spite of his regard for Amerindians as humans, Vitoria refers to them as “barbarians” (*barbari*, in Latin; *bárbaros*, in Spanish) on 126 occasions (Bate’s translation often uses the word “aborigine” instead of “barbarian”). Amerindians, then, the “barbarians of the New World” (116), are the barbarians who are “not subject to human law” (119), the “barbarians to whom no preach-

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<sup>190</sup> There is only one instance of (some) sentimentalism in *De indis insulanicis*, but because it is stated matter-of-factly, it has much less emotional intensity than what is found in Córdoba’s texts: “But then, when we hear of so many massacres, so many plunderings of otherwise innocent men, so many princes evicted from their possessions and stripped of their rule, there is certainly ground for doubting whether this is rightly or wrongly done” (*De indis* 119).

ing of the faith or Christian religion has come” (142), the barbarians who “are bound to receive the faith of Christ under penalty of mortal sin” (144), the barbarians whom “Christian princes cannot, even by the authorization of the Pope, restrain [by force]...from sins against the law of nature” (146), the barbarians who “would be doing a wrong to the Spaniards if they were to keep them from their territories” (152), the barbarians who are “not wholly unintelligent, yet they are little short of that condition” (161). Vitoria also describes the Amerindians with other negative terms: as mindless (*amentes*)—twice using that precise word<sup>191</sup> and several times using other terms to convey the same meaning, such as: “they seem little different from brute animals” (120), and “they are timid by nature and, in other respects, dull and stupid” (154)—and as sinners, for not wishing to be baptized after learning about Christ (mentioned three times), and for sinning “in other respects” (141), such as when committing any sin “against the law of nature, such as theft, fornication, and adultery” (146), or any of the sins called filth (*inmundicias*) in II Corinthians, or any of the sins mentioned in I Romans, such as “intercourse with boys and with animals, or intercourse of woman with woman” (146).

Even when placing Amerindians in this position of intellectual and moral inferiority—a position made evident from the very use of the word “barbarian”—Vitoria redeems them throughout the text via propositions, arguments, and proofs that make clear his position with respect to Amerindians: they are indeed human in nature and feelings, they are not to be blamed for their moral inferiority, and, as creatures of God, it is “by divine law that questions concerning them are to be determined” (119). In this way, although Amerindians are barbarians, they “cannot be barred from being true owners, alike in public and in private law, by reason of the sin of unbelief or any other mortal sin, nor does such sin entitle Christians to seize their goods and lands” (125); although they are barbarians, they are neither “slaves by nature” (128) nor natural subjects to the emperor, who “never was the lord of the world” (134), or to the Pope, who “is not civil or temporal lord of the whole world in the proper sense of the words ‘lordship’ and ‘civil power’” (136); and although they are barbarians, it is improbable that “the Lord by His special judgment condemned [them] to perdition because of their abominations and delivered them into the hands of the Spaniards, just as of old He delivered the Canaanites into the hands of the Jews” (148).

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<sup>191</sup> Although he once states that “the truth of the matter is that they are not of unsound mind, but have, according to their kind, the use of reason” (127).

Vitoria's observations affect the perception of the Amerindians "barbarism." This barbarism is not the moral and civil chaos usually associated with the term, and it is also not the total absence of civilization and culture. What Vitoria conveys is the idea that while Amerindians may not be as intelligent as Spaniards, they are still intelligent; while they live in sin due to their ignorance of Christianity, they do not live in sin out of malice or decadent choice; and that while their culture may not know about the intellectual disciplines that raise a society above primitivism, it is still a culture, and its members, far from being condemned to perdition, deserve to be treated with the same consideration as any Spaniard would deserve.

Should there still be doubts of the place that Amerindians should hold in the world as respectable humans, Vitoria's conclusions in the third part of his dissertation dissipate them. First, the author states that Amerindians must let the Spaniard travel in their territory, provided that the former "do no harm to the natives," and that this is based on the idea of "natural society and fellowship". With this statement, Vitoria positions Amerindians as just as sovereign and human as the Spaniards, with both groups equally subject to the "law of nations (*jus gentium*), which wither is natural law or derived from natural law" (151). Second, he states that "the Spaniards may lawfully carry on trade among the native Indians, so long as they do no harm to their country," thus reaffirming the Amerindians's sovereignty, permitted by both *jus gentium* and divine law (152). Third, he states that Amerindians should grant citizenship to any children of any Spaniard born in the New World (153), implying that there is a certain level of civilization and socio-political organization in the Amerindian world:

If [any Spaniard] wants to take residence in any of the Indians cities, as by marriage or in any virtue of any other fact whereby other foreigners are wont to become citizens, they can not be impeded any more than others, and consequently they enjoy the privileges of citizens just as others do, provided they also submit themselves to the burdens to which others submit. (154)

Fourth, Vitoria states that "when Indians deny the Spaniards their rights under the law of nations, they do them a wrong" (154), and Spaniards may lawfully go to war against them. Nevertheless, this war should be taken upon with as much care—if not more, seeing that the natives may "very excusably continue afraid at the sight of men strange in garb and armed and much more powerful than themselves" (154)—as if the adversary were a nation like France, for example, implying that Amerindians are as sovereign citizens of the world as the French are: "Just as the

French hold the province of Burgundy with demonstrable ignorance, in the belief that it belongs to them while our Emperor's has the right to it, and he may attack it just as the French may defend it, being a just war from both perspectives, so it may occur in the case of the Indians—a point deserving careful attention" (155).

One last way in which Vitoria portrays Amerindians as not so different from Spaniards in their level of civilization is by lowering the status of Spaniards in this respect, which he accomplishes by showing the imperfections that Spaniards have, imperfections that make them more barbaric than it is assumed. First, the Spaniards have illicitly—barbarically—both taken over the possessions of the Amerindians and made them slaves: “even if we admit that the aborigines (*bárbaros*) in question are as inept and stupid as is alleged, still dominion cannot be denied to them, nor are they to be classed with the slaves of civil law... [They] were true owners, before the Spaniards came among them” (128); not only that, “it would certainly be of ill omen for the safety of our princes, or rather of those who are charged with the discovery of these matters” (149) to carry on with this practice. Second, the Spaniards, have illicitly—barbarically, again—carried out “so many massacres, so many plunderings of otherwise innocent men, [evicting] so many princes from their possessions and [stripping them of] their rule” (119), a fact that even if anyone argued that it was rightly done, “it would not follow that he who wrought their ruin would be blameless, any more than the Kings of Babylon who led their army against Jerusalem and carried away the children of Israel into captivity were blameless” (148). Third, Spaniards have exploited and killed Amerindians under the justification that the latter are sinners and must be punished, even when they would not accept such justification on themselves. Vitoria points out that the sins of Spaniards “are more heinous” because these are “Christians who are aware that they are sins”—an awareness that the Amerindians lack—yet no Pope “makes war on Christians on the ground of their being fornicators or thieves or, indeed, because they are sodomites; nor can he on that ground confiscate their land and give to to other princes” (147).

Like Córdoba's letters and Quiroga's report, *De indis insularis* also fits into the narrative of advocacy category. Its author, Francisco de Vitoria, was an intellectual—one of the highest ones of his society. Its recipients perceived themselves as civilized and civil, like Vitoria himself, and it mattered to them to be (or, at least, to be perceived) as civilized and civil as possible—evident in their being scholars at the University of Salamanca. In addition, the text was made public while

the exploitation took place, being regarded later not only as having been influential in the passing of protective laws—the New Laws—to end the exploitation that it denounced, but also as being a foundational text in international law.

## 2.6 *BREVÍSIMA RELACIÓN DE LA DESTRUCCIÓN DE LAS INDIAS (1542/1552)*

Bartolomé de Las Casas's experiences with Amerindians and the New World began when he was a child in Seville. First, he saw what Columbus brought back to Spain upon returning from his first voyage:

green parrots, very beautiful and colorful, and *guayças*, which were masks made with fishbone pebbles placed like pearls, and some belts of the same material, made with admirable craftiness; with a large quantity and samples of the finest gold, and many other things, never before seen in Spain, nor heard about. (Las Casas, *Historia Tomo I* 477)<sup>192</sup>

Then, his father joined Christopher Columbus's third expedition, bringing back with him a gift that Christopher Columbus gave to each one of his companions: an indigenous slave, who soon returned to the New World after Queen Isabella ordered that "anyone who had taken Indians to Castile, given to them by the Admiral, return them [to the New World] under pain of death" (*Historia Tomo II* 474). Two years later, in 1500, Las Casas traveled to the New World with his father in Nicolás de Ovando's expedition. He was given an *encomienda*, which he gave up fourteen years later when he realized that, as the priest he had become in 1506, he could not simultaneously be an *encomendero* and a denouncer of the evils of the *encomienda*, about which he had begun becoming aware in 1511 after hearing Montesinos's *Sermón de Adviento*. Las Casas would later write, referring to himself in the third person, that "even though he treated Amerindians as well as a father could treat his children, since he preached that Amerindians could not be owned in good conscience, there would always be someone maliciously saying, 'in the end, you have Indians; why don't you leave them, since you claim this being tyrannical?'" (Las Casas, *Historia Tomo IV*

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<sup>192</sup> "...papagayos verdes muy hermosos y colorados, y guayças, que eran unas carátulas hechas de pedrería de huesos de pescado, á manera puesto de aljófar, y unos cintos de lo mismo fabricado por artificio admirable; con mucha cantidad y muestras de oro finísimo, y otras muchas cosas, nunca otras ántes vistas en España ni oídas."

474).<sup>193</sup> Las Casas's advocacy on behalf of Amerindians would last for the rest of his life, and would begin with his first public accusation to other *encomienda* owners, when

he began declaring to them their blindness, injustices, and tyrannies, as well as the cruelties that they were committing upon those innocent and most tame peoples; how they would not be able to save themselves having [Amerindians] allocated to themselves—neither by themselves nor by others; the obligation to restitution to which they were bound; and that he, out of knowing the danger in which he lived, had left the Indians behind; and many other matters that concerned them. They were all admired and even frightened about what he said, and some of them were sorrowful, and others were as if they were dreaming this, hearing such new things as they were, that they could not have Indians at their service without this being a sin, as if they were being told that they could not make use of the beasts in the fields. (474)<sup>194</sup>

The text that I analyze in this dissertation is Las Casas's *Brevísima relación de la destrucción de las Indias*, best known in English as *Short Account of the Destruction of the Indies*. It is neither short nor the only text that Las Casas wrote to advocate for Amerindians, but it is the text that most completely summarizes the information that the author repeatedly conveyed as he sought to change the situation in which Amerindians found themselves. Diego von Vacano describes this text as the one in which Las Casas's "transvaluation of values is most evident. It is here where he inverts the subject of the civilized-barbarian dichotomy most clearly" (37).

The original version of the text is found in the Historical Archive of the Royal Convent of Preachers in Valencia.<sup>195</sup> The version that I use in this research is the one edited by André Saint-Lu, published by Ediciones Cátedra.

## 2.6.1 Summary

*Short Account of the Destruction of the Indies* has three main sections: an Argument, a Prologue, and the body of the text (divided into twenty-one subtitles). The Argument states the purpose

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<sup>193</sup> "...aunque les hiciera todo el buen tractamiento que padre pudiera hacer á hijos, como él predicara no poderse tener con buena conciencia, nunca le faltaran calumnias diciendo: 'al fin tiene indios, ¿por qué no los deja, pues afirma ser tiránico?'"

<sup>194</sup> "...comenzó á declararles su ceguedad, injusticias, y tiranías, y crueldades que cometian en aquellas gentes inocentes y mansísimas, como no podian salvarse teniéndolos repartidos, ellos y quien se los repartia la obligacion á restitution en que estaban ligados, y que él, por conocer el peligro en que vivia, habia dejado los indios, y otras muchas cosas que á la materia concernian. Quedaron todos admirados y aún espantados de lo que les dijo, y algunos compungidos, y otros como si lo soñaran, oyendo cosas tan nuevas como eran decir, que sin pecado no podian tener los indios en su servicio, como si dijeran que de las bestias del campo no podian servirse no lo creian."

<sup>195</sup> Manuscrito 80, folios 420–438, Archivo Histórico del Real Convento de Predicadores de Valencia.



of the text: to set the record straight on what occurs in the New World, to have the recipient<sup>196</sup> understand that

many insensitive men (whom greed and ambition have made them degenerate from their being men, and his villainous ways have brought them damnation), not happy with the acts of treason and evil that they have committed, depopulating with exquisite types of cruelty that world, would bother the King for permission and authority to carry them out, and some other, worse ones (if worse they could be). (Las Casas, *Brevisima* 69-70)<sup>197</sup>

While the original contents of this text were addressed to Charles V, this published version includes a prologue that addresses Prince Philip II. In this prologue, Las Casas begs “His Highness to receive [the text] and to read it with the clemency and royal benignity that he has when reading the work of his helpers and servants, who, for the sole benefit of the public and the prosperity of the royal state, purely wish to serve” (73),<sup>198</sup> and asks him to intercede for him before his father, “begging and persuading, with efficacy, His Majesty [Charles V] to reject anyone who asked [to carry out] any noxious and despicable enterprises, to silence forever any such infernal demand, with such terror that no one dare, henceforth, even name them” (73).<sup>199</sup>

The body of the text begins with a recapitulation of what has happened in the New World since 1492. After mentioning Cuba, San Juan, Jamaica, and the continent, Las Casas writes that “Spaniards, with their cruelties and nefarious deeds, have depopulated and devastated—and now they are deserted, having been full of rational men—more than ten kingdoms larger than all of Spain, even with Aragon and Portugal included, and more land than twice the distance between Seville and Jerusalem, which is more than two thousand leagues”,<sup>200</sup> killing “more than fifteen million” (78)<sup>201</sup> Amerindians. Las Casas denounces the reason for all this destruction: “The reason

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<sup>196</sup> As seen in Chapter 1, section 1.2.5, the original recipient of this text—presented orally by Las Casas—was Holy Roman Emperor Charles V.

<sup>197</sup> “...muchos insensibles hombres (que la codicia y ambición ha hecho degenerar del ser hombres, y sus facinorosas obras traído en reprobado sentido) que, no contentos con las traiciones y maldades que han cometido, despoblado con exquisitas especies de crueldad aquel orbe, importunaban al Rey por licencia y autoridad para tornarlas a cometer, y otras peores (si peores pudiesen ser)...”

<sup>198</sup> “Suplico a Vuestra Alteza lo reciba y lea con la clemencia y real benignidad que suele las obras de sus criados y servidores que puramente, por sólo el bien público y prosperidad del estado real servir desean.”

<sup>199</sup> “Vuestra Alteza tenga por bien de con eficacia suplicar y persuadir a Su Majestad que deniegue a quien las pidiere tan nocivas y detestables empresas; antes ponga en esta demanda infernal perpetuo silencio, con tanto terror que ninguno sea osado dende adelante ni aun solamente se las nombrar.”

<sup>200</sup> “...nuestros españoles, por sus crueldades y nefandas obras, han despoblado y asolado, y que están hoy desiertas, estando llenas de hombres racionales, más de diez reinos mayores que toda España, aunque entre Aragón y Portugal en ellos, y más tierra que hay de Sevilla a Jerusalén dos veces, que son más de dos mil leguas.”

<sup>201</sup> “...más de quince cuentos.”

why the Christians have killed so many souls, of that kind, in such infinite number, has only been their having as ultimate end both gold and filling up with riches in very few days, and climb to social ranks that are very high and out of proportion with respect to themselves as people” (78-9).<sup>202</sup>

What comes after this recapitulation is a more detailed account of what happened in different places, each one under its own subtitle.<sup>203</sup> Since it is not possible to continue this summary without also referring to the way in which Amerindians are represented in the text, I will now switch to the next section to continue moving through the text as I look at how Las Casas portrayed the subjects for whom he advocated to inspire the empathy of the reader.

### 2.6.2 The Amerindian portrayal

The Argument and the Prologue introduce many of the words that Las Casas uses to describe both the Amerindians for whom he advocates, as well as the Spaniards whom he denounces. In these two sections, the descriptors associated with Amerindians and their actions, together with how many times they end up being used throughout the text, are as follows: innocent (20 times), pacific (7), humble (3), tame (9), natural inhabitants and proprietaries (1).<sup>204</sup> For comparison, these are the adjectives describing the Spaniards: insensitive (2), tyrants (92), unjust (4), tyrannic (9), condemned (4), detested (1), cursed (1), noxious and detestable (1),<sup>205</sup> together with a few nouns: killing(s) (44), ravage(s) (27), depopulation(s) (8), greed (1), ambition(s) (5), treason (4), evil deed(s) (27), cruelty(ies) (55), and injustice(s) (18).<sup>206</sup> By the end of the Argument and the Prologue, there is no doubt about whom Las Casas considers good and whom he considers bad;

<sup>202</sup> “La causa porque han muerto y destruido tantas y tales y tan infinito número de ánimas los cristianos ha sido solamente por tener por su fin último el oro y henchirse de riquezas en muy breves días y subir a estados muy altos y sin proporción de sus personas...”

<sup>203</sup> The subtitles are: On Hispaniola, The Kingdoms on the island of Hispaniola, On San Juan and Jamaica, On Cuba, On the Continent, On the Province of Nicaragua, On New Spain (two sections), On the Province and Kingdom of Guatemala, On New Spain and Pánuco and Jalisco, On the Kingdom of Yucatan, On the Province of Saint Martha [Santa Marta], On the Province of Cartagena [Carthagen], On the Pearl Coast and Paria and Trinidad, On the River Yuyapari, On the Kingdom of Venezuela, On the provinces in the Continent by Way of Florida, the River Plate [Río de la Plata], On the Great Kingdoms and Great Provinces of Peru, and On the New Kingdom of Granada.

<sup>204</sup> Listed in Spanish, in their masculine plural form (which is not always the form in which these adjectives appear): inocentes, pacíficos, humildes, mansos, naturales moradores y poseedores.

<sup>205</sup> In Spanish, in their masculine plural form: insensibles, tiranos, inicuos, tiránicos, condenados, detestados, malditos, nocivos y detestables.

<sup>206</sup> In Spanish, in their singular form: matanza, estrago, despoblación, codicia, ambición, traición, maldad, crueldad, injusticia.

however, although the meaning of these terms is clear, it is in the body of the text where they gain deeper meaning, within the context that surrounds them.

Like Pedro de Córdoba in his letters, Las Casas mostly resorts to sentimentalism to reach the reader; the very numerous stories he tells depict so much pain and so much injustice that it is impossible to read this book without feeling a deep sense of sorrow and rage. The text has the reputation of being just a compilation of emotional stories, but it is certainly not an anthology; it is, instead, a persuasive essay, and the stories that Las Casas tells serve the purpose of illustrating two contrasting themes with which the author plays throughout the text. The first contrasting theme is the richness of the New World and its former dense population versus the devastation that it now faces; the second theme is the kindness of the Amerindians versus the evilness of the Spaniards. Through objective, quantitative contrasts in the first theme, Las Casas provokes feelings of sadness, mourning, regret, sorrow, and compassion, all of which prime the reader to be even more empathic when the sentimental contrasts in the second theme arrive.

The pattern used by Las Casas is to first describe for the reader the paradise that the New World was, and then crush that image with the description of the dystopia that it is today. The first instance of this dynamic occurs shortly after the body of the text begins. First, he writes about

the large and happiest island Hispaniola, that measures six hundred leagues around. There are other very large islands surrounding it, infinite in number, all of which, and we saw them, were well populated, full of peoples native to them, perhaps more than anywhere else in the world. The mainland, which from this island is little more than two hundred and fifty miles away, has a coastline more than ten thousand leagues in length, and each day more are discovered, all full as a beehive with people insofar as it has been discovered, so much so that it seems that God put in these lands the bulk of humankind. (75)<sup>207</sup>

And then he shatters the image with the contrasting reality of today:

The island of Cuba is almost as long as the distance from Valladolid to Rome; it is today almost completely depopulated. The island of San Juan and that of Jamaica, very large, and very happy, and very gracious, are both devastated. [In] [t]he islands of the Lucayans, neighboring

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<sup>207</sup> "...la grande y felicísima isla Española, que tiene seiscientas leguas en torno. Hay otras muy grandes e infinitas islas alrededor, por todas las partes della, que todas estaban y las vimos las más pobladas y llenas de naturales gentes, indios dellas, que puede ser tierra poblada en el mundo. La tierra Firme, que está de esta isla por lo más cercano doscientas y cincuenta leguas, pocas más, tiene de costa de mar más de diez mil leguas descubiertas y cada día se descubren más, todas llenas como una colmena de gentes en lo que hasta el año de cuarenta y uno se ha descubierto, que parece que puso Dios en aquellas tierras todo el golpe<sup>27</sup> o la mayor cantidad de todo el linaje humano."

Hispaniola and Cuba to the north and more than sixty in number, together with those named Of Giants and other large and small islands, the worst of which is more fertile and gracious than the King's Garden in Seville, with the healthiest soil in the world, in which there were more than five hundred thousand souls, there is not one creature: they were all killed as a result of the journey to Hispaniola, after they [the Spaniards] saw that they were running out of locals. (77)<sup>208</sup>

The second example of Las Casas's technique is found in the second subtitle, "The Kingdoms on the island of Hispaniola."<sup>209</sup> The author writes that "there were, on this island of Hispaniola, five great main kingdoms and five very powerful kings" (83),<sup>210</sup> describing in detail the geography and the people of those kingdoms. Each description, except for that of the fifth kingdom, begins with images that show a well organized society, run by respected leaders (four kings and one queen, respectively), and rich in resources: "over thirty thousand rivers and streams ... all of them most rich in gold" (83);<sup>211</sup> "many and large sierras and gold and copper mines";<sup>212</sup> "also admirable land, most healthy and most fertile" (85);<sup>213</sup> "it stood out in its language and manner of speaking, in its most orderly and composed politics and upbringing, in the large nobility and generosity ... and in the beauty of all the people" (86).<sup>214</sup> And each description ends with an image of egregious devastation that took place in the hands of the Spaniards: in the first kingdom, the king's wife was raped, and there were "large killings until they found and caught [the king],"<sup>215</sup> whom they chained "and put on a ship to bring him to Castile, a ship that got lost at sea" (84).<sup>216</sup> In the second kingdom, the "king died fleeing from the killings and cruelties carried out by the Christians, destroyed and deprived of his status, lost in the forest, [and] all his subjects died in the tyranny and serfdom that will be described later" (85).<sup>217</sup> In the third kingdom, the king also died aboard

<sup>208</sup> "La isla de Cuba es cuasi tan luenga como desde Valladolid a Roma; está hoy cuasi toda despoblada. La isla de Sant Juan e la de Jamaica, islas muy grandes e muy felices e graciosas, ambas están asoladas. Las islas de los Lucayos, que están comarcanas a la Española y a Cuba por la parte del Norte, que son más de sesenta con las que llamaban de Gigantes e otras islas grandes e chicas, e que la peor dellas es más fértil e graciosa que la huerta del rey de Sevilla, e la más sana tierra del mundo, en las cuales había más de quinientas mil ánimas, no hay hoy una sola criatura. Todas las mataron trayéndolas e por traellas a la isla Española, después que veían que se les acababan los naturales della."

<sup>209</sup> "Los reinos que había en la isla de Española."

<sup>210</sup> "Había en esta isla Española cinco reinos muy grandes y cinco reyes muy poderosos ..."

<sup>211</sup> "...sobre treinta mil ríos y arroyos ... todos ellos riquísimos en oro"

<sup>212</sup> "...muchas y grandes sierras y minas de oro y cobre ..."

<sup>213</sup> "...tierra también admirable, sanísima y fertilísima ..."

<sup>214</sup> "Excedía en la lengua y habla ser más polida, en la policía y crianza más ordenada y compuesta, en la muchedumbre de la nobleza y generosidad ... y en la lindeza y hermosura de toda la gente ..."

<sup>215</sup> "...grandes matanzas hasta que en fin lo hobieron de hallar y prender ..."

<sup>216</sup> "...lo metieron en una nao para traello a Castilla, la cual se perdió en la mar ..."

<sup>217</sup> "...Este rey murió huyendo de las matanzas y crueldades de los cristianos, destruido y privado de su estado, por los montes perdido. Todos los otros señores súbditos suyos murieron en la tiranía y servidumbre que abajo será

a ship, and when his brothers sought revenge, the Spaniards “carried our such ravaging and killings that they devastated and depopulated half of that kingdom.”<sup>218</sup> In the fourth kingdom, some Amerindians were made by the Spaniards to go inside a straw house, where they “set them on fire and burned them alive. They speared the others” (86),<sup>219</sup> and they hung their ruler, the dead king’s sister. And in the fifth kingdom, they “hung [the queen], and it was infinite the number of people that [Las Casas] saw being burned alive and quartered and tormented through diverse and new ways of dying” (87).<sup>220</sup>

I will cite one more example—not only the lengthiest, but also one which could sum up the entire text. First, Las Casas describes Amerindians, suggesting that all they would need to be saints would be to know God:

All these infinite people, *toto genere*, God has created as the most simple, without evil or falsity, most obedient, most faithful to their natural leaders and to the Christians to whom they serve; most humble, most patient, pacific, and quiet, without quarrels or upheavals, not fighters, not agitators, without rancor, without hate, without seeking revenge, in the entire world. They are, in addition, the most delicate, thin and tender people, who can endure work the least and who easily die from any disease, so much so that no sons of princes or lords among us, raised among gifts and living a delicate life, are more delicate than they are, even when they have a farming lineage. They are also most poor, neither possessing nor wanting to possess earthly goods, and that is why they are not vain, or ambitious, or greedy. Their food is such that the food of the Holy Fathers in the desert seems not to have been more scarce or less delicious or poor. They commonly go naked, with their shames covered, and at the most they cover themselves with a cotton blanket that is about one yard or one and a half yards of fabric, cut into a square. Their beds are on mats and, at most, they sleep in some sort of hanging nets that they call hamacas in the Hispaniola language. They are very clean and unoccupied and fast learners, very capable and docile for any good doctrine, most apt to receive our holy Catholic faith and to be provided with virtuous customs... For many years, [I] have heard many lay Spaniards, unable to deny the kindness that they see in them, express that “it is true; these peoples would be the most blessed in the world if they only knew God. (75-6)”<sup>221</sup>

dicha.”

<sup>218</sup> “...hacen tantos estragos y matanzas que asolaron y despoblaron la mitad de todo aquel reino.”

<sup>219</sup> “...poner fuego y los quemaron vivos. A todos los otros alancearon...”

<sup>220</sup> “...ahorcaron, y fueron infinitas las gentes que yo vide quemar vivas y despedazar y atormentar por diversas y nuevas maneras de muertes.”

<sup>221</sup> Todas estas universas e infinitas gentes, a toto género, crió Dios los más simples, sin maldades ni dobleces, obedientísimas, fidelísimas a sus señores naturales y a los cristianos a quien sirven; más humildes, más pacientes, más pacíficas y quietas, sin rencillas ni bollicios, no rijosos, no querulosos, sin rancores, sin odios, sin desear venganzas, que hay en el mundo. Son así mesmo las gentes más delicadas, flacas y tiernas en complisión y que menos pueden sufrir trabajos, y que más fácilmente mueren de cualquiera en fermedad; que ni hijos de príncipes y señores entre nosotros, criados en regalos y delicada vida no son más delicados que ellos, aunque sean de los que entre ellos son de linaje de labradores. Son también gentes paupérrimas y que menos poseen ni quieren poseer de bienes temporales, y por esto no soberbias, no ambiciosas, no cudiciosas. Su comida es tal que la de los Santos Padres en el desierto no parece haber sido más estrecha ni menos deleitosa ni pobre. Sus vestidos comúnmente son en cueros, cubiertas sus

And then, after painting this idyllic image of the Amerindians and their lifestyle, Las Casas demolishes it by describing the Spaniards's actions, leaving no doubt that just as the Amerindians are practically saints to him, so are the Spaniards practically the devil himself:

Among these tame sheep,<sup>222</sup> gifted by their Maker and Creator with the aforesaid qualities, the Spaniards introduced themselves, seeing them, of course, as the most cruel, starving wolves, and tigers, and lions. And they have not done anything thing during the last forty years other than quarter them, kill them, causing them anguish, upsetting them, torment them, and destroy them through strange, new, varied, and never-before seen, or read, or heard manners of cruelty, a few of which will be mentioned ahead, to the point that having there been in Hispaniola more than three million souls that we saw, today there are no more than two hundred of these natives left. (77)<sup>223</sup>

The adjectives used by Las Casas in the Argument and the Prologue—somewhat isolated descriptors relatively easy to forget—have just become less forgettable within the context of this last description. And they will become even less forgettable as components of what comes next, lengthy, detailed, heart-wrenching descriptions of unimaginable cruelty and injustice that not only will reach the reader both at the emotional level (with the reader empathically putting himself in the place of the Amerindians) but also at the rational level (with the reader's notion of civilization and civility being called upon through conscious or unconscious comparisons).

At the beginning of this text, Las Casas lists the abhorrent acts committed by the Spaniards on the Amerindians as if they were part of a silent movie, with descriptions of what has happened but with no sound other than, for example, one-line sentences pronounced by the Spaniards: "You

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vergüenzas, y cuando mucho cúbrense con una manta de algodón que será como vara y media o dos varas de lienzo en cuadra. Sus camas son encima de una estera y cuando mucho duermen en unas como redes colgadas que en lengua de la isla Española llamaban hamacas. Son eso mesmo de limpios y desocupados y vivos entendimentos; muy capaces y dóciles para toda buena doctrina, aptísimos para recibir nuestra santa fe católica y ser dotados de virtuosas costumbres... yo he oído decir a muchos seglares españoles de muchos años acá y muchas veces, no pudiendo negar la bondad que en ellos ven: "Cierto, estas gentes eran las más bienaventuradas del mundo si solamente conocieran a Dios".

<sup>222</sup> This expression, "tame sheep," evokes the language of the Bible. To John the Baptist, Jesus is the Lamb of God: "Behold the Lamb of God who takes away the sin of the world" (John 1:29). In Isaiah, God's children are his sheep: "Like a shepherd, He will tend His flock. In His arm He will gather the lambs and carry them in His bosom. He will gently lead the nursing ewes" (Isaiah 40:11).

<sup>223</sup> "En estas ovejas mansas y de las calidades susodichas por su Hacedor y Criador así dotadas, entraron los españoles desde luego que las conocieron como lobos y tigres y leones crudelísimos de muchos días hambrientos. Y otra cosa no han hecho de cuarenta años a esta parte hasta hoy, y hoy en este día lo hacen, sino despedazallas, matallas, angustiallas, afligillas, atormentallas y destruillas por las extrañas y nuevas y varias y nunca otras tales vistas ni leídas ni oídas maneras de crueldad, de las cuales algunas pocas abajo se dirán, en tanto grado que habiendo en la isla Española sobre tres cuentos de ánimas que vimos, no hay hoy de los naturales della doscientas personas."



thrash, body of so and so?”<sup>224</sup> as they watched an Amerindian try not to drown in the river; or “Deliver the news,”<sup>225</sup> as they “cut both hands, leaving them hanging by the skin,” (81)<sup>226</sup> of those Amerindians who dared to fight back. The lack of sound—the lack of mention of any screaming, crying, or begging on the part of the Amerindians—has the effect of diminishing their human nature;<sup>227</sup> it mutes their desperation, terror, and pain, and, in turn, it also greatly diminishes the reader’s empathy, as he would most certainly be screaming, crying, or begging were he at the mercy of Spaniards who would “snatch the babies by the legs from their mothers’s breasts and smash their heads against the rocks”;<sup>228</sup> or “pierce other babies and their mothers with one sword”;<sup>229</sup> or “make long scaffolds, with [the Amerindians’] feet almost touching the ground, and gathering them in groups of thirteen in honor of and reverence to our Redeemer and the twelve apostles, they would set them on fire and burn them alive on grills” (81).<sup>230</sup>

Any doubt on the just-like human nature of the Amerindians, however, is dispersed once Las Casas adds sound to the images and allows for the pain to be seen and heard and felt. For example, when the Spaniards “tied [the nobles] on grills made of sticks, lighting underneath them a slow fire so that, little by little, howling under that torment, desperate, their souls would leave them” (81);<sup>231</sup> or when the Spaniards, unable to rape the women and daughters of a group of Amerindians, “pierced the former with their swords, leaving none of the eighty alive. The men, in gut-wrenching pain, howled and said, “Oh, bad men, cruel Christians, you kill women?” (98);<sup>232</sup>

<sup>224</sup> “... ‘Bullis, cuerpo de tal?’”

<sup>225</sup> “‘Andad con cartas ...’”

<sup>226</sup> “... cortábanles ambas manos y dellas llevaban colgando ...”

<sup>227</sup> The same effect is observed when Las Casas compares Amerindians to animals: although it may be inferred that animals do suffer, their unseen and unheard reaction in the text does not inspire the empathy of the reader, who distances himself from—and possibly does not even register—that suffering. Here are some examples of those comparisons: “they always used [Amerindians] as if they were beasts of burden” (*Brevisima* 89); “God would have liked that [Amerindians] had been treated like beasts before being treated like less than the manure at the squares” (78); and “they constructed pits in the middle of the roads, covered by grass and herbs, where *horses* would fall and be pierced through the gut by the sharp and toasted stakes that lined them” (117). There is also an example of these comparisons in Vasco de Quiroga: “to use [Amerindians] as they use *beasts* and *animals without reason* [servirse dellos como de bestias y animales sin razón]” (*Quiroga* 81).

<sup>228</sup> “Tomaban las criaturas de las tetas de las madres por las piernas y daban de cabeza con ellas en las peñas.”

<sup>229</sup> “Otras criaturas metían a espada con las madres juntamente ...”

<sup>230</sup> “Hacían unas horcas largas que juntasen casi los pies a la tierra, y de trece en trece, a honor y reverencia de nuestro Redentor y de los doce apóstoles, poniéndoles leña y fuego los quemaban vivos.”

<sup>231</sup> “... hacían unas parrillas de varas sobre horquetas y atábanlos en ellas y poníanles por debajo fuego manso, para que poco a poco, dando alaridos, en aquellos tormentos desesperados se les salían las ánimas.”

<sup>232</sup> “... meten las espadas por las barrigas de las muchachas y mujeres, y no dejaron de todas ochenta una viva. Los indios, que se les rasgaban las entrañas de dolor, daban gritos y decían: “Oh, malos hombres, crueles cristianos, ¿a las iras matáis?”



or when the Spanish governor of the province of Nicaragua, demanding more slaves every four or five months, would have his men “first take all the orphans and then ask one child from whomever had two, and two from whomever had three ... [among] great howling and crying in the village, seeing that these are the peoples who most seem to love their children” (102).<sup>233</sup>

Through these descriptions, Las Casas shows the reader that Amerindians are just as human as himself: they feel physical pain, like himself; they feel emotional pain, like himself; and, in spite of their lack of European clothing and homes, they are closer to him in their level of civility and Christian values than are his compatriots in the New World. The Amerindians that Las Casas presents are not the ferocious, irrational beings that the Spaniards who torment them are. They would never take “a little boy from his mother’s arms and dismember him with a dagger, giving a part to each of his dogs, later throwing the rest of the little body on the floor for all of them to eat” (92);<sup>234</sup> “take by force a young girl to sin with her, charging at her mother to snatch her away, [taking] a dagger or a sword and cutting one of her mother’s hand, and stabbing the girl to death because she resisted” (123);<sup>235</sup> or go “hanging, burning alive and throwing [Amerindians] to angry dogs, cutting their feet and hands and heads and tongues ... for no reason other than to torment them, to have them serve them and give them gold and other tributes” (124);<sup>236</sup> as the Spaniards did in Jalisco. They would never chain anyone in line and “cut their head at the neck” (154)<sup>237</sup> when they tired or fainted, as the Spaniards did in Florida; or cause anyone to “hang themselves in desperation,”<sup>238</sup> or have “husbands and wives hanging themselves, together with their children” (93);<sup>239</sup> as the Spaniards did in Cuba.

The horrors endured by sixteenth-century Amerindians are seemingly infinite and barely imaginable in Las Casas text. Dozens of pages could be filled analyzing the remaining examples,

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<sup>233</sup> “...tomaban lo primero todos los huérfanos, y después pedía a quien tenía dos hijos uno, y quien tres, dos; y desta manera cumplía el cacique el número que el tirano le pedía, con grandes alaridos y llantos del pueblo, porque son las gentes que más parece que aman a sus hijos.”

<sup>234</sup> “...un muchacho chiquito a su madre y con un puñal córtale a tarazones los brazos y las piernas, dando a cada perro su parte, y después de comidos aquellos tarazones, échales todo el corpecito en el suelo a todos juntos.”

<sup>235</sup> “...tomando por fuerza una doncella para pecar con ella, arremetió la madre para se la quitar: saca un puñal o espada y córtale una mano a la madre, y a la doncella, porque no quiso consentir, matóla a puñaladas.”

<sup>236</sup> “...ahorcándolos y quemándolos vivos y echándolos a perros bravos y cortándoles pies y manos y cabezas y lenguas, estando los indios de paz, sin otra causa alguna más de por amedrentallos, para que le sirviesen y diesen oro y tributos...”

<sup>237</sup> “...cortábanle la cabeza por el pescuezo...”

<sup>238</sup> “...ahorcarse de desesperados...”

<sup>239</sup> “...ahorcábanse maridos e mujeres, e consigo ahorcaban los hijos...”

examples that Las Casas himself could have made probably made even more numerous. For the purposes of this dissertation, however, what has already been discussed is a broad enough sample to show how Las Casas portrayed Amerindians. Before I conclude, however, I will point out one last element that Las Casas uses in his advocacy: the appeal to the Emperor's pride. This appeal comes at the very end of the published text (1552): after Las Casas explains that his original text had been written in 1542, and that "after writing [it], many laws and ordinances at that time created by His Majesty were published" (175),<sup>240</sup> the author—like Pedro de Córdoba had done in his Letter to the King—warns that the authority of Charles V in the New World is not what it should be: "so far the King is not powerful enough to be in the way"<sup>241</sup> of the Spaniards, who "under the pretense that they serve the King, dishonor God and rob and destroy the King" (177).<sup>242</sup> This final statement is the last resource that Las Casas has in his advocacy for the Amerindians: should all else have failed—the appeal to the reader's empathy, the appeal to the reader's civility—perhaps this appeal to the reader's pride would do the trick.

Like Córdoba's letters, Quiroga's report, and Vitoria's lecture, Bartolomé de Las Casas's *Brevisima* also proves itself to be a narrative of advocacy: Las Casas was an intellectual of his time; the original recipient of this text (and the added recipient in the published version ten years later) perceived himself as civilized and civil, like Las Casas himself, and it mattered to him to be (or, at least, to present himself) as civil as he could be. In addition, the text was made public while the exploitation took place, not only being regarded later as having been most influential in the passing of protective laws—the New Laws—to end the exploitation that it denounced, but also as being a canonical text today in the study of the conquest and colonization of America, in spite of the criticism to it with respect to an alleged level of inaccuracy and bias.

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<sup>240</sup> "Después de escrito lo susodicho fueron publicadas ciertas leyes y ordenanzas que Su Majestad por aquel tiempo hizo..."

<sup>241</sup> "Y hasta agora no es poderoso el Rey para lo estorbar..."

<sup>242</sup> "...con color de que sirven al Rey, deshonran a Dios y roban y destruyen al Rey."

## 2.7 CONCLUSION

When these sixteenth-century narratives of advocacy were written, not every Spaniard was convinced that Amerindians were human, and not all those who knew that they were human wanted to believe that their *being human* was at the same level as their own. [Sarzi Amade and Campoverde](#) write that Spanish chroniclers looked “for proof to show that [the] indigenous were individuals who had to be colonized,” portraying them as inferior to them from different perspectives: they were pagan, instead of religious; submissive, instead of assertive; degenerate, instead of morally sound; fragile, instead of strong; dumb, instead of intelligent. Even among missionary friars there was no consensus on just how similar to Spaniards Amerindians were in their human nature; as Miguel [León-Portilla](#) writes, friars “wondered whether the so-called Indians descended or not from Noah’s sons after the Flood, or came from the ten lost tribes of Israel,” and “whether they really had [intellectual capacity] as rational beings and, in consequence, they were or not apt to receive the faith and the sacraments of Christianity” (“[El indio](#)” 281).

In spite of these prejudices, the narratives that I have analyzed did manage to reach their readers, to the point of creating a mobilization that eventually resulted in the passing of protective laws. What made them effective—that is, what made the Spanish hegemonic reader want to do something to change the situation of the exploited, or at least to be seen as doing something to change the situation of the exploited—was a series of factors present in all narratives of advocacy.

First, the victims of the denounced cruelty are portrayed as just-as-human as the reader himself: just as intelligent, just as individual, and just as emotionally and physically sentient victims. The ascription of a just-like human nature to an entity widely considered nonhuman or subhuman is crucial in narratives of advocacy; without it, the reader finds it much more difficult to relate to the denounced suffering, even if s/he understands it at a rational level and even if s/he does know that the exploited beings are human beings. A simple way to test this premise is by looking at how we, “civilized” and “civil” readers similar to the ones originally meant for these four narratives, feel when we read them ourselves: we may feel sad or disgusted when we read about the cruelties that Amerindians endured, but we only truly empathize with them—and the stories become unbearable to read—when we imagine ourselves in their place, feeling the heartbreak of having our child beat, murdered, and quartered in front of us; or the pain of a slow fire burning

us; or our daughter or mother raped and bludgeoned; of our protagonism in any of the seemingly endless instances of earthly hell that the Spaniards created for the natives. As discussed in Chapter 1, victims do not “have to be physically present for the observer to respond with empathic affect” (M. L. Hoffman 158); it is the bias of empathy “a favor de quien tiene afinidad o parentesco con uno” (159)—in this case, Amerindians as humans who evidently feel the same emotional and physical pain as the Spanish reader—that elevates the intended reader’s level of empathy.

The second factor that makes narratives of advocacy so effective are the limits that their authors set so not to overwhelm the reader, creating enough empathic distress to reach him and mobilize him, but not so much for it to become “so aversive that it is transformed into a feeling of self-distress” (160), which, as it was discussed in Chapter 1, page 28, triggers the reader’s wish to distance himself from the situation as a self-protective measure. This caution in avoiding such distress in the reader is sometimes made explicit, such as in Córdoba case: in his co-signed letter to the regents, the friar writes: “we do not need to extensively expose each and every one of the abuses” (Córdoba, “*Carta en lengua latina*” 259)<sup>243</sup> and in his letter to the King, he writes, “I will seek brevity so as not to be annoying” (“*Carta al Rey*” 264).<sup>244</sup>

A third factor that makes these narratives so effective is that the suffering of the exploited is brought forth in front of a civilized and civil hegemonic reader by an also civilized and civil hegemonic author who forces the reader to publicly react by denouncing the exploiter as barbaric. No reaction on the part of the reader would call into question his level of civilization and civility, something that the reader cannot afford if he expects to belong—and be seen as belonging—to the culturally dominant sector of society, the sector that, as it was discussed in Chapter 1, plays a major role in the perpetuation of the mode of production that holds the ruling class at the top, depending on it both financially and politically to maintain its position of privilege in society, and ultimately accepting and benefitting from the existing social formation as it is.

In the next chapter, I will look at how empathy is inspired in nineteenth-century texts advocating for another group of exploited beings, enslaved Africans and Afrodescendants, and how the factors that were just mentioned in this chapter’s conclusion again prove themselves to be the reason why narratives of advocacy are effective in reaching and mobilizing the reader.

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<sup>243</sup> “...no tenemos necesidad de exponer extensamente todos y cada uno de los abusos.”

<sup>244</sup> “...procuraré brevedad por no ser enojoso...”

### 3.0 NINETEENTH-CENTURY ENSLAVED AFRICANS AND AFRODESCENDANTS

#### 3.1 INTRODUCTION

In the Introduction Chapter, page 11, there is mention of many comparative studies on the representation of the African and Afrodescendant subject in Latin American literature. These studies approach the subject from different angles: the racism in the White aesthetic of nineteenth-century anti-slavery novels (Jackson, 1976; Bueno, 1986); the perpetuation of racist images through the misuse of African and Afrodescendant cultures (Jackson, 1976); the ways in which Hispanic authors depart from traditional European representations of Africans and Afrodescendants (Beane, 1980); the way in which antislavery texts challenged the colonial and slavery systems (Luis, 1990; L. V. Williams, 1994) the conversion of the African and Afrodescendant from always a voiceless slave to sometimes a subject with a voice (Ramos, 1993); and the stereotypical roles of the African and Afrodescendant in nineteenth-century antislavery narrative (Jeffers, 2013). And just as the studies on the representation of Amerindians during colonial times show that they, as a group, were portrayed as inferior to Whites—not just by their exploiters, but also by their White advocates, who praised them without failing to point out what they were missing (with the implied “to be like us”): the knowledge of God and a civilized form of political and social organization—so do the studies on the representation of enslaved Africans and Afrodescendants show that they, as a group, were also portrayed as inferior to Whites.

In nineteenth-century texts, enslaved African and Afrodescendants never seem to be good enough in themselves to be worthy of respect. It is only when they are represented as whiter and/or more beautiful than expected (as in Cirilo Villaverde’s *Cecilia Valdes*, 1839/1882, and Bernardo Guimarães’ *A escrava Isaura*, 1875), or as more intelligent than expected (as in Eugenio Díaz Castro’s *Manuela*, 1856, and José María Samper’s *Florencio Conde*, 1875, or in Francisco

Calcagno's *Romualdo, uno de tantos*, 1881), or as more saintly than expected (as in Gertrudis de Avellaneda's *Sab*, 1841), that the culturally hegemonic reader—the intended reader of these texts—is given a reason why s/he should have more regard towards them, as *individuals*. At the same time, when they are not portrayed with those positive qualities that redeem them as individuals, and are instead portrayed with negative traits—rebellious, vengeful, feisty, lazy, violent—suddenly those traits are no longer limited to each individual, but somehow they extend beyond, onto all Africans and Afrodescendants, and become validators of racism.

The objective of this chapter, like the one of Chapter 2 in relation to sixteenth-century Amerindians, is to show the way in which enslaved Africans and Afrodescendants were represented in nineteenth-century narratives of advocacy, that is, the images that the culturally dominant, advocating author painted of the exploited African and Afrodescendant using affective devices—revealingly mediative in nature—both to inspire empathy in the reader and to lead him or her to social mobilization, all while ultimately contributing to the legitimization of the ruling class's social hegemony, as will be seen in Part Two. Also as I did in Chapter 2, I will first carry out a literary analysis of each text, and then I will offer an encompassing conclusion, tying my findings to the theoretical framework presented in Chapter 1.

The analyzed texts are four: Félix Tanco y Bosmeniel's "[Petrona y Rosalía](#)" (1838), Fermín del Toro y Blanco's "[La sibila de los Andes](#)" (1840), Joaquim Manuel de Macedo's *As vítimas-algozes: quadros da escravidão* (1869), and Julio Rosas's *La campana de la tarde; ó Vivir muriendo* (1873). All texts have been translated from Spanish to English by me, staying as close as possible to the meaning of the original text—unaltered in its spelling and grammar—which is found in footnotes throughout the chapter.

## 3.2 "PETRONA Y ROSALÍA" (1838)

### 3.2.1 Summary

"[Petrona y Rosalía](#)" ("Petrona and Rosalía") is a short story, perhaps a novella, that tells the story of Petrona, a slave owned by don Antonio Mujica and doña Concepción Sandoval Buendía. Petrona

is sexually exploited by don Antonio and becomes pregnant; not knowing who the baby's father is, but angry at the slave for her pregnancy, doña Concepción expels Petrona from the main house and sends her to work at the sugar plantation, where she is also lashed fifty times. Three months later, Petrona gives birth to a girl, Rosalía, who, at the age of thirteen and because of her beauty, is taken away from her mother by doña Concepción and is sent to work at the main house. At the house, doña Concepción's son, Fernando, follows in his father's footsteps, raping and impregnating Rosalía. Furious, doña Concepción punishes the slave and locks her up. In the meantime, don Antonio suddenly becomes very ill and dies, leaving behind some papers that hold the truth about his being Rosalía's father. Doña Concepción finds those papers and becomes angry and jealous; also, realizing that this information means that her son, Fernando, and Petrona's daughter, Rosalía, share the same father, she becomes horrified at the idea of her son's incest. None of these emotions last long, though: doña Concepción reminds herself that Fernando's father is, in reality, the Marquis of Casanueva—a man with whom she has been having a secret affair for decades—and she feels calmer and avenged. Not wanting to have a mulatto grandson, doña Concepción tries to have Rosalía have an abortion; unsuccessful, she sends the slave to the same sugar plantation where she had sent her mother eighteen years earlier. Rosalía reunites with Petrona, who is very ill and dies two weeks later, and soon after she herself and her baby both die during childbirth. Upon learning the news of the deaths, doña Concepción and Fernando react nonchalantly, as all that has been lost to them is just one thousand pesos.

### **3.2.2 The African and Afrodescendant portrayal**

Félix Tanco y Bosmeniel offers the reader two perspectives from which to look at the African and Afrodescendant slave. One is a reprehensible, barbaric perspective, held by people like doña Concepción and don Antonio and presented to the reader through their dialogues and the description of their actions; from this perspective, enslaved Africans and Afrodescendants are seen as nothing more than assets meant to be used and discarded as their owners see fit, without any regard for their physical and emotional sensitivity. The other perspective is a laudable, civil one, implicitly held by the narrator and presented to the reader through sentimentalist descriptions of suffering; from this perspective, enslaved Africans and Afrodescendants are seen as the human



beings that they are, as physically and emotionally sentient as any White person reading the text.

From the first perspective, Petrona is introduced to the reader as “Black Petrona” (9), a “Black scoundrel” (10), the “greatest harlot” (11),<sup>1</sup> one whose punishment for becoming pregnant by her rapist owner is to be sent from the main house in Havana to the sugar plantation in Santa Lucía, and have her new overseer “cut her braids, put a sackcloth gown on her, and lash her fifty times” (11);<sup>2</sup> while Rosalía is introduced to the reader as “an ornament for [the owners’] home” (17),<sup>3</sup> one whose utility means for her to be taken away from her mother and sent from the sugar plantation in Santa Lucía to the main house in Havana, where her mother had lived in the past.

Petrona and Rosalía are also introduced to the reader from the second perspective: Petrona is respectful and submissive; her actions do not give the impression that she is the “scoundrel” or the “harlot” described by doña Concepción. First, when the news of her transfer are given to her, “the poor thing trembled from head to toes as a shaken pot and ran to the presence of don Antonio to beg him, on her knees and with her eyes full of tears, not to send her to the plantation, asking him at the same time, with surprise, what her crime had been for her to be separated from the main house’s service.”<sup>4</sup> With no choice but to quietly resign herself to her destiny, she leaves for the plantation “crying without solace and full of one thousand sad ideas regarding condition, and thinking, most of all, about the mill, the whip, and the overseer who was waiting for her” (11).<sup>5</sup> There, she endures the rest of her punishment, including “the fifty lashes in one session, as had been the order of her owners and overseers” (12);<sup>6</sup> and finally, once she becomes a mother, she is deprived of “those undefinable satisfactions of maternity” (17)<sup>7</sup> as Rosalía is first taken in by the overseer’s wife when the child is old enough to do chores around the house, and then by doña Concepción herself, “without it entering, not into [the latter’s] mind but into her heart, the consideration that she was committing an injustice or an act of evil in separating, by a master’s

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<sup>1</sup> “la negra Petrona”; “negra sinvergüenza”; “grandísima perra.”

<sup>2</sup> “...le cortase a Petrona los moños, le pusiese un camisón de rusia, y le diese cincuenta azotes.”

<sup>3</sup> “...un dije de adorno propio para su casa ...”

<sup>4</sup> “...la infeliz tembló de pies a cabeza como tina azogada y corrió a la presencia de don Antonio a suplicarle, puesta de rodillas y con los ojos llenos de lágrimas, que no la mandase al ingenio, preguntándole al mismo tiempo con sorpresa cuál era su delito para separarla del servicio de la casa.”

<sup>5</sup> “...llorando sin consuelo y llena de mil tristes ideas sobre su condición, y pensando sobre todo en el trapiche, en el látigo y en el mayoral que la esperaba.”

<sup>6</sup> “...los cincuenta en una sesión, según el vocabulario de amos y mayorales ...”

<sup>7</sup> “...aquellas indefinibles satisfacciones de la maternidad ...”

purely vain whim, a daughter from the side of her mother” (17).<sup>8</sup>

Like Petrona, Rosalía is also seen under a specific light through the words of the narrator: from this perspective, she is not an object, but a poor little girl who was born “on the plain floor of the shack”;<sup>9</sup> who, in spite of being “raised in filthy rags and poorly fed,”<sup>10</sup> still grew up healthy and pretty, “with black eyes and long eyelashes, full of a seductive liveliness that was never enough to cushion, while she lived, the weight of her servitude and her work” (17);<sup>11</sup> who, taken to Havana by her owners, “could not do anything but cry her separation from her mother, from whom it was impossible to say goodbye as she was working in the fields, very far away from the dwelling”;<sup>12</sup> and who feels added sadness in leaving behind “the overseer’s wife, who had raised her, and her fellow servants, with whom she had lived and suffered since she saw the light of day in that mansion of blood and death” (18)<sup>13</sup>

Adding to the contrast created by these two different perspectives on how the African and Afrodescendant slave is viewed in the text, Tanco y Bosmeniel also describes what private life is like for masters and slaves. The masters’s private life is introduced as decadent, self-indulgent. Doña Concepción and don Antonio, rich and noble, spoil their son, Fernando, who never receives “a domestic education, that moral and religious education that parents must give their children by example even more so than through words, without which little worth does have the literary education of the public institutions, no matter how recommendable they may be” (13).<sup>14</sup> Until he is sent away to study, Fernando is allowed to “be mischievous, stroll around, hit the little Black children in the house, eat and sleep whenever he fancied it,”<sup>15</sup> while “[h]is parents looked at him and adored him as an idol, making sure not to contradict in the least his will, which became that of a despot, fearful of his having some attack of epilepsy and of their las hopes become

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<sup>8</sup> “...sin que entrase, no en su pensamiento sino en su corazón, el considerar que cometía una injusticia o una maldad al separar, por puro capricho vanidoso de ama, una hija del lado de su madre.”

<sup>9</sup> “...sobre una tarima rasa en el bohío ...”

<sup>10</sup> “...se crió envuelta en andrajos asquerosos y mal alimentada ...”

<sup>11</sup> “...ojos negros y largas pestañas llenos de una viveza seductora que nunca pudo amortigua, mientras vivió, el peso de la servidumbre y los trabajos.”

<sup>12</sup> “...no pudo menos de llorar la separación de su madre, de la que le fue imposible despedirse por hallarse trabajando en el campo muy distante de la casa de vivienda.”

<sup>13</sup> “...la mayorala, que la había criado, y a sus compañeros de servidumbre, con quienes había vivido y sufrido desde que vio la luz en aquella mansión de sangre y de muerte.”

<sup>14</sup> “...no conoció educación doméstica; aquella educación moral y religiosa que deben dar los padres a los hijos con el ejemplo aun más que con las palabras y sin la cual poco vale la educación literaria de los establecimientos públicos, por más recomendables que sean.”

<sup>15</sup> “...travesear, pasear, pegarles a los negritos de la casa, comer y dormir cuando se le antojaba”

ruined” (13).<sup>16</sup> He is allowed to ride a little slave as if he were a horse, “hitting him with his heels with such strong blows to his stomach that he made him hiccup, and, many times, even cry,”<sup>17</sup> and he is also provided with the same little slave by doña Concepción “so that the fruit of her womb whipped him to his pleasure” (13).<sup>18</sup>

Once it is time to send Fernando away to study, his parents place him not in the best school, but in the one with the highest reputation for “its good food and good lodging for its boarders.”<sup>19</sup> Although the school allows him to cheat to pass his exams, Fernando asks his mother to switch him to another school—“accustomed to the comfort and pampering of his house, the confinement and restraint of the school were not at all pleasing to him.”<sup>20</sup> Of course, his mother gives in every time her son feigns illnesses and accuses his teachers of mistreating him, and this results in the boy “going through almost all [the schools] in Havana, falling behind, as a result, in the very little that he was learning, and acquiring new tricks and vices” (14).<sup>21</sup>

In spite of the opportunities afforded to him, Fernando returns home at the age of twenty-two, “barely knowing how to write, read, do some math, gabble in French, and fence,”<sup>22</sup> and a horse is bought to him, with which he parades “his not at all elegant and dashing person... mainly to call the attention of the ladies” (15).<sup>23</sup> Fernando—and all the people whom Fernando represents in this story, that is, the tawdry, mediocre social climbers of his time—embody the text’s epigraph, which is a fragment of the poem “Three Well Employed Abilities in a Young Gentleman of These Times,”<sup>24</sup> written by Tomás de Iriarte (1750-1791): “Have they set up the carriage? Well, then I am off. / I have already made three visits. Time to eat. / Bring the cards. I already played. I lost. / Set up the drag. To the country; time to run.”<sup>25</sup> / Doña Eulalia must already be waiting for me.

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<sup>16</sup> “Los padres le miraban y le adoraban como a un ídolo y se guardaban muy bien de contradecir en nada su voluntad, que se hizo la de un déspota, temerosos de que le diese algún ataque de alferecía y se malograrán sus únicas esperanzas.”

<sup>17</sup> “...le pegaba con los calcaños tan fuertes golpes en el estómago que lo hacía hipar, y aún llorar muchas veces.”

<sup>18</sup> “...para que el hijo de sus entrañas le diese latigazos a su gusto.”

<sup>19</sup> “...la buena mesa y la buena cama para los pupilos.”

<sup>20</sup> “...acostumbrado a la holgura y mimo de su casa, no le era nada gustoso el encierro y sujeción del colegio.”

<sup>21</sup> “...recorrió casi todos los que había en La Habana, atrasándose, por consiguiente, en lo poquísimo que aprendía, y adquiriendo nuevas mañas y nuevos vicios...”

<sup>22</sup> “...sabiendo apenas escribir, leer, algunas cuentas, farfullar el francés y tirar el florete...”

<sup>23</sup> “...su nada gentil ni gallarda persona... para llamar principalmente la atención de las damas.”

<sup>24</sup> The poem’s title, in Spanish: “Tres potencias bien empleadas en un caballerito de estos tiempos.”

<sup>25</sup> Instead of “time to run” (“a correr”) the epigraph in “Petrona y Rosalía” says, “time to eat”; (“a comer”), in all the versions of the text that I have found. However, the verse in the original poem is “time to run.” For corroboration, please see [Iriarte](#), p. 31; or See [Gallud Jardiel and García](#), p. 75.

/ It is one o'clock. Time to dine and retire. / And this is a rational being? They say he is" (9).<sup>26</sup>  
And should there be any doubt about the low opinion that the narrator has of this type of people, they are dispersed with the following description:

To say that it was disgusting and embarrassing hearing don Fernando speak would be to say what everyone knows about these young men like him, of whom Havana is full, very attached to their wealth and their last name, which had been that of pigmen and thugs in Spain and, between us, thanks to their acquired goods, [also] that of marquises and counts, their titles adjusted and bought in Madrid as governmental public commodities.

But where don Fernando did stand out...was in the corruption of his customs. Apart from his gambling vice, which he had learned in his own home where there frequently were dazzling gatherings of ladies and gentlemen, he also had the vice of being licentious with all sorts of women. (15)<sup>27</sup>

While the masters's private life is corrupt, self-indulgent, and immoral, the slaves's private life is humble, suffering and unjust. We saw how Petrona begs on her knees, to no avail, not to be sent to the plantation, and how she "had no choice but to be quiet and obey and resign herself to march on to the terrible plantation, where work, torture, and death awaited her" (11); and how she is lashed just to comply with doña Concepción's capricious demands. We also saw how Petrona's baby is born on the floor, how she is "raised in filthy rags and poorly fed" (17), and how Petrona has no say in who keeps her baby, first taken by the overseer's wife and then by doña Concepción, to whom she cannot even say goodbye.

Just as Las Casas divided his real-life characters into two groups at the beginning of his *A Short Account of the Destruction of the Indies*—section 2.6.2, page 124—leaving the reader with no doubt about his opinion regarding who was on the barbaric side, so does Tanco y Bosmeniel

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<sup>26</sup> "¿Han puesto la berlina? Pues me voy. / Hice ya tres visitas. A comer. / Traigan barajas. Ya jugué. Perdí. / Pongan el tiro. Al campo; y a comer. / Ya doña Eulalia esperará por mí. / Dio la una. A cenar y a recoger. / ¿Y éste es un racional? Dicen que sí."

The full poem includes several lines that are reflected in "Petrona in Rosalía." For example, "I wash myself. Have them come and shave me" [Me lavo. Que me vengán a afeitar] is seen when doña Concepción tells his son that he needs to shave, to which he replies, "I would give anything to have them shave me right here, just as I am" [daría cualquier cosa porque me afeitasen aquí mismo, así como estoy]. Another example is in the epigraph: "Bring the cards. I already played. I lost," which can be seen when Fernando tells some guests that he lost "four onzas" against Teresita, "the daughter of Colonel Rivas" [la hija del coronel Rivas] (Tanco 21).

<sup>27</sup> "Decir que daba grima y bochorno el oír hablar a don Fernando, fuera decir lo que todo el mundo sabe de estos mozos iguales a él y de que está llena La Habana, muy pagados de su riqueza y su apellido, que fue de porquerizos y patanes en España, y entre nosotros, merced a los bienes de fortuna, de marqueses y condes, ajustados y comprados los títulos en Madrid, como pública mercancía del gobierno.

Pero en lo que sí sobresalía don Fernando, porque ya era tiempo de que diese las pruebas, era en la corrupción de sus costumbres. Además del vicio de jugador, que lo aprendió en su propia casa donde había con frecuencia brillantes reuniones de señoras y caballeros, tenía el de libertino con toda clase de mujeres."

divide his characters into two such teams in “Petrona y Rosalía.” A third of the way into the text, it becomes clear to the reader that no matter how civilized the slave owners see themselves—and are seen by others—through their clothes, their education, the nature of their social events, and how high they have positioned themselves in society, it is they, and not the enslaved Africans and Afrodescendants, the ones who are barbaric. And their portrayal as barbaric continues until the very end, with a contemptible behavior made evident not only in little instances—such as when Fernando harasses Rosalía with frequency, grabbing her face and bestially telling her complimentary words or indecencies” (18);<sup>28</sup> or when Fernando lies lazily on the sofa, singing “with his out-of-tune and bland voice” (20),<sup>29</sup> or when doña Concepción says that “there is nothing more tempting than money” (21)<sup>30</sup>—but also in powerful moments.

One of these moments occurs when Fernando makes Rosalía believe that he will “try to have Petrona go to Havana” (23)<sup>31</sup> as long as she has sex with him, and when she refuses, he rapes her: “the situation in which Petrona had seen herself fourteen years earlier was the same one in which her daughter saw herself, with the same result” (24).<sup>32</sup> Another one occurs when doña Concepción realizes that Rosalía is pregnant; ordering her to undress, she discharges “on the very abdomen and on her face, horrifying and cruel lashes that made the victim cry to heaven” (26), and then, when she orders Rosalía to confess who the baby’s father is and Rosalía tells her, adding that she did try to resist, doña Concepción,

raising again the whip with greater spirit, beat her so much and so blindly furious that the slave’s entire body became bloody and full of welts. Tired of punishing her, she opened the door and ordered another slave to cut her braids until leaving her with a close-cropped head, and she took off her shoes and her tunic, leaving her just with her gown on. After this, she arranged to have her locked up in a lower room right next to the stables, and to have her fit with a wooden platform on which to sleep. (26)<sup>33</sup>

Another moment that shows the masters’s barbarism happens when doña Concepción tells

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<sup>28</sup> “...con frecuencia a cogerle la cara y a decirle bestialmente palabras de requiebro o indecencias.”

<sup>29</sup> “...con su voz desentonada y desabrida ...”

<sup>30</sup> “...no hay cosa más tentadora que el dinero ...”

<sup>31</sup> “...voy a tratar de que venga tu madre a La Habana.”

<sup>32</sup> “La situación en que se vio Petrona catorce años antes fue la misma en que se vio su hija después, y el mismo el resultado ...”

<sup>33</sup> “...volviendo a levantar el látigo con mayor brío, le dio tanto y tan ciegamente furiosa, que todo el cuerpo de la esclava estaba ensangrentado y lleno de verdugones. Cansada de castigarla, abrió la puerta y mandó a otra esclava que inmediatamente le cortase los moños hasta dejarla bien rapada, y le quitó los zapatos y el túnico, dejándola sólo con el camisón. Acto continuo dispuso que la encerrasen en un cuarto de abajo inmediato a la caballeriza, y que le pusiesen una tarima para dormir.”

her son that the woman whom he impregnated—a shameful situation, by the way, for “a young man who calls himself a gentleman, a young man of [his] class, to have children with a slave of his, with a mulatta, which is the worst insolence”—<sup>34</sup> be sent by her to die in Santa Lucía, implicitly together with the unborn child. To this, Fernando responds, “that is just what I was going to propose to you, and with that everything is solved: send her to the plantation, with no need for dad to know anything about what happened” (27),<sup>35</sup> and he says it with an apparent lack of compassion that is confirmed later when the narrator explains that Fernando “felt no compassion at all towards his victim” (33)<sup>36</sup> and had no intention of agreeing to help Rosalía, at her request.

The remaining two of these episodes—still powerful, although not as detailed as the previous ones—take place towards the end of the story. The first one happens after doña Concepción finds out that it had been her husband who had impregnated Rosalía’s mother, Petrona,. Decided to “free don Fernando from having a colored child, and she, a grandchild, an idea that made her shudder out of embarrassment” (31),<sup>37</sup> doña Concepción gives Rosalía a drug to induce a miscarriage, one that had also been given to Petrona with no effect on her pregnancy. The drug fails on Rosalía, as well, and doña Concepción sends her to the plantation. The second and last event is told in the last sentence of the story, after Petrona and Rosalía reunite at the plantation, but Petrona dies within two weeks, “covered in ulcers and misery, and already exempt from all work due to her uselessness.”<sup>38</sup> Rosalía follows her in death three months later, during childbirth, inside the same shack where she had been born. The news of the deaths are passed on to doña Concepción and her son, who pronounce the last sentence of the text, significant in its coldness and disdain: “‘Patience!’ said the two of them, ‘it’s one thousand pesos down the drain!’” (34).<sup>39</sup>

Tanco y Bosmeniel does not relent in pointing out the barbaric side of the slave owners,<sup>40</sup>

<sup>34</sup> “...que un joven que se llama un caballero, un joven de tu clase, tenga hijos con una esclava suya, con una mulata, que es lo peor de la desvergüenza.”

<sup>35</sup> “Eso mismo era lo que yo iba a proponer a su merced, y con eso quedaba todo remediado: mandarla al ingenio, sin necesidad de que papá sepa nada de lo que ha ocurrido.”

<sup>36</sup> “...él no sentía ninguna compasión para su víctima.”

<sup>37</sup> “...libertar a don Fernando de tener un hijo de color, y ella un nieto; semejante idea le hacía estremecer de bochorno.”

<sup>38</sup> “...cubierta de llagas y laceria, y ya exenta por inútil de todo trabajo ...”

<sup>39</sup> “¡Paciencia —dijeron los dos—, se han perdido mil pesos!”

<sup>40</sup> Slave owners like doña Concepción and don Antonio, but not necessarily all slave owners. As Jerome Branché points out, “both Suárez y Romero, who wrote *Francisco*, and Félix Tanco y Bosmeniel, who wrote *‘Petrona y Rosalía,’* were slaveowners” (“[Ennobling](#)” 21).

and he also does not relent in pointing out the decadence of their lifestyle, characterized as self-indulgent, unscrupulous, and uncivil, as we have seen in the previous examples. The author most vigorously emphasizes those characteristics in his description of don Antonio's wake and of his widow's findings afterwards.

The wake itself, at first sight, may not seem evidence of the author's contempt towards social climbers like Doña Petrona, her family—"there was talk that their ancestors had been latecomers who had belonged to the commoners in Spain, and not to any stately house" (9)<sup>41</sup>—and her acquaintances; at the time, it was common for wakes to be decadent. José Luis Luzón explains that "death was also an occasion for banquets, as, during the wake, the relatives of the deceased would overextend their hospitality towards those who attended to express their condolences" (28); and H. Pinot corroborates this statement: in 1844, just six years after "Petrona y Rosalía" was written, he describes Cuban wakes for the journal *El artista de la Habana*, with many similar details as those described by Tanco y Bosmeniel in his text: "In the room where those who hold the vigil are found, a table is placed abundantly furnished with pleasant delicacies and wines, and during the night people eat, drink, talk, and laugh, as the conversations are not really mournful" (qtd. in Ortiz 130).

Taking this information into consideration, Tanco y Bosmeniel's descriptions are seen as instances of *costumbrismo*: there is "a multitude of slaves of both sexes slaves that would run to see don Antonio's cadaver, letting out high-pitched screams as a show of pain and feeling, as if those miserable ones had lost a benefactor or a father" (Tanco 27);<sup>42</sup> then there is don Antonio's body lying "in a magnificent casket set up in the drawing room, surrounded by gleaming candles" (28);<sup>43</sup> and there is also a "numerous and lively" (23)<sup>44</sup> gathering of acquaintances, so much so that

anybody would have said, had they not been seeing a dead man in the room, that this was a wedding or a soirée. Insensibly, in the spacious dining room at the entrance, a sitting area was formed with ladies and gentlemen talking in a low voice about different subjects, resulting, from these gathered half voices a sort of unpleasant buzzing sound, not inaccurately compared to the one created by a million flies enticed by a dead animal's corpse. (23)<sup>45</sup>

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<sup>41</sup> "...se hablaba de sus mayores como de gente advenediza que había pertenecido al vulgo de España y no a ninguna casa solariega."

<sup>42</sup> "...multitud de esclavos de ambos sexos que corría a ver el cadáver de don Antonio, dando gritos agudos en muestra de dolor y sentimiento, como si aquellos miserables hubiesen perdido un bienhechor o un padre ..."

<sup>43</sup> "...en una magnífica tumba que se levantó en la sala, rodeada de lucientes blandones ..."

<sup>44</sup> "...numerosa y brillante ..."

<sup>45</sup> "...cualquiera diría, si no viese un hombre muerto en la sala, que se trataba de alguna boda o de un sarao."



There are the guests, finishing bottle after bottle of cider and beer; there are “cases of flirting; gossiping about doña Concepción and her late husband, not yet buried; arguments about Italian opera, arguments about the immortality of the soul” (23).<sup>46</sup> Then, dinner is served, “which was abundant and splendid and to the satisfaction of some gastronomers among the attendants” (28),<sup>47</sup> after which “many remained at the table, chatting about different affairs; others returned to the hallway, where they slept and snored until dawn, resting on benches or sofas; and others paced themselves everywhere to facilitate their digestion” (30).<sup>48</sup>

It is only by delving into the origins of those wakes that it may be suggested that Tanco y Bosmeniel did not approve of those who held them, and that the reason for his disapproval was not just classist, as Claudette Williams affirms,<sup>49</sup> but ultimately racist, despite the author’s statement that “one less face-down lashing thanks to our influence, or one less Black killed, will be for us [writers] a one-thousand-times better reward than all the literary honors in the world” (Bueno 175). For evidence to support this claim, I must turn to Fernando Ortiz Fernández—best known today for his book, *Contrapunteo cubano del tabaco y el azúcar* (1940)—and a short article that he published in 1905, which he later included in his book, *Los negros brujos* (1906). In this article, Ortiz explains that Cubans inherited their celebratory wake traditions both from Spaniards who used to celebrate the *vetlatori del albaet*, or “the wake of the little angel”—a custom inherited, in turn, from the Moors, where family friends would sing and dance with and by the body of a deceased young child<sup>50</sup>—and from Africans, with precedents in that continent being so numerous that “it would be needed to fill many pages to narrate what has been seen by explorers and

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Insensiblemente se formó un estrado, en el espacioso comedor de la entrada, de señoras y caballeros donde discurrían sobre diferentes materias en voz baja; resultando de estas medias voces reunidas una especie de zumbido desapacible, no mal comparado tal vez al que forman un millón de moscas engolos nadas en el cadáver de algún animal muerto.”

<sup>46</sup> “...hubo casos de galantería, murmuraciones de doña Concepción y su difunto marido que aún no se había enterrado; disputas sobre la ópera italiana, disputas sobre la inmortalidad del alma ...”

<sup>47</sup> “...la cual fue abundante y espléndida y a satisfacción de algunos gastrónomos que había entre los concurrentes.”

<sup>48</sup> “...muchos se quedaron charlando de sobremesa de diferentes asuntos; otros se volvieron al corredor donde durmieron y roncaron hasta el día, recostados en taburetes o en poltronas; y otros se paseaban de prisa para todas partes para hacer con más facilidad la digestión.

<sup>49</sup> Williams proposes that Tanco y Bosmeniel “seeks to avert any charge of a class-based bias,” leading the reader to think that the characters he describes “are to be identified and—as it later turns out—to be discredited on the grounds of their ancestral political affiliation to the Spanish monarchy, and not on the basis of their social lineage.” However, “despite his valiant effort to conceal it, a class-inspired antipathy towards colonial Cuba’s nouveaux riches lurks beneath the surface ... Ultimately, it is implied, the family lacks the elite social status that cannot be bought or compensated for by their material wealth” (133-4)

<sup>50</sup> For more information on these wakes, please see Pelegrín (2005), Bantulà Janot and Rico (2014), and Sulbarán Zambrano (2016), among others.

travelers, and studied by africanist writers” (131). These traditions led to the Cuban wakes such as the one described in “Petrona y Rosalía,” wakes that Emilio [Roig de Leuchsenring](#)—another traditional intellectual of the time—describes as follows: “Erotic dancing, obscene singing, music, drinks, and delicacies in abundance, all this accompanied by ridiculous ceremonies: such is what constitutes, in summary, the wakes of colored people in Cuba, and mainly of ñañigos [members of the Secret Society of Abakuá]” (48).

What interests us with respect to Félix Tanco y Bosmeniel views on these wakes is that they seem to have been frowned upon by those with “real” class. The Countess of [Merlín](#), for example, writes in 1844 that these wakes “are a particularity of middle-class customs, which must certainly not be seen as the norm, and which nothing have they to do with the aristocratic classes” (64). I have not been able to find concrete evidence of why they were frowned upon, but it is not absurd to theorize that it was because they had little to do civility, with elegance; instead, they were uncivil—loud, boorish, tasteless. Fernando [Ortiz](#)’s article hints at the possibility that this suspicion may be correct, but not only that: it also hints at the possibility that they were frowned upon because the incivility could be attributed to Africans and Afrodescendants, the same Africans and Afrodescendants that Tanco y Bosmeniel regarded as the reason why Cuba was prevented—as discussed in Chapter 1, page 47—from improving “with literature, with city halls, with civil governors, with province representatives, with assemblies, with nonsense and more nonsense” ([Ghorbal](#) 231). What Ortiz writes—himself being a traditional intellectual of his time who, as Stephan [Palmié](#) writes, well fit in his role as “scion of a Cuban-Menorcan elite family” of the early twentieth century (358), with a “self-consciously ‘positivistic’ and outright racist perspective on ‘black moral atavism’” (354)—is the following: “That the wakes were not produced in Cuba by circumstances of a local character, but rather through the primitive psychology of the Africans and their coarse religious concepts, is proven, apart from by the exposed observations, by the fact that Blacks also introduced their scandalous funerals in other American regions” ([Ortiz](#) 131), concluding the article with this observation:

Today the wake custom has almost completely disappeared in Cuba; but, among lowly Blacks and those Whites who, due to their psychological stratum, are at the level of the former, the opportunity to turn the wake into an occasion to satisfy gluttony has been preserved, even though the increasingly more intense action of the social power does not allow them to revive that custom, which, fortunately, if not completely lost at least it has been reduced to not exaggerated terms. (133)

Through the narrator's description of don Antonio's wake, Tanco y Bosmeniel conveys a notion of excess and vulgarity, which he rounds off with one-line comments that show the petty character of those present, representatives of their social niche. First, in relation to don Antonio's being overweight: "don Antonio did not treat himself poorly in his eating," says one guest, to which another replies, "Of course not, as can be seen; he had aptitude and determination, and he pampered himself like a king, the poor man; may God have forgiven him";<sup>51</sup> and second, in relation to don Antonio's being cheated on by his wife: "[The Marquis of Casanueva] must be consoling my lady, doña Concepción," replied one of the guests with a certain malicious smile," while another interrupted the conversation by saying "Charity, gentlemen, charity; the [dead] man is still lying in the room,' understanding all the malice in the conversation" (Tanco 29).<sup>52</sup>

This suggestion of doña Concepción's infidelity is soon corroborated in the text, in what becomes Tanco y Bosmeniel's last major attempt to underline the contemptible character of this family. Doña Concepción finds a letter in her dead husband's desk, a letter in which don Antonio's doctor explains to him that he had attempted to induce a miscarriage in Petrona, but that he failed. He concludes the letter wishing him well and advising him "not to get entangled with slaves in the future."<sup>53</sup> Upon reading this, doña Concepción realizes that don Antonio had been the one who had impregnated Petrona. She is "horrified at the criminal action of her son against Rosalía,"<sup>54</sup> but then "she calmed down on this issue, remembering with a certain satisfaction, not so much because of how it diminished the horror of that action but because of how it compensated for the infidelity that she had discovered in her husband, that Fernando was not the son of don Antonio, but rather of the Marquis of Casanueva" (30).<sup>55</sup> In this scene, not only does the reader learn that don Antonio had been willing to capriciously have his unborn child killed for the sake of appearances, but also that doña Concepción had had a child with someone else, fooling her husband all his life. As if this were not objectionable enough, doña Concepción then decides to

<sup>51</sup> "...don Antonio no se trataba mal en cuanto a la bucólica."

"—Por supuesto que no, ya se ve; tenía talento y gusto, y se regalaba como a cuerpo de rey, el pobre; Dios le haya perdonado."

<sup>52</sup> "—Estará consolando a mi señora doña Concepción ..." —contestó otro concurrente con cierta sonrisa maliciosa.

<sup>53</sup> "...cuente amigo con no meterse en lo sucesivo con esclavas.

<sup>54</sup> "...se horrorizó de la criminal acción de don Fernando con Rosalía ..."

<sup>55</sup> "...se tranquilizó sobre este punto, recordando con cierta satisfacción, menos por lo que disminuía el horror de aquella acción que por el desagravio de la infidelidad que había descubierto de su marido, que no era don Fernando hijo de don Antonio, sino del marqués de Casanueva."

try on Rosalía the same abortifacient remedy that don Antonio's doctor had used on Petrona. And a new lamentable image suddenly takes shape in relation to don Antonio: despite his knowing of his paternity of Petrona's baby, and despite his recognizing at one point that it was not Petrona the one to be shamed, but "the man who seduced her,"<sup>56</sup> as "it is not Black women who get together with White men, but White men who get together with Black women" (12),<sup>57</sup> he still did nothing to help her, out of fear of angering and losing both his wife and the lifestyle that she meant for him.

We have seen so far how the author separates Afrodescendent slaves and masters into two groups, with the latter of the two being heartless, gaudy, and unethical. We have also seen how the author paints the slaves from two perspectives: one is the masters's reprehensible perspective, from which slaves are nothing but assets to be disposed without consideration to their physical or emotional feelings; the other is the narrator's laudable perspective, from which slaves are emotional and sentient beings in an unjust and miserable situation. To aid in the representation of this last perspective and inspire the reader's empathy, Tanco y Bosmeniel resorts to the same tool used by the authors of the sixteenth-century narratives of advocacy that I analyzed—especially Pedro de Córdoba, Vasco de Quiroga and Bartolomé de Las Casas: sentimentalism.

As it was discussed in Chapter 2, page 64, sentimentalism is an efficacious way to reach the reader at the emotional level, not so much through objective descriptions of cruelty—which, instead of inspiring empathy, may inspire feelings that may not lead the reader to mobilize in favor of the exploited about whom he reads, feelings such as disengagement as a self-protective response, or morbid curiosity, or nothing much at all—but, much more so, through descriptions of the exploited being's reaction to that cruelty.

With respect to the first type of description, "Petrona y Rosalía" offers several examples where the reader is told about a cruel event without mention of the way in which the slave dealt with that pain. For example, when Petrona is lashed and "there is no reason to say how much she would suffer ... finding herself so far along in her pregnancy" (16),<sup>58</sup> or when the overseer's wife takes a very young Rosalía to live with her, away from Petrona, and it must be "impossible for Petrona not only to no longer have any of those undefinable satisfactions of maternity, but also

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<sup>56</sup> "...el que la sedujo ..."

<sup>57</sup> "...no son las negras las que se meten con los hombres blancos, sino los hombres blancos con las negras."

<sup>58</sup> "...no hay para qué decir lo que sufriría la esclava ... hallándose en meses tan adelantados de su embarazo."

not to hear [Rosalía] or see her in many days” (17),<sup>59</sup> the reader is given no information on how Petrona lives those situations. Also, when Fernando rapes Rosalía, with “the situation in which Petrona had seen herself fourteen years earlier [being] the same one in which her daughter saw herself, with the same result” (24),<sup>60</sup> no information is given on how Rosalía lives that rape. And when doña Concepción locks Rosalía away after punishing her with all her might, no information is given on how Rosalía lives that pain, just as when she is forced to take something to have an abortion and this fails. In these instances of cruelty, the suffering of the exploited is left to the reader’s imagination (or lack of it).

But the second type of description ensures that the suffering of the exploited is not left to the reader’s imagination, and there are many of these in this text. In these descriptions, the omniscient narrator includes both the physical and the emotional pain experienced by Petrona and Rosalía, not as objective information but with a subjective sentimentalism attached. When Petrona is told that she will go to the plantation, for example, “the poor thing trembled from head to toes as a shaken pot and ran to the presence of don Antonio to beg him, on her knees and with her eyes full of tears, not to send her to the plantation, asking him at the same time, with surprise, what her crime had been for her to be separated from the main house’s service”;<sup>61</sup> and during her trip by mule, she cries “without solace and full of one thousand sad ideas regarding condition, and thinking, most of all, about the mill, the whip, and the overseer who was waiting for her” (11).<sup>62</sup> Years later, when she finds out that she will not go with Rosalía to the main house, “she vividly felt sorrow at the stripping [of her daughter from her side], the only solace that she had in her imprisonment, on Sundays or in her brief moments of rest” (17).<sup>63</sup> And when Rosalía is taken to the main house, “she could not but cry about the separation from her mother,”<sup>64</sup> and “she was also sorry to leave behind the overseer’s wife, who had raised her, and her fellow servants,

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<sup>59</sup> “...siéndole imposible a Petrona, no ya tener ninguna de aquellas indefinibles satisfacciones de la maternidad, pero ni aún oír la ni verla en muchos días.”

<sup>60</sup> “La situación en que se vio Petrona catorce años antes fue la misma en que se vio su hija después, y el mismo el resultado ...”

<sup>61</sup> “...la infeliz tembló de pies a cabeza como tina azogada y corrió a la presencia de don Antonio a suplicarle, puesta de rodillas y con los ojos llenos de lágrimas, que no la mandase al ingenio, preguntándole al mismo tiempo con sorpresa cuál era su delito para separarla del servicio de la casa.”

<sup>62</sup> “...sin consuelo y llena de mil tristes ideas sobre su condición, y pensando sobre todo en el trapiche, en el látigo y en el mayoral que la esperaba.”

<sup>63</sup> “...sintió vivamente que le arrancasen la suya, único consuelo que tenía en aquel presidio los domingos o en los breves momentos de descanso.”

<sup>64</sup> “...no pudo menos de llorar la separación de su madre ...”

with whom she had lived and suffered since she saw the light of day in that mansion of blood and death” (18).<sup>65</sup> The narrator also describes the sadness in Rosalía when she enjoys herself at the main house, as this brings to her “the sad memory of her mother, the misfortune and the work that she was suffering; and this melancholic memory firmly oppressed her heart and her eyes would swell with tears; Rosalía wanted her mother to participate in which she, in all the candor of her innocence and ignorance, called happiness” (19).<sup>66</sup>

There are four more descriptions of the slaves’s reactions in the face of their suffering: first, when Rosalía is called by doña Concepción after the latter finds out about the pregnancy, and “the slave’s heart skipped a beat, and the trembling took over her whole body”<sup>67</sup> before her whole body ended up “bloody and full of welts” (25)<sup>68</sup> after her being lashed. Second, when Rosalía is ordered to go back to the plantation, “without all the slave’s pleas and tears, directed back and forth to both Fernando and the lady, being enough to move them towards compassion.”<sup>69</sup> Third, when Rosalía sees her mother again, bed-ridden, “covered in ulcers and misery, and already exempt from all work due to her uselessness,”<sup>70</sup> and “her eyes swell with tears, and she hugs her, and they both cry for their mutual disgrace” (33);<sup>71</sup>. And finally, when Petrona learns about Rosalía’s pregnancy, in a dialogue that not only is heartbreaking, but also shows the civility and nobility of the enslaved Africans and Afrodescendants in comparison to their masters:

‘Such perverse men!’ exclaimed Petrona. ‘Their heart is like a stone; may God forgive them. Be patient, Rosalía, and offer your work to the Lord. What I regret is that I will die soon, and that I leave you in this wretched plantation.’ This is what Petrona said, crying, hugging her daughter. ‘Don’t cry, mom,’ replied Rosalía, ‘I know how to suffer the work. Who knows, God may want me to die as I give birth.’ (34)<sup>72</sup>

<sup>65</sup> “También sentía dejar la mayoral, que la había criado, y a sus compañeros de servidumbre, con quienes había vivido y sufrido desde que vio la luz en aquella mansión de sangre y de muerte.”

<sup>66</sup> “...el triste recuerdo de su madre, las desdichas y trabajos que estaba sufriendo, y este melancólico recuerdo le oprimía fuertemente el corazón y sus ojos se llenaban de lágrimas; quisiera Rosalía que su madre participase de lo que ella, con todo el candor de la inocencia y la ignorancia, llamaba su felicidad.”

<sup>67</sup> “...el vuelco que le dio el corazón a la esclava y el temblor que se apoderó de todo su cuerpo ...”

<sup>68</sup> “...ensangrentado y lleno de verdugones ...”

<sup>69</sup> “...sin que hubiesen bastado a impedirlos todos los ruegos y lágrimas de la esclava, dirigiéndose unas veces a don Fernando y otras a la señora, para moverlos a compasión.”

<sup>70</sup> “...cubierta de llagas y laceria, y ya exenta por inútil de todo trabajo ...”

<sup>71</sup> “...sus ojos se llenaron de lágrimas y, abrazándola y llorando las dos sus mutuas desdichas ...”

<sup>72</sup> “—¡Qué hombres tan perversos! —exclamó Petrona—; si tienen el corazón como una piedra, Dios los perdone. Ten paciencia, Rosalía, y ofrécele tus trabajos al Señor. Lo que siento es que pronto me moriré y que te dejo en este condenado ingenio. Así decía Petrona, llorando y abrazada con su hija.

—No llore, mamá —le contestaba Rosalía—, que yo sé sufrir trabajos, quién sabe si Dios quiere que me muera cuando vaya a parir.”

This kind of nobility and virtuosity in slaves is the last tactic that is found in Tanco y Bosmeniel's repertoire of advocating techniques, and it is a tactic commonly used by many authors of narratives of advocacy to give worth to the exploited from the hegemonic reader's perspective of who is worthwhile: someone who deserves better because s/he is redeemable as intelligent, attractive, well mannered, and/or well educated, from a European perspective. The result of this merit-based advocacy is described by Jerome Branche:

[I]t is not the plight of the slave collective that is emphasized, but that of a romanticized and privileged individual whose story, sad though it may be, overshadows that of the masses of slaves in a way that parallels the sense of superior selfhood that he himself projects in relation to the ordinary *negros* of the plantation. ("Ennobling" 18)

We see this in Tanco y Bosmeniel's text: Petrona deserved better because she is loyal, having "served [the family] for fourteen years with the outmost formality" (Tanco 9),<sup>73</sup> and because she is noble, Christian, and generous of spirit, as seen in her dialogue with Rosalía. For her part, Rosalía deserved better because of her "black eyes and long eyelashes, full of a seductive liveliness (17),<sup>74</sup> "her graceful face, her beautiful eyes, and her beautiful body,"<sup>75</sup> and her natural innocence: "There was no flirting or frivolity in her easy and seductive movements. Rosalía ignored these arts of corruption and of the example of society. Everything in her was a work of nature" (19).<sup>76</sup>

What "Petrona and Rosalía" shows is that the representation of the enslaved African and Afrodescendant for the purposes of reaching the author is carried out from several perspectives: the moral one, through the delimitation of who is barbaric in the relation master-slave; the classist one, through the insinuation that (at least many) slave owners are classless arrivistes; the sentimentalist one, through the explicit description of the physical and emotional suffering of those exploited, a suffering that is just like the one the reader would experience were s/he in the same situation; and the meritocratic one, through the description of slaves who deserve better because of qualities that redeem them. This last perspective, the meritocratic one, helps towards the sentimentalism of the text: learning about someone's suffering may be moving, but it is even more moving when the sufferer is special. What is also observed is that the representation of

<sup>73</sup> "...hace catorce años que nos sirve esta negra con la mayor formalidad ..."

<sup>74</sup> "...ojos negros y largas pestañas llenos de una viveza seductora que nunca pudo amortiguar, mientras vivió, el peso de la servidumbre y los trabajos."

<sup>75</sup> "...su agraciado semblante, sus hermosos ojos, y su gallardo cuerpo."

<sup>76</sup> "...Ninguna coquetería ni desenvoltura en sus movimientos fáciles y seductores. Rosalía ignoraba estas artes de la corrupción y del ejemplo de la sociedad; todo en ella era obra de la naturaleza ..."



the suffering of the African and Afrodescendant slave is just as limited in details as that of the narratives analyzed in Chapter 2, and I do not think that it would be jumping to conclusions to assume that such limitation obeys the same reason: the authors set limits so as not to overwhelm the reader, causing enough empathic distress to reach him and mobilize him, but not so much for it to become “so aversive that it is transformed into a feeling of self-distress” (M. L. Hoffman 160), as seen in Chapter 1, page 28.

In the remainder of this chapter, I will look into whether any of these representations is also found in the three upcoming texts, as well as whether their authors also hold back on the description of the suffering of the African and Afrodescendant slave.

### 3.3 “LA SIBILA DE LOS ANDES” (1840)

#### 3.3.1 Summary

Written by Fermín Toro y Blanco under the pseudonym “Emiro Kastos,” our second narrative of advocacy is “La sibila de los Andes”—“The Sibyl of the Andes”—a very short story told by two people: first, the narrator, Griego, introduces the reader to Elvira at a burial site in the Andes; then, Elvira, tells her own story in the first person. Elvira, an Afrodescendant slave, grows up receiving the same education as her master’s daughter, Teresa, after the latter loses her mother as a baby and is placed in the care of Elvira’s own mother. The two girls share everything and love each other as sisters, but everything changes on Teresa’s wedding day: right after she and her groom, Henrique de Montemar, exchange their vows, Elvira cries out her own love for Henrique in front of all those present at the ceremony, fainting immediately afterwards. The reader is not told what happens afterwards; the text resumes in the present, with Griego describing how the old, white-haired Elvira sings a song lamenting her youthful outburst and asking God to end her suffering.

It is not easy to find critical essays on this story, and such scarcity may be related to the fact that this text has often been dismissed as lacking in literary value. Sometimes the dismissiveness seems to be explained: Domingo Miliani, for example, suggests that it is “undervalued for

its taking place outside the rural Venezuela,” thus “ignoring the rural character of the literary nationalism [which] established arbitrary borders even with Indigenist literature” (359); other times, the dismissiveness may be exaggerated and premature: Mariano Picón Salas, for example, dismisses all of Toro y Blanco’s literary work, describing it as “having been tempted by the pathetic and sentimental melodramatic novel that, in 1830, France exported throughout the world. As leisure in his serious political work may be considered those little novels ... that contain too much artificial intrigue and too many tears for our taste of today” (97).

In spite of this type of condescension, there are at least two scholars who have analyzed “La sibila de los Andes.” One of them is Álvaro Contreras, whose essay, “Sueños y fantasmas de la educación republicana,” looks at Elvira’s disgrace as a result of “the disagreement between her interests and actions and those of the creole society” (148). Contreras reminds us that Andrés Bello had insisted in “that the ends of education must be in accordance to the necessities and conditions of the individuals, the types of social equality, and the differences in fate and class, because the right type of knowledge provides the individual with a kind of happiness fit to his or her condition” (149). The other scholar is Nydia Jeffers, whose essay, “Sab y la sibila de los Andes: dos esclavos del amor cortesano,” looks at Elvira’s disgrace as a consequences of “interracial love [as] synonym of illegitimate love, situated outside the institution of matrimony, the foundation of a family, and the project of a nation” (348).

As I continue establishing patterns in the representation of the exploited being in narratives of advocacy, my analysis of “La sibila de los Andes” focuses on the way in which Elvira is portrayed to generate the empathy of the reader.

### 3.3.2 The African and Afrodescendant portrayal

Unlike most narratives of advocacy, “La sibila de los Andes” does not bring to the reader a tale of physical and emotional exploitation. Although the protagonist, Elvira, is a slave, her

masters were noble, wealthy, full of kindness, raising and educating [her] more as a daughter than as a vile creature destined for the most menial jobs. Hernando de Mendoza, in his vast possessions and amidst a numerous serving staff, was not the tyrant who inspired hate and terror, but rather the human a generous sir, whose presence always yielded relief, contentment, and hope” (Toro y Blanco, “La sibila de los Andes” 9).<sup>77</sup>

<sup>77</sup> “...eran nobles, ricos llenos de bondad. Me criaron y educaron más como a hija que como a una vil criatura

The element of a slave's physical and/or emotional torture—not just distress—is necessary when proposing that in the relation master-slave, it is the master who is barbaric. I set this perspective aside, then, as this is not what Toro y Blanco uses to advocate for the African and Afrodescendant slave. And I also set aside the classist perspective, the one used by Tanco y Bosmeniel in “Petrona y Rosalía” to point out the incivility of a certain sector of the slave-owning class: Elvira's owner is described as the opposite of uncivil, as it was just discussed, and far from the arriviste kind represented by doña Concepción and her family, with his being “peninsular, royalist, and wealthy landlord” (127).<sup>78</sup>

The two perspectives that I certainly could not set aside are the sentimentalist one and the meritocratic one, which Toro y Blanco combines. The author paints a picture aimed at moving the reader through a well-educated, intelligent, and beautiful Elvira being humble in the face of injustice—a humility interrupted when the slave declares her love for Henrique, but later resumed in the story. The injustice is found in the fact that even though Teresa and Elvira have been raised by the same mother (Elvira's birth mother, on top of it all, not Teresa's), and they both received the same education, and they both loved each other like sisters, Elvira is not allowed by society to occupy the same social position as Teresa. The humility and gratitude in the face of that injustice are found in Elvira's attitude: she does not question that, ultimately, her place is that of a slave, and she focuses on the positive aspects that her situation affords her:

If I ever felt the disapproval of White young women annoyed by my familiarity with Teresa, or humiliated by the superiority of mind and education that they would find in the little Negro, more often than not was I lavished with friendship and affection by her friends, participating in their confidence and in their games of youth. I had been happy and I thought myself fortunate, and a feeling of gratitude towards my masters and a deep love for Teresa constantly dominated my soul. (13)<sup>79</sup>

On the day of the wedding, however, things change: the injustice of it all seems to catch up with Elvira. Finding herself, once again, “placed in the room immediate to the main hall,”

destinada a los oficios más serviles. Hernando de Mendoza, en sus vastas posesiones y en medio de una numerosa servidumbre, no era el tirano que inspiraba odio y terror, sino el señor humano y generoso, cuya presencia derramaba siempre alivio, contento y esperanza.”

<sup>78</sup> “... peninsular, realista y rico propietario ...”

<sup>79</sup> “... Si sentí algunas veces la repulsa de jóvenes blancas a quienes chocaba mi familiaridad con Teresa o humillaba la superioridad de luces y educación que encontraban en la negrilla, más veces era agasajada con amistad y cariño por las amigas de aquélla, participando en su confianza y de sus juegos de la juventud. Yo había sido feliz y me creía afortunada; y un sentimiento de gratitud hacia mis amos y un amor entrañable a Teresa dominaban constantemente mi alma.”

separated from the guests,<sup>80</sup> she feels “a veil drawing itself from [her] eyes,”<sup>81</sup> and she suddenly sees herself just as worthy as Teresa of being loved by someone like Henrique: “I assessed my figure and I said to myself: it is narrow and majestic; I saw my foot and I said to myself: it is small and delicate; I put my hand on my bosom and I exclaimed: it is beautiful; my lip is passionate; my heart throbbed; and in my arms, I said, trembling with passion, I can give supreme happiness.”<sup>82</sup> This awakening is announced with her own scream: “Henrique, I, too, love you!” (13)<sup>83</sup> and by her ensuing fainting spell. The reader is not told what happens next; the text resumes in the present, when Elvira picks up her harp and sings to God, asking him to end her suffering. It is not clear what suffering that is, however—does she suffer because she regrets having (presumably) spent her life without Henrique? Does she suffer because, in a moment of passion, she confessed her feelings, betraying Teresa and (also presumably) losing her love and protection?

Any of these options could be the reason behind Elvira’s suffering, especially if one thinks like Mariano Picón-Salas and sees Fermín Toro’s work as overly melodramatic. But I would like to propose a deeper reason, based on the story’s title: that her suffering was caused by the visualization, at the moment of her declaring her love for Henrique, that there was no hope for her to ever be anything other than a lower-rank human being.

Through the title, the author presents Elvira as a sibyl, a woman who foretells the future. The most ancient of the sibyls lived in Greece and prophesied at holy sites, a piece of information that suddenly makes relevant both the name of the narrator to whom Elvira tells her story—Griego, which means “Greek” in Spanish—and the site where their dialogue takes place: a burial site, a holy place. The question, then, is: if Toro y Blanco presents Elvira as a sibyl of the Andes, what is Elvira prophesying? The answer seems to be clear: regardless of how well educated, or how beautiful, or how intelligent they may be, Africans and Afrodescendants—like the Elvira who represents them in this story—will not be seen by Whites in the same way as Whites see each other, no matter how kind the latter are towards them or how much curiosity and even admiration they feel towards them. In reviewing what has happened in these past one hundred and eighty

<sup>80</sup> “Colocada en la pieza inmediata al salón . . .”

<sup>81</sup> “... un velo se descorría a mis ojos.”

<sup>82</sup> “Medí mi talla y me dije: es estrecho y majestuoso; vi mi pie y me dije: es breve y delicado; puse la mano en mi seno y exclamé: es hermoso; mi labio es ardiente, mi corazón palpitaba, y en mis brazos, dije trémula de pasión, yo puedo dar felicidad suprema.”

<sup>83</sup> “¡Henrique, también yo te amo!”

years since the author wrote this text, the prophecy has not been wrong so far.

Whatever the reason for Elvira's suffering may be (and I will resume the discussion a little ahead), what matter to us in this dissertation is that Toro y Blanco makes it evident, through emotional descriptions, that her suffering is genuine. Elvira is seen by the narrator as seemingly "seized by the most pitiful feelings" (9).<sup>84</sup> She points out to Griego the lines on her face where her tears have been rolling down ever since the wedding, and she tells him: "Look at the deep lines on my face. They have not been made by the slow work of the years, nor by the penetrating chisel of pain: they were formed at that moment, and they have lasted, and they have burned like the trails formed by the lava of a volcano!" (11).<sup>85</sup> Her regret is palpable: first, she tells Griego that if one were to question the point of having regret based on the proposition that "the spirit that comes out of nothing,"<sup>86</sup> one would be wrong, as "the spirit does not perish, because regret is the voice of eternity";<sup>87</sup> then, she adds that although her reason forgives her, her conscience does not: "only my conscience condemned me, because it heard that the scream of regret was accusing me" (9);<sup>88</sup> and finally, "almost fainting from the painful sensations that tormented her" (13),<sup>89</sup> she recites her regret to God: "I do not mind running to perdition / nor that to my regret a terrifying torture / you prepare at once: torment for torment / I trade, Lord, without blaming your judgment!" (14).<sup>90</sup> Showing the exploited as just-like the reader is, as we have seen, essential to inspire the latter's empathy. By painting an Elvira who is as emotionally sentient, as intelligent, and as well-educated as the civilized reader reading the text, Toro y Blanco turns a suffering which is bad in itself, no matter who endures it, into an even more reproachable situation.

There is one more element that must be considered in "La sibila de los Andes": Elvira's finding her voice and using it to speak for herself. Although Toro y Blanco does not advocate for enslaved Africans and Afrodescendants by pointing out their agency—a strategy used by the next author, for example—he does show that when that veil is "lifted from [Elvira's] eyes" (13), she can clearly

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<sup>84</sup> "...embargada por los sentimientos más penosos ..."

<sup>85</sup> "...mirad los profundos surcos de mi faz. No han sido hechos por el lento trabajo de los años, ni por el taladro penetrante del dolor: se formaron en aquel momento, y han durado, ¡y han ardido como el cauce que forman las lavas de un volcán!"

<sup>86</sup> "...el espíritu que sale de la nada y atraviesa la región de la vida, volviera a sepultarse en la nada ..."

<sup>87</sup> "...el espíritu no perece, porque el remordimiento es la voz de la eternidad."

<sup>88</sup> "...la conciencia me condenó, porque oyó que me acusaba el grito del remordimiento ..."

<sup>89</sup> "...casi desfallecida por las dolorosas sensaciones que la atormentaban ..."

<sup>90</sup> "No me importa correr a perdimiento, / Ni que a mi culpa aterrador suplicio / Prepares ya: tormento por tormento / Cambio, Señor, sin acusar tu juicio!"

see the injustice in her not being acknowledged as a White woman would be. Perhaps, then, there is yet another possible reason for Elvira's suffering today; perhaps it is that she did not push all the way through; that she regretted having stepped out of line and she went back to her place as slave; that she did not allow her voice to continue speaking on her behalf. Perhaps, then, her prophecy as the Sibyl of the Andes is that, as long as Africans and Afrodescendants accept their situation as it is, that situation will not change.

Before moving on to the next text, however, let me address what may be perceived as a flaw in the proposition that, should Elvira had been White, she may have been able to be with Henrique. While it may be true that Elvira had no chance with him because she was Black, it is also true that she also did not have the wealth that Teresa had. The text does not give details on other White girls that may have aspired to marry Henrique, and it also does not give details on the type of marriage that this young man was seeking. These unknowns weaken the argument that Elvira was not chosen due to her race, as it is easy—and not absurd—to imagine that Teresa's wealth may have played a role in Henrique's choosing her. What would have happened had Elvira had more money than Teresa, for example? At one point, Teresa says to Elvira, "Will you not live happy by my side? Unless you want to have a partner to make you happier" (11):<sup>91</sup> what type of partner was she imagining for Elvira? An Afrodescendant slave, like her? Or a White, free man like Henrique? "La sibila de los Andes" leaves a lot of questions unanswered. Perhaps it is a way to make the reader come up with his or her own questions (and answers), but perhaps it is an indication that, as discussed in this dissertation's introduction, page 17, this was indeed the fragment of a novel that was never published.

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<sup>91</sup> "¿No vivirás contenta a mi lado? A menos que quieras tener un compañero que te haga mas dichosa."

### 3.4 AS VÍCTIMAS-ALGOZES: QUADROS DE ESCRAVIDÃO (1869)

#### 3.4.1 Summary

The third text analyzed in this chapter, *As vítimas-algozes: quadros da escravidão*<sup>92</sup>—*The Victimizing Victims: Scenes of Slavery*, also translated as *The Victims-Executioners* and *The Executioner-Victims*—is a set of three separate novellas, presented in two volumes. The first two novellas are in Volume One, and the third one in Volume Two. Because of the length of these stories and the similarity among them, I will only analyze the first two stories, “Simeão — O creoulo” and “Pae Rayol — O feiticeiro.”

In the first story, Simeão, an Afrodescendant slave raised as a son by his master’s family, becomes aware of his condition of slave and wishes to be rich and free, for which he plots to have the family robbed and killed. He succeeds, but is later caught and hanged. In the second story, pae Rayol, who has just been sold as a slave, allies himself to another slave, Esmeria, to overcome their master, Paulo Borges, and his family. Esmeria seduces Paulo and poisons his wife, Teresa, and two of their three children, Luís and Inês, while the youngest of the children, a newborn baby, dies of hunger. For his part, pae Rayol poisons all the cattle and burns the sugar plantation. Esmeria ends up going to jail after being denounced to Paulo Borges by another slave, Lourença, and pae Rayol dies in a fight with another slave, Tio Alberto, to whom his master grants freedom afterwards. In the third story, the one I will leave aside, Lucinda, a slave at Florencio Da Silva’s house, is blamed for the wanton behavior of her master’s daughter, Cândida, after the girl is seduced by Dermany, a Frenchman who is also, secretly, having a relationship with Lucinda and who also turns out to be a criminal who has escaped France. Dermany is caught and deported to France; Cândida’s honor is saved by a member of her class, Frederico, who promises to marry her in spite of her having lost her virginity; and Lucinda is placed in the care of the government due to her association with Dermany.<sup>93</sup>

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<sup>92</sup> The current spelling of the word “victims” in Portuguese is “vítimas.” I have kept the original spelling in this dissertation for the sake of consistency, as I have also not updated the spelling of any word in the analyzed texts, neither in Spanish nor in Portuguese.

<sup>93</sup> *As vítimas-algozes* was criticized at the time of its publication due to its explicit content. Under the synonym Dr. *Pancrácio*, one of the intellectuals of the time, Joaquim da Silva Mello Guimarães (“Joaquim” 148), comments in 1870 that “[c]ertain descriptions are too realistic, and there are truly repugnant scenes. This takes the realist school too far. What is narrated in chapter LII, in the second volume, is beyond disgusting, ignobly far-fetched by nature.



The representation of enslaved African and Afrodescendant in these stories is very different from that of the narratives of advocacy analyzed so far. Here, the exploited are not presented as worthy of respect because they are victims who are kinder than expected, or more intelligent than expected, or more obedient than expected, or more beautiful than expected; instead, they are presented as victims who become victimizers. This representation may lead the reader to presume that Macedo's text is far from being abolitionist, that African slaves are murdering, out-of-control creatures that deserve to be enslaved; however, any doubt on the abolitionist character of Macedo's text, or on his own intentions in relation to it, is dispersed upon reading the three-part preface, titled "To Our Readers" ("Aos nossos leitores"). In it, the author urges his readers to accept the imminence of abolition, especially now that it has taken place in the United States and only Brazil, Cuba, and Puerto Rico are left as slavery strongholds: "Let no one be misled; let no one allow himself to be misled. There is no combination of interests, there is no political party, there is no government, no matter how strong it may be presumed, that can prevent the turbulent event" (viii).<sup>94</sup> Macedo explains that his objective is to make his readers reflect on

facts that they have observed, truths that do not need more testimony, forcing [them] to face, to measure, to probe in all its depth an enormous evil that spoils, infects, degrades, distorts, and corrupts our society, to which our society still clutches the same way in which a disgraced woman who, taking the habit of prostitution, abandons herself to it with indecent madness. (6)<sup>95</sup>

With respect to Macedo's reasons behind his antislavery stance, Jerome Branche writes that

Macedo believed that abolition was necessary not to bring freedom to slavery's overexploited victims, but more as a means of forestalling the moral decay of white Brazilian families that was supposedly brought on by the proximity of blacks. 'Forget Bug-Jargal, Toussaint-Louverture, and Pai-Simão,' he warned in his prologue to the three cautionary tales in *As vítimas-algozes*, 'the slave that we are going to reveal to your eyes is the slave in our homes and on our plantations, a man who was born human, but whom slavery turned into a beast and a pestilence ... If you ponder these stories well, then you must banish slavery so that they might not be repeated.' (*Colonialism* 157)

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[...] This book may be enjoyed by adult men, but it is overly immoral to enter the domestic realm. It will serve the abolition cause, but it powerfully aids in the perversion of customs" (*Pancrácio* 14-5).

<sup>94</sup> "Ninguém se illuda, ninguém se deixe illudir. Não ha combinação de interesses, não ha partido politico, não ha governo por mais forte que se presuma, que possa impedir o proceloso acontecimento."

<sup>95</sup> "...factos que tendes observado, verdades que não precisam mais de demonstração, obrigando-vos deste modo á encarar de face, á medir, á sondar em toda sua profundez um mal enorme que afeia, infecciona, avilta, deturpa e corroe á nossa sociedade, e á que nossa sociedade ainda se apêga semelhante a desgraçada mulher que, tomando o habito da prostituição, á ella se abandona com indecente desvario."

While I do agree that the text focuses on painting a picture of a slave turned into “a beast and a pestilence,” I am not so sure that it was necessarily Macedo’s personal belief that abolition needed to take place more for the sake of masters than for the sake of slaves—at least it is not a personal belief that can be deduced from this text. Let me explain my reasoning behind this doubt.

Macedo’s readers had a great interest in keeping slavery alive because they were slave owners. These readers now seemed to be using national sovereignty as their last excuse to hold on to slavery: whatever other countries decide to do with their slaves, they had no say on what Brazil decided to do with them. In spite of their economic interests, however, the social position of these readers afforded them access to an education that taught them what civilized and civil meant at the time, and Macedo appealed to that level of education and of capacity to reason: “Brazil alone, isolated, branded before the world with the ignominious seal of slavery, would be the scorned and the damned of the world, and it would expose itself to the disgrace of coercion by force. Patriotism rises upon the mere picturing of this insult to [our] national sovereignty by foreign arrogance, but reason understands the possibility and probability of such outrage” (Macedo ix).<sup>96</sup>

But while Macedo does call upon the readers’s sense of “civility” (xiii)<sup>97</sup> by describing what slavery has done to society,<sup>98</sup> he ends up choosing to advocate for enslaved Africans and Afrodescendants through an uncommon approach, one that he contrasts with the approach most commonly taken by narratives of advocacy in general. He writes:

Following two opposite paths, one arrives at the point we have in mind: the deep condemnation that slavery must inspire. One of these paths extends through the slave’s saddest miseries and incalculable suffering, through that life of unending grief, of desert without oasis, of perpetual hell in the black world of slavery. It is the image of the wrong that the master, even without

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<sup>96</sup> “O Brasil só, isolado, marcado com o selo ignominioso da escravidão diante do mundo, seria o escarneo e o maldito do mundo, e se exporia ao opprobrio da coacção pela força. O patriotismo se revolta ao simples imaginar do insulto á soberania nacional pela prepotencia estrangeira: mas a razão comprehende a possibilidade e a probabilidade do ultrage.”

<sup>97</sup> “Civilismo” in the text; “civismo” in current Portuguese.

<sup>98</sup> Macedo refers to slavery as a “social cancer, an inveterate abuse that entered our customs, a poisonous tree planted in Brazil by the first colonizers, a source of moral corruption, of vice and crimes; and, nevertheless, also an instrument of agricultural wealth, a well of farm work, a reliance for innumerable interests, an immense capital that represents the fortune of thousands of proprietaries, which is why, as it is abolished, slavery’s last monstrous thrusts will make for a most cruel farewell” (Macedo xi). [“...é cancro social, abuso inveterado que entrou em nossos costumes, arvore venenosa plantada no Brasil pelos primeiros colonisadros, fonte de desmoralisação, de vícios e de crimes, é também ainda assim instrumento de riqueza agricola, manancial de trabalho dos campos, dependencia de innumeraveis interesses, immenso capital que representa a fortuna de milhares de proprietarios, e portanto a escravidão para ser abolida fará em seus ultimos arrancos de mostro cruelissima despedida.”]

meaning it, does to the slave.

The other shows at its sides the ignoble vices, the perversion, the hate, the ferocious instincts of the slave, natural and resentful enemy of his master; the stench, let us call it this, the moral syphilis of slavery infecting the house, the plantation, the masters's families, and his own concentrated anger, but always in latent conspiracy, threatening against the fortune, the life, and the honor of his unaware oppressors. It is the image of the wrong that the slave does to his master, on purpose or, at times, involuntarily and thoughtlessly.

We prefer this second path: it is the one that best fits our effort. (xiv-xv)<sup>99</sup>

Macedo gives enslaved Africans and Afrodescendants the agency that Fermín Toro y Blanco gives Elvira in “La sibila de los Andes” at the moment when she shouts her love for Henrique, except that while Toro y Blanco immediately takes that agency away from his character—having her pass out and live a life of regret from then on—Macedo allows his characters to keep it. Out of context, the agency that the slaves have in these stories, an agency that makes them decide to commit horrible acts against their masters, would make it difficult for the reader to empathize with them. But Macedo does provide a context, one that continuously brings up—also with doses of sentimentalism, as it will be shown—the suffering experienced by slaves in the hands of their masters.

I would suggest, then, the possibility that Macedo's strategy of advocacy is one of calculated manipulation, where what he writes is not what he necessarily believes but rather what he knows will pander to the readers's racism towards enslaved Africans and Afrodescendants as he uses that racism to his advantage. In other words, by indulging the readers in their belief that they are superior to Africans and Afrodescendants, and by presenting the case that only with the elimination of slavery will they, as Branche writes, “[forestall] the moral decay of white Brazilian families that was supposedly brought on by the proximity of blacks” (*Colonialism* 157), Macedo provides his readers with what they may see as the only valid reason for their foregoing slavery: that it is actually and directly harmful to themselves and their families. Macedo's chosen path—

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<sup>99</sup> “Seguindo dous caminhos oppostos, chega-se ao ponto que temos filado, á reprovação profunda que deve inspirar a escravidão. Um desses caminhos se estende por entre as miserias tristissimas, e os incalculáveis soffrimentos do escravo, por essa vida de amarguras sem termo, de arido deserto sem um oasis, de inferno perpetuo no mundo negro da escravidão. É o quadro do mal que o senhor, ainda sem querer, faz ao escravo.

O outro mostra a seus lados os vicios ignobeis, a perversão, os odios, os ferozes instinctos do escravo, inimigo natural e rancoroso do seu senhor, os miasmas, deixem-nos dizer assim, a syphilis moral da escravidão infeccionando a casa, a fazenda, a familia dos senhores, e a sua raiva concentrada, mas sempre em conspiração latente attentando contra a fortuna, a vida e a honra dos seus inconscios oppressores. É o quadro do mal que o escravo faz de assentado proposito ou ás vezes involuntaria e irreflectidamente ao senhor.

Preferimos este segundo caminho : é o que mais convém ao nosso empenho.”

“the path that best fits [his] effort” (Macedo xv)—is one often taken by authors of narratives of advocacy, especially today, when addressing a reader whose economic interests take priority above all else, including any sense of civility and any feeling of empathy towards the suffering of the Other.

### 3.4.2 The Afrodescendant portrayal

**3.4.2.1 “Simeão — O crioulo”** Macedo’s strategy of advocacy follows a pattern: first, he concedes to his readers what he knows they hold true: that enslaved Africans and Afrodescendants have vile characteristics; then, he trumps their truth with his own: that those vile characteristics are not the Africans’s and Afrodescendants’s fault, but rather they are rather the symptom of something even more vile, slavery, which every day feeds in them hate, resentment, anger, suffering, terror. This pattern is repeated intermittently throughout each story in this book.

In the first story, “Simeão — O crioulo,” this strategy is noticed within the first few pages. The story begins with the description of a particular kind of tavern (*venda*, in Portuguese), normally found close to plantations like “a parasite that attaches itself to a tree” (3)<sup>100</sup> and comes to life at night when slaves gather there. These slaves are described as morally contemptible: “they get drunk [and] beat each other, becoming very incapable of working the following morning, mixing laughter and blows with the most indecent conversation on the character and the life of their masters, whose reputation is ravaged to the sound of savage guffaws” (6).<sup>101</sup> And they are thieves, as well—the *venda*’s owner buys for little money “the liqueur bottles, the cigars, and, for pitiful cents, also the coffee and the cereal that [they] steal from their masters” (5).<sup>102</sup> Once the image is painted of a reprehensible African and Afrodescendant slave, the reminder is brought forth: yes, they are all that, but they are all that because of slavery, “inspired by the hate, the horror, the suffering which are integral to slavery ... [The slaves] feed the rage that all of them have towards the slave-drivers by telling mournful stories of exaggerated punishments and of

<sup>100</sup> “...a parasita que se apêga à arvore ...”

<sup>101</sup> “...embebedam-se, espancam-se, tornando-se muitos incapazes de trabalhar na manhã seguinte; misturam as rixas e as pancadas com a conversação mais indecente sob o caráter e a vida de seus senhores, cuja reputação é ultrajada ao som de gargalhadas selvagens ...”

<sup>102</sup> “...a garrafas de aguardente, a rolos de fumo, e a chorados vinténs o café, o açúcar e os cereais que os escravos furtam aos senhores ...”

most cruel vengeance, an idea to which they have become accustomed” (6).<sup>103</sup> It is because of slavery that Africans and Afrodescendants are uneducated, that they are holders of “a stupid and unlimited gullibility”<sup>104</sup> that drives them to listen to witch doctors; and it is also because of slavery that they are surrounded by “inebriation, by disorder, by the image of abjection and shamelessness already natural in the words, the actions, the pleasures of the slaves,”<sup>105</sup> which they do not set aside even on Sundays and holy days, when “the *venda* multiplies by one hundred its shameful glories” (7).<sup>106</sup> It is only upon eliminating slavery that the vile characteristics of enslaved Africans and Afrodescendants can also be eliminated.

The *venda* itself is justified in the same way as the slaves are: yes, it is true that it encourages vices, festers resentments, and provides runaway slaves with food and even gunpowder, but it is also true that it also allows the African and Afrodescendant slave “to forget for a moment or for hours the miseries and the unfathomable torments of slavery” (9);<sup>107</sup> without it, “suicide among slaves would be frightening in its proportions” (10).<sup>108</sup> And it is true that it “steals, morally degrades, corrupts, slanders, and sometimes kills” (10),<sup>109</sup> but it is also true that it would not exist without slavery, “which gestated, raised, [and] sustains it” (11).<sup>110</sup> Only by eliminating slavery can the *venda* be eliminated.

It is at a *venda* where Macedo first places Simeão, the protagonist in “Simeão — O crioulo.” Simeão is an Afrodescendant slave born in Brazil (hence the “crioulo” in the title: born in Brazil) who was adopted by his masters—Domingos Caetano and Angelica—when his mother died. “[T]o a certain point, he is accepted, helped, protected, and cherished by the free family, by the love of his masters” (18),<sup>111</sup> a situation that has afforded him benefits that other slaves do not enjoy. His physical characteristics, for example, “have not yet been spoiled by the rigorous services

<sup>103</sup> “... inspirados pelo odio, pelo horror, pelos soffrimentos inseparaveis da escravidão ... atijam a raiva que todos elles tem dos feitores, contando historias lugubres de castigos exaggerados e de cruelissimas vinganças, á cuja idéa se habituam ...”

<sup>104</sup> “... credulidade estúpida e illimitada ...”

<sup>105</sup> “... a embriaguez, com a desordem, com o quadro da abjeção e do desavergonhamento já natural nas palavras, nas ações, nos gozos do escravo.”

<sup>106</sup> “... a venda tem centuplicadas as suas glorias nefandas ...”

<sup>107</sup> “... esquecer por momentos ou horas as misérias e os tormentos insondaveis da escravidão ...”

<sup>108</sup> “... os suicidios dos escravos espantariam pelas suas proporções.”

<sup>109</sup> “... rouba, desmoralisa, corrompe, calumnia e ás vezes mata ...”

<sup>110</sup> “... que a gerou, criou, sustenta ...”

<sup>111</sup> “... até certo ponto, pois, aceito, apadrinhado, protegido e acariciado pela familia livre pelo amor dos senhores.”

of slavery”<sup>112</sup>—he neither has “callous hands nor the stretched feet of the Black worker with a hoe” (17)<sup>113</sup>—and his way of carrying himself has “a spread only similar to that of a free man ... with combed hair, dressed with elegance and a certain flirtatiousness, fit with shoes, speaking with the bad habits in language typical in the country, but without the common coarseness of the people in his condition” (17-8).<sup>114</sup>

Simeão’s adoptive parents are often warned that it is in the nature of the African and Afro-descendant not to be trustworthy: “More than once relatives and friends of Domingos Caetano and Angelica would say to one or the other, pointing at Simeão, ‘You are raising an enemy: the black [race] does not fail.’ And Domingos would respond, ‘The poor thing! He is so good!’ And Angelica would say, smiling, ‘It is impossible that he would be ungrateful towards us’” (21).<sup>115</sup> The narrator takes issue with the warning, so much so that pauses the narration to carry out a “brief reflection on the passage” (21). In this reflection, he writes about the mistake of associating race and not slavery with the negative characteristics of enslaved Africans and Afrodescendants:

It would be absurd to pretend that the sometimes profoundly perverse ingratitude from the creoles who are lovingly raised by their masters is innate in them, or that it is a natural condition of those of their race. The source of evil that is darker than the color of those wretched ones is slavery, the awareness of that violently and barbarically imposed state, a mournful state, repulsive, an ignoble condition, mother of hate, pustule holder of rage, marsh of the most crude vices that degenerate, infect, and turn perverse the heart of the victim, the heart of the slave. (22)<sup>116</sup>

The narrator explains why a Brazil-born slave raised by his masters turns against them: he suddenly recognizes himself as a slave, as “a thing, an animal that is sold like a house, like an ox and like a beast ... having life and not living for himself, desiring without hope, not even having to himself the plain right to the most sacred types of love: that of son, of husband, and of

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<sup>112</sup> “... não tinham sido ainda afeiados pelos serviços rigorosos da escravidão ...”

<sup>113</sup> “... as mãos callejadas, nem os pés esparramados do negro trabalhador de enxada ...”

<sup>114</sup> “... a expansão que só parece propria do homem livre ... de cabellos peuteados, vestido com asseio e certa faceirice, calçado, fallando com os vicios de linguagem triviaes no campo, mas sem a bruteza comum na gente da sua condição ...”

<sup>115</sup> “Mais de uma vez parentes e amigos de Domingos Caetano e Angelica disseram á um ou outro, mostrando Simeão: ‘Estão creando um inimigo : a negra não falha.’ E Domingos respondia: ‘Coitado! Elle é tão bom!’ E Angelica dizia sorrindo-se: ‘É impossivel que nos seja ingrato.’”

<sup>116</sup> “Fòra absurdo pretender que a ingratidão ás vezes até profundamente perversa dos creoulos amorosamente criados por seus senhores é nelles innata ou condição natural da sua raça : a fonte do mal que é mais negra do que a côr desses infelizes, é a escravidão, a consciencia desse estado violenta e barbaramente imposto, estado lugubre, revoltante, condição ignobil, mãe do odio, pustula encerradora de raiva, pantanal dos vicios mais tropes que degeneram, inficcionam, e tornam perverso o coração do victima, o coração de escravo.”

father” (23).<sup>117</sup> This recognition leads him to a hate that trumps any gratitude and kindness, and this is what happens to Simeão: the other slaves, envious and resentful, eventually make him see that he is a slave just like them, and they teach him “to spy on the lady, to lie to her, to be disloyal to her, listening to her conversations with her husband and repeating them in the kitchen” (28).<sup>118</sup> They also teach him, through their example, how to speak vulgarly, how to steal and get drunk, and how to hate his masters. Unwittingly, the masters contribute to Simeão’s change: much like doña Concepción and don Antonio had done with their son, Fernando, in “Petrona y Rosalía,” Domingos Caetano and Angelica allow Simeão to live a life of “almost complete indolence, tolerating his abuses ... threatening without carrying through the threat ... loving him as an adopted son and keeping him slave” (29),<sup>119</sup> and making him assume that with their death he would not only be free but, also, rich.

Caught between being a slave who does not belong among the slaves and an adopted son who does not belong among his family, unable to participate “in banquets, festive gatherings, and the diversions of the free society, seeing them from afar, envying them, wanting to imitate them,”<sup>120</sup> Simeão begins spending his time at the *venda*, and he becomes what the narrator calls “the perfect slave,”<sup>121</sup> “becoming an active participant in shady gambling, in ignoble drunkenness, and in the coarsest lust.” (30).<sup>122</sup> Realizing that he is stealing from them, Domingos Caetano and Angelica punish Simeão and the boy’s hate increases, a hate that “was already incubated in the slave’s soul; all that was missing to develop it was the stronger heat of the action of complete dominance that dehumanizes the man subjected to it” (32).<sup>123</sup> Simeão’s hate peaks when Domingos Caetano lashes him for the first time after learning that not only has he stolen again, but that he he has also insulted his daughter, Florinda. And here Macedo applies his strategy of advocacy again: it

<sup>117</sup> “...cousa, animal, que se vende, como a casa, como o boi e como a besta ...tendo vida e não vivendo par si, desejando sem esperanças, não possuindo de seu nem o pleno direito dos tres amores mais santos: o de filho, o de esposo, e o de pai ...”

<sup>118</sup> “...espíar a senhora, a mentirl-lhe, a traiçoa-la, ouvinfo-lhe as conversas com o senhor para conta-las na cosinha ...”

<sup>119</sup> “...quasi completa ociosidade, tolerando seus abusos ...ameaçando sem realizar jamais a ameaça ...amando-o como filho adoptivo, e conservando-o escravo ...”

<sup>120</sup> “...nos banquetes, nas reuniões festivas, nos divertimentos da sociedad livre, vendo-os de longe, invejando-os, querendo arremeda-los.”

<sup>121</sup> “...perfeito escravo.”

<sup>122</sup> “...se fez socio activo do jogo aladroadado, da embriaguez ignobil e da luxuria mais torpe.”

<sup>123</sup> “...já estava incubado na alma do escravo; só faltava para desenvolve-lo o calor mais forte da acção do dominio absoluto que deshumanisa o homem á elle sujeito.”



is true that now “Simeão hates his masters, to whom he owe[s] the zealous care of his childhood, their friendship and protection”;<sup>124</sup> but it is also true that “where there are slaves, there cannot but be a lash. Where there is a lash, there cannot but be hate. Where there is hate, it is easy for vengeance and crime to exist ... The Black slave is like that. If you do not want this, bring slavery to an end” (36).<sup>125</sup>

Simeão’s newfound hate negatively affects his behavior when Domingos Caetano falls ill, agonizes during four nights, and then recovers, and Machado applies his strategy of advocacy in each one of these stages. First, when Domingos falls ill, Simeão is portrayed as uncaring towards his master’s life: he is supposed to immediately fetch a doctor, but instead he goes to the *venda*. Although it is true that at a time like this the “noble enemy becomes sensitive and forgets, before the open grave, the offenses that he received in the hands of he who is dying,”<sup>126</sup> it is also true that slavery annihilates “every sentiment instinctively merciful and fraternal” (41).<sup>127</sup> Then, when Domingos agonizes, Simeão is depicted as intelligent and manipulative: he sees the impending death as his chance not only to be free but also to be rich, so he stays by his master’s side—“it was better for him to pretend to be sorry and sad, and not leave the house, not even for a moment” (45)<sup>128</sup>—and he goes over his plan: to “take advantage of the disarray, the convulsions of the family at the terrible hour of death to steal as much as he could” (46).<sup>129</sup> And yes, it is true that Simeão is “more ungrateful and perverse than ever” (48),<sup>130</sup> but it is also true that “the slave is necessarily bad and the enemy of his master. Slavery, the mother-beast, raises him to be wicked, and surrounds [the readers, the masters] by enemies” (49).<sup>131</sup> Finally, when Domingos recovers, Simeão is depicted as irrational: his new friend from the *venda*, Barbudo, points out to Simeão how much his masters do care about him—“Notice that they truly appreciate you!” (72)<sup>132</sup>—and

<sup>124</sup> “Simeão odiava pois seus senhores, á quem devia os cuidados zelosos de sua infancia, amizade e protecção ...”

<sup>125</sup> “Onde ha escravos é força que haja açoite. Onde ha açoite é força que haja odio. Onde ha odio é facil haver vingança e crimes ... O negro escravo é assim. Se o não quereis assim, acabai com a escravidão.”

<sup>126</sup> “...inimigo nobre se sensibilisa, e esquece diante da seputura aberta as offensas que recebeu do que está morrendo ...”

<sup>127</sup> “...todos os sentimentos instinctivamente piedosos e fraternaes ...”

<sup>128</sup> “...convinha-lhe fingir-se compungido e triste, e não affastar um só momento da casa.”

<sup>129</sup> “...aproveitar a desordem, e as convulsões da familia na hora terrivel do passamento para roubar quanto podesse.”

<sup>130</sup> “...Simeão era mais do que nunca ingrato e perverso.”

<sup>131</sup> “O escravo é necessariamente máo e inimigo de seu senhor. A madre-féra escravidão faz perversos, e vos cerca de inimigos.”

<sup>132</sup> “...olha que devéras elles te estimão!”

that as a free man he would not be able to live the “great life” (75)<sup>133</sup> he lives now, especially since he has not been taught any trade with which to make a living for himself. Yet, while it is true that trading a life of protection and wellbeing for a life of uncertainty and vice seems irrational, it is also true that, as Simeão states, “freedom is freedom ... I am a slave; this word, when it sounds, pierces my ears as if it were a poisoned stake” (73).<sup>134</sup>

Because Domingos Caetano knows that he is dying, he wants to set his affairs in order, including choosing a good husband for his daughter, Florinda: Hermano de Salles, the son of another slave holder, João de Salles. Macedo has Simeão hate Hermano in this story, and explaining the reason for that hate provides him with the opportunity to explore another negative aspect in the life of the African and Afrodescendant slave: the way he or she behaves in a romantic relationship. Macedo writes that when Simeão falls in love with one of the slave maids in João de Salles’s plantation and sneaks into the house every night to visit her, he does so “only as an animal whose instinct drives him to seek his equal” (84).<sup>135</sup> But, again, he defends the lewdness: while it is true that slaves do act on their carnal desire, it is also true that he could not know any better:

Without the aid of the poetry of sentiments that feeds the heart and carries one to regions of dreams that bathe in the hope of saintly and soft ties, slaves only let themselves get carried away by animal instinct ... The maid slave does not have the education of the damsel: all is animal nature in her. The male slave does not believe in the purity of the damsel, nor in the fidelity of the most noble wife; he only admits that it is the lack of opportunity or occasion to be bad what keeps the families’s honor ... He judges according to the ideas of and the life in slavery. (82).<sup>136</sup>

One of those nights, Hermano catches Simeão with the maid, and Simeão hates him ever since: he sees in Hermano “a man who was better, stronger, much superior to him: better, because he was free; stronger, because he could and was able to subjugate him; much superior, because he had beat him, caught him, and sent him, arrested, to his masters’s house” (86).<sup>137</sup>

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<sup>133</sup> “...um vidão!”

<sup>134</sup> “...a liberdade sempre é a liberdade ...sou escravo; este nome quando soa, fura-me os ouvidos, como se fosse um estoque envenenado ...”

<sup>135</sup> “...sômente como animal que o instinto arrasta em procura da sua igual ...”

<sup>136</sup> “...sem o socorro da poesia dos sentimentos que alimenta o coração e o transporta às regiões dos sonhos que se banhão nas esperanças de santos e suaves laços, os escravos só se deixão arrebatados pelo instinto animal ... A mucama não tem a educação da senhora moça: a natureza animal é tudo nella. O escravo não crê na pureza da donzella, nem a fidelidade da esposa mais nobre; admite sômente que a falta de oportunidade ou de ocasião, para ser má, seja o que mantém a honra das famílias ... elle julga conforme as idéas e a vida da escravidão.”

<sup>137</sup> “...um homem que era melhor, masi forte, e muito superior a elle: melhor, porque era livre; mais forte, porque podera e podia subjuga-lo; muito superior porque o tinha esbofetado, prendido e mandado conduzir preso á casa de seo senhor ...”

In stark contrast with the impure love between Simeão and the maid, the love between Hernando and Florinda is platonic, timid, romantic: “The love between Hernando and Florinda nurtured itself with the smell of the flowers and the song of the birds ... Hernando and Florinda had loved each other for two years, they knew how to be loved, they belonged with each other, and in two years they had not failed each other once. It was a most pure love” (94).<sup>138</sup> Also, when the time comes, they are able to marry and dream about their future together, neither of which slaves can do. At Hernando’s and Florinda’s wedding, the slaves wonder whether Hernando will be a good master, and the narrator anticipates the answer: “‘Whether using more or less whip, he will always be an enslaver,’ Which could be translated as this: ‘Always slavery, always hate’” (101).<sup>139</sup>

Simeão’s hate, envy, and resentment continue consuming him. He is angry about everything: about still being a slave because Domingos has not yet died; about not being the type of man with whom someone like Florinda, “beautiful, enchanting, innocently voluptuous” (104),<sup>140</sup> would want to be; and about having a new master who also happens to be the first person who ever punished him, a master whom Simeão hates so much that he would rather “be sold to another master” (107).<sup>141</sup> While drowning his anger at the *venda*, Simeão is told that Domingos died. And while it is true that there was “not even one gesture of sorrow, or one tear for the good sir, for the father he lost,”<sup>142</sup> it is also true that “slavery wears out, hardens, petrifies, kills the heart of the slave” (109).<sup>143</sup>

At the house, Simeão does not have the opportunity to carry out his planned robbery. He also finds out that Domingos’s testament does not free him; instead, he is left as a slave to Angelica, to be freed only after her death. He is perplexed as he sees “his hope of freedom shattered against the iron of slavery” (117),<sup>144</sup> and he breaks down. Addressing the late Domingos, he exclaims, “Demon who are in Hell, wait for me!”<sup>145</sup> and he starts laughing, with “the laughter of the wicked

<sup>138</sup> “O amor de Hernando e Florinda alimentava-se pois com aromas das flores, e com o canto das aves ... Hernando e Florinda amavam-se pois havia dous annos, sabião ser amados, correspondião-se e em dous annos não se tinham fallado uma só vez. Era um amor purissimo.”

<sup>139</sup> “‘Mais ou menos chicote, será sempre captiveiro,’ O que se podia traduzir assim: ‘Sempre escravidão, sempre odio.’”

<sup>140</sup> “... bella, encantadora, innocentemente voluptuosa ...”

<sup>141</sup> “... ser vendido a outro senhor.”

<sup>142</sup> “Nem um movimento de piedade, nem uma lagrima pelo bom senhor, pelo pae que perdèra”

<sup>143</sup> “A escravidão gasta, calleja, petrifica, mata o coração do homem escravo.”

<sup>144</sup> “A sua esperança de liberdade despedaçara-se contra os ferros de escravidão.”

<sup>145</sup> “Demonio que estás no inferno, espera-me!”

who finds pleasure in dreams of atrocities” (118).<sup>146</sup> At this point, before the reader finds out what Simeão’s plans are, Macedo takes a second break in the narration to analyze what has happened. He blames Domingos for whatever will happen, and his position is summed up in the following paragraph:

Simeão, the warm Brazil-born slave, lost, spoiled by the affectionate deferences and weaknesses of the masters of the house, perverted by the debauchery of the *venda* and by the poison of the scoundrels, ungrateful due to his condition as slave, without education and without the habit of work, counting on freedom and not having obtained it, was a pervert crazily armed against his masters by the same hands of his masters. (120)<sup>147</sup>

As the reader finds out that Angelica plans to grant Simeão his freedom tomorrow, on his twenty-first birthday, as a surprise, s/he also finds out that Simeão does not even remember that it will be his birthday, “which only is festive to the free man, who smiles at life because he is free.”<sup>148</sup> All he thinks about, instead, is “a horrible crime, inspired by the demon of the fatal, depraving condition” (130),<sup>149</sup> a clever crime that goes wrong and leaves all the main characters dead, including Simeão himself. Macedo concludes the story with one final commentary addressing his readers: “Does this Simeão horrify you? Well, I swear to you that the gallows has not killed him; he exists and will exist as long as slavery exists in Brazil. If you want to kill Simeão, end Simeão, kill the mother of the crime, end slavery” (143).<sup>150</sup>

**3.4.2.2 “Pae Rayol – O feiticeiro”** Macedo’s strategy of advocacy in “Simeão – O crioulo” has been clear and consistent: whatever wrong is done by enslaved Africans and Afrodescendants, it is not because of their nature, but because of their situation as slaves. In “Pae Rayol – O feiticeiro” (“Pae Rayol: The Warlock”).<sup>151</sup> Should there be any doubt about this claim, the author

<sup>146</sup> “...o rir do sclerato que acha gozo nos sonhos de atrocidades.”

<sup>147</sup> “Simeão, o creolo mimoso, perdido, malcriado pelas affectuosas condescendencias e fraquezas dos senhores em casa, pervertido pelos deboches da venda e pelo veneno da crapula, ingrato pela condição de escravo, sem educação e sem habito do trabalho, contando com a liberdade, e não a conseguindo era um perverso armado loucamente contra seus senhores pelas mãos de seus senhores.”

<sup>148</sup> “...que só é de festa para o homem livre, que sorri á vida, porque é livre ...”

<sup>149</sup> “...um crime horrivel, inspirado pelo demonio da fatal condição depravadora.”

<sup>150</sup> “Este Simeão vos horrorisa? Pois en vos juro que a forza não o matou de uma vez; elle existe e existirá em quanto existir a escravidão no Brasil. Se quereis matar Simeão, acabar com Simeão, matai a mãe do crime, acabai coma escravidão.”

<sup>151</sup> The unhyphenated “pae Rayol” is found in the title and in some scattered instances in the text, just as it is “pai Rayol.” Most of the time, however, it is the hyphenated “pae-Rayol” what Macedo chooses, and this is how this name will appear in this dissertation from this point on.”

offers a new story to illustrate his message.

Just as he began “Simeão — O crioulo” with a description of the *venda* associated with enslaved Africans and Afrodescendants, Macedo begins “Pae Rayol — O feiticeiro” with a description of the *feitiço*, the witchcraft associated with enslaved Africans and Afrodescendants. Although the *venda* originates in slavery and the *feitiço* precedes it—“*feitiço*, like syphilis, came from Africa” (150)<sup>152</sup>—they both cater to and thrive on the slave’s need to escape reality and on his or her ignorance of what “civility” is. The narrator concedes that witchcraft is the result of “the customs, the absurd beliefs, the false ideas of an extravagant religion, coarsely superstitious and contaminated by ridiculous or stupid prejudices” (151),<sup>153</sup> and that it was brought to Brazil by the imported slave, but he blames on slavery both the slave’s entrapment in witchcraft and also its spreading, corrupting “the holy beliefs of the [Brazilian] people, introducing in them infantile illusions, absurd ideas and chimeric terrors ... And in this way, the Black man from Africa, reduced to the disgrace of slavery, then naturally harms the oppressing society, contaminating it, degrading it, and turning it a bit savage, like him” (152-3).<sup>154</sup> What is more, the narrator describes the *feitiço* as a fountain of evils: the “poisonings that kill all of a sudden,”<sup>155</sup> “the assassin conspiracy of slaves that devastate the slave quarters and the houses of the masters” (156),<sup>156</sup>

the contagion of superstition, which is a scourge; the annihilation of pride, which is the ruin of customs and notions of duty; the religion of evil and the resorting to the power of a false entity, more perverse, which is an open source for crazy beliefs and for crimes encouraged by a sort of savage fanaticism that, precisely because of that, turns more tremendous and fatal. (156-7).<sup>157</sup>

The narrator describes the African warlock, the *feiticeiro*, mostly with disdain, but also with a certain degree of admiration. What makes the latter disdainful is that he is a “senseless charlatan

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<sup>152</sup> “O feitiço como a syphilis veio d’Africa.” (In spite of the author’s affirmation, the origin of syphilis is uncertain. See Tampa.)

<sup>153</sup> “... os costumes, as crenças absurdas, as idéas falsas de uma religião estravagante, rudemente supersticiosa, e eivada de ridiculos e estupidos prejuizos.”

<sup>154</sup> “... as santas crenças religiosas do povo, introduzindo nellas illusões infantis, idéas absurdas e terrores quimericos ... E assim o negro d’Africa reduzido á ignominia da escravidão malfez logo e naturalmente á sociedade oppressora, viciando-a, avilando-a e pondo-a tambem um pouco assalvada, como elle.”

<sup>155</sup> “... envenenamentos que matão de subito ...”

<sup>156</sup> “... a conspiração assassina de escravos que levão a desolação á sensalas de parceiros e ás casas dos senhores ...”

<sup>157</sup> “... o contagio da superstição que é um flagello, a aniquilação de brio que é a ruina dos costumes e das noções do dever, a religião do mal, e o recurso ao poder de uma entidade falsa, mas perversa, que é a fonte aberta de confianças loucas, e de crimes encorajados por uma especie de fanatismo selvagem, que por isso mesmo se torna mais tremendo e fatal.”

... the miserable arrogant [who] in his profound and vain ignorance presumes himself to be doted of malefic and supernatural power,”<sup>158</sup> one who “is a real danger every day” (160),<sup>159</sup> who “knows how to kill” (164).<sup>160</sup> And what makes him admirable is his resourcefulness and his knowledge in spite of the limitations imposed on him by slavery: although he is “illiterate and uneducated ... the Black [slave] stimulated his intelligence to do evil” (161),<sup>161</sup> becoming

a pragmatic botanist who knows the properties and the terrible effects of roots, leaves, and fruits that weaken, derange, and cause death to man; that abate with physical forces the moral strength of man, which they call “taming” the master; that energize lust and animal instincts; that attack the brain and corrupt reason; that poison little by little by lacerating the stomach and the intestines until finally killing in horrible torment; or that all of a sudden, in a few hours, in a few minutes, murder like the shot of a blunderbuss, but without the noise of the shot of a blunderbuss. (161)<sup>162</sup>

The *feiticeiro* in this story is pae-Rayol, introduced to the reader after the descriptions of the *feitico* and of pae-Rayol’s fifth master, Paulo Borges. Pae-Rayol arrives at Paulo Borges’s plantation in the latest lot of slaves bought by his new master, already owner of more than one hundred slaves as well as of whatever land is put up for sale in the vicinity. The narrator writes that “Paulo Borges had that sort of worry that is a very common miscalculation among our plantation owners and farmers, the always active commitment to buy land to expand those he possesses already in excess, and to also multiply his slave force” (168).<sup>163</sup>

I mentioned at the beginning of this chapter that nineteenth-century narratives of advocacy tend to portray the enslaved African or Afrodescendant protagonist as deserving of a better life, on an case-by-case basis, because of his or her outstanding characteristics—more intelligent, whiter, kinder than what would be expected. I also mentioned that, when portrayed in a negative way—rebellious, vengeful, feisty, lazy, violent—the African and Afrodescendant

<sup>158</sup> “Insensato charlatão ... o miseravel fatuo em sua profunda e vaidosa ignorancia se presuma dotado de malefico e sobrenatural poder.”

<sup>159</sup> “... é um perigo real de todos os dias.”

<sup>160</sup> “... sabe matar.”

<sup>161</sup> “... analfabeto e ignorante ... o negro aticou a intelligencia para fazer o mal ...”

<sup>162</sup> “... o botanico practico que conhece as propriedades e a acção terrivel de raizes, folhas e fructas que debiltão, enlouquecem, e fazem morrer o homem; que abatem com as forças physicas a força moral do homem, e ao que elles chamão—amansar o senhor; que excitão a luxuria, e os instinctos animaes, que atacão o cerebro e corrompem a razão, que envenenão pouco a pouco dilacerando o estomago e os intestinos até matar no fim de horriveis tormentos, ou que de repente, em poucas horas, em breves minutos assassinão, como o tiro do bacamarte; mas sem o ruido do tiro de bacamarte.

<sup>163</sup> “Paulo Borges tinha essa especie de preocupação que é um máo calculo infelizmente muito commum entre os nossos fazendeiros e lavradores, o empenho sempre activo de comprar terras para estende ás que já possui ás vezes de mais, e de multiplicar tambem a escravatura ...”

slave()characteristics do not remain confined to the individual described, but rather taint the other enslaved Africans and Afrodescendants, perpetuating the stereotypes that feed racism. Simeão, in the previous story, seemed to fit in the first group at the beginning—he starts out as someone whom a hegemonic reader would want to save based on the slave’s qualities. Soon after, however, he was placed by the author in the second group, ending up as someone whom a hegemonic reader finds contemptible—a contempt that extended to the other slaves because of their potential to be like Simeão. In the case of pae-Rayol, this slave fits in the second group; his behavior serves as a warning with respect to all other slaves, and his representation, which will be seen next, is nothing but negative from the beginning of the text, when Paulo Borges’s wife feels “repulsion seeing pae-Rayol, and turning her face, she said to Paulo Borges, ‘He has the face of a bad man, this Black man does!’” (170).<sup>164</sup> The narrator continues the description:

He was an ugly Black man, already disfigured by disease or by punishment ... The man, of short stature, had a torso exaggeratedly larger than his legs, a big head, crossed eyes ... He had, on top of it all, raised scars from cuts received during his childhood: a lash had split in half his upper lip, and the resulting cleft had left exposed two very white, pointy canine teeth that seemed to ostend themselves as threatening ... The very strange laughter of this Black man was hideous due to such deformity; the twisted and scarce beard that he had, poorly grown ... spoiled his face instead of adorning it. (171-2)<sup>165</sup>

And he is also missing part of one ear, which was cut off. Because pae-Rayol’s disfigurement is not enough to portray him as despicable, the narrator adds that the slave also “had a bad reputation”<sup>166</sup> due to the “turmoil he would cause among his peers, the stealing that he incorrigibly practiced, and the suspicion of poisoning a female slave who had resisted his impetuous desires” (172),<sup>167</sup> and that he was also audacious and strong, as well as agile “in his movements during fights” (173).<sup>168</sup> And his new master, Paulo Borges, who “never took the time to learn about the morality, or better said, about the degrees of moral corruption of the people he introduced

<sup>164</sup> “...repulsão, vendo o pae-Rayol, e voltando o rosto, disse baixo á Paulo Borges. —Que má cara tem este negro!”

<sup>165</sup> “...um negreo feio e já desfigurado por molestia ou por castigos ...homem de baixa estatura tinha o corpo exageradamente maior que as pernas; a cabeça grande, os olhos vesgos ... trazia porém nas faces cicatrises vultuosas de sarjaduras recebidas na infancia: um golpe de azorrague lhe partira pelo meio o labio superior, e a fenda resultante deixara a descoberto dous dentes brancos, alvejantes, pontudos, dentes caninos que parecião ostentar-se ameaçadores ...o rir alias muito raro desse negro era hediondo por semelhante deformidade; a barba retorcida e pobre que elle tinha mal crecida ...em vez de ornar afeiava-lhe o semblante ...”

<sup>166</sup> “...tinha má reputação”

<sup>167</sup> “...pela desordem em que punha os parceiros, pelos furtos que incorrigivelmente praticava, e por suspeita de propinação de veneno á uma escrava que resistira á seos desejos impetuosos ...”

<sup>168</sup> “...de movimentos nas lutas.”



in his plantation” (168),<sup>169</sup> not only makes the mistake of being confident in his ability to keep every slave under control, but also of allowing “the co-inhabiting of the African Rayol and the Brazil-born Esmeria” (174),<sup>170</sup> one of the female slaves in the lot who, in their previous plantation, had “corrected or at least numbed his perverse temperament” (175).<sup>171</sup>

Esmeria now becomes an important character in the story. The opinion that Theresa,<sup>172</sup> Paulo Borges’s wife, has of her is much different than the one she has of pae-Rayol, finding what the narrator points out: “Esmeria was a twenty-year-old Brazil-born slave with the coarse features of her race softened by the influence of the new generation in a more gentle climate; moreover, in her eyes and in her physiognomic characteristics, there was a certain expression of intelligence and humility that pleased the lady. Thereza thought that Esmeria had the face of a good person” (176),<sup>173</sup> and, upon learning that she had been a house slave in the past, she decides to use the slave as such instead of sending her to work in the fields. Unlike pae-Rayol, Esmeria’s appearance was pleasing; also unlike pae-Rayol, her personality was commendable:

She was an expert slave, skillful and active; she created with the most calculated pretense a second nature for her living in slavery. Her humility never contradicted itself; her happy disposition at work made her esteemed by her master. For her intelligence, agility and zealotry, she had the value of two or three slaves. Esmeria washed, starched, and sewed well; but, above all, none of her peers equaled her in the kitchen. She had no will that was not her owner’s ... [She was] loving and patient with the children. (178-9)<sup>174</sup>

But just as when Simeão pretended to care for Domingos Caetano while he actually wished his death, Esmeria also is “not what she seemed,”<sup>175</sup> and again, Macedo blames her true self on slavery. Esmeria does not want to kiss the master’s children’s little feet that she kisses—she “often

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<sup>169</sup> “...jamais se occupara de tomar informações sobre a moralidade, ou antes sobre os grãos de desmoralização da gente que introduzia na sua fazenda ...”

<sup>170</sup> “...convivencia o africano Rayol, e a crioula Esmeria.”

<sup>171</sup> “...corrigira ou fizera ao menos adormecer seu genio perverso.”

<sup>172</sup> Macedo is not consistent in his spelling of this name. More often than not, he writes *Thereza*, but at times he writes *Theresa*

<sup>173</sup> Esmeria era uma crioula de vinte annos com as rudes fações da sua raça abrandadas pela influencia da nova geração em mais suave clima; em seus olhos, porém, e no conjuncto de seus traços phisionomicos, havia certa expressão de intelligencia e de humildade que agradou á senhora. Theresa achou que Esmeria tinha *boa cara*

<sup>174</sup> “Era uma escrava esperta, habil e activa: creára com o fingimento mais friamente calculado uma segunda natureza para o seu viver na escravidão; sua humildade nunca se desmentia, sua disposição alegre no trabalho a tornára estimada da senhora, pela sua intelligencia, agilidade e zelo valia ella só duas ou tres escravas. Esmeria lavava, engomava e costurava bem; mas sobre todo na consinha nenhuma das padeiras a igualava. Não tinha vontade que não fosse a de sua senhora ... Carinhosa e paciente com as crianças ...”

<sup>175</sup> “...não era o que parecia ...”

wanted to bite them,”<sup>176</sup> instead; she does not want to smile when she feels “hate, melancholy, and extreme aversion,” but she does it (181);<sup>177</sup> she does not love Thereza, even though the latter “loved her, distinguished her, and granted her favors”<sup>178</sup>—instead, “she spied on her life, hoping to discover weaknesses, mistakes, and offenses to the law; she envied her dresses, her joys, her condition” (182).<sup>179</sup> She was also fake towards the other slaves, “indifferently witnessing the punishment that other slaves sometimes received, with a gravity that could indicate feeling, but without pain and without pity.”<sup>180</sup> And although she did not drink alcohol or smoke—“the two repugnant comforts of slavery” (182)<sup>181</sup>—she was “possessed by the demon of lust, which is the coarse demon that releases the slave’s animal instincts, the only thing that keeps him animal despite the prepotence that insists in reducing him to a simple material thing” (183).<sup>182</sup>

The reader, then, learns both that slaves are contemptible, and that they are so as a consequence of slavery. The reader also finds out that it is not Esmeria who controls pae-Rayol, but the other way around, a reveal that allows Macedo to turn the reader’s attention back on the *feiticeiro* and to make sure that the latter is repositioned as completely unredeemable. First, he has the narrator state that pae-Rayol cannot even be tamed “by the enchantment of love, to which the deceitful Black African man would never be susceptible to subdue himself,”<sup>183</sup> and that he constantly “confuses [Esmeria], causes fear in her, captivates her, beguiles her with the prestige of his power, and turns her into a blind instrument of his will in an event that he was planning” (186).<sup>184</sup> Second, he has the narrator describe how pae-Rayol behaves when working, which is as irreproachable as how Esmeria works. Paulo Borges consider him “the best hoe in his farm: he advanced at the front of the line, digging the soil like an intrepid and charging soldier who marches forth ... he would not stop to dry his sweat ... and he would barely ever look one

<sup>176</sup> “às vezes desejava morder.”

<sup>177</sup> “...aborrecimento, de melancolia, e de aversão a ferver.”

<sup>178</sup> “...a amava e distinguia, e lhe dispensava favores ...”

<sup>179</sup> “...espiava-lhe a vida, almejando descobrir fraquezas, erros, e offensas ao dever; invejava-lhe os vestidos, os gozos, a condição ...”

<sup>180</sup> “Testemunhava indiferente, com seriedade que podia indiciar sentimento, mas sem dôr e sem piedade os castigos que as outras escravas recebiam às vezes.”

<sup>181</sup> “...as duas repugnantes consolações da escravidão ...”

<sup>182</sup> “...possessa do demonio da luxuria, que é o demonio torpe que desenfrea os instinctos animaes do escravo, unicos que o mantêm animal á despeito da prepotencia que teima em reduzi-lo á simples cousa material.”

<sup>183</sup> “...pelo encanto do amor, á que o refalsado negro africano nunca seria susceptivel de dobrar-se ...”

<sup>184</sup> “...ataranta-la, causar-lhe medo, captiva-la, prende-la com os prestigios do seo poder, e tornal-a cego instrumento de sua vontade em algum caso que premeditava.”

way or the other to see whether any of his peers tried, or was close, to catch up to him” (187).<sup>185</sup> Yet just as Esmeria is not what she seems to be, neither is pae-Rayol: like her, he also works not with love, but “with rage” (188);<sup>186</sup> like her, too, he does not care about the other slaves, “whom he called toads” (207),<sup>187</sup> because “his experience had convinced him that their condition made them vile, coward, and incapable of obeying their voice in the effort of a horrible revolt, which he imagined many times and which he calculated to be possible” (188).<sup>188</sup>

But there are two notable differences between pae-Rayol and Esmeria. One is that he does not pretend to love his master, whom he, unnoticed due to his strabismus, looks at with “a hateful murdering furor that embedded itself in the dark angles of his black eyelids” (188).<sup>189</sup> The other is that he has a plan, and he is preparing himself for it by studying the plants close to the plantation. “The warlock is nothing but a poisoner: he is the charlatan assassin” (190),<sup>190</sup> explains the narrator, and pae-Rayol is evidence of such affirmation: he lived “ruminating, agitating, simmering his hate for his master, and cogitating upon the most treacherous, most terrible, and most efficacious means to satisfy that hate. The natural enemy of the master stood guard ... The slave quarters threatened, as always, the house of the master” (191).<sup>191</sup> Pae-Rayol hates Paulo Borges because he is his master; he hates Thereza because of her first impression of him; and he hates the master’s children, Luiz and Inez, who fear him because they think that he is the “zombie, a black and imaginary monster, sinister hero of stupid and horrible stories with which slave maids, instead of entertaining, astounded the nervous [Luiz]” (195).<sup>192</sup>

At this point in the story, Macedo digresses again, this time to have the narrator explain why it is that “slaves harm masters one hundred times more than what these calculate” (196).<sup>193</sup> They do

<sup>185</sup> “...era a melhor enchada da sua roça: a frente do eito elle avançava, cavando a terra, como o soldado intrepido e rompente que marcha ávante ... não parava para enxugar o suor ... e apenas alguma vez olhava para um e outro lado para ver se algum dos parceiros tentava, ou estava prestes á emparelhar-se com elle.”

<sup>186</sup> “...com raiva ...”

<sup>187</sup> “...á quem chamara sapos ...”

<sup>188</sup> “...a experiencia o convencera de que a ignominia da sua condição os fizera vis, cobardes, e incapazes de obedecerem á sua voz no empenho de horrivel conflagração, que muitas vezes imaginara, e calculara possivel.”

<sup>189</sup> “...odio furor assassino que se entranhava nos angulos sombrios das palpebras negras.”

<sup>190</sup> “...o feiticeiro não passa de envenedador: é o assassino charlatão.”

<sup>191</sup> “...rumirando, atiçando, incandescendo o odio ao senhor, e cogitando sobre os meios mais perfidos, mais ter-riveis e mais efficazes para satisfazer esse odio. O natural inimigo do senhor velava ... A senzala do escravo ameaçava, como sempre, a casa do senhor.”

<sup>192</sup> “...zumbi era um monstro negro e imaginario, heroe sinistro de estupidas e horriveis historias, com que as escravas, em vez de entreter, assombravam o nervoso menino ...”

<sup>193</sup> “Os escravos prejudicam aos senhores cem vezes mais do que estes calculam ...”

so by being uncivil and uncivilized: by working with disgust instead of good will, by stealing, by committing suicide or letting themselves slowly die, by fleeing, by not respecting their masters' property, by not being receptive to new technology, "and by deceitfully and mysteriously causing whatever harm they can" (196-7).<sup>194</sup> Pae-Rayol harms his master in this last manner: he sets fire to the sugar plantation and poisons much of his cattle. And when things get back to normal and Thereza even has a third child, pae-Rayol harms again: he orders Esmeria to seduce Paulo Borges as part of a bigger, yet unrevealed plan. Before the reader finds out whether she succeeds or not, Macedo strays again from the story to impart his next lesson, this one on the dangers of a master recognizing his female slave as a woman, which puts "in disarray his own home and places in a throne of shame the corrupt slavery, elevated to the rank of lady" (219).<sup>195</sup>

Applying his strategy of advocacy, Macedo has the narrator concede that while this certainly happens, it is only because slavery makes it possible: "In such circumstances, so unspeakable due to the infinite horror of the resulting affront to the family and the scandal in the home, the mother-beast slavery rejoices, torturing, poisoning, dishonoring, disgracing the life of the masters" (221).<sup>196</sup> And, anticipating the objection, he later adds that although it would be easy for a man like Paulo Borges to be unfaithful with any "easy woman, ambitious or perverted" (236),<sup>197</sup> his unfaithfulness with someone like Esmeria makes the episode even more humiliating for Thereza, not only because a slave is inferior in the eyes of society, but also because the disloyalty is twofold, coming both from her husband as well as from the slave whom she trusted even with her own children.

Paulo Borges is seduced by Esmeria, and when Thereza discovers them, Macedo portrays Esmeria as "cold and indifferent, undoubtedly feeling satisfied, deep inside, of the embarrassing and infamous event" (227).<sup>198</sup> Thereza is extremely affected by her husband's infidelity, which continues in front of everyone. In the meantime, pae-Rayol secretly continues seeing Esmeria, but to avoid suspicions and his master's punishment, he pretends to chase after other women. When one of them rejects him and points out his ugliness to him, pae-Rayol poisons her, her

<sup>194</sup> "...fazendo refalsada e misteriosamente o damno que podem."

<sup>195</sup> "...em desgoverno a propria caza, e levanta em throno de ignominia a escravidão corrupta eleváda á senhora."

<sup>196</sup> "Em circumstancias, tam inexprimiveis, pelo infinito horror da resultante afronta da familia e escandalo da caza, a madre-fêra escravidão exulta, pondo em torturas, envenenando, deshonorando, desgraçando a vida dos senhores."

<sup>197</sup> "...mulher facil, ambiciosa, ou pervertida..."

<sup>198</sup> "...fria e indifferente, sem duvida dentro de si satisfeita do vergonhoso e infame cazo..."

husband, and their two children. There is no shade of grey in Macedo's portrayal of pae-Rayol; he just does not have anything likeable in him—not even his intelligence, which, thanks to slavery, is only used for evil: “The crime remained buried as a mystery and the assassin, unpunished and incapable of remorse, a tiger loose among humans, soon forgot this episode in his evil life and focused his effort on the development of his vast and truculent plan” (243).<sup>199</sup>

Esmeria is also portrayed as unredeemable as pae-Rayol; also thanks to slavery, even her good qualities—her beauty, her domestic skills, her intelligence—are ultimately used to cause pain. Guided by pae-Rayol, Esmeria very cleverly manipulates Paulo Borges into allowing her to live in the main house by making him believe that, should she remain in the slave quarters, she may be tempted to cheat on him with other men. Once in the house, Esmeria poisons Thereza. At this moment, Macedo, inserts a new break in his narration to remind the reader of the underlying cause of tragedies like this one, stating that “as long as there are slaves in Brazil, our families will easily be exposed to poisonings and attempts at poisoning carried out by them” (268).<sup>200</sup>

Now the lady of the house, pregnant, and with Paulo Borges not suspecting of her as a murderer, Esmeria wishes to rid herself of pae-Rayol, but she imagines him “alive, vengeful, and terrible, ready to settle the score with her and kill her without mercy, or to denounce her crime as Thereza's poisoner” (271).<sup>201</sup> Esmeria has no choice but to go along with pae-Rayol's plan and, despite her reluctance—the only time in which Macedo presents a glimpse of conscience in the slave—she agrees to what he orders her to do: poison Paulo Borges's children.

A new African character is introduced at this point in the narration, uncle Alberto, who is a voice of reason to Esmeria and warns her about pae-Rayol after he sees them meeting together, telling her that he hates him because he killed his dog. Macedo paints Alberto differently from Esmeria and, especially, from pae-Rayol: “he was an African slave, thirty years of age and tall; he had a tall forehead, big and bright eyes; a black, somewhat shiny color; white and perfect teeth; a long back; thick and well toned, strong arms, and rightly proportioned features; he was

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<sup>199</sup> “...O crime ficou sepultado no mysterio, e o assassino impune e incapaz de remorsos, tigre solto no meio de homens, esqueceu depressa esse episodio de sua vida malvada, e concentrou-se no empenho do desenvolvimento de vasto e truculento plano.”

<sup>200</sup> “...Em quanto no Brazil houverem escravos, estarão nossas familias facilmente expostas á envenenamentos e á tentativas de envenenamentos por elles propinados.”

<sup>201</sup> “...vivo e voltando vingativo e terrivel para tomar-lhe contas e mata-la sem piedade, ou para denunciar a seo crime, como envenenadora de Thereza.”

handsome for his race, a black Hercules, in summary. (276)<sup>202</sup> Macedo later adds that “Alberto was a Black man of a noble and elevated nature,” but he immediately ruins the image: Although he is naturally handsome and noble, the slave has already been tainted “by the poisons of slavery: like his fellow slaves, he had already stained his hands with robbery; his lips, with lies; his heart, with the abandon of coarse luxury; his stomach and his head, with the abuse of alcohol” (281).<sup>203</sup>

Esmeria gives birth to Paulo Borges’s son, proven by his color, and decides to carry out the first step of pae-Rayol’s plan, a plan that requires her to kill Thereza’s children, to have Paulo Borges free her and make her his heir, to kill Paulo Borges, and to marry pae-Rayol, making the warlock slave the new lord of the house. The youngest of the three children, still not weaned, dies after being breastfed by a slave with syphilis, who passes the disease on to him; the other two are poisoned by Esmeria when their father brings them a basket of fruit: she pretends to be concerned about the safety of the fruit, poisoning it as she checked it and killing not just Luiz and Inez, but also three little Brazil-born slaves who also ate from the basket. And while Paulo Borges blames himself for the tragedy, Esmeria, like Simeão in the previous story, pretends to be in extreme pain, too, running “a thousand times to hug and kiss the little feet of her two little masters, already cadavers”<sup>204</sup> while saying to herself, “What a demon, pae-Rayol! What a frightening poison!” (295).<sup>205</sup> Macedo concludes the episode with this reflection, again not letting the reader lose track of what is to blame for all this: “The tiger of slavery had already quartered and devoured the flesh, and drunk the blood of the master’s wife and children” (296).<sup>206</sup>

Now approaching the story’s conclusion, Macedo creates a liaison between uncle Alberto and Esmeria after she obtains her freedom from slavery from Paulo Borges. She tells him all about pae-Rayol’s plan except for her role in the killing of Thereza and the children, which he already suspects but does not care one way or the other. But it is only when she tells him that pae-Rayol may become his new master after the imminent death of Paulo Borges, already weakened

<sup>202</sup> “...era um escravo africano de trinta annos de idade, e de alta estatura; tinha a fronte elevada, os olhos grandes e brilhantes, a cor preta um pouco luzidia, os dentes brancos e perfeitos, largas espaldas, grossos e bem torneados braços possantes e formas justamente proporcionaes, era bonito para a sua raça, um Hercules negro em summa.”

<sup>203</sup> “pelos venenos da escravidão: como os outros escravos seus pareceiros já tinha manchado as mãos com o furto, os labios com a mentira, o coração com o desenfrenamiento da luxuria torpe, o estomago e a cabeça com o abuzo da agoardente.”

<sup>204</sup> “...mil vezes a abraçar e a beijar os pés dos dous meninos seos senhores, já cadaveres ...”

<sup>205</sup> “Que demonio de Pae-Rayol! que temivel veneno!”

<sup>206</sup> “O tigre da escravidão já tinha despedaçado e devorado as carnes, e bebido o sangue da mulher e dos filhos do senhor.”

by the poison that Esmeria mixes in his coffee, that Alberto reacts. They agree that pae-Rayol must die, and he and Esmeria spend the night together. The manipulative Esmeria “managed to own Alberto’s will, and make him adopt all her ideas” (311).<sup>207</sup> And Alberto, as Macedo points out, “showed that he was a slave, damaged by the slavery in which he had fallen twenty years earlier” (312).<sup>208</sup>

Uncle Alberto’s reaction to the idea of being the slave of another African is surprisingly strong: he “suddenly stands up” (310)<sup>209</sup> and announces that he will kill him, indicating that while serving a White master is degrading, serving a Black master is even more degrading—especially when this one is someone like pae-Rayol. Macedo further delves into this idea as he describes the way Esmeria, now the emancipated lady of the house, treats those who now are her slaves:

Seeing herself emancipated and calculating with a thriving future, she exaggerated the proportions of her vanity, and to impose respectful submission and annihilate the liberties and familiarities of the former cohabiting and equality, she became cruel, she ordered just and unjust punishments, and with her own hands she unleashed many times the whip on the back of the female slaves, her peers during her life in slavery and contempt. (313)<sup>210</sup>

Esmeria’s often irrational tormenting of the slaves causes them to turn against her, and that rancor reaches its peak when Esmeria “unmercifully lashed an old slave” (314),<sup>211</sup> Lorenza, Thereza’s faithful companion now in her eighties. Lorenza seeks revenge by telling Paulo Borges what she has recently seen: “Esmeria is killing the master” (316).<sup>212</sup> She tells him about Esmeria’s meetings with pae-Rayol, about how she drugs him to sleep, and she proposes that he spy on her to corroborate what she is saying. Macedo pauses here to address a possibly anticipated objection, the fact that Macedo has slave Lorenza warn her master about his being in danger, when just a few pages earlier he had depicted slave tío Alberto as not caring about Paulo Borges’s life, “indifferently leaving the life of his master in Esmeria’s hands, to whom he neither restrain not push” (311),<sup>213</sup> an indifference that the narrator had attributed to slavery: “How it is that slav-

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<sup>207</sup> “...conseguiu assenhorear-se da vontade de Alberto, e faze-lo adoptar todas as suas idéas.”

<sup>208</sup> “...Alberto mostrava que era escravo, e estragado pela escravidão em que cahira havia vinte annos.”

<sup>209</sup> “...levantou-se de um salto.”

<sup>210</sup> “Vendo-se emancipada e calculando com pujante futuro, exaggerou as proporções de sua vaidade, e para impor submissão respeitosa, e aniquilar as liberdades e confianças da antiga convivência e igualdade, fez-se cruel, ordenou castigos justos e injustos, e com as próprias mãos descarregou por vezes o açoite sobre as costas de suas companheiras do tempo da escravidão e do menospreço.”

<sup>211</sup> ...açotou desapiadadamente uma velha escrava ...

<sup>212</sup> “Esmeria está matando senhor.”

<sup>213</sup> “...deixava indiferentemente á mercê de Esmeria a vida do senhor, á quem não segurava, nem empurrava.”



ery corrupts, rots, and inoculates ferocity, and turns the slave man into tiger or hyena!” (309).<sup>214</sup>  
Macedo explains the difference:

Lorenza, the old slave, the slave profoundly demoralized by her long life in captivity, taught by the treacherous experience of more than half a century in slavery, had found and kept with wicked indifference the secret of Esmeria’s crimes, and only by the rancorous resentment of the whip did she break the silence imposed by her natural hate as slave towards her master. (318)<sup>215</sup>

The story ends. Lorenza takes Paulo Borges to the slave quarters where he corroborates what she had told him. Alberto and pae-Rayol get into a fight while Esmeria runs away; Alberto kills pae-Rayol but Paulo Borges forgives him and grants him his freedom, announcing that the slave had saved his life. Esmeria is arrested and confesses her crimes, and Paulo Borges is left to live with himself. Macedo asks the reader: why would any of these just endings matter when Thereza and the children have died? And the answer, with which Macedo concludes the novel, is that those endings do not matter: “Pae-Rayol and Esmeria, victimizing due to slavery: those two assassin slaves can no longer murder. Slavery, however, continues to exist in Brazil. And slavery, the mother of victimizing victims, is prolific” (332).<sup>216</sup>

There is one more novel in *As vítimas-algozes*: “Lucinda — A mucama,” which I will not analyze due to its being as long as the other two stories combined, as well as to its similarity in how the author portrays slavery and the African and Afrodescendant character. Based on the two stories that I analyzed, however, it is clear what Macedo’s stance is with respect to slavery: he does not blame the African and Afrodescendant slave for his behavior; rather, he blames slavery. And since slavery does not exist without the masters who impose it, he actually blames those masters themselves. This is a risky stance to take when one seeks to convince those very same masters to abandon slavery, not only because these regard the institution as necessary for their economic interests and will not easily agree to part with a system that has brought them much wealth, but also because of the possibility of driving them into a defensive position from which it is not unusual to double down.

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<sup>214</sup> “Como a escravidão corrompe, faz apodrecer, e inocula ferocidade, e torna tigre ou hyena o homem escravo!”

<sup>215</sup> “Lorenza, a velha escrava, a escrava profundamente desmoralizada por longa vida de captiveiro, ensinada pela experiência traiçoeira de mais de meio de século de escravidão, tinha apanhado e guardado com indiferença malvada o segredo dos crimes de Esmeria, e só pelo rancoroso ressentimento do açoite rompera o silêncio imposto pelo ódio natural de escrava ao senhor.”

<sup>216</sup> “Pae-Rayol e Esmeria, algozes pela escravidão, esses dous escravos assassinos não podem mais assassinar ... A escravidão, porém, continua a existir no Brasil. E a escravidão a mãe das vítimas-algozes é prolífica.”

Avoiding this risk, Macedo applies a strategy unlike that of most authors of narratives of advocacy, one which is more commonly found today. He does not resort to the sentimentalism that inspires the readers's empathy towards the slave—if anything, any sentimentalism inspires the reader's empathy towards the master—and, instead, he places the slaveowner in a position from which he can forego slavery with relative conviction and/or with dignity in front of his civil and civilized peers: if it is so clear that slavery leads to the barbarism depicted in these stories, then whoever continues endorsing slavery must also be barbaric. Macedo's strategy of focusing on how abolition would benefit the exploiter instead of the exploited should not be taken as an indicator of the author's own personal racist or antiracist stance—a personal stance that I have not been able to pin in my research. In other words, it should not be assumed that it is because he is racist that he seeks abolition, concerned for the wellbeing of the White masters. Rather, he uses this fearmongering strategy on those masters because fearing for their own safety may be the only way to convince them to abandon slavery.

### 3.5 *LA CAMPANA DE LA TARDE; Ó VIVIR MURIENDO* (1873)

#### 3.5.1 Summary

I mentioned in the Introductory Chapter, on page 19, that *La campana de la tarde; ó Vivir muriendo—The Afternoon Bell; or, To Live Dying*—is a novel that should receive much more attention from scholars than it has received so far, which is practically none. Written by Francisco Puig y de la Puente under his most commonly employed pseudonym, Julio Rosas (and what seems to be the name under which he was most widely known), this text is well described by Jorge and Isabel Castellanos as “essentially, a sentimental, bucolic novel of tragic loves. But, especially in its first part,<sup>217</sup> it makes room for a vigorous and sustained condemnation of the slave regime. What is of interest in [this novel] is not its absurd feuilleton-like anecdote, but its commentary on the racial situation in Cuba in the 1860-1870 decade, when the novel takes place” (459). I would add to this that, also of interest in this novel, is its anti-slavery, anti-inequity, anti-consumerism, anti-

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<sup>217</sup> The novel consists of three volumes, each one beginning on page 1. To avoid confusion in the citations, I cite both page and volume after each quote.

corruption, anti-ignorance, and anti-greed positions. It is a very “progressive” novel, in today’s terms.

The novel tells the story of don Antonio, a thirty-year-old man who has inherited his father’s wealth and lives a comfortable, healthy, vice-free, content life surrounded by his dog and his workers, most of whom had been his father’s slaves, but whom don Antonio freed after the old man’s death because, as he tells his neighbor: “I, don Rafael, do not approve of slavery because the books tell me that it is an affront against humanity” (Rosas 70, Vol. 1).<sup>218</sup> Don Antonio falls in love with Angelina, his neighbor’s daughter, and asks her father for the girl’s hand in marriage. Angelina, however, loves another man, Arturo, but she hides this information from her father and promises him on his deathbed that she will marry don Antonio, so that the man may die peacefully in the knowledge that his family will not lack for anything. Angelina’s mother, doña María, who knows the truth, is deeply affected by her daughter’s deep unhappiness after the wedding takes place, and her own sadness precipitates her early death. Angelina is now left without a mother and a father, married to a man whom she does not love but who loves her. She is able to hide her secret love for Arturo, but she is unable to hide the sadness that her secret causes in her. Don Antonio knows that something is the matter, but decides not to ask his wife to reveal it, and the situation leads him to be sad, as well.

Despite the situation, the couple has a child, who becomes the sole reason for Angelina’s will to live. It all changes when, one day, Arturo visits the house. He explains to Angelina why he could not be there before, and she explains to him why she married don Antonio instead of waiting. Don Antonio, behind the door, hears everything and decides to give Angelina a chance at happiness: he will leave Cuba forever so that she can have a new life with Arturo, and he will travel to the United States of America to fight against slavery in the Civil War. At the same time, unaware of don Antonio’s plans, Arturo also decides to give Angelina a chance at happiness: he will also leave Cuba forever so that his shadow will no longer interfere between she and her husband, and he will also travel to the United States of America to fight against slavery in the Civil War. Both men die abroad without knowing of each other’s plans, and Angelina is left alone with her baby, feeling responsible for three deaths: her mother’s, her husband’s, and Arturo’s. She no longer wants to live, but is not capable to kill herself and her son. Not long after the men’s

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<sup>218</sup> “Yo, D. Rafael, no apruebo la esclavitud porque los libros me dicen que la esclavitud es un ultraje á la humanidad.

deaths, however, Angelina's son falls ill and dies; Angelina is found dead, as well, kneeling at his feet.

*La campana de la tarde* displays many elements of *costumbrismo*. It includes long and meticulous explanations not only of the characters, their attires, their customs, and the food they eat, but also of the nature surrounding them, with detailed information included both in footnotes—which cite passages of non-fiction books written by authors such as Esteban Pichardo, Alexander von Humboldt, and Mauricio Girard—as well as in lengthy descriptions within the text itself referring to different insects, animals, and plants in the island, with their common names written in italics. The reference to real texts that exist in the reader's world extends beyond these instances; among the examples, there is the narrator's mention of *Sab*, written in 1841, with praise towards its author, Gertrudis Gómez de Avellaneda (6-7, Vol. 1); a fragment of Anselmo Suárez y Romero's *Francisco*, written between 1838 and 1839 and published in 1880 (76-80, Vol. 1); a fragment of José Fornaris's *Cantos del Siboney*, published in 1862 (98, Vol. 1); and two fragments of Spanish naturalist Juan Lembeye's *Aves de la Isla de Cuba*, published in 1850 (86-7, Vol. 1) and (101-4, Vol. 1).

Julio Rosas's manipulation of the narration suggests that don Antonio, the novel's protagonist, is most probably a vessel for the author to express his own ideology. In pages 22 to 33, volume 1, for example, following the narrator's compliment on the protagonist's simple and austere lifestyle, Rosas has the protagonist make a series of statements declaring what he likes or dislikes—both on broad subjects, like hunting, and gambling; to specific ones, like certain types of dancing and cock fights. Each one of these statements is followed by a very civil and civilized reason that justifies the stance, and the very specific nature of each one of those reasons makes it easy to suspect that it is Rosas himself who likes and dislikes those very things. Another example that illustrates the possibility that don Antonio channels Rosas is found in pages 71 to 76, also in volume 1, where two young slaves of don Antonio's take turns to read a series of reflections (*pensamientos*), some of which are attributed to authors like Víctor Hugo, Pythagoras, Lammenais, and Lamartine. These reflections have little or nothing to do with the story told in the novel, but they contribute to the moralist character of the novel.

What seems to confirm the suspicion is, first, a sentence articulated by don Antonio: "If I were a writer, I would attack the perverted, without any sort of consideration, even if that were to bring

me innumerable enemies” (69, Vol. 1).<sup>219</sup> Second, a claim that don Antonio makes when talking to his neighbor: “Talent, don Rafael, is the only thing I envy. I have had the fortune to know three men of this kind: Esteban Pichardo, Alvaro Reynoso, and Tranquilino Sandálio de Noda” (69-70, Vol. 1),<sup>220</sup> three Cuban intellectuals who were contemporaries of Julio Rosas—one of whom even lived in his own town, San Antonio de los Baños—and whose mention is so unnecessary in the story that it only makes sense when seen as a tribute from the author to the men. And third, don Antonio’s position with respect to slavery, the position of the civil and civilized person of the time, like Rosas himself, which he makes clear when he talks to his neighbor: “I, don Rafael, do not approve of slavery because the books tell me that slavery is an affront to humanity” (70, Vol. 1).<sup>221</sup>

Before looking at the way in which Rosas portrays the African and Afrodescendant slave in this novel, I must anticipate a possible objection: that this text does not meet one of the requirements of the narratives of advocacy category, namely that it was published *after* slavery was over. In his essay, “*El plato de lentejas*,” José Martí writes in 1894 that the Cuban Revolution of 1868 was

the mother, the saint, the one who grabbed the whip from the master, the one who set Black Cubans free to live, the one who lifted Blacks out of their disgrace and embraced them ... The abolition of slavery—a measure that has saved Cuba from the blood and hate from which the republic of the North has not yet emerged, due to its not having abolished it at its root— is the most pure and transcendental fact of the Cuban Revolution. The Revolution, carried out by the owners of slaves, declared the slaves free. Every slave in the past, free today, as well as his children, are the children of the Cuban revolution.(27)<sup>222</sup>

While it is certainly true that abolition began at that time, when Carlos Manuel Céspedes issued the historic *Grito de Yara* calling “for complete independence from Spain, for the establishment of a republic with universal suffrage, and for the indemnified emancipation of slaves” (Suchlicki 60), it is also true that not all slave owners freed their slaves at this call; and that the

<sup>219</sup> “Si yo fuera escritor, atacaría, sin consideraciones de ninguna clase, al perverso, aunque me proporcionara innumerables enemigos.”

<sup>220</sup> “El talento, D. Rafael, es lo único que envidio. He tenido la fortuna de conocer á tres hombre de esta clase: Esteban Pichardo, Alvaro Reynoso, y Tranquilino Sandálio de Noda.”

<sup>221</sup> “Yo, D. Rafael, no apruebo la esclavitud porque los libros me dicen que la esclavitud es un ultraje a la humanidad.”

<sup>222</sup> “... ella fue la madre, ella fue la santa, ella fue la que arrebató el látigo al amo, ella fue la que echó a vivir al negro de Cuba, ella fue la que levantó al negro de su ignominia y lo abrazó ... La abolición de la esclavitud —medida que ha ahorrado a Cuba la sangre y el odio de que aún no ha salido, por no abolirla en su raíz la república del Norte—, es el hecho más puro y transcendental de la revolución cubana. La revolución, hecha por los dueños de los esclavos, declaró libres a los esclavos, Todo esclavo de entonces, libre hoy, y sus hijos todos, son hijos de la revolución cubana.”

revolutionary forces ended up losing the war (1868-1878) against Spain, which meant that independence and abolition were put on hold. Because both processes had already begun, however, what this loss meant for slavery was that in the decades between the end of this war, in 1878, and the official declaration of abolition, in 1886, slavery legally existed in Cuba, albeit counting with a very diminished number of slaves in comparison to before the *Grito de Yara*. Hernán Venegas Delgado shows that while “practically half of the slave population disappeared in a period of just fifteen years” (69), between 1862 and 1877, slavery was far from over. *La campana de la tarde*, then, does meet the requirements to belong to the narratives of advocacy category, including having been published during the time in which the denounced exploitation took place, being the first antislavery novel published in Cuba. (Previous antislavery texts were published abroad).

### 3.5.2 The African and Afrodescendant portrayal

Rosas invites the reader to imagine how much better society would be, and how much happier and fulfilling life would be, both for Africans and Afrodescendants and for non-Africans and non-Afrodescendants, if the former were treated the way they are treated by don Antonio, owner of a plantation in its very final days of slavery. To build his case, Rosas creates a world around don Antonio where people of different colors, including Africans and Afrodescendants, live happily and harmoniously thanks to the culture of respect and equality fostered by this man who, throughout the text, exemplifies fairness, kindness, austerity, self-discipline, and love. When don Antonio welcomes his visiting neighbors into his home, for example, and falls in love with their daughter, Angelina, he makes sure that his workers (some still slaves, but many freed Africans and Afrodescendants) also have time off: “today is not a day to work, but one to dance and play the drums” (Rosas 46, Vol. 1),<sup>223</sup> he declares. When he sends one of his slaves to gather flowers, he asks her to bring Angelina along to help her, not the other way around: “Bring Angelina along so that she can help you to gather flowers to decorate the table” (45, Vol. 1),<sup>224</sup> he says. When he comments on his plans to liberate all his slaves, he makes sure to explain why: “This way, I will have finished mending the my father’s error of becoming rich through the sweat and tears of his

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<sup>223</sup> “...hoy no es día de trabajar sino de bailar y tocar el *tambor*.”

<sup>224</sup> “...lleva a Angelina al jardín para que te ayude á coger flores para adornar la mesa ...”

slaves” (71, Vol. 1).<sup>225</sup> And when he talks about his plans for his legacy, he makes a statement that would be unthinkable to most in his position: “If I never marry, if I never have children, I will give this land to my Negroes, so that they divide it among themselves. Who out there has more right to it than they do?” (71, Vol. 1).<sup>226</sup> Should these instances not be enough for the reader to understand Rosas’s stance, he makes it very clear later, as mentioned in the summary, when he unambiguously articulates his views both through the words of don Antonio and through the series of reflections that two young slaves read out loud.

Despite Rosas’s progressive views evident in the novel—he is against slavery, patriarchy, inequality, consumerism, corruption, lack of education, vice, and greed—his depiction of the Afro-descendant is stereotypical of the texts of that era, leaving the impression, as it will be seen in the analysis, that no matter how intelligent or commendable Afrodescendants are, they are still an Other who is not quite equal, an Other whose lacking is associated to their race. Nevertheless, Rosas does manage to inspire the reader’s empathy: while he represents Africans and Afrodescendants as a resilient race, capable of learning, of loving, of being happy even after all their collective suffering, he also makes sure to remind the reader of what that suffering was by including three instances in which the positive, edulcorated type of sentimentalism in the novel switches to an empathy-inspiring, sad sentimentalism that tugs at the reader’s heartstrings and does not allow him or her to forget the cause of so much pain: slavery.

The depiction of the African and Afrodescendant as an Other who may be wonderful but is still not quite “the same” is foretold by the name that the author chose for don Antonio’s noble and black dog: Sab. After having read *Sab* (1841)—a novel by Gertrudis de Avellaneda, named after its enslaved Afrodescendant protagonist—don Antonio “baptized with that savage name the being who up to that point, with him having no children, was his dearest: his dog, his inseparable partner” (8 Vol. 1).<sup>227</sup> Don Antonio’s choice of name for his dog is certainly representative of the way in which Africans and Afrodescendants slaves are portrayed in this text: noble dogs and slaves are at the mercy of their masters; both are loyal and kind towards those masters who are

<sup>225</sup> “Así habré concluido de enmendar la falta que cometió mi padre de hacerse rico con el sudor y las lágrimas de sus esclavos.”

<sup>226</sup> “Si nunca me caso, si nunca tengo hijos, regalaré estos terrenos á mis negros para que lo repartan entre sí. ¿Quién con más derecho que ellos?”

<sup>227</sup> “...había bautizado con ese nombre salvaje, ya que no tenía hijos, al sér hasta entónces para él más querido: su perro, su compañero inseparable.”



generous and kind; both remain close to such masters, even when set free; both can be taught by their masters, and their masters can show off their learning as evidence of both their intelligence and the masters's magnanimity; both can be playful and happy when well looked after; and both both are free-spirited and comfortable in a natural setting, unrestricted from the civil norms that make it evident that they are not as sophisticated in their manners as their masters.

Abebí is the first Afrodescendant slave depicted in this text. The description of this thirteen-year-old *mulatica*—a young girl with one Black parent and one White parent<sup>228</sup>—paints someone as “harmonious and savage” (38 Vol. 1)<sup>229</sup> as the narrator says her name is. Abebí’s “curves, which seemed created by a sculptor, were fully developed “ (38 Vol. 1),<sup>230</sup> and her facial features were comparable to the nature surrounding her:

Her eyes, more black than the feathers of the blackbird, burned with their tropical looks; and by her lips, pink like the carnation that grows by the riverside, always flowed a smile more sweet than the nectar that the bees and the hummingbirds extract from the canistel, letting its teeth, most white like the plumeria of the savannah, like the fragrant clusters of , like the solitary flower of the almond tree. (38 Vol. 1)<sup>231</sup>

Abebí’s description compared to that of another girl in this text, Angelina—a fourteen-year-old who later becomes don Antonio’s wife—deepens the understanding of how Rosas portrays the African and Afrodescendant as wilder, less civilized, than the non-Afrodescendant. The narrator does not specify what race Angelina is; the word *trigueña*—“Angelina, the *trigueña* girl” (47 Vol. 1)<sup>232</sup>—is the only given clue. But this word is ambiguous: as Alfonso Wells explains in his dissertation, “though *trigueño* (tanned skinned, dark hair) is given as a separate category, it is

<sup>228</sup> I avoid the translation of the word *mulatica* to “young mulatto girl” as I realize that the word “mulatto” is offensive to many anglophones, especially the members of the United States’s culturally dominant sector of society. Today, many anglophones who used to describe themselves, and be described by others, as “mulatto” describe themselves as “half Black, half White,” “biracial,” “mixed,” “Black and White,” “Black,” or “Other” (Harris).

In Latin America and in Spain, however, neither *mulato* nor *mestizo*—half White, half indigenous—seem to have the negative connotation that these words have in the U.S.—no more, at least, than what “mixed” or “half Black, half White” would have. Nevertheless, the trend of finding offense in these words as a result of a growing awareness that these words should be seen as offensive (an awareness associated with being “woke,” “educated,” or “informed”) is extending beyond the U.S., and this may lead to a change in the way these words are used in Latin America in the future.

<sup>229</sup> “...armonioso y salvaje ...”

<sup>230</sup> “...formas, que parecían modeladas por un estatuario, estaban completamente desarrolladas.”

<sup>231</sup> “Sus ojos mas negros que las plumas del totí quemaban con sus miradas tropicales, y por sus labios, rosados como la clavellina que crece á orillas de los rios, rodaba siempre una sonrisa más dulce que el néctar que las abejas y los sunsunes estraen de la flor del macorí, dejando ver sus dientes blanquísimos como el alelí de las sabáνας, como los olorosos ramilletes del maraya, como la solitaria flor del almendro.”

<sup>232</sup> “...la trigueña Angelina ...”

actually a subdivision of the *blanco* [White] category”; however, “[p]lacing *trigueño* into its own category, separate from the *blanco* category, moves it closer to the *mestizo/mulato* category” (100).

Whatever degree of Whiteness Angelina has, one thing becomes evident by the way in which she is described: she is not Afrodescendant. This statement could be supported by the only sentence in the text that implies that Angelina’s skin is light-colored: “her forehead, *pinkened* by the coy blushing” (Rosas 46 Vol. 1),<sup>233</sup> but even without this sentence, the reader would be able to figure out the racial difference between Abebí and Angelina, thanks to the stereotypical characteristics that describe each one of them: Abebí, the Afrodescendant slave, is sensuous, carnal; Angelina is demure, delicate. Abebí does not have Angelina’s “butterfly-like size” (47 Vol. 1);<sup>234</sup> she has “fully developed curves.” Both girls have black eyes like the *totí*, a Cuban blackbird, but only Abebí’s eyes “burn with their tropical looks” (38 Vol. 1), while Angelina displays the “virginal purity of her facial features” (47 Vol. 1).<sup>235</sup> Abebí is wild: she knows the names of all the flowers (47-50 Vol. 1); Angelina does not. Abebí is loud—she laughs “in a noisy manner” (59 Vol. 1)<sup>236</sup> and she runs around like all the other little enslaved Afrodescendants; Angelina always gives the impression of being quiet and restrained.

Julio, Abebí’s boyfriend, is the second Afrodescendant described in the novel. He is a sixteen-year-old “half Black, half White young man; well formed; beautiful” (44 Vol. 1),<sup>237</sup> born in Brazil, whose “movements were agile, fast; his teeth, precious; his lips, thin and pink; his nose, straight; and his eyes, black and brilliant, decorated with long eyelashes” (43 Vol. 1).<sup>238</sup> Just as in the case of Abebí with respect to Angelina, the comparison of Julio’s description to that of Arturo, in the second volume of the book, corroborates again the idea that Rosas portrays the African and Afrodescendant as wilder, less civilized than the non-African or non-Afrodescendant. Arturo is an eighteen-year-old boy whom Angelina meets while her father is ill. They fall in love and Angelina never forgets him, which results in her never being happy—in her “living while dying,” as the title of the text indicates: *Vivir muriendo*. Arturo is employed as a scribe for a Havana businessman,

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<sup>233</sup> “Su frente, sonrosada por el púdico rubor ...”

<sup>234</sup> “...talle de mariposa ...”

<sup>235</sup> “...pureza virginal de sus facciones ...”

<sup>236</sup> “...bulliciosamente ...”

<sup>237</sup> “...joven mulato, bien formado, hermoso ...”

<sup>238</sup> “Sus movimientos eran vivos, rápidos; sus dientes preciosos, sus labios finos y rosados, su nariz recta, y sus ojos negros y brillantes, orlados de luengas pestañas.”

and he has a “soft demeanor, pleasant manners, beautiful feelings, and rigid customs” (10 Vol. 2).<sup>239</sup> His mother had died while giving birth to him, and like Angelina and her family, he and his father are not wealthy.

The narrator does not specify what race Arturo is, but his description of him points at the idea that he is not Afrodescendant: he is not wild like Julio is; his father is a retired captain who had found, in a nearby plantation, a “Black woman to nurse his son” (13 Vol. 2),<sup>240</sup> he receives a “brilliant education” (14 Vol. 2),<sup>241</sup> he grows up to be “elegant and handsome” (15 Vol. 2),<sup>242</sup> (like Julio), and he expresses his love in a civilized and restrained manner. He and Angelina, for example, “contemplated each other with timid glances, and God sanctified the most pure correspondence of those two chaste souls that, without thinking of the materiality of desire, gave themselves up to charming vagueness and the honest passions of the immaculate love” (27 Vol. 2),<sup>243</sup> while his counterpart, the Afrodescendant slave Julio, is wild and instinctive, often spilling “over Abebí love-soaked looks” (44, Vol. 1)<sup>244</sup> that awakened in her “delightful emotions upon feeling the sweetest fire, the magnetic influence of those looks that held an immortal love” (44 Vol. 1),<sup>245</sup> and even asks her to bite off a piece of *mamey sapote* and then give the rest to him, “because it is as red as [her] lips and as fresh as [her] mouth” (63 Vol. 1)<sup>246</sup>—words too sensual and unimaginably forward in the discreet Arturo’s mouth.

Julio and Abebí provide don Antonio with the opportunity to show off both their tricks as well as his own magnanimity for having taken the time to teach them those tricks. In this case, the trick is that both of them learned how to read: “Since I do not want to leave them slow-witted, I am teaching them how to read and write” (71 Vol. 1),<sup>247</sup> explains don Antonio before Abebí and Julio take turns to read the aforementioned series of quotes that seem to channel the author’s own beliefs on different issues, including slavery. The narrator later reveals that Angelina does

<sup>239</sup> “...suave carácter, agradables maneras, bellos sentimientos y rígidas costumbres.”

<sup>240</sup> “...una negra para nodriza de su hijo ...”

<sup>241</sup> “...brillante instrucción ...”

<sup>242</sup> “...gallardo y hermoso ...”

<sup>243</sup> “...se contemplaron con tímidas miradas, y Dios santificó la correspondencia purísima de aquellas dos almas castas que, sin acordarse de la materialidad de los deseos, se entregaban a la vaguedad encantadora y á los honestos delirios del amor inmaculado.”

<sup>244</sup> “...miradas empapadas de amor sobre Abebí”

<sup>245</sup> “...deliciosas emociones al sentir el fuego dulcísimo, la influencia magnética de aquellas miradas que encerraban un poema de cariño inmortal.”

<sup>246</sup> “...tan rojo como tus lábios y tan fresco como tu boca.”

<sup>247</sup> “Como no quiero dejarlos embrutecidos, los estoy enseñando á leer y á escribir.”

not know how to read (35 Vol. 2), yet this piece of information does not alter the images painted by the author: the two slaves may be the ones who know how to read, but somehow Angelina's portrayal continues to depict her as the most sophisticated of the three children. Like Sab, the dog, Abebí and Julio are just not as sophisticated in their manners as her master, no matter how much they are taught. Like Sab, the dog, they are reprimanded by their master for their coarseness: just as don Antonio yells at Sab when he barks too much and too loudly—Hush, dog! (37 Vol. 1)<sup>248</sup> — he also yells at Abebí when she speaks out of turn: “Hush, mulatica! ... Don't be rude!” (42 Vol. 1).<sup>249</sup> And also like Sab, the dog, Julio and Abebí are at the mercy of their master, like all the other slaves: “This year,” don Antonio explains, “it is Julio's and Abebí's turn to obtain their letter of freedom, which I will give to them on the day of their wedding” (70 Vol. 1).<sup>250</sup> Not all slaves obtain that freedom; it is up to don Antonio to decide who gets it and when.

It is worthwhile mentioning, at this point, an idea that Rosas conveys with respect to what slaves do once they are freed. In *La campana de la tarde; o: Vivir muriendo*, the author has the freed slaves choosing to remain by don Antonio's side, the way Sab does even without a leash: “Once free,” don Antonio states, “nobody leaves, nobody abandons me. I provide for them and I give them twelve pesos per month” (70 Vol. 1).<sup>251</sup> This idea of the “grateful slave” has been explored by George Boulukos in relation to eighteenth-century British literature, showing that the figure of the grateful slave—grateful for his improved treatment by his master and, in return, more productive in his labor—was used not only to “reform and strengthen slavery,” but also “as the sign of African irrationality and inferiority” (“Grateful” 2). Of course, Rosas does not advocate for any sort of humane reform in plantations to extend the duration of slavery—he unequivocally advocates for the end of the institution; however, the second part of Boulukos's statement is pertinent to this nineteenth-century text:

‘Gratitude’ at once hypothesizes the African slaves's humanity, and their inferiority: while European laborers are imagined as benefiting from an increasing ‘independence’ which allows them to pursue their self-interest, ‘grateful’ slaves are defined as incapable of independent use of reason, and therefore as incapable of discerning their own self-interest; they need masters to guide them, and to whom they can be grateful.(10)

<sup>248</sup> “¡Calla, perro!”

<sup>249</sup> “¡Calla, mulatica! ... ¡No seas bruta!”

<sup>250</sup> “Este año toca á Julio y á Abebí la carta de libertad que les daré el mismo dia que se casen.”

<sup>251</sup> “Una vez libres, ninguno se vá, ninguno me abandona. Los mantengo, y les doy doce pesos mensuales.”

In the novel, don Antonio's Africans and Afrodescendants (slaves or paid employees) are portrayed as explicitly grateful towards him, evident in the fact that they do not leave once they are freed, and also as implicitly grateful towards him, evident in their happy behavior. The Afrodescendant children frolic around: "two little Negroes and two *mulaticos*, beautiful the former, graceful the latter, all smiley and lively" (Rosas 44 Vol. 1);<sup>252</sup> "Abebí, always smiley, always playful" (49 Vol. 1);<sup>253</sup> "the mulatico Julio, happy and playful" (63 Vol. 1);<sup>254</sup> "the Cuban-born ones, laughing and playing" (60 Vol. 1);<sup>255</sup> . And the African and Afrodescendant adults, even after working all day, are happy and relaxed enough to "dance to the drum" (76 Vol. 1),<sup>256</sup> "carried away, transported by the most frenzied enthusiasm" (81 Vol. 1).<sup>257</sup>

And not only are don Antonio's African and Afrodescendant workers grateful to him; the third African described in the novel is so, too. When seeing don Antonio approach him, Old Alejo, in charge of guarding the sugar mill next door to don Antonio's plantation, "leaning with difficulty onto a stick that served him as cane, stood up, took off his rustic, dark wool hat, and making a kneeling motion, he stuttered, 'Your blessing, my master'" (56 Vol. 1).<sup>258</sup> Perhaps aided by the fact that this scene occurs just after Alejo's dog and don Antonio's dog greet each other, the image of the African and Afrodescendant slave is also evocative of a dog—in this case, a humble, noble, old dog with a master who has been kind to him in the past and who continues to be kind, for which he is grateful: "May the Lord repay you, my master" (58 Vol. 1).<sup>259</sup> Alejo says when don Antonio gives him some coins after he sings for them. The song that Alejo sings, at Abebí's request, gives the narrator the opportunity to remind the reader of the deep sadness within the African slave who has been taken away from his or her land: Alejo sings "in a foreign language, the wild songs of the scorching Africa, evoking in this manner the distant memories of his native country, of his absent motherland. That mournful music was an anthem of tears. No sensitive heart can hear the singing of the Black of Guinea without being moved" (57 Vol. 1).<sup>260</sup> Rosas later

<sup>252</sup> "...dos negritos y dos mulaticos, bonitos éstos, graciosos aquellos, todos risueños y vivarachos ..."

<sup>253</sup> "Abebí, siempre risueña, siempre juguetona ..."

<sup>254</sup> "El mulatico Julio, alegre y juguetón ..."

<sup>255</sup> "...los criollos que reían y jugaban..."

<sup>256</sup> "...bailar el tambor."

<sup>257</sup> "...arrebatados por el transporte del más frenético entusiasmo."

<sup>258</sup> "...apoyándose trabajosamente en un palo que le servía de baston, se puso en pié, se quitó su tosco gorro de lana oscura, y haciendo ademan de arrodillarse, tartamudeó: —La bendición, mi amo."

<sup>259</sup> "Dios te lo pague, mi amo."

<sup>260</sup> "...en lengua extranjera, los cantares salvajes del Africa ardiente, evocando así los recuerdos lejanos de su país

delves deeper into the meaning of music to the African and Afrodescendant slave, citing a long passage from Anselmo Suárez y Romero's *Francisco* (76-80 Vol. 1).

Another grateful Afrodescendant, one who makes a very brief appearance in the text just for the purpose of showing his gratitude, is José Jesús. The slave had been saved by Angelina's father, Don Rafael, when he was about to be lashed for having fallen asleep while on guard duty. During Don Rafael's funeral, "the Black José Jesús kneeled over the grave, kissed the earth, and scattered the humble tomb with toasted corn and grains of rice. That way, the slave gave humanity a harsh and charming lesson of profound acknowledgment! (61 Vol. 2).<sup>261</sup>

One final African described in *La campana de la tarde; o: Vivir muriendo* is Sabá, who, acting as a surrogate mother, took care of Arturo—Angelina's love interest—during his first six years of life. This character and her story only take up two pages in Julio Rosas's book, but they allow him to paint an image that adds to the Africans's and Afrodescendants's humanity portrayed by him so far, while also offering a glimpse of the immense pain that slavery causes in them (which, up to this point, the reader only vaguely saw in old Alejo).

First, Rosas shows the desperation that slavery provokes in enslaved Africans and Afrodescendants, one that can even make the death of one's newborn baby a happy occasion.<sup>262</sup> Sabá "became a mother, and her son died at birth. Sabá blessed the gods of her African deserts because they had not allowed for her son to be a slave. Sabá danced on the piece of her entrails's grave with such frenzied happiness, so delirious, that many thought her crazy" (12 Vol. 2).<sup>263</sup> Physiologically available to be a wet nurse, the slave was lent to Arturo's father to care for his own newborn baby, who had lost his mother at birth.

Through old Alejo, José Jesús, and Sabá, Rosas recurs to sentimentalism to insist on the hu-

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nativo, de su patria ausente. Aquella música lúgubre era un himno de lágrimas ... Ningun corazon sensible puede oir el canto de los negros de Guinea sin enternecerse."

<sup>261</sup> "El negro José Jesús se arrodilló sobre la sepultura, besó la tierra, y regó aquella humilde tumba con maíz tostado y granos de arroz. Así aquel esclavo daba á la humanidad una leccion severa y encantadora de reconocimiento profundo!

<sup>262</sup> Slavery led to such desperation that, apart from often resulting in suicide, it also resulted in infanticide (which is not Sabá's case, but it is still important to remember). Perhaps the most famous case in the United States today is that of Margaret Garner, whose story became the inspiration for Toni Morrison's *Beloved* (1987). Garner tried to kill her four children—three of whom had been the product of her being raped by her master—and herself when she was caught by U.S. marshals after running away to the North. She managed to kill only one of them, her two-year-old daughter, Mary.

<sup>263</sup> "...fué madre, y su hijo murió al nacer. Sabá bendijo á los *manitús* de sus desiertos porque no habían permitido que su hijo fuese esclavo. Sabá bailó sobre la sepultura del pedazo de sus entrañas con alegría tan frenética, tan delirante, que muchos la creyeron loca."

manity of the Afrodescendant. José Jesús falls asleep and is afraid, just like it could have happened to anyone, and he feels heartbroken during don Rafael's funeral, just like anyone would feel. For his part, old Alejo expresses his sadness while remembering his motherland and his family, which anyone would feel. And finally, Sabá understands what awaits her offspring and wants to save him from that fate, just like any human would want, and she also "loved [Arturo] with maternal tenderness; she considered herself happy" (13 Vol. 2),<sup>264</sup> just like many women would love a newborn, helpless baby. Sabá also allows Rosas to remind the reader about the continuous agony in which the African and Afrodescendant slave lives, the agony that taints any happy moment. In her case, despite knowing that she was happy with Arturo and his father, Sabá "nevertheless cried tears of sharp pain and somber desperation upon thinking that the day would arrive in which the bell of disgrace would announce her return to the mill, where, to the crack of the whip and the screams ripped out by the lash, she would again have to open furrows in the earth to sow sugar cane" (13 Vol. 2).<sup>265</sup>

The mention of "the bell of disgrace" leads to a digression titled "Parentheses" (*Paréntesis*), in the style of Macedo in his *As víctimas-algozes*. Unlike the rest of the novel, this digression is narrated in the first person, and it is the penultimate instance in the text where Rosas makes a direct case against slavery: no author with a different stance would write what Rosas wrote here. This section of the novel focuses on the sugar mill's bell, a bell that rings three times a day to announce the morning and afternoon prayers, and the quiet time at night. The narrator becomes protagonist, telling the reader his own experience around this bell in what turns out to be a discovery of what the bell represents to it. First, it states that the bell brings sadness, but it is unknown why:

I do not know why the gravely sonorous tone of that magic metal moves me and brings tears to my eyelids. I do not know why the slow vibration of that dismal voice is, to me, full of an indefinable melancholy. The painful harmony, the whiny tone of the sugar mills's bell sounds in my heart like music of death. (17-8 Vol. 2)<sup>266</sup>

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<sup>264</sup> "Sabá amó al niño con ternura maternal: creyóse feliz ..."

<sup>265</sup> "...sin embargo, lloraba lágrimas de dolor punzante y sombría desesperación al pensar llegaría un día en que la campana de la desgracia le anunciaría su regreso al ingenio, donde, al chasquido del látigo y á los gritos arrancados por el azote, tendría otra vez que abrir surcos en la tierra para sembrar cañas de azúcar."

<sup>266</sup> "Yo no sé porqué el timbre gravemente sonoro de ese mágico metal, me conmueve y aproxima las lágrimas á mis párpados. Yo no sé porqué la lenta vibracion de esa tétrica voz está llena para mí de indefinible melancolía. La armonía dolorosa, el timbre quejumbroso de la campana de los ingenios, suena en mi corazon como música de muerte."



But then, as the description continues, the reason why the bell inspires those emotions in the narrating voice begins to take shape: it is an auditory symbol of the pain of the slaves. The bell sounds “like the echo of the sobbing of a heart that is always crying, of a soul in pain that always weeps and moans” (18-9 Vol. 2),<sup>267</sup> like the crying of the slaves themselves. Its tone is “mournful and monotonous” (21 Vol. 2),<sup>268</sup> much like the slaves’s existence as workers in a plantation. It is “a complaint, a prayer, an invocation to God, a mournful clamor, an agonizing echo” (21 Vol. 2),<sup>269</sup> much like the slaves’s own complaints, prayers, and invocations to God, evidently answered in nothing but an agonizing echo. The narrator shapes and articulates the comparison: the bell has a “dismal voice that mimics the sobs of desperation of a disgraced race” (21 Vol. 2);<sup>270</sup> its vibrations

repeat the echo of the moans in the sugar plantations and the laments of the palm groves, the echo of the sobbing of the canes, and the funereal and painful singing of the poor Blacks who, being free men in the splendid woods and scalding plains of wild Africa, were snatched from there to be turned into slaves in this land of light and fragrances. (23-4 Vol. 2)<sup>271</sup>

The narrating voice mournfully concludes the passage adding an observation on the grim injustice that slavery is, benefitting the miser at the expense of “slaves whose tears have become diamonds for their masters; their sweat drops, pearls; and rubies, their drops of blood, ripped out by the lash among the red fruits of the coffee trees and the greenish reeds of the sugar plantations” (24).<sup>272</sup> The parenthetical digression ends and the story resumes, but just before the novel ends, the author manages to make clear one last time his position on slavery as a barbaric institution, when don Antonio writes to Arturo before leaving the country to fight in the United States:

I am going to die, but I want to die not a common death but one defending something great, something heroic, something useful to humanity. In the United States a formidable war has broken out, with the objective of elevating the condition of man. There, people fight for the freedom of

<sup>267</sup> “... parece el eco de los sollozos de un corazon que siempre está llorando, de un alma doliente que solloza y gime siempre.”

<sup>268</sup> “...lúgubre y monótono ...”

<sup>269</sup> “... una queja, una plegaria, una invocación á Dios, un fúnebre clamor, un eco agonizante ...”

<sup>270</sup> “... su tétrica voz remeda los sollozos de desesperación de una raza desgraciada ...”

<sup>271</sup> “... repiten el eco de los quejidos de los cañaverales y de los lamentos de los palmares, el eco de los sollozos de las cañasbravas, y del canto fúnebre y doloroso de los pobres negros que, siendo hombres libres en los espléndidos bosques y las ardientes llanuras del África salvaje, fueron arrebatados de allí para hacerlos esclavos en esta tierra de luz y perfumes ...”

<sup>272</sup> “... esclavos cuyas lágrimas se han convertido en diamantes para sus señores, sus gotas de sudor en perlas, y en rubíes sus gotas de sangre arrancadas por el látigo entre las rojas cerezas de los cafetos y los esmeraldinos cañaverales de las plantaciones de azúcar.”

four million slaves. I will trade the plough of the simple farmer for the rifle of the soldier of civilization. (142 Vol. 3)<sup>273</sup>

Rosas's progressive views are clear in this novel, and it is worthwhile to mention them again: he is against slavery, patriarchy, inequality, consumerism, corruption, lack of education, vice, and greed. These views are considered progressive even today, which makes Rosas's stance in the nineteenth century even more impressive. Nevertheless, the author's progressivism is not totally evident in his representation of the Afrodescendant, who, as mentioned earlier, ends up being comparable to a noble dog: both slaves and noble dogs are at the mercy of their master; both are loyal and kind towards those masters who are generous and kind; both remain close to such masters, even when unleashed; both can be taught by their masters, and their masters can show off their learning as evidence of both their intelligence and the masters's magnanimity; both can be playful and happy when well looked after; and both both are free-spirited and comfortable in a natural setting, unrestricted from the civil norms that make it evident that they are not as sophisticated in their manners as their masters. This representation reinforces the idea that Africans and Afrodescendants have no agency in his fate, that his fate is tied to his master's whim. I will analyze the ramifications of this idea in Part Two.

### 3.6 CONCLUSION

In the previous chapter, I mentioned that sixteenth-century narratives of advocacy were written at a time when not everyone in the civilized world was convinced that Amerindians were human beings, and not all those who were convinced about it were sure that their being human was at the same level as their own. The situation seems not to have been entirely different for Africans and Afrodescendants in the nineteenth century, when the analyzed narratives of advocacy were written: Africans and Afrodescendants were still sold in markets along with fruits, vegetables, animals, and any other kind of asset; they were still branded with iron bars, still

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<sup>273</sup> "Voy a morir, pero quiero morir, no con muerte vulgar, sino defendiendo algo grande, algo heróico, algo útil a la humanidad. En los Estados Unidos ha estallado una guerra formidable que tiene por objeto elevar la condición del hombre. Allí se lucha por la libertad de cuatro millones de esclavos. Voy a trocar el arado del sencillo labrador por el fusil del soldado de la civilización ..."

haggled over, still separated from their partners and children, still used as beasts of burden. In Brazil, as Gilberto Freyre writes, the milk that people drank in Rio de Janeiro until at least the middle of the century “was mainly milk from slaves, that is, *cabra-mulher* (woman goat), and not *cabra-bicho* (animal goat)”—a differentiation made “with the same naturalness with which people differentiated between *burras-bichos* (mules; literally: mule-animals) and *burra-cofres* (safes; literally: mule-coffers), for keeping money or valuables safe; or between *macacos*, monkeys, and *macacos*, machines to lift weight” (541). Also in Brazil, as Daniel Kidder writes, “athletic negroes are seen moving in pairs or gangs of four, six, or eight, with their loads suspended between them on heavy poles” (20), while “another class of negroes are devoted to carrying passengers in a species of sedan chair, called *cadeiras*... To keep a *cadeira* or two, and the negroes to bear them, is as necessary for a family in Bahia as the keeping of carriages and horses elsewhere” (21). But perhaps the most convincing piece of evidence that many people in the nineteenth century still placed Africans and Afrodescendants in the same (or a similar) category as animals, is found in newspaper classified advertisements. For example, the newspaper, *Diario de la Marina. Periódico oficial del Apostadero de la Habana*, published in Cuba from 1832 to 1960, included three ads on February 3rd, 1846: one read that a ranch was for sale, and that it included its house, its horses, and “[t]wo young, robust negroes, healthy and without defects”;<sup>274</sup> another read “A negro woman is for sale, just gave birth, with abundant milk, excellent laundress and presser, beginner cook, young, healthy and without defects, and very humble”;<sup>275</sup> and the final one read: “A negro woman is for sale due to not being needed by her master, Congolese, about 20 years old, with her young aged 11 months, healthy and without defects, very faithful and humble, she has not known any other master than her current one, she is an average laundress, presser and cook” (4).<sup>276</sup> (The ad just below these ones read, sold leeches “of a good size and excellent quality.”) These examples are far from being an exception—practically every one of the newspaper issues includes classified advertisements of this nature.

Like the narratives that advocated for Amerindians in the sixteenth century, these narratives

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<sup>274</sup> “Dos negros jóvenes robustos, sanos y sin tachas ...”

<sup>275</sup> “Una negra se vende, recién parida, con abundante leche, escelente lavandera y planchadora, con principios de cocina, jóven, sana y sin tachas, y muy humilde ...”

<sup>276</sup> “Una negra se vende por no necesitarla su dueño, de nacion conga, como de 20 años, con su cria de 11 meses, sana y sin tachas, muy fiel y humilde, no ha conocido mas amo que el actual, es regular lavandera, planchadora y cocinera ...”

advocating for Africans and Afrodescendants in the nineteenth century also managed to reach their readers. In many cases, perhaps, they may not have quite convinced them that Africans and Afrodescendants were just as human as they themselves were—the same way in which many sixteenth-century readers were still not fully convinced that Amerindians were just as human as they themselves were. Nevertheless, as the narratives that they are, they managed to mobilize the reader, either from a genuine position of wanting to do something to change the situation of the exploited, or from the position of wishing to be seen as doing something to change the situation of the exploited, as a social signal to mark their class. And they did so through the same series of factors that I listed in the previous chapters's conclusion, First, the victims of the described cruelty were portrayed as just as human as the reader himself: just as intelligent, just as individual, and just as emotionally and physically sentient victims. Second, the authors set limits so as not to overwhelm the reader, creating enough empathic distress to reach him and mobilize him, but not so much for it to trigger the reader's wish to distance himself from the situation as a self-protective measure, And third, the suffering of the exploited was brought forth in front of a civilized and civil hegemonic reader by an also civilized and civil hegemonic author, forcing the reader to publicly react by denouncing his own side as barbaric—or else risk being labeled as a barbaric himself.

How much did narratives of advocacy *really* help in changing the situation of exploitation in which Amerindians and enslaved Africans and Afrodescendants lived? Did the suffering of the exploited beings for whom the analyzed narratives of advocacy pleaded end once protective laws were passed? Why or why not? I will analyze these questions in Part Two.

## 4.0 THE VOICE OF CAPITAL IN THE LEGISLATIVE PROCESS

Part Two of this dissertation continues addressing the questions that guide this research, namely: what made narratives of advocacy more popular among the culturally dominant sector of society—the civilized and civil members of our society—than the denunciations brought forth by the exploited beings themselves, to the point that today we, as a society, prevalently think of the former as a main element (“the” main factor, for many of us) that leads to legal change, while we ignore the role played by the voice and the actions of those exploited? And, why is this observation relevant today?

This second part contains two chapters: Chapter 4 analyzes how the interests of capital had legal predominance both during the sixteenth and nineteenth centuries, and Chapter 5 explores the extent to which the exploited protagonists of the narratives of advocacy analyzed in this dissertation, that is, Amerindians and enslaved Africans and Afrodescendants, were able to make their interests known, and how.

### 4.1 INTRODUCTION

Slavery, feudalism, and capitalism have at least two aspects in common, both of which are at the root of the social injustice that leads to the inequality without which narratives of advocacy would not exist in the first place, because there would be no exploited being for whom to intercede. One of those aspects is that all these systems function on the basis of relations of production in which only a portion of the laborers’s work and produced goods is returned to them (in the form of clothes, shelter, food, wages, depending on the system), while the rest—the “surplus”—is kept by the enterprise’s owner (“master,” “lord,” “baron,” “employer,” depending on the system), who uses

uses a portion to cover the cost of whatever is needed for production (raw material, tools, wages) and keeps the rest for his own sustenance, consumption, and accumulation of wealth. Wanting to maximize that surplus, the owner seeks to lower any cost he can, including the laborers's compensation. The unequal distribution of the profits and the resulting difference in income lead to an inequality between the owner and the laborer that is reflected in unequal access to education, healthcare, nourishment, safe dwelling, etc. This inequality contributes to the perpetuation of the system by ensuring that the exploited remain exploitable.

The second aspect in common between slavery, feudalism, and capitalism is that part of the surplus appropriated by the owner goes towards ensuring that the system from which that owner benefits functions well and remains in place. With respect to ensuring the system's well functioning, the surplus is used, for example, to hire slave drivers and slave catchers, in slavery; to hire bailiffs and haywards, in feudalism; and to hire managers and security guards, in capitalism. With respect to ensuring that the system remains in place, the surplus is used to sway legislation in favor of the exploiters—as opposed favoring society as a whole, let alone the exploited—and/or to influence those in charge of enforcing the implementation of any laws which may manage to be passed, but which still harm capital—an influence that includes bribes, whether illegal (as in most cases) or legal (as, for example, in the United States's lobbying system). This use of the surplus allows capital to play an essential role in legislation, in the enacting, enforcement, and lack of enforcement of laws. This influence of capital in the legislative process is what concerns us in this chapter.

One of the claims of this dissertation is that no matter how many narratives of advocacy are written, nor for how long, legal change in the situation of the exploited occurs when capital is ready for that change, either because it is not affected by that change or because it has found a way to benefit from it. It is important to clarify that this claim does not mean that such narratives are worthless, or that those who speak on behalf of the exploited are not truly concerned about the latter's situation and that their advocacy is just a performance, always. In fact, it may certainly be argued that these narratives—as well as protests and any other expression of discontent—act as a warning to capital, letting it know where the limits may lie, and guiding it to find alternative spaces where to eventually continue prospering.

It also does not mean that any legal change brought about by the passing of new laws is

useless, or that the situation of the exploited never improves. What it does mean, however, is that no matter how genuine the intentions of the advocates are, or how forceful their advocacy is, legal change in the situation of the exploited will not take place, in general terms, unless capital is not opposed to it. If capital is ready for the change—be it because, as I mentioned, it benefits from it, or because it is not affected by it—then it will not be opposed to the enactment and implementation of the new law. But, if it is not ready for the change—because it would mean a significant loss in profits, or because it would halt the possibilities for growth—then the laws will not pass, or they will be revoked after they are passed (an uncommon occurrence), or they will not be obeyed.

In this chapter, we will see how this statement applies in the case of the two analyzed groups, Amerindians in the sixteenth century and enslaved Africans and Afrodescendants in the nineteenth century, protagonists of the narratives of advocacy analyzed in the two previous chapter. Due to space constraints, I will leave aside the laws that benefitted capital; instead, I will focus on those laws that sought to protect the exploited. Several scholars have already studied these laws in depth, and since such study is not the purpose of this chapter, I will go over them as concisely as possible so as to answer these questions: What protective laws were passed, and when? Did they affect the process of capital accumulation? And, if so, what did capital do in response?

## 4.2 AMERINDIANS IN SPANISH AMERICA

### 4.2.1 *The Laws of Burgos (1512) and the Complementary Laws of Valladolid (1513)*

After obtaining the Bulls of Donation—also known as Alexandrine Bulls—from Pope Alexander VI, the Catholic Monarchs of Spain had divine rights to the colonization of any new territory found in the New World territory, as long as another Christian monarch had not already claimed it. This way, without their knowing, the majority of Amerindians in what is now Latin America became subjects of Queen Isabella and, later, of her husband Ferdinand II, and any land they may have considered theirs became the land of the Spanish Crown. In exchange for all this, the Crown committed itself to the evangelization of its new subjects. Two motivators then, wealth



and religion, drove the conquest of the New World, with the unscrupulousness of the first one forcing the Spanish society “to have to deal, sooner or later, with the issue that was the Indian’s nature” ([Monje Santillana](#) 12), an issue that was evaded for almost twenty years until Antonio de Montesinos made it unavoidable.

Denouncing the inhumane treatment of Amerindians by Spaniards, and warning those responsible—including the monarchs themselves—of an afterlife in Hell, Montesinos’s “[Sermón de Adviento](#)” (1511) pushed the culturally dominant sector of society to confront issues that had not been publicly discussed until then: “the nature of the Indians; their condition as human beings or not; whether they had a soul; their rights, both spiritual and material, such as the right to ownership, life conditions, labor conditions; etc.” ([Monje Santillana](#) 6). The non-questioning of these issues, at least in public forums, had tacitly allowed for the barbaric exploitation of Amerindians—unofficially since 1492 and officially since 1503, with the establishment of the *encomienda* system, described as follows by Juan Cruz [Monje Santillana](#):

The monarchs would give or entrust [*encomendar*, in Spanish] a group of Indians to a Spaniard, the *encomendero*, who could demand work or tributes from the Indians. In exchange, the *encomendero* committed himself to provide his entrusted Indians with religious instruction, food, and protection. The Crown benefitted also, because it received an amount of money for each entrusted Indian. It was a three-way balance. This way, all the objectives were supposedly achieved: the Spaniards could have enough laborers for the economic exploitation of their land; the Indians received assistance and protection, and they were evangelized (a requirement of the Papal Bull); and the monarchs received a payment that would allow them to finance the incipient Indian administration and to obtain important resources, increasingly greater. (13-4)

The King’s summoning of Montesinos and Pedro de Córdoba—the latter being the leader of the Dominicans in the New World, as mentioned on page [50](#)—led to the gathering of the Junta de Burgos, which resulted in twenty sessions dedicated to debating two opposed positions. On one side, there was the position held by the Dominicans, who insisted on “the liberty and the rights of the Indians in their condition of free humans, denouncing the mistreatment awarded to the by the institution of the *encomienda*”; on the other side, there was the position held by “the members of the Royal Council, led perhaps by jurist Gregorio [López], defending the stance of both the colonizers and of the *encomienda* as a legitimate and efficient institution” (18). The Junta de Burgos arrived at several conclusions, summed up by [Monje Santillana](#): Amerindians were free; they were to be evangelized; they had the obligation to work, without this being a hindrance to

their religious education, and the work had to be assigned according to their physical constitution, with breaks for distraction and rest; they were to have their own dwellings and land parcels, and enough time to tend to them; they were to be in contact with Christians; and they were to receive a fair wage for their work. From these conclusions emerged the thirty-five Laws of Burgos—the first piece of legislation aimed at protecting the Amerindians—which were enacted on December 27th, 1512, by King Ferdinand—at the time, both king of Aragon and regent of Castile after his wife’s death in 1504.

There were four parties that would be affected by changes in the way Amerindians were treated. One was the Amerindians themselves, of course, who had nothing to lose and everything to gain. But there were also the Crown, the Church, and the conquistadors, who did have much to lose, depending on what changed. Specifically, what they had to lose—and certainly did not want to lose—was the opportunity for capital accumulation that had been available to them since 1492, essential both to increase the wealth and power of the Crown and the Church, as well as to provide the conquistadors with new wealth and the possibility of social climbing, with its consequent increase in power. These three parties benefitted from (and depended on) each other at this point: without the support of the Crown, the Church could not have been so powerful and wealthy; without the support of the Church, the Crown could not have been so powerful and wealthy; and without the support of the Crown, made possible by the support of the Church, the conquistadors could not have had access to the New World, where they obtained the wealth that made everything possible. With the exploitation of the Amerindians being fundamental to extract the riches—so many that they would eventually finance Spain’s Golden Age—whatever law was to be passed to protect the Amerindians would still need to ensure that they, one way or another, would still work long hours every day, at a minimal cost to capital.

The Laws of Burgos did just that: they granted the Amerindians enough protection to appease—temporarily, at least—the culturally dominant sector of society, but they never lost sight of the interests of capital, ensuring that they would remain relatively untouched. They achieved this through an opaque language that leaves those governors and *encomenderos* plenty of opportunities to find loopholes, ambiguities, and racist-based motivations to exploit the Amerindians. Raúl [Marrero-Fente](#) has carried out an excellent analysis of the Laws as a “legal fiction” (59), showing the text’s contradiction “between its apparent denotative transparency and its conno-

tative opacity” (62). The Laws of Burgos state, for example, that “the indigenous are ‘naturally inclined to idleness and bad vices, which do no service to our Lord,’” opening in this way “the door to any option necessary to correct that behavior.” They also provide the “details of the daily organization of the *encomiendas* and the colonial functionaries in charge of supervising” them, not only destroying “the structure of the original indigenous communities,” but also implicitly allowing for any coercion and violence needed to bring those changes about (62). In other words, the language of the Laws of Burgos hides “the true secret of the text: it is not about the organization of a society to reach high moral goals; on the contrary, it implies the destruction of the way of life of the indigenous communities, the change of the spatial notions regarding the exercise of their citizenship, and their death and daily mistreatment in the hands of the *encomenderos*” (63). [Monje Santillana](#) reinforces the logic behind these ideas by explaining the mixed feelings of the Spanish monarchs:

The King and Queen represented a thought current that was more favorable to the consideration of the Indian as free subject, not only for what was previously mentioned with respect to Pope Alexander’s Bulls [which allowed the Crown to own the New World as long as it evangelized its new native subjects], but also because this helped its position against allowing for the creation and establishment of a “new monarchy” in America ... due to the experience that they had had with the peninsular nobility ... It was in this state of affairs that the economic exploitation of the new territories began, and, in order to reconcile the different interests, the colonizers’s lucrative one and the monarchs’s evangelical one, a new form of economic organization and of institutional wealth distribution was created: the *encomienda*. (12)

It did not take long for the friars in the New World to notice that the Laws of Burgos had done nothing to benefit the Amerindians, to the point that their complaining resulted in four more laws were added the following year, laws known as the *Complementary Laws of Valladolid*,<sup>1</sup> to detail the treatment of married and pregnant women, as well as children under the age of fourteen years of age—amendments that surely did not have a significantly negative effect on capital, and it would not be surprising if they were implemented without much resistance—and to order that after two years, all Amerindians were freed, *as long* as they were able to live as Christians—a great loophole that allowed *encomenderos* not to free anyone with the excuse that more indoctrination was needed. In the end, the Laws of Burgos and their Complimentary Laws of Valladolid, which in theory aimed at improving the existence of the Amerindian at the mercy of the Spaniards, did

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<sup>1</sup> *Leyes complementarias de Valladolid*.

not help the former's situation—if anything, they worsened it: now the *encomienda* was a fully legal, regulated institution—an institution that had been prohibited by Queen Isabella in 1501, “through instructions given to Fr. Nicolás de Ovando, named governor of the Indies ...although she granted [Spaniards] the faculty of forcing them to work” (Fernández Rodríguez 60). Not only did the Spaniards granted themselves a legal right that they did not have within their own juridical system,<sup>2</sup> but that legal right led to the Amerindians being uprooted from their homes, driven away from their religious and cultural rites, violently coerced to work for the Spaniards. In spite of it all, today's culturally dominant sector of society still thinks of these Laws as having been positive, overall, for the Amerindians, be it because there is ignorance about what really happened after they were enacted, or because they are seen as a milestone in the recognition of human rights. (Monje Santillana, for example, writes that “the historical advancement [in human rights] brought about by the Laws of Burgos should not be undervalued” (19).) But in reality, — when, in reality, there is a strong case to be made against them, as complicit in perpetuating the Amerindian tragedy by providing a new juridical framework for the exploitation of Amerindians. And even though Anna Blume blames the death and suffering of so many Amerindians on the lack of enforcement of these laws—“the laws were a miserable failure in the first decades of contact and colonization, so much so that word quickly travelled back to Spain that thousands if not millions of Indians were dying due to the unenforced new laws and unchecked Spanish cruelty” (29)— the blame lies exclusively on the priority that the legislators granted to the interests of the capital, opening loopholes, presenting ambiguities, and offering technicalities easy to avoid.

Since these laws failed, the matter of advocating for the Amerindians was far from over for the culturally dominant sector of society, and this led to more narratives of advocacy that resulted in the sporadic passing of new laws—each one of which acted as a reset button, appeasing the advocates while the exploitation continued.

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<sup>2</sup> Marrero-Fente writes that the Laws of Burgos are “illegitimate because the canon law of the time requires, for its confirmation, the free consent of the indigenous; without this requirement, as Bartolomé de Las Casas pointed out, the Crown lacks *ius in rem*, and therefore does not have ‘the power to exercise supreme jurisdiction’ upon the indigenous” (63).

#### 4.2.2 *The Laws of Granada* (1526) and other scattered laws (1528)

The cruelty against the Amerindians continued, as well as their exploitation, not only with the appeasing Laws of Burgos (1512) and the four added Laws of Valladolid (1513), but also with one more “legal” document to justify Spaniard domination over Amerindians: the *requerimiento*, a document crafted by jurist Juan López de Palacios Rubios, to be read by the conquistadors to the Amerindians. The document’s message was the following: if the Amerindians submitted themselves to the conquistadors, agreeing to be evangelized and accepting that the Spanish monarchs had given those lands by the Pope, then there would be no trouble and they would become subjects and vassals of the Crown; otherwise, if they refused to accept these terms, then they would be fought in war and enslaved. William S. [Goldman](#) perfectly describes the *requerimiento*, first read in 1513 by the Pedrarias Dávila expedition, as “a joke, and a pretty good one at that” (1), so much so that, as Tzvi [Medin](#) writes, it was even recognized as such by many people at the time:

Bartolomé de Las Casas wrote that he did not know whether ‘to laugh or cry,’ and historian Oviedo writes, first hand, that none other than the very Palacios Rubios many times seemed to laugh about it, affirming that with the *requerimiento*, the conscience of the Christians remained satisfied. The same Oviedo tells us that Pedrarias Dávila asked him to proclaim the *requerimiento* before the Indians, to which Oviedo replied, amidst the laughter of all those present, ‘Sir, it seems to me that these Indians do not want to listen to the theology of this *requerimiento*, nor that you have anyone who can make it understandable to them. Your honor, have it put away until we have some of these Indians inside the cage, so that they can slowly learn it and the Lord Bishop can explain it to them.’ (63)

The denunciations carried out by the friars in the New World—friars such as Pedro de Córdoba and Bartolomé de Las Casas, some of whose texts were analyzed in Chapter 2—eventually led to a gathering of the Council of the Indies to reconsider the wars of conquest. The result of the discussion was a series of twelve laws, the Laws of Granada (*Ordinances of Granada*), enacted in 1526, which Antonio Osuna [Fernández-Largo](#) sums up as follows:

They manifest an awareness of the injustices inflicted by the conquistadors, and they suspend the conquest until a more apt way of cohabiting with the Indians is found, without this signifying an interruption of the penetration in new territories, which will have to be done with much caution and attention not to harm the Indians. It is forbidden to enslave anyone, to force the Indians to work in mines, and it is prescribed that the *encomiendas* continue to respect the free condition of the Indians. The demand to comply with the established requirements is reiterated, and the clerics who accompany the conquistadors are entrusted to ensure the compliance of these new norms. (94)

Whether or not these laws prevented new Amerindians from falling into the hands of the conquistadors is not what interests us.<sup>3</sup> What does interest us, rather, is that not only was the institution of the *encomienda* not abolished, but also the ability to explore new land and find more resources remained. The Amerindians, at least those who had already been conquered, were still at the mercy of their oppressors, and the riches that fed the conquistadors, the Crown, and the Church—together with the labor needed to extract those riches—continued being as accessible as before. The extent to which nothing really changed was such that between 1528 (just two years after the Laws of Granada were passed) and 1542 (the year in which the New Laws were promulgated), several royal decrees, described in great detail by Manuel Lucena Salmoral in *Leyes para esclavos: el ordenamiento jurídico sobre la condición, tratamiento, defensa y represión de los esclavos en las colonias de la América española* (2001), were formulated with both reminders as well as new mandates to protect the Amerindians. In January of 1528, two royal decrees were declared: one of them ordered that Amerindians “be set free, and that they be administered as free and as subjects [of the Crown]”; the other one established the post of “Protector of Indians in Mexico ...to remedy the abuses that were committed against the Indians” (64). Later, in November, a provision was sent out forbidding the branding of Amerindians on their face, and ordering the freeing of anyone who was unjustly enslaved. A second provision ordered an investigation to uncover corrupt judges who had declared peaceful Amerindians as criminals so as to have them enslaved. Ending the year, two more decrees came along in December: The first one “forbid the sending of enslaved Indians away from their native land” (65); the second one “forbid the treatment of entrusted (*encomendadas*) female Indians as slaves kept in the *encomenderos*’ houses” (66). In 1530, a provision “utterly banned the enslavement of Amerindians in the future,” even through just wars (67), a decision that was revoked in 1532, through a new provision that also reminded the conquistadors that they had to read the *Requerimiento* before declaring a just war. That same year, another decree emerged, this time reminding people not to take Amerindians out of their territories. A series of provisions followed later with the purpose of regulating the newly conquered Incas, none of which—just as in the case of the previous ones—managed to put an end to the cruel treatment of the Amerindians they sought to protect.

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<sup>3</sup> It did not prevent that, by the way: in 1532, the Incas were conquered by Francisco Pizarro in what today is Peru; in 1540, the Mapuches were conquered by Pedro de Valdivia in what today is Chile.

### 4.2.3 *The New Laws (1542)*

As time went by and the exploitation of the Amerindian continued, two opposing parties around the issue of the Amerindian became very distinct. Enrique Dussel explains it:

The colonialist side was conformed, in general terms, by the Spaniards settled in America and by vast social groups in Spain who were politically and economically linked to them. The indigenist side, on the contrary, was conformed not only by the Indians themselves, which is proven by their attitude as they took part in the divergences through letters or in person, but also by vast circles within the Spanish public opinion, being that the pro-indigenist position obeyed elemental national conveniences. In Spain, certain groups began to see the danger of the wealth, autonomy and conscience that the *encomenderos* social class was gaining. Moreover, the Crown, in favor of the centralization and increase of the imperial power, welcomed the idea that the Indians, its subjects, belonged to the Crown and were not entrusted to Spaniards in the Indies. (57-8)

The side that advocated for the Amerindians had Fr. Francisco de Vitoria and Fr. Bartolomé de Las Casas as the main critics of the conquest, both maintaining that Amerindians were free “subjects of natural right and, therefore, could neither be enslaved nor forced to convert [to Christianity]” (Menéndez 35). Although both priests contributed to the eventual passing of the New Laws, there is great evidence that Las Casas was particularly significant in the process. David Orique writes about it, explaining that Las Casas arrived in Spain to inform Charles V about the tragic situation in the New World, caused by the “excesses of particular Spaniards’s and, above all, because of the corruption of royal officials on both sides of the Atlantic Ocean” (“New Discoveries” 428). A shocked Charles V “convened an extraordinary junta in Valladolid,<sup>4</sup> in 1542, to which he assigned the task of studying the situation and of drafting new ordinances to govern the Indies” (430). Las Casas addressed this junta with his *Very long account of the Destruction of the Indies* (which he had already delivered to Charles V, and which was later abridged and published as the text that was analyzed in Chapter 2, section 2.6.1). He also “outlined the lengthy *Memorial of remedios*, replete with denunciations of the corruption of royal officials and detailed proposals for reform. Subsequently, the junta requested a summary of Las Casas’s complex and voluminous *Memorial de remedios* to serve as a guide for their deliberations and for the drafting of new ordinances.” (431).

Bartolomé de Las Casas seems to have been convincing enough, because Charles V issued the

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<sup>4</sup> Not to be confused with the 1552 Junta of Valladolid, where the Valladolid Debate between Bartolomé de Las Casas and Juan Ginés de Sepúlveda took place.



New Laws in 1542—the *Laws and Ordinances Newly Made by His Majesty for the Governance of the Indies and the Good Treatment and Conservation of the Indians*<sup>5</sup>—based on his advice. These New Laws put forth several stipulations with respect to the treatment of Amerindians: that they be well treated, that they do not be enslaved—an aspect that now was even backed up by a Papal Bull: *Sublimis Deus* (1537), promulgated by Pope Paul III—that they do not be used as load carriers, that they continue being evangelized. So far, there was nothing that had not been established before, with the exception of the load-carrying ban. But one item stood out and immediately became a problem: the end of the inheritable *encomienda*:

Furthermore, we order and command that, from now on, no viceroy, governor, auditor, discoverer, or any other person can have Indians entrusted to him, neither by new provision, nor by resignation, donation, sale, or any other way; nor by holidays or inheritance, being that upon the death of the person with entrusted Indians, these will be placed in the care of our Royal Crown.<sup>6</sup> (qtd. in García Icazbalceta, “*Leyes*” 7)

Enrique Dussel offers a detailed description, region by region, of what happened once the New Laws were sent to the New World, which he sums up as follows: “in the entire territory, the New Laws were never followed” (67). The *encomenderos* were not going to give up so easily their source of wealth and increasing power, and a rebellious movement began. What must be asked, then, is, why would the Crown, unlike the *encomenderos*, be willing to give up such source of wealth? What was it that changed and suddenly made it acceptable to implement a law that would mean a loss of income? Could it really be that Charles V had truly been moved by advocates such as Córdoba, Vitoria, Quiroga, and Las Casas, and was willing to set aside his political and economic interests to protect his exploited subjects?

The answers to these questions is not surprising: while Charles V may have been moved and he may have recognized his moral obligation to protect those exploited, the main reason for his enactment of the New Laws was not his concern for the Amerindians (a statement which can be corroborated by the fact that the Emperor later revoked this decision); it was instead, the continued fear—which the Catholic monarchs already had, as we saw in relation to the Laws of

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<sup>5</sup> “Leyes y ordenanzas nuevamente hechas por Su Majestad para la gobernación de las Indias, y buen tratamiento y conservación de los Indios”

<sup>6</sup> “Otrosí: ordenamos y mandamos que de aquí adelante ningún visorey, gobernador, abdiencia, descubridor ni otra persona alguna, no pueda encomendar indios por nueva provisión, ni por renunciación ni donación, venta ni otra cualquiera forma, modo, ni por vacación ni herencia, sino que muriendo la persona que toviere los dichos indios, sean puestos en nuestra corona real ...”

Burgos—that the *encomenderos*, who were becoming too powerful, could become a new nobility that would erode the Crown’s control in the region. (See Orique, “[New Discoveries](#),” p. 430; [Someda](#), p. 73; [Valencia Llano](#), p. 40).

One of the rebellious movements was the Great Rebellion of the *Encomenderos*, in Peru. At first, the *encomenderos* unsuccessfully tried to negotiate with the viceroy; then they resorted to violence and had the local governments send petitions to Charles V asking both that the New Laws not be applied and that Pizarro be the new viceroy. At the Battle of Ñaquito, in 1544, the rebels killed the viceroy and Pizarro became the new leader, with full control of what was happening in his viceroyalty. The result of this rebellion, together with the unhappiness of *encomenderos* everywhere else, was that the Crown pardoned the rebels and revoked the laws that had caused harm to the Spaniards, including the most important one, the one that was going to end the *encomienda*: the end-of-succession law. The Crown also installed a new viceroy, replacing a fallen Pizarro who, as [Escudero Villanueva](#) writes, had lost his power due to “the decrease of indigenous labor and the *encomienda*’s production added to the annoyance of neighbors and *encomenderos* caused by the negative impact of the war” (112).

With respect to these rebellions carried out by the *encomenderos*, [Dussel](#) writes that

the solidarity of the *encomenderos* class—foundation for the Creole oligarchy that, after Emancipation, would be liberal, positivist, and capitalist, governing Latin America to present day—destroyed, in great part, the attempt carried out by the monarchs and the Church, and made it a fact the total subordination of the ‘middle class’ to the interests of a Hispano-Creole minority. ([Dussel](#) 107)

Dussel’s statement comes right after this one: “we must, once again, admit the justice and exemplary nature of the laws promulgated by the Spanish Crown. Nobody can criticize Spain on this” (107). And while it is true that the New Laws would have been beneficial to the Amerindians had they been enforced, just as it would have been the case as every previous law since the Laws of Burgos, I am not so sure that Spain is beyond criticism with respect to the laws promulgated by the Crown. What I mean is that all those protective laws always found a barrier to which the Crown never stopped submitting itself: capital. The demand made by advocates for Amerindian rights was easy to understand: they should no longer be mistreated, exploited, killed. Yet at the time of choosing between what was asked or not abandoning the possibility of accumulating wealth, the Crown always failed in favor of the latter, financially benefitting in exchange for

overlooking the exploitation and the cruelty, leaving in place those authorities that were known to be corrupt, and even revoking the New Laws after the demands of the *encomenderos*, a social class that the Crown recognized as a potential threat should it be allowed to continue growing (such would be the threat that, less than three centuries later, the region would declare itself independent guided by the successors of this social class).

In addition, the evidence since the arrival of the Spaniards in 1492 shows that even when laws obeyed the good intentions of the friars who denounced the Amerindian tragedy, they never did anything other than appease the culturally dominant sector of society, acting, as I mentioned a few paragraphs above, as a reset button that, under the promise of change, extended the exploitation during tacit periods of grace until the required changes were implemented, changes that never arrived and led to a new cycle of denunciations. In the case of the *encomienda*, the Crown allowed its existence despite the fact that Queen Isabella had forbidden it, and it only decided to bring it to an end as a means to also end the social class integrated by the *encomenderos*, and when the plan led to the rebellion of these people, the Crown did not hesitate in revoking the New Laws. So, in my opinion, even though the laws promulgated by the Spanish Crown carried the good intention of advocates like Córdoba, Vitoria, Quiroga y Las Casas, it is clear that Spain can still be criticized: wealth and the power associated with it were always a priority for its monarchs, trumping all else. As [Someda](#) writes, even Las Casas “became firmly convinced that neither natural law nor human law sufficed, neither to prevent the injustices that existed in the Indies and to establish social justice, nor to guarantee the compliance of the sacred mission of saving the souls of Amerindians” (83).

The New Laws, just like the other laws discussed in this section—laws associated to the analyzed narratives of advocacy because it was the awareness that the latter raised that the culturally dominant sector of society has regarded as essential in the passing of those laws—corroborate the pattern that this dissertation proposes: no matter how many narratives of advocacy are put forth, or for how long, laws only change when capital is ready for that change, either because the change is beneficial to capital or because it does not affect it. With respect to this last statement, one point may need to be reiterated: this dissertation does not claim that narratives of advocacy have nothing to do with the passing of protective laws; on the contrary, they do play an essential role in a process that *eventually* may end with the passing of those laws. What this dissertation is

concerned with is the “eventually may” remark: we associate these narratives of advocacy with the end of suffering, far from guarantee that the system will change, that the awareness they raise will result in legal change. We have seen how this occurred in the sixteenth century: no matter how many priests advocated for the Amerindians, legal change was only achieved when capital benefitted from it or was not affected by it, either because it had already adapted to it or because it found a way not to obey the law. This disobeying of the law is what applies in the case of the sixteenth-century New World.

In the next sections, we will see that this same principle applies to sixteenth-century Amerindians in Portuguese America, and to nineteenth-century enslaved Africans and Afrodescendants.

### 4.3 AMERINDIANS IN PORTUGUESE AMERICA

The situation of Amerindians in Portuguese America was different from their situation in Spanish America. Going against the Papal Bull, *Sublimis Deus* (1537), the Portuguese Crown allowed for the enslavement of Amerindians, something not allowed—at least not officially, as we saw—by the Spanish Crown in Spanish America. During the sixteenth century, the legislative corpus in Portuguese America was mainly composed of three sets of ordinances, as well as a series of laws, decrees, and provisions. The ordinances—of King Alfonso I, or *Ordenações Afonsinas* (1446, ratified in 1448); of King Manuel I, or *Ordenações Manuelinas* (1513); and of King Philip I, or *Ordenações Filipinas* (promulgated by King Philip I in 1596, and ratified in 1603, under King Philip II)—do not include protective legislation for Amerindians; however, six laws individually promulgated did. In this section, I focus on these laws.

#### 4.3.1 *Rules of procedure from King Manuel I to the captain of the Bretoa ship (1511)*

The *Regimento do Rei D. Manuel I ao capitão da nau Bretoa* (1511) was the set of instructions that King Manuel I gave to the captain of the *Bretoa* ship, Cristóvão Pires, both on how to run the expedition and how to treat any encountered Amerindians. Georg [Thomas](#) summarizes what concerns us, the instructions related to the Amerindians: “To all the members of the ship’s crew

applied the written prohibition against offending the Indians, in any way, or causing them harm. There was a warning of extraordinarily severe punishments: the loss of half of the wages and, depending on the category of the wrongdoer, a punishment that fit the crime” (31).

The prohibition against using tools such as knives and axes as goods to be traded with the Amerindians, leaving only articles such as mirrors, rattle bells and trinkets, did not affect trade: the Amerindians traded over five thousand tree trunks for those articles, as well as seventy animals, including wild cats, parakeets, and monkeys (Freitas 282). And the prohibition against not harming the Amerindians did not prevent the Portuguese from enslaving thirty six of them and taking them Portugal, Amerindians who had been “rescued” (*resgatados*) Tupinambá prisoners sold to the Portuguese by the Maracajá tribes who had captured them. (I mentioned in Chapter 2, page 71, how this “rescuing,” or “*resgate*,” was a way that the Portuguese found to justify their enslavement of Amerindians: having saved them from death, they saw their enslavement as a way for those Amerindians to pay their debt. In any case, as Georg Thomas writes, the Rules did not prohibit slavery, a fact evident “in the order, also given by the King to the ship’s scribe, to register in a book all the slaves, parakeets, and monkeys that the *Bretoa*’s crew would obtain” (35-36), so that all taxes could be paid to the King without difficulty.

The *Rules of Procedure* for the *Bretoa* did not affect the economic aspect of the crew’s mission, which was to obtain pau-brasil wood. As a matter of fact, as Thomas points out, the rules actually preserved the ideal conditions for trade that already existed in that part of Portuguese America: “The destination of the *Bretoa*, Cabo Frio, was situated in a region of Brazil that was coveted by Portuguese merchants. Its great wealth in pau-brasil and the pacific nature of the Tupiniquin that lived there provided very favorable conditions for the trade of colorful wood, conditions not found in other parts of the country. The indigenist policies of these *Rules of Procedure* aimed, therefore, at the conservation of those conditions” (31-2). In addition, they had a political aim: to be friendly with the Amerindians so as not to risk having them rebel against the Portuguese Crown, especially now that the Dutch were also roaming the region’s shores.

#### 4.3.2 *Rules of procedure for Tomé de Sousa (1548)*

The *Regimento de Tomé de Sousa* (1548) was the set of instructions given by King John III to Tomé de Sousa, the first governor-general of Portuguese America. The comprehensive instructions addressed many details, including what route to follow (Item 1), what conditions *donatários* needed to respect (Item 9), where to set up fortresses and sugar mills (Item 10), what weapons were not to be given to Amerindians (Item 31), and how to reward any loyal Portuguese (Item 41).

With respect to Amerindians, the instructions can be summarized as follows: if they accepted Portuguese dominance without resistance, they were to be indoctrinated in the Christian faith and placed in settlements, away from their tribes; as Georg Thomas explains it, their “contact with the Europeans would enable their instruction and would adapt the indigenous, as best as possible, to European civilization” (61). If, on the other hand, they resisted Portuguese dominance, they were to be overcome and enslaved. With respect to the Tupinambá tribe, which had killed a *donatário*,<sup>7</sup>

King John III ordered a punitive expedition against them. The Governor was, therefore, placed in charge of destroying their villages and killing or enslaving a substantial part of the population. Tomé de Sousa would have to pardon them should they showed willingness to subjugation; however, before signing any peace treaty with the barbarians, in order to leave them without any capability for resistance, he would need to imprison a few chiefs and hang them in front of the inhabitants of their villages. (60-1)

From the very beginning of the document, these Rules tackled in great detail the political and economic aspect of establishing a governorship in Portuguese America. It is only halfway into the document, in Item 23 (out of 46), that King John III mentioned the supposedly “main” reason why the Portuguese are there:

Because the main thing that led me to order said regions of Brazil to be populated by settlers was so that their native peoples would convert to our Holy Catholic Faith, I urge you very much to talk with said Captains and Officials about the best way to achieve that ... Treat well all those who are peaceful and always favor you, and do not consent to any oppression or aggravation being done onto them, and if this is done, have it corrected in a way that leaves them satisfied, with those who did it being punished in a just manner. (220-1).<sup>8</sup>

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<sup>7</sup> Between 1533 and 1535, the Portuguese Crown divided the new territory into fifteen areas, called captaincies, awarded to twelve *donatários*, whose power was “general, civil, and judicial, and who had many privileges. But, at the same time, they assumed the obligation of colonizing and developing their captaincies” (Thomas 39) so as to secure the land for the King and to generate revenue.

<sup>8</sup> “Porque a principal cousa que me moveu a mandar povoar as ditas terras do Brasil, foi para que a gente delas se

Just as it is not difficult to believe that King John III may have wished for his new Amerindian subjects to be baptized and treated well, it is also not difficult to believe that, at least at this point, that was not his priority. As these Rules make evident, his priority was to establish order—Portuguese order—in the New World, leaving no doubt of who was in charge: if establishing Portuguese order meant enslaving Amerindians, they would be enslaved; if it meant hanging their chiefs, they would be hanged. María Isabel de [Siqueira](#) reminds us of what Denis Diderot wrote about the establishment of order: “Be wary of those who want to establish order. Establishing order always means becoming the master of others, hindering them” (qtd. in [2](#)).<sup>9</sup> In the case of the King, his hindering applied to Amerindians, but not to capital: as Siqueira writes it, “the King hoped that the reformulation of the instruments of control, of command, and of government would achieve, through a centralized administration, the managing of the difficult relation between *donatários*, settlers, and Indians” ([3](#)), necessary for the expectation of generating profit in the region to become a reality.

Although they officially set boundaries on how the Portuguese should treat Amerindians, these *Rules of procedure* largely benefitted capital, paving the way for Portuguese settlers not only to access the natural resources of Portuguese America, but also to exploit the labor power of its native peoples.

#### 4.3.3 *Law on the freedom of the barbarians (1570)*

Amerindian subjugation was an idea supported both by the Portuguese colonizers and by the Jesuit missionaries who would begin arriving in Portuguese America in 1549; but, there were differences in how each party thought that subjugation should be carried out. To friars like José de Anchieta and Manuel da Nóbrega, subjugation meant keeping Amerindians in settlements away from their villages, so as to enable their evangelization. Anchieta, for example, wrote to Fr. Diego Laínez that “for this type of people, there is no better preaching than sword and iron

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convertesse à nossa Santa Fé Católica, vos encomendo muito que pratiqueis com os ditos Capitães e Oficiais a melhor maneira que para isso se pode ter . . . tratem bem todos os que forem de paz, e os favoreçam sempre, e não consintam que lhes seja feita opressão, nem agravo algum; e, fazendo-se lhes, lho façam corrigir e emendar, de maneira que fiquem satisfeitos, e as pessoas que lhos fizerem, sejam castigados como for justiça.”

<sup>9</sup> “Méfiez-vous de celui qui veut mettre de l’ordre. Ordonner, c’est toujours se rendre le maître des autres en les gênant.”



bar” (Thomas 64),<sup>10</sup> while Nóbrega wrote to Fr. Miguel de Torres that

the barbarians must be subjugated and made to live as rational creatures, having him put away the natural law ...After Brazil was discovered and settled, the barbarians have killed and eaten a large number of Christians, and they have taken many ships and ranches ...And they are so cruel and bestial that it is like this how they kill those who never harmed them, priests, friars, women ...And the experience allows us to see that compliments and good treatment only make them more arrogant and worse. (qtd. in Leite, *Cartas* 75-6).<sup>11</sup>

To settlers, on the other hand, subjugation meant dividing Amerindians and keeping them “in the homes and the fazendas of the Portuguese, so that would become more accustomed to European civilization while being converted, and, at the same time, would be available as labor force” (Thomas 65). As it turned out, “the way of life of white colonizers showed themselves to be a hindrance rather than a stimulus towards the conversion of the pagans. The complaints put forth by the Jesuits and the bad example of the Portuguese were endless” (84), which led to a Jesuit push for a reorganization of the Amerindians: they should not be separated into baptized and non-baptized, but they should rather be kept together, protected by the priests and isolated from the Portuguese—a push supported by a new governor-general, Mem de Sá, unlike his predecessor, Duarte da Costa. As far as the Crown was concerned, it may not have mattered much at the beginning which one of these two groups controlled the Amerindians; as long as they received Catholic indoctrination, provided labor power, produced nourishment for the colony, and were a ready-to-go army, they served the interests of the colonization: “economic exploring and territorial and political maintenance” (45). However, as the years passed, it became evident that the Crown leaned towards the Jesuit method—especially considering that once land donations and a fraction of the tithe were made available to the Jesuits, their patrimony increased “in such a manner that, in time, they were able to establish their own sugar plantations, sugar mills, and cattle farms around their schools” (95), all generating profit for the colony and for the Crown.

Whether in Jesuit-supervised settlements or in Portuguese-supervised farms, Amerindian slavery was part of the picture in Portuguese America. As Ungaretti writes, Jesuits believed that

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<sup>10</sup> “...para este género de gente, no hay mejor predicación que espada y vara de hierro.”

<sup>11</sup> “...o gentio se deve sujeitar e fazê-lo viver como criaturas que são racionais, fazendo-lhe guardar a lei natural ...Depois que o Brasil é descoberto e povoado, têm os gentios mortos e comidos grande número de cristãos e tomadas muitas naus e navios e muita fazenda ...E são tão crueis e bestiais, que assim matam aos que nunca lhes fizeram mal, clérigos, frades, mulheres de tal parecer, que os brutos animais se contentariam delas e lhes não fariam mal ...Se vê por experiencia, que se ensoberbecem e fazem piores, com afagos e bom tratamento.”

Amerindians should work because their work was a “generator of riches (for the substance of the Indians and for the mission) and moulder of the juridical and religious persona of the Indian. To Jesuits, Indian labor provided the economic basis that guaranteed both the presence of the Portuguese in America as well as that of the Company of Jesus” (43-4). And in the case of the colonizers, Indian labor was necessary to extract natural resources. As Ungaretti points out, “the accumulation of capital—which could only be obtained through the labor that slaves provided—was the objective of both settlers and of Jesuits, even though the Company’s priests justified it as the means to guarantee and continue catechesis” (44).

Unlike what was occurring at the time in Spanish America with the debate between Bartolomé de Las Casas and Juan Ginés de Sepúlveda, there was no strong debate in Portuguese America over whether it was right or wrong to enslave Amerindians. There, instead, the debate revolved around who should be in charge of the Amerindians—either priests or colonizers—and which cases justified their enslavement. With respect to who should be in charge, a junta gathered by Governor Mem de Sá found a way to compromise between what the Jesuits wanted and what the colonizers wanted: it reaffirmed that Amerindians under the custody of the Jesuits would be protected from being enslaved by colonizers, but it allowed colonizers to enslave other Amerindians should they find their enslavement justified. Thomas writes that a compromise was the only option: “because, due to economic considerations, the possibility to protect all Indians seemed unlikely for several decades to come, it was decided that all pagan tribes in the region would be left to the colonizers in order to preserve the christianized Indians in the villages” (99). With respect to which cases justified the enslavement of Amerindians, these remained the same as before, and Fr. Manuel da Nóbrega decided to deny absolution to any colonizer who enslaved any Amerindian who had sold himself or his child due to hunger caused by the Portuguese, or who had been sold by a rival tribe while trying to escape the colonizers, or who, having been christianized, had been forced to abandon his village (*aldéia*) after a Portuguese attack.

So that there would be no mistake on who could enslave Amerindians and under what conditions, King Sebastian I promulgated the Law on the Freedom of the Barbarians (*Lei sobre a liberdade dos gentios*) in 1570, a decree that “could be interpreted as an approval of controlled slavery, on whose necessity towards the conservation of the colony even the Jesuits were in agreement” (104). The Law reiterated what had already been established: any Amerindian cap-

tured after a Just War<sup>12</sup> (approved by the King or the Governor) was a legitimate slave, just as any Amerindian belonging to an unfriendly and/or anthropophagous tribe; however, it prohibited “the most common method [that] the colonizers had to obtain slaves: the “rescuing” (*resgate*).

This prohibition was not well received by the colonizers, of course, who immediately complained: since the Amerindians were always at war among themselves and it was difficult to fight just wars to enslave them, they asked the King to reestablish the *resgate* as a legitimate way to enslave Amerindians, without whom farms and sugar mills did not have enough workers. It is not surprising, based on what we have seen so far, that the interest of capital prevailed: “The economic situation of the colony led [the King] to granting new concessions, in such a way that the new indigenist policies almost had no practical consequences” (105). A junta was convened in 1574, restoring not only the *resgate* as a legitimate method of enslavement, but also the *voluntariado*—the enslavement of an Amerindian who volunteered to be a slave.

#### **4.3.4 Law that H.M. passed on the Indians of Brazil who cannot be captive, declaring what they can be (1587)**

The arrival in 1582 of a new governor, Manuel Terres Barreto, meant an increasing loss of governmental support for the Jesuits, as he sided with the colonizers in their wishes “to remove the priests as village administrators, placing these in charge of lay captains,” as Thomas writes (114). In 1585, Luís da Fonseca, head of one of the Jesuit schools, informed King Philip II (King of Spain and, since 1580, also of Portugal) that, thanks to Terres Barreto, “the plains (*sertão*) were agitated, with continuous deaths and uprisings because the colonizers caused turmoil among the indigenous. Thousands of these have been captured in the plains and treated cruelly” (118) and, as Fonseca writes, “the Company [of Jesus] suffers from many aggravations and vexations due to its defense and conservation of the christianized Indian villages” (qtd. in 118). The intricacies of the animosity between the Jesuits against the colonizers and Terres Barreto are well discussed by

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<sup>12</sup> Apart from the widely known reason for the Portuguese Crown to declare a Just War—that is, the evangelization of the barbarians—there was a much more mundane reason behind such enterprise, explained by Liliam Ferraresi Brighente: “the Crown itself benefitted from the just war in that it imposed taxes on war prisoners as well as fifths on slaves, all which should be paid by those who captured them. Because of this, many governors encouraged the formation of troops to lead the barbarian nations to war, announcing that all captured people during the expedition could be enslaved and sold at the public square, resulting in earnings for the Portuguese who participated in those expeditions” (Ferraresi 53).

scholars like Thomas (1982) and Faria (2009); what interest us is what the King did to reestablish order.

After King Sebastian I died leaving no direct successors to the throne, Philip II became King of Portugal. Philip II was already King of Spain, so he was very familiar with the tensions between colonizers and Amerindians; however, considering that his becoming King did not mean a unification of the kingdoms of Spain and Portugal, he found himself in a position in which he did not have to apply the laws of Spanish America to Portuguese America, which could have created major conflict with his new Portuguese subjects as Indian slavery was forbidden in Spanish America. To reestablish order, the King passed a new Law—the *Lei que S. M. passou sobre os Índios do Brasil que não podem ser captivos e declara o que o podem ser*—which reaffirmed King Sebastian’s Law of 1570 and also implemented new rules. Colonizers were still allowed to go on Amerindian-capturing expeditions as long as they had permission from the Governor (advised by the Jesuit priests), and they were still not allowed to capture Amerindians by force or with lies, or mistreat them, sell them, or use them as labor force when they were actually free under Portuguese law. The penalty for anyone illegally enslaving Amerindians would be for that person “to pay all that is owed for their services” (qtd. in Thomas 223).<sup>13</sup> Paying Amerindians for their services became a legal way for colonizers to use Amerindian labor: now, as long as these were hired without trickery or force, and as long they were allowed to leave freely whenever they wanted to leave, Amerindians could provide the labor that the colonizers needed from them.

This new Law was beneficial to colonizers, who were now able to expand their labor force—a move that, as Thomas observes, allowed the Crown “to legalize a situation inevitably arisen as a consequence of the economic development of the country” (121). The Law was also beneficial to the Jesuit priests, because it did not revoke the *aldeias* as a place where Amerindians could live as free subjects—an arrangement that, corroborated that same year by a decree associated to the Law, allowed the priests to continue to extract labor from Amerindians at almost not cost, if any: when “an indian established himself in the missionary villages, he had his juridical freedom guaranteed; however, he was still forced to serve the colonization through a labor that was remunerated, in theory, but which in truth was mandatory and, without doubt, did not constitute free and compensated work” (Martins 57).

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<sup>13</sup> “...e lhes fara pagar todo o devido de seus serviços ...”

#### 4.3.5 *Law on the ability to capture barbarians in certain parts of Brazil and on their living in freedom, except for in those cases stipulated by this law (1595)*

Considering the lack of consequences for disobeying the law, it is not surprising that King Philip's 1587 Law—and the laws before it, just as the laws in Spanish America—did not fully take and Amerindians continued being “illegally” captured. Upon learning about this, the King decided to simplify things: in his *Lei sobre se não poderem captivar os gentios das partes do Brasil, e viverem em sua liberdade, salvo no caso declarado na dita lei*, he revoked the previous law and declared the following:

In no case and in no manner may the barbarians in the regions of Brazil be captured, except for those captured in wars that I see fit to be fought ... I wish that those against whom I do not order war live as free men in any part of the region where they are naturally free ... and should the inhabitants of those regions in Brasil wish to use their services, they will pay them for their service and labor as free men. (qtd. in [Thomas](#) 224)<sup>14</sup>

In the case of the colonizers, the Law was an official defeat, but not so much unofficially speaking: not only was the punishment for breaking the law vague—“I [the King] will order to proceed as I see fit against those who, from the moment of the publication of this law forward, capture [Amerindians] in any way” (qtd. in [Thomas](#) 224-5),<sup>15</sup>—leaving room for plenty of disobedience, especially from the most daring and greedy colonizers, but also Amerindians were encouraged to stay on the plains, making themselves available to work for the colonizers now that there was a mandate requiring that they be compensated for their labor. In the case of the Jesuits, the Law was an official double victory: first, it gave the priests a better chance to “persuade the Indians to abandon the wild regions” (131) and live in the *aldeias*, paving the way for the last “indigenist” law of the century, which put the Jesuits in charge of the region's Amerindian administration; and second, it left the *aldeias* unmodified, even though in them there was no true freedom for Amerindians: although they may have been better treated there than at the colonizers's *fazendas*, they were nevertheless exploited by the priests. As [Siqueira](#) writes, “indians were

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<sup>14</sup> “...por nenhum caso, nem modo algum os gentios das partes do Brasil se possam captivar salvo aquelles que se captivarem na guerra que contra elles eu ouver por bem que se faça ... Quero que aquelles contra quem eu não mandar fazer guerra vivão em qualquer das ditas partes en que estiverem em sua liberdade natural, como homem livres ... e querendo os moradores das ditas partes do brasil servirse delles, lhe pagarão seu serviço e trabalho como a homens livres ...”

<sup>15</sup> “...contra os que da publicação desta lei em diante per alguma outra maneira os captivarem, mandarei proceder como ouver por bem ...”

'persuaded' through their evangelization to 'free themselves from the captivity' in which they found themselves, turning themselves instead to the Catholic religion, which was freedom in the eyes of the colonizer. Then, placed in *aldeias*, within the order established by the colonizer, they would be 'free' and would be able to be recruited for labor" (9). For the Amerindians, the Law was certainly not a victory: while it may have discouraged their being illegally captured and placed in *fazendas*, it did not save them from the possibility of being enslaved or relocated from their communities into *aldeias*, having to work for someone else in both cases.

#### 4.3.6 *Law on the freedom of Indians (1596)*

Complementing the Law of 1595 was the last "indigenist" law of the sixteenth century, the *Lei sobre a liberdade dos índios*. This Law was a true victory for the Jesuits over the colonizers: the King put them in charge of instructing Amerindians "on the Spanish religion, and domesticate, teach, and steer the barbarians in that which is convenient, both with respect to their salvation as well as their living in villages, and also with respect to the treatment of the settlers and inhabitants of those parts of the region" (qtd. in Thomas 225).<sup>16</sup> From now on, the priests would determine which Amerindian was free and which one was not. Nobody without permission from the Governor and consent from the priests would be able to keep Amerindians "captive, nor could they employ them for more than two months" (qtd. in 225), and whoever disobeyed would face a specific punishment—"up to thirty days in jail" (qtd. in 226)—assigned by a newly appointed judge who rule on the behavior of both civilians and soldiers.

As much of a victory that this Law meant for the Jesuit priests, it did not mean the same for the Amerindians. While the Law made it more difficult for them to be indefinitely enslaved by colonizers, they were still not left in peace, as they were still expected to settle in *aldeias*, and work for two months (paid at the end of the day, yes, but so many questions arise from that idea: Did Amerindians want money? Was that income and the things it could buy worth it for them to be forced to leave their tribes to work for two months?). Siqueira points out that the reason for the mandatory two-month forced labor was a way to "try to prevent the colonizers and the Jesuits from 'falling into the temptation' of mocking the law; the former, because they no longer

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<sup>16</sup> "...na religião xpãa, e domesticar, emsinar, e encaminhar no que convem ao mesmo gentio, assi nas cousas de sua salvação, como na uiuenda comum, e tratamento com os pouadores, e moradores daquellas partes ..."

had permission to capture the barbarians and dispose of their labor for an indefinite amount of time; and the Jesuits, because if they wanted to use the natives, they would have to do according to the law” (10).

It should not be surprising that the colonizers were not happy about this new law, and the following years—discussed in depth by many of the scholars that I have mentioned throughout this section—proved that their lack of confidence in it had been well founded, especially as sugar plantations began to expand and more laborers were needed, to the point that the laws promulgated by the Spanish Philip II in 1587, 1595, and 1596 were revoked in 1611 by a new King, Philip III, who returned to King Sebastian I’s Law of 1570. As [Thomas](#) concludes, “the legislative measures adopted by the Portuguese Crown in favor of the freedom of Brazilian Indians seem insufficient and indecisive . . . The Portuguese Crown showed itself to be very prudent in the face of the demands carried out by the Brazilian colonizers in favor of indigenous slave labor, and it was even ready to tolerate the public abuses that occurred in the colony. Given the situation in Brazil, even the Spanish kings saw themselves forced to yielding with respect to the indigenist question” (214). The voice of capital—of the economic interests of the Crown, the colonizers, and even the Jesuits—prevailed over all else, no matter how much anyone may have wanted to see Amerindians treated well and fairly.

#### 4.4 ENSLAVED AFRICANS AND AFRODESCENDANTS IN SPANISH AMERICA

The presence of enslaved Africans and Afrodescendants in the New World well precedes Bartolomé de Las Casas and his repeated pushing for these to replace Amerindians as labor force.<sup>17</sup> Enslaved Africans and Afrodescendants had already been “abundant in Muslim Spain since the 8th century,” writes [Lucena Salmoral](#), and it was thus logical that they would also be used by

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<sup>17</sup> Among the authors who have written to redeem Las Casas, showing the change in the friar’s perspective with respect to the enslavement of Africans, are Fr. Isacio [Pérez Fernández](#) (1991 and 1995), Rubén A. [Sánchez-Godoy](#) (2009), and Jean-Pierre [Tardieu](#) (2017).

None of these studies, of course, were read by Brazilian historian Francisco Adolfo de Varnhagen (1816–1878), whose very influential *História geral do Brasil antes da sua separação e independência de Portugal* contributed to diminishing Las Casas’s reputation, with the author referring to the friar as a “pseudo-philanthropist” (203) who, had he lived to be a contemporary of Varnhagen, “would have been persecuted as slave trafficker, or at least as accomplice in the defense of African slave traffic” (215).



Spaniards in the new continent (Lucena Salmoral, [Leyes](#) 136). Their first arrival is difficult to pinpoint, “given that the first Blacks arrived in America as companions or domestic slaves of the discoverers and conquistadors (in medieval Christian and Muslim ships there were frequent instances of slave soldiers), without there being a record of their presence” (137). But there is at least one hint that they were there as early as 1503: a letter written by Nicolás de Ovando mentions that some had fled (137–8). In any case, the first recorded shipment of enslaved Africans and Afrodescendants was in 1505, when the Crown sent seventeen of them “to Hispaniola to employ them in gold mining” (138), followed by twenty more nine months later. For Spaniards, the positive side of having enslaved Africans and Afrodescendants was that they “replaced and exceeded in strength the indigenous laborers,” as [Sánchez-Godoy](#) writes, and that they were “already-evangelized laborers with skills that allowed them to carry out some managerial duties at the mines”; the negative side, however, was that they were rebellious, which is why it was necessary “to implement strategies such as indoctrination and matchmaking with the purpose of preventing escapes and mutinies” (74),<sup>18</sup> as well as severe punishment, including mutilation and death.

While many attribute the importation of African slaves to Las Casas’s suggestion that they be imported, the evidence points to another factor: they were imported because it was the natural order of things. [Lucena Salmoral](#) explains (and Philip D. [Curtin](#) corroborates) that Africans were brought in as slaves because they were already slaves in Spain, which is why he thinks that it is “absurd to consider the thesis put forth by [E. Williams](#), based on Price, on slavery being a consequence of the White man’s inability to withstand manual labor in the climate of the New World” (Lucena Salmoral, [Leyes](#) 136). Although the thesis that he attributes to Williams is one that circulates widely, Lucena Salmoral—in an otherwise very commendable 1384-page book on the subject of “the condition, treatment, defense, and repression of slaves in Spanish America, a subject that is usually approached in a tangential manner, often imprecisely and even wrongly in the forums where different problems concerning Africanity of Afro America, leading to several confusions” (2)—seems to be mistaken on its author, as Williams also vehemently rejects it: he first explains that Whites were used as indentured servants, and that such role coupled with the fact that Whites worked in sugar plantations in Australia and Barbados, as well as in tobacco

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<sup>18</sup> For detailed information on the history of slavery in the world—including the New World—see [Patterson](#) and [Davis](#).

fields in Cuba, in rice fields in Georgia, and in cotton fields in southern United States—among many, many other places—“completely destroys the old myth that Whites could not endure the strain of manual labor in the climate of the New World, and that this was the one and only reason why the European powers had resorted to Africans” (E. Williams 50). To Williams, the importation of Africans into the New World, especially in the seventeenth century, had nothing to do with climate; instead, it was the consequence of “a change in the economic structure [that] led to a change in the labor force supply” (53) needed to meet the demands of increasingly large plantations that required also increasingly large numbers of cheap laborers.

Until 1518, the enslaved Africans and Afrodescendants imported into the New World were *ladinos* (Castilianized); the Crown insisted on this so as not to have any non-Christian negatively influence the Amerindians. However, in May of that year, the King allowed for the importation of slaves directly from Africa, slaves who soon turned into a problem for the Spaniards: they mistreated the Amerindians and they carried out mutinies—the first recorded one taking place towards the end of 1521, when, as Rubén Sánchez-Godoy writes, “[t]he mutineers kill[ed] a few Christians, rob[bed] a few sugar mills, and recruited slaves and Indians for their cause” (97). A series of ordinances were implemented to define what type of indoctrination the slaves would receive, what type of reward and punishment that slaves should have, what type of African slave could be imported, etc. (These laws are found in Lucena Salmoral’s text, pages 140 to 166[.]) Sánchez-Godoy also points out that these laws applied to slaves of all races, even though many sections just mentioned enslaved Africans and Afrodescendants, and [he] does “not know whether this variation, noteworthy in a relatively short text, [was] due to an oversight or to the fact that the majority of slaves in the island [were] identified as Black due to the increasing importation of African slaves” (99). The racial breakdown of the slave population may not be accurate until the 1540s, but it is clear from then on: in 1542, it became prohibited to enslave Amerindians, and in 1543, it became prohibited to import non-African slaves. At least officially, then, slavery in 1543 “became monochromatic and black” (Lucena Salmoral, *Leyes* 137).

We have seen that narratives of advocacy on behalf of Amerindians began, to a certain extent, in 1511 with Montesinos’s “*Sermón de Adviento*,” that is, nineteen years after an Amerindian was mistreated and/or exploited for the first time by a Spaniard. But it took several more decades for priests to advocate for enslaved Africans and Afrodescendants. Pierre Tardieu conjectures

that the Church may not have wanted “to harm the economy of a continent that was opening itself to Christianity, at a time when the Reform was threatening Europe as a whole; moreover,” he states, “let us not forget that slavery was regarded as a means to uproot Blacks from paganism or Islam, and to teach them the true faith” (qtd. in Lucena Salmoral, [Leyes](#) 177).

Narratives of advocacy on behalf of enslaved Africans and Afrodescendants began to appear after Fray Alonso de Montúfar, Archbishop of Mexico, wrote a letter to the King in 1560, informing him “that African slavery filled with scruples of conscience many ‘well versed people’ to whom he had spoken,” adding that it was “not understood ‘what the cause [was] for blacks to be captive [in greater number] than Indians’” (177). Others followed Montúfar, especially in the seventeenth century: Pedro de la Reina Maldonado, “worried about the treatment and indoctrination of slaves; the Jesuit priest, Diego de Avendaño, who repudiated the legitimacy of human trade, and, above all, another Jesuit priest, Alonso de Sandoval, in his monumental *De instauranda Aethiopia salute*” (178). To this list of early advocates for enslaved Africans and Afrodescendants, I add Fr. Pedro Claver, who later became patron saint both of slaves and of the Republic of Colombia, as well as Fr. Francisco José de Jaca, who wrote *Resolución sobre la libertad de los negros y sus originarios en el estado de paganos y después ya cristianos* (1681), and Fr. Epifanio de Moirans, who wrote *Servi liberi seu naturalis mancipiorum libertatis iusta defensio* (1682), “objecting, with philosophical and theological reasons the legitimacy of the permanent situation of slavery under which was held a series of men and women brought from Africa” ([López García](#) xvii). [Marta Dongil Martín](#) explains why the mentioned texts written by the last two friars, members of the Order of Minor Capuchin Friars, are considered the first abolitionist texts:

To carry out their denunciation, they resorted to argumentative elements of a theological foundation, such as [the concept of] equality: ‘God created man in His own image’; they also leaned on the notions of “neighbor” and “commiseration” present in the Gospel, understanding that slavery threatened the divine, positive and natural right given that there were no just wars between Spaniards and Africans. (62)

Despite the denunciations of mistreatment, none of the laws that were passed in relation to enslaved Africans and Afrodescendants during the first two centuries after Columbus’s arrival in the New World, protected the slaves—not even on paper, like those laws aimed at protecting Amerindians (such as the Laws of Burgos, the Laws of Granada, the New Laws). Instead, they protected the interests of the slave owners.

#### 4.4.1 First laws

It was only towards the end of the seventeenth century that the denunciations resulted in juridical changes seemingly in favor of enslaved Africans and Afrodescendants, although ultimately benefitting—or, at least, not harming—the interests of the Crown and/or the slave masters. First, there was a decree issued in 1680, through which the King agreed to grant freedom to any Afrodescendant who, seeking baptism, arrived in Spanish territory from the territory of another nation. This decree, however, did nothing for the King’s “own baptized, Christian slaves, or for any other who came to work in his territory in the future, usually baptized upon leaving Africa or entering America” (Lucena Salmoral, *Leyes* 221). A second decree was issued in 1683, asking the audiences and the governors to supervise the treatment of slaves, and reminding them that abused slaves could be sold to someone else (we will see that the Crown kept collecting duties on these sales). A third decree, issued in 1685, aimed at protecting the economic interests of the Crown, “ordering that all Blacks entered illegally [into America] could request their freedom” (219). This decree was in response to the illegal trafficking of African slaves, which was a way for traffickers and slave owners to avoid paying duties to the Crown. And a series of other decrees, issued in the last decades of the century, aimed at curbing the amount of prostitution to which enslaved Africans and Afrodescendants subjected themselves to earn an income destined to their owners, usually as payment towards self-manumission, as we will also see ahead.

None of these laws made much difference, if any at all, in the miserable lives of the slaves—evident, as Lucena Salmoral writes, in the slave rebellions that began to take place, such as Tadó (1728), in Colombia, and Masateopa (1735), Palmillas (1741), and San Antonio (1749), in Mexico. The switch to the great plantation model led—as it was mentioned that Eric Williams pointed out—to an increase in the trafficking of slaves. A new law came about in 1784 in favor of enslaved Africans and Afrodescendants: the elimination of the *carimbo*, the hot-iron branding of slaves on their face. The practice had taken place since the sixteenth century as proof of the slave’s legal importation; now, the Crown considered it unnecessary because there were—as there had always been, really—other means to corroborate that status. Other ordinances appeared throughout the centuries aimed at protecting the slaves from mistreatment and at regulating their lifestyle as situations arose over time (marriage between freed slaves and slaves; Sunday work; type of allowed

weapons; nature of gatherings; etc.). These norms, described in detail in [Lucena Salmoral](#)'s text, were normally not enforced when they went against the interests of the master, yet enforced when they protected such interests—very much like what happened in the case of Amerindians.

#### 4.4.2 Self-paid manumission, peculium, and bill of sale

So far, these regulations that seemingly benefitted slaves and that may also be seen as the result of narratives of advocacy on their behalf, did not harm capital, which is one of the contentions of this dissertation: that they do not harm it because capital has already adapted to the change implemented by the laws, or because it is not affected by that change (and that “being unaffected” includes capital’s ability to circumvent the law, either because there is no law enforcement or because the punishment is not severe enough). But three other laws could be suspected to have harmed it: the slave’s right to self-paid manumission (*coartación*), the slave’s right to a peculium with which to pay for that manumission, and the slave’s right to requesting that his bill of sale be transferred to another owner when mistreated.

The problem with two of these laws—the right to self-paid manumission and the right to peculium— is that they were never laws: as [Lucena Salmoral](#) perspicaciously points out, “neither the right of a slave to buy his own freedom by paying his purchase price to his owner, nor his right to owning assets were regulated, but some historians have been tricked into dauntlessly searching for such laws” (277). The concepts were first mentioned by Charles I in a letter to the Governor of New Spain, in 1526, asking him to study the possibility of their implementation in a letter that seems to have gone unanswered (151), as there is no record of a response. Charles I wrote:

[S]o that those Blacks who are sent over there remain secured, without rebelling and being afraid, motivated to work and serve their owners with greater will, it would be [convenient], apart from having them marry each other, that after having served for some time and with each one giving their owner up to twenty gold marks, at least, and more according to what you think appropriate ... they could become free, having the certainty of that. (Qtd. in [Leyes](#) 571-2)

The right to self-paid manumission and to the peculium necessary to obtain it were never implemented by the Crown, which makes sense, as it “would have meant no less than the establishment of temporary slavery in Spanish America, instead of slavery for life”; nevertheless, they

ended up becoming consuetudinary laws, first mentioned in 1768 in a royal decree that alluded to them as “something that was common, as later documents ratify in 1769” (278). Yet, while self-paid manumission became the best “mechanism of slave liberation in Spanish America (287), buying one’s freedom did not necessarily mean “being free”: “legally, the slave became an *ahorrado*, *aforrado*, *forro* and *horro*, an intermediate condition between free people and slaves, as it had been determined by the laws: ‘The status of men and their condition is divided in three ways. They are free, or servants, or *ahorrados*, these being called *libertos* [freedmen] in Latin’” (152). The way these consuetudinary laws worked greatly varied depending on the epoch, the location, and the situation of the resulting freedmen. Several authors have studied the subject: Tovar Pinzón looks at what happened in Colombia (1994); Reyes Flores, in Peru (2001); Chávez-Hita, in what today is Veracruz, México (2010); Varella, in Cuba (2012); Valenzuela, in Corrientes, Argentina (2017); Candiotti, in the Río de la Plata, 2019; not to mention Manuel Lucena Salmoral, on whose text I have been relying.

Added to this unofficial benefit for slaves—the benefit to obtain their freedom—there was an official law that also favored them: their right to request a bill of sale so as to be sold to a new owner when the original owner was proven to be abusive—with the latter paying any duty (*alcabala*) on the sale. This law did not affect the economic interests of the Crown, which still collected duties on each transaction. And it also did not affect that much the owners of slaves, as it turned out:

Only in cases of flagrant abuse did [excesses] receive any attention. This had little impact on the functioning of the slavery system, and it did not help towards changing the relation between masters and slaves. Owners could mistreat their slaves and violate their rights with impunity. Especially in the rural world, where the plantation system turned Blacks even more into objects ... masters assumed an unlimited power protected by certain legal norms, although they did not respect the limits that these imposed on them. (Obando Andrade 119-20)

Slave owners resisted their slaves’s possibility of manumission. Apart from setting arbitrary amounts for slaves to pay, they argued that the price of slaves at the time of their buying their freedom should be higher than the one their masters paid for them, due to the new skills they learned under their masters; that slaves should not be able to pay for their own freedom because they had no income of their own, as all their possessions were their masters’s possessions; that self-manumission applied to only one slave, and not to his or her children; that the freedom of

misbehaved slaves should cost more, so as not to encourage bad behavior. These issues were eventually regulated through different royal decrees,<sup>19</sup>, but two facts remained associated to the self-manumission that it allowed to buy, which favored the slave owners. Rafael Díaz points them out in relation to New Granada:

When the social, juridical, symbolic and economic conditions are revised, a preliminary conclusion is that manumission configures itself as a parody of freedom, mainly due to the threat of re-enslavement when the slave-owning class considered that the manumitted slave had not complied with the agreed conditions, or when it was thought that it could take a slave between ten and fifteen years to finish covering the value of his or her freedom. (72)

With respect to these laws—consuetudinary or royally promulgated—and their relation with capital, which is what interests us in this chapter, this is what can be concluded: in theory, the laws had the potential to be harmful to capital because they granted slaves their capability to leave their owners, who, while not losing money in the transaction—or at least not too much money, in the worst case scenario—still lost the slave and the ability to make more money while waiting for a new slave to arrive and be trained. In reality, however, it seems that slave owners did not to lose too much, if anything at all: they kept their slaves for a very long time, stretching that time by fighting (and often skirting) the law; and they benefitted from a consequence of the slaves’s anticipating their manumission—whether bought or granted by one of the scarce, charitable masters (like don Antonio, in *La campana de la tarde*, as we saw in section 3.5)—which Charles I had already identified in the sixteenth century: it was a positive reinforcement that led many slaves to work harder and more loyally to their masters.

#### 4.4.3 Laws in anticipation of a surge in the number of slaves

Knowing that abolition took place in the nineteenth century, it would be tempting to think that these regulations were surely part of the weaning phase of slavery; but they were not. Slavery was still very strong—stronger than ever, in fact, due to the introduction of the plantation system in the region, which required an immense number of slave laborers. The anticipated arrival of slaves in massive quantities made evident, as Manuel Lucena Salmoral writes in *Los Códigos Negros de*

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<sup>19</sup> The subject of the slave’s income (*peculio*) was particularly tricky: “In Spanish America, the contradiction that the slave had no right to property but had also the right to an income, was widely acknowledged” (Lucena Salmoral, *Leyes* 277). The slave was unofficially allowed to earn an income “working at parties and in his free time” (278)



*la América Española* (1996)—*The Black Codes of Spanish America*—the need to have “a juridical instrument of repression of slaves, similar to the one that the French colonies had, since the old ordinances had been incapable of controlling them ... This is how the Spanish Black Codes began” (6). These Codes, based on the French Black Code, “were not made for Blacks in general,” explains the author in *Leyes*, “but fundamentally for a class among them, the slaves, who were expected to be subjected to servitude, preventing their fleeing” (295), and they were three: the Santo Domingo Code, enacted in 1768; the Louisiana Code, written in 1724 for French Louisiana and legalized in 1769 for Spanish America (after Louisiana was given to the Spanish king through the Fontainebleau Treaty); and the Carolina Code, enacted in 1784.

Of these three codes, “the Louisiana Code was the only one valid in the Spanish Indies” (309)—the Santo Domingo Code was approved by the local government, but not by the Crown (for unknown reasons, according to Lucena Salmoral);<sup>20</sup> and the Carolina Code, seeking to regulate both enslaved Africans and Afrodescendants as well as free ones, received “many criticisms and was not approved” (316). Many of the laws in the Louisiana Code did not make sense in Spanish America. For example, it ordered slaves to be goods, whereas Spanish legislation considered them humans and allowed for their freedom; it forbid slaves to own goods, whereas in Spanish America the peculium was allowed in a consuetudinary manner; it forbid owners to grant freedom to slaves, even when these paid for it, whereas Spanish slave owners were allowed to do this; it forbid interracial marriage, which was allowed in Spanish America; it forbid slave concubinage, which was not a law in Spanish America; it forbid slaves to be married against their owners’s wishes, which was not the case in Spanish America; etc. ( *Leyes* *Leyes* 311-15). There was an attempt by the local government in Louisiana to restructure the Code to match the laws in Spanish America, “but Governor Bernardo de Gálvez did not want to send it to Madrid so as not to upset the slave owners too much, who seemed to be content with the one they had” (*Códigos* Lucena Salmoral, *Códigos* 316).

Of all the new laws around this time, the only law which affected the interests of slave owners was the *Instrucción para la educación, trato y ocupaciones de los esclavos*, the *Mandate for the*

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<sup>20</sup> The author writes that “the opinion of the Auditor that the new ordinances could not be approved because the old ones had not been revoked seems to [him] rather arguable; perhaps this hid some other intention” (299). The ordinances favored capital by providing a stricter rules for slaves, which makes it difficult to understand their non-implementation from the perspective of this dissertation, as well.

*Education, Treatment, and Occupations of Slaves.* Like the Black Codes, this law was made in anticipation to the imminent decree that would allow for the free trade of slaves, which would raise even further the number of slaves in the continent. The Law was approved in 1789 and established several regulations: all slaves were to receive Catholic instruction; they were not to work on Sundays; they were to be fed and clothed the same way as freed slaves; they were to work according to their age and strength, only between the ages of seventeen and sixty years; they were to have a two-hour break; they were to enjoy simple diversions, separated by sexes, under supervision; they were to have an infirmary at each plantation; they would not be punished with more than twenty-five lashes; they were not to be disposed of once they could no longer work; they would not be separated should they be married; they were to obey and respect their masters, under threat of punishment; they were to be represented by members of the Church in cases of mistreatment, which these would detect through regular supervision. ([Leyes](#) 359-61)

The Mandate was not well received by the slave owners, who insisted on its “suspension due to the threat of slave revolt (the ones who threatened to revolt were, in reality, the slave owners)” ([362](#)). Different regions reacted in different ways, but all of them were united in their rejection of this new law, claiming that it was unnecessary because they treated the slaves well, feeding and dressing them, taking into consideration their sex when assigning work, encouraging marriage and doing everything to prevent sin, moderately punishing slaves (but not wanting to have a set limit on the number of lashes to prevent slaves from becoming insubordinate or runaway ([365-7](#))). Adding to these lies, the slave owners described their slaves:

barbaric, daring, ungrateful to the benefits they are given. They are never polite; the good treatment angers them; they have a hard and rough character. Many of them do not forget the error of the Pythagorean transmigration, from which they feed since their childhood. That is why the fear little being homicidal on themselves. They have a tendency to desperation, trouble, theft, and drunkardness; they are treacherous, incendiary, and they lean towards all sorts of vices. (Qtd. in [368](#)).

The outcry was such (see [Lucena Salmoral](#), pp. 360-78) that the Mandate was suspended (it was not revoked out of respect for the King). The result of this suspension was “a sad ending to the Bourbon slavery reformism, as we see, that failed in its arm-wrestle against the slave owners, by whose interests it ended up having to abide if it expected to hold the American colonies” ([378](#)). Capital was not ready for what this law asked and, as it is usually the case, it had the final say in

the conversation.

#### 4.5 ENSLAVED AFRICANS AND AFRODESCENDANTS IN PORTUGUESE AMERICA

Just as Manuel Lucena Salmoral's research has been invaluable with respect to the laws that were supposed to protect African slaves and their descendants in Spanish America, so is Silvia Hunold Lara's *Legislação sobre escravos africanos na América Portuguesa* (2000) in relation to those same laws in Portuguese America.<sup>21</sup> As Lara points out, the Portuguese legislation "concerned itself, above all, with the practical aspects of the flow control of this precious commodity [slaves] and with the revenues that it generated" (27-8), which helps to explain why, out of the many laws, decrees, charters, and provisions related to slavery, only a few could be seen as protective or somewhat protective of slaves.

The legislative corpus that governed Portuguese America in the sixteenth century—the three sets of ordinances that I mentioned in relation to sixteenth-century Amerindians, promulgated by King Alfonso I, by King Manuel I, and by King Philip I, as well as several individual laws, decrees, and provisions—was followed by an Extraordinary Legislation (*Legislação Extravagante*), and a series of "royal decisions made in conjunction with [the kings's] ministers and counselors" (23). Mariana Armond Dias Paes observes that the last two sets of ordinances, which included provisions for slaves, "were permeated by ambiguities and dispositions that could be used just as much to attribute juridical personhood to the captives, as to reduce them to the category of property, of being deprived of any degree of personhood before the juridical order" (527).

In this section, for the sake of brevity, I will not include the protective provisions for slaves in those ordinances—not only because they were basically non-existent, but also because when they existed they were just minimal.<sup>22</sup> I will also not focus on the few extraordinary provisions

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<sup>21</sup> Although I will not use it in this dissertation, except for in footnote 47, Agostinho Marques Perdigão Malheiro's book, *A escravidão no Brasil. Ensaio histórico-jurídico-social. Parte 1 (jurídica): direito sobre os escravos e libertos* (1866), must be mentioned at this point for its detailed analysis of the juridical place of slaves within Brazilian legislation.

<sup>22</sup> Two illustrative examples are found in Dias Paes: in Book 3, Title 28, Paragraph 8, the Manueline Ordinances state that "during hearing days, there could be actions in processes related to liberty or captivity" (527), with the Philippine Ordinances stating the same in Book 3, Title 18, Paragraph 8. And in Book 5, Title 18, "the Philip Ordinances punish he who slept with a female slave by force" (531), with a punishment of three to twelve years in prison—reduced to one month to two years if the slave was a prostitute.

that ordered slave owners to have their slaves baptized, or evangelized, or given the last rites, as these were not really protective of slaves no matter how magnanimous they made the Kings look. Instead, I will focus on those pieces of legislation that, at least in appearance, significantly favored enslaved Africans and Afrodescendants in Portuguese America through the eighteenth century, before the process of abolition began in the majority of the American continent. These laws are: the *Law of March 18th, 1684*; the *Royal Letters* of March 20th and March 23rd, 1688; the *Decree of September 30th, 1693*; the *Royal Letter of February 7th, 1698*; the *Royal Letter of January 31st, 1701*; the *Royal Letter of November 5th, 1710*; and the *Provision of April 17th, 1720*.<sup>23</sup> To list these laws, I relied on the very thorough compilation carried out by Silvia Hunold Lara, referring to her primary sources whenever they were available in digital format.<sup>24</sup> It may be the case that this list is not exhaustive; however, for the purposes of this dissertation, I consider it sufficient.<sup>25</sup>

#### 4.5.1 *Law of March 18th, 1684*

Informed about the way in which African slaves were transported to Brazil, “so crammed next to each other that not only do they lack the necessary space for life, whose conservation is normal and natural for everyone, whether free or slave, but also the tight way in which they travel leads them to mistreat each other in a way that, with many dying, the ones who survive arrive in a state of impious disgrace” (*Documentos históricos. Vol. LXXIX* 380),<sup>26</sup> King Peter II of Portugal wrote a law on March 18th, 1684, to stop this practice. In this law, he ordered that all ships carrying African slaves to Brazil be inspected before departure to make sure that they provide the slaves with enough room to move, that they carried “the necessary supplies to feed said slaves three times per day, and that they carried abundant water to give them at least two quarts each

<sup>23</sup> *Lei de 18 de março de 1684; Carta régia de 20 de março de 1688; Carta régia de 23 de março de 1688; Decreto de 30 de setembro de 1693; Carta régia de 7 de fevereiro de 1698; Carta régia de 31 de janeiro de 1701; Carta régia de 5 de novembro de 1710; and Provisão de 17 de abril de 1720.*

<sup>24</sup> There are two laws which may have made the list, as well; unfortunately, only their titles and a brief description are mentioned in Lara’s text, but not their text, which I have also not being able to find in digital form. The laws are: *Aviso ou ordem de 25 de janeiro de 1758* (on avoiding inhumane treatment of African slaves during their transportation), and *Alvará de 3 de abril de 1757* (on how prison guards should nourish jailed slaves).

<sup>25</sup> I have not included in this list the *Charter of September 19th, 1761* (*Alvará de 19 de setembro de 1761*) and the *Charter of January 16th, 1773* (*Alvará com força de lei de 16 de janeiro de 1773*). These laws, although protective of enslaved Africans and Afrodescendants, pertained not to Portuguese America but rather to Portugal.

<sup>26</sup> “...tão apertados uns com os outros, que não somente lhes falta o desafogo necessário para a vida, cuja conservação é comum e natural para todos, ou sejam livres ou escravos; mas, do aperto com que vêm suceder maltrataram-se de maneira que, morrendo muitos, chegam impiamente lastimosos os que ficam vivos ...”

day, with no exception.”<sup>27</sup> In addition, the King stipulated that should slaves fall ill, “they will be treated with all charity and brotherly love, and they will be separated and taken somewhere where the necessary medication for life may be applied” (382).<sup>28</sup>

King Peter II’s good intentions may have been genuine; although slavery is cruel in itself, he may have believed that there was no reason to add to that cruelty. His orders, nevertheless, did not make much of a difference: slaves never stopped being transported as crammed as possible, nor did they ever stopped being mistreated. As Laurentino Gomes, author of *Escravidão. Vol I: Do primeiro leilão de cativos em Portugal até a morte de Zumbi dos Palmares* (2019), tweeted, “[i]n slave ships [*navios negreiros*], slaves spent most of the journey, weeks or months, sitting or lying, often on their sides as there was not enough room for everyone to fit lying on their back, chained in pairs, right leg with left leg” (@laurentinogomes, “*Nos navios*”); and he continues: “[t]he compartments destined to the captives were minuscule, unhealthy, without adequate ventilation and light. The cellars were subdivided in layers built with wood planks, so close to each other that it would be impossible for a person to walk upright between them” (@laurentinogomes, “*Os compartimentos*”).

In an interview with *Roda Viva*, Laurentino Gomes painted a concise picture of the hell experienced by the enslaved Africans crossing the Atlantic Ocean, beginning at minute 5:35:

Around 12.5 million human beings left Africa, sold as merchandise. They were branded; many slaves arrived in Brazil with five markings made by hot irons, stating who had been their first owner, who had been their second owner, who had been the captain of the slave ship who transported them ... If they were baptized, they received a marking in the shape of a cross, also made with a hot iron. Of those slaves, 10.7 million arrived in America; 1.8 million died in the journey across the Atlantic Ocean. This is such a large number that if one divides it by the number of days [that slave traffic lasted], one gets 14.5 corpses thrown into the ocean every day, during 350 years, to the point that there are testimonies of that era that say that this altered the behavior of shivers of sharks, which began to gather around the slave ships, following them. And the slaves died of everything. They died of gastrointestinal ailments, of diarrhea. They committed suicide, which is why slave ships were equipped with nets around the decks: people were affected by a sort of depression that at the time was called *banzo* [similar to nostalgia], especially when the ship was close to the African shore, to their land of origin to which they would never return and was still visible, and they would throw themselves into the ocean. They also died in revolts: the ships were floating fortresses; there were barricades; the crew was armed all the time as if it were a penitentiary because, at any moment, there could be a repression, a rebellion. (*Roda Viva*)

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<sup>27</sup> “...os mantimentos necessários para darem de comer aos ditos negros três vezes no dia e fazer levar a água, que abunde, para lhes darem de beber em cada um dia uma canada, infalivelmente.”

<sup>28</sup> “...se tratará deles com toda a caridade e amor de próximos; e serão levados e separados para aquela parte onde se lhes possam aplicar os remédio necessários para a vida.”

With so many slaves dying for reasons other than cramming, it is not difficult to see why King Peter II's Law was not obeyed: seeking to maximize their profit, slave traders would want to pack their ships as tightly as possible. The suffering of the slaves was certainly not an issue to them, and even if the slaves's being cramped led in itself to a number of deaths, [Gomes](#)'s explanation implies that such number was worth the risk.

#### 4.5.2 *Royal letters of March 20th and March 23rd, 1688*

These two letters, written by King Peter II of Portugal, were addressed on one hand to Matias da Cunha, Governor of the State of Brazil, and on the other hand to João Furtado de Mendonça, Governor of the Rio de Janeiro captainship, and João da Cunha Soutomaior, Governor of the Pernambuco captainship ([Lara](#) 199). They were the monarch's response to his finding out that "many of the inhabitants in [the State of Brazil] who have slaves treat them very badly and punish them with cruelty, which is not legally permitted to the masters of such slaves as they can only apply whatever moderate punishment that is allowed by the law" (*Documentos históricos. Vol. LXVIII* 159).<sup>29</sup> To end this practice, the King ordered that those slave owners who mistreated their slaves should sell them to people who treated them well. This letter is followed by another one three days later, in which the King asked that the abusive slave owners be punished, but that it be "avoided, as much as possible, that the news of the remedy for their excessive punishment reach the slaves, so as to prevent them from possibly accusing their masters with a less justified cause" (160).<sup>30</sup>

Almost one year later, on February 23rd, 1689, the King sent a third letter to the previously mentioned addressees, except that the objective of this one was to revoke the previous two in response to the Governor of the State of Brazil's complaints about the "inconveniences that the execution [of the King's orders] posed to [the King's] service and to the conservation of that State" (174).<sup>31</sup> I have not been able to find Matias da Cunha's letter to the King; however, the King's response points at what seems to have been the reason behind those "inconveniences":

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<sup>29</sup> "...muitos dos moradores dessa capitania que têm escravos lhes dão muito mau trato e os castigam com crueldade, o que não é lícito aos senhores dos tais escravos, porque só lhes podem dar aquele moderado castigo que é permitido pelas leis."

<sup>30</sup> "...evitando quanto vos for possível que chegue à notícia dos escravos este remédio que se dá ao seu imoderado castigo, por se evitar que com menos justificada causa possam argüir a seus senhores ..."

<sup>31</sup> "...inconvenientes que de sua execução resultavam ao meu serviço e à conservação desse Estado."

“the disturbances that have began to take place between [slaves] and their masters after [the former] learned about the orders that had been passed on” (174),<sup>32</sup> disturbances that he must have foreseen and led him to write his second letter on March 23rd, asking for as much secrecy as possible with respect to the punishment given to abusive slave masters. It is not surprising that giving legal recourse to those exploited creates inconveniences for capital, and it is also not surprising that whenever those inconveniences become just too inconvenient, they are eliminated by eliminating their root cause.

#### **4.5.3 Decree of September 30th, 1693**

This decree, signed by King Peter II of Portugal, ordered that “slaves who go to prison by order of a judge and for misdemeanors, and only at the request of their masters, should neither be bothered with iron chains nor be placed in prisons that are tighter than those needed for security” (Weingast, “[Collecção](#)” 239).<sup>33</sup> This is an example of a law that, obeyed or not, was inconsequential to the interest of capital. If obeyed, slaves—as the goods that they were to their owners—would go unharmed, which left them able to keep working; if not obeyed, any slave master worried that their slaves could be harmed while in prison had the option, in the first place, not to request that their slaves be incarcerated.

#### **4.5.4 Royal letter of February 7th, 1698**

This letter, also written by Peter II of Portugal, was addressed to the Governor of the Rio de Janeiro captainship, Martim Correia Vasque, who, as [Lara](#) explains, was acting as interim governor due to the absence of Artur de Sá e Menses (211). A copy was also sent to the Governor of Parabaíba. It is a very short text that resembles the King’s letter of March 23rd, 1688, in which he had asked that the news of the punishment of abusive owners be kept from slaves. Now, ten years later, King Peter II has been informed, again, about the mistreatment of slaves in the hands of their masters, who, “to punish them more rigorously, seize them by some part of the body with iron

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<sup>32</sup> “...as perturbações que entre êles e seus senhores já começavam a haver con a notícia que tiveram das ordens que se vos haviam passado.”

<sup>33</sup> “...os escravos que forem às cadeias por ordem de algum dos julgadores e por casos leves, ou só por requerimentos de seus senhores não sejam molestados com ferros nem metidos em prisões mais apertadas que aquelas que bastarem para a segurança.”



rings so that they remain in place as they suffer the cruelty of the punishment that [their masters] want to inflict on them.”<sup>34</sup> Concerned for the wellbeing of the slaves, but evidently not wishing to cause disturbances, again, between masters and slaves, the King asked the Governors “to prevent this [mistreatment] using the means that [they] deem more prudent and efficacious, seeking that these do not cause disturbances to the slave owners and that the end is achieved without noise or alteration of the slaves” (qtd. in 211).<sup>35</sup>

#### **4.5.5 *Royal letter of January 31st, 1701***

In this letter, the last one written by King Peter II in favor of slaves in Portuguese America, the King asked the Governor-general of the State of Brazil to see that slaves be given Saturdays off to take care of their parcels of land. The King justified his request: “[J]ust as slaves are under the obligation to serve their masters, so are these under the obligation to provide [the former] with what is necessary for their not dying,”<sup>36</sup> which is why “they must give their slaves the necessary nourishment, or they must give them one day per week” so that they could grow it themselves (qtd. in 216). King Peter II’s orders, again, left plenty of room for loopholes for slave owners: if they wanted to exploit their slaves on Saturdays, all they needed to do was feed them enough—an “enough” not specified.

#### **4.5.6 *Royal letter of November 5th, 1710***

Addressed to Francisco de Castro Morais, Governor of the Rio de Janeiro captainship, this letter was written by King John V in reaction to the denunciations made before him by Bishop Francisco de São Jerônimo on behalf of mistreated enslaved Africans and Afrodescendants. In the letter, the King mentioned “the vexation that slaves [in that captainship] suffered due to the rigor of the punishment given to them by their masters, without mercy or fear of God, forcing them, in fear of it, to flee into the plains as they lack possessions or the possibility to present themselves before

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<sup>34</sup> “...para os castigarem mais rigorosamente, prendê-los por algumas partes do corpo com argolas de ferro para que assim fiquem mais seguros para sofrerem a crueldade do castigo que lhe quiserem dar.”

<sup>35</sup> “...o façais evitar pelos meios que vos parecerem mais prudentes e eficazes, procurando que estes não causem alvoroço nos donos e que se consiga o fim que se pretende sem ruído ou alteração dos mesmos escravos.”

<sup>36</sup> “...assim como os escravos são obrigados a servirem a seus senhores, também esses têm obrigação de lhe darem o necessário para que não morram ...”

a judge to demand a change in their captivity” (qtd. in 232).<sup>37</sup>

King John V was direct in his orders: that a new position be created in the government for a solicitor with “the obligation to defend and legally advise not only on issues related to [the] Crown and fazendas, but also on those related to slaves pertaining their punishment”;<sup>38</sup> and that the Governor have the “utmost care in examining whether the mistreatment of slaves continues, seeking to avoid it by all means” (qtd. in 233).<sup>39</sup> I have not been able to find further information on whether this solicitor position was created and, if so, on how the slave owners reacted.

#### 4.5.7 *Provision of April 17th, 1720*

King John V sent this Provision to the interim Governor and Captain General of the State of Brazil<sup>40</sup> in response to a letter written to him by the Count of Vimieiro, in which the latter told him that he had heard that slave masters in that region would abandon those slaves who became incapacitated “due to their age or their afflictions ... and they desert them with an intention so evil and inhumane that it scandalizes those with the most merciful hearts,” to the point that “several have been found dead by the road.”<sup>41</sup> The King’s solution for this issue was to ask the Governor to “force the owners of those slaves who, due to their afflictions and their age, find themselves incapable of serving those who support them, to support them on the grounds of Christian mercy” (qtd. in Lara 259), and when they did not so, the Governor should decide the amount of money that those slaves should receive to live comfortably.<sup>42</sup>

I have not been able to find information regarding the fate of old and ill slaves in Brazil after this Provision; however, it is not difficult to imagine that this new regulation probably did not

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<sup>37</sup> “... a vexação que padecem os escravos dela com o rigor do castigo que lhes dão seus senhores, sem piedade nem temor de Deus, obrigando-os com o medo deste a meterem-se pelo sertão por não terem posses nem possibilidade para requererem perante o seu juiz privativo a mudança de cativoiro ...”

<sup>38</sup> “... com obrigação de defenderem e solicitarem não só as causas da minha Coroa e Fazendas mas também as que movem os escravos sobre os seus cativoiros perante a seu castigo ...”

<sup>39</sup> “... todo o cuidado em examinares se continua o mau trato nos escravos, e que por todo o caminho o procureis evitar ...”

<sup>40</sup> Lara observes that three people were in charge of the interim government from October 1719 to November 1720: “Archbishop Dom Sebastião Monteiro da Vide, Mestre de Campo João de Araújo e Azevedo, and Chancellor Caetano de Brito de Figueiredo” (259).

<sup>41</sup> “... ou pelos anos ou pelos achaques ... negando-se a sua sustentação, com ânimo tão malévol e ferino que scandaliza os de coração mais piedoso ...”; “... achando-se alguns mortos pela rua ...”

<sup>42</sup> “... obrigueis aos senhores de escravos que por seus achaques e anos se acham impossibilitados a servir a que os sustentem, por assim o pedir a razão e a piedade cristã, e quando o não façam que vos arbitreis para o dos ditos escravos aquela porção que entenderdes poder ser necessária para comodamente viverem ...”

significantly affect the slave owners. Towards the end of “Petrona y Rosalía,” as seen on page 149, the narrator describes what life was like for the ailing Petrona: she just lay down in a cot waiting to die, without any of the costly, high quality care and nutrition that a slave owner would have received himself. Although this novel takes place in Cuba, it is not illogical to assume that circumstances would be similar in Brazil, and that keeping old and ailing slaves this way—that is, under a roof and barely fed—was enough not to disobey the King. In addition, not leaving old and ill slaves to fend for themselves must have also been important to those slave owners who felt empathy and even love towards their slaves. I dare say, then, that this Law was probably not resisted by most slave owners because it was easy and inexpensive to follow and/or because it was what they would have done anyway. In the case of those slave owners who did not want to obey it, it would not be surprising to learn that they found cunning methods to bring a quicker death to their “useless” slaves, without facing legal consequences.

The relatively few pieces of Portuguese American legislation that pertained to slaves were mostly administrative in nature: when they should go to church, what clothes they should wear, what should be done with runaway slaves or with slaves who killed their masters, etc. The few slave-protecting laws, as seen in this section, did not do much at all to protect them, corroborating that, in general, it is only when capital is ready for change that such laws may pass and/or be obeyed. Whomever capital needs to exploit, it will exploit; as long as this premise remains, meaningful protective laws are not even enacted, and if they are, they are revoked or disobeyed, especially when the punishment for disobedience is non-existent, minimal, or open to interpretation.

## 4.6 ABOLITION

So far in this chapter, I have shown how laws calling for a change in the condition of exploited Amerindians and enslaved Africans and Afrodescendants were not enacted and/or obeyed unless capital was ready for the change that those laws demanded, no matter who advocated for whom, nor for how long. In this last section, I will look at what happened in the nineteenth century in the case of the legal abolition of slavery, the ultimate law in favor of enslaved Africans and

Afrodescendants (of all slaves, yes, but I will focus on enslaved Africans and Afrodescendants because they constituted the vast majority of slaves in Latin America at the time). As much as possible, I will continue focusing on the Latin American region as a whole; however, the nineteenth century also saw most countries in the region become independent, which does not help in my wish to keep things as relatively uniform as I have been doing. Manuel [Lucena Salmoral](#)'s research, again, together with Hebe [Clementi](#)'s research, will be of invaluable help.

What interests us, above all, is the following: what role did capital play in the abolition of slavery? Did abolition go against the interests of capital? What happened during the nineteenth century that led to a spike in the number of narratives of advocacy and to the legal end of slavery after four centuries of continuous advocacy in favor of enslaved Africans and Afrodescendants? To find answers, I will look at the relationship between capital and slavery, as well as to the arguments presented by different authors on the role that capital played in abolition.

#### 4.6.1 Capital and slavery

Independently of its relationship with abolition—and also independently of the relationship between slavery and capitalism<sup>43</sup>— the relationship between capital and slavery is not difficult to understand: to expand, capital seeks to maximize the profit, and one of the ways in which it does so is by lowering the cost of labor. As an institution, slavery provided capitalist slave owners<sup>44</sup> with the opportunity to maximize their profits and contribute to their accumulation of capital by forcibly—yet legally—extracting labor from the least expensive labor source available at the time:

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<sup>43</sup> The debates on this issue revolve around the contribution of slavery to the development of capitalism as a system, and whether slavery in the New World was capitalist. John [Clegg](#) observes that “these debates largely run along separate tracks—divided by geography, discipline and field—but they are also substantively independent, in the sense that one’s position in one debate has no necessary implications for one’s position in the other. We can perfectly well believe, as [Eric] Williams himself appears to have believed, that Caribbean slavery was necessary to British capitalist development without classifying Caribbean slave societies as ‘capitalist.’ We can also argue, as does Gavin Wright, that U.S. slave plantations were fully capitalist, without implying that they were necessary to the growth or development of capitalism in the Northern states” (75).

<sup>44</sup> It must be noted that although slave owners were capitalists in the sense that they participated in the process where “money is used to make more money, often, but not exclusively, through the exploitation of labor power” ([Harvey](#)), the system at the time was an anomaly within capitalist system. As Karl Marx wrote in [Theories of Surplus Value. \(Volume IV of Capital\)](#), “capitalist mode of production exists [in the Americas], although only in a formal sense, since the slavery of Negroes precludes free wage-labor, which is the basis of capitalist production. But the business in which slaves are used is conducted by capitalists” (302-3). Later, Marx would also write that “[t]he essential difference between the various economic forms of society, between, for instance, a society based on slave-labour, and one based on wage-labour, lies only in the mode in which this surplus labour is in each case extracted from the actual producer, the labourer” ([Capital. Vol. I](#) 153)).

slaves and their slave-born children. Yet, in spite of the benefits that this arrangement posed to capital, slavery as a legal institution ceased to exist at one point.

Writings on the subject of slavery and capital began appearing in the nineteenth century, although Adam Smith touched on it as early as the eighteenth century in his *Lectures on Jurisprudence* (1762-1763), as well as in *An Inquiry into the Nature and Causes of the Wealth of Nations, Vol. 1* (1776), on which, among other texts, Herman Merivale later drew for his *Lectures on Colonization and Colonies: Delivered before the University of Oxford in 1839, 1840, 1841. Vol. 1*. Karl Marx also addressed the topic several times,<sup>45</sup> such as in “The Poverty of Philosophy” (1847); in several articles written for the newspapers *Die Presse* (Vienna) and *The New York Times*, later compiled and published under the title *The Civil War in the United States*; in the Marx, “Address” (1864); and in *Capital. Vol. I*, Part III; Chapter X (1867).

The subject was also discussed in the 20th century by, among other authors, W. E. B. Du Bois in *Black Reconstruction in America: an Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (1935), and in *The World and Africa* (1947); Eric Williams in *Capitalism and Slavery* (1944); Oliver Cromwell Cox in *Caste, Class, and Race: A Study in Social Dynamics* (1959); Robert Fogel and Stanley L. Engerman in *Time on the Cross: The Economics of American Negro Slavery* (1974); Seymour Drescher in *Econocide: British Slavery in the Era of Abolition* (1977); and most recently, Cedric Robinson in *The Making of the Black Radical Tradition* (2000), Walter Johnson in “The Pedestal and the Veil: Rethinking Capitalism/Slavery Question” (2004), George Boulukos in “The Grateful Slave: Representations of Slave Plantation Reform in the British Novel, 1720-1805”(2013), Edward E. Baptist in *The Half*

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<sup>45</sup> The notion that Marx evaded the issue of slavery is widespread; however, it is misguided. In “Marx and Slavery,” John Bellamy Foster, Hannah Holleman, and Brett Clark explain why: “Marx’s treatment of slavery or slave labor systems is wide-ranging and profound, encompassing, in varying detail, such elements as ancient Greek and Roman slavery; the question of the slave mode of production; debt slavery; the enslavement of Native Americans; child slavery; domestic slavery; slavery in England under Edward VI; slavery in the Dutch East Indies; the Transatlantic slave trade; the rise of slavery as a “second type of colonialism”; torture under slavery; slavery as the basis of the Industrial Revolution; slave rebellions; the Haitian Revolution; the ‘Slave Power’ in the U.S. South; the Dred Scott decision; the Kansas-Missouri border war of 1854–56; John Brown; Harriet Beecher Stowe; abolitionism; the revolutionary struggle of freed Black soldiers in the Civil War; and the complex historical relations between slave labor and wage labor. Marx’s analysis of slaveowner capitalism in the antebellum South examined capitalization of the anticipated surplus value generated by slave labor as the basis of a distinctive system of accumulation, including its role in the development of capitalist management. He explored the ecological destruction and expansionism built into the very nature of the ‘peculiar institution’” (97).

In the same article by Foster et al., the authors also address another criticism to Marx on slavery: the one carried out in Johnson’s “The Pedestal and the Veil,” where the author accuses Marx of having steered “the critique of slavery in the wrong direction” (99).

*Has Never Been Told: Slavery and the Making of American Capitalism* (2014), and John Clegg in “*A Theory of Capitalist Slavery*” (2020).

To Adam A. Smith, *Lectures on Jurisprudence*, slaves were less economic than wage laborers, a claim that he supported by offering two explanations. First, that slaves were assets that needed costlier maintenance:

[T]hough the wear and tear of a free servant be equally at the expense of his master, it generally costs him much less than that of a slave. The fund destined for replacing or repairing, if I may say so, the wear and tear of the slave, is commonly managed by a negligent master or careless overseer. That destined for performing the same office with regard to the free man, is managed by the free man himself. The disorders which generally prevail in the economy of the rich, naturally introduce themselves into the management of the former: The strict frugality and parsimonious attention of the poor as naturally establish themselves in that of the latter. Under such different management, the same purpose must require very different degrees of expence to execute it. It appears, accordingly, from the experience of all ages and nations, I believe, that the work done by freemen comes cheaper in the end than that performed by slaves. It is found to do so even at Boston, New York, and Philadelphia, where the wages of common labour are so very high. (*An Inquiry into the Nature and Causes of the Wealth of Nations*, Vol. 1 142)

Second, that slaves did not have any incentive towards producing more, which hired laborers did:

The slave or villain who cultivated the land cultivated it entirely for his master; whatever it produced over and above his maintenance belonged to the landlord; he had therefore no inducement to be at any great expense or trouble in manuring or tilling the land; if he made it produce what was sufficient for his own maintenance this was all that he was anxious about ... On the other hand as the free tenant pays a stated rent to the master, whatever he makes the farm produce above that rent is entirely his own property ... This gives them much greater spirit and alacrity for their work ... Such a manner of cultivation is therefore far preferable to that by slaves, not only to the servants but even to the master. (*Lectures on Jurisprudence* 185-6)

To these reasons, Herman Merivale adds other reasons why slaves were not the cheapest source of labor: first, because as slaves breed, there is a small “number of unproductive persons, such as children, and to a certain extent women, to support out of the wages of labour”; second, because “slaves are short-lived; the success of the speculation in their flesh and blood greatly depends on their dying before they are past labour” (7).

Despite hired laborers being cheaper than slaves, slavery persisted. Smith attributed that persistence to two factors.<sup>46</sup> One factor was the masters’s capricious need to dominate: “The pride

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<sup>46</sup> Smith’s stance against slavery was unambiguous, and many passages of his *Lectures on Jurisprudence* may



of man makes him love to domineer, and nothing mortifies him so much as to be obliged to condescend to persuade his inferiors. Wherever the law allows it, and the nature of the work can afford it, therefore, he will generally prefer the service of slaves to that of freemen” (*An Inquiry into the Nature and Causes of the Wealth of Nations*, Vol. 2 388). The other factor was that slave owners did not want to lose the assets that their slaves represented, which they would lose should they free them without compensation: “almost every one if the country be tolerably wealthy will have some slaves; and in them the greatest part of their wealth will consist. In the same manner we see at this time the great stock of a West India planter consists in the slaves he has in his plantation. To abolish slavery therefore would be to deprive the far greater part of the subjects, and the nobles in particular, of the chief and most valuable part of their substance. This they would never submit to, and a general insurrection would ensue” (*Lectures on Jurisprudence* 187). In Weingast, “*Persistent Inefficiency: Adam Smith’s Theory of Slavery and its Abolition in Western Europe*,” Barry R. Weingast theorizes that a solution to this second factor could have been to have slaves buy their own freedom; however, “[t]he absence of a judicial system, in combination with the absence of rights for slaves, meant that freed slaves had no means of enforcing the compensation-for-freedom exchange with their lords” (11). As seen in the previous section, this lack of access to a bought freedom was the case in Portuguese America, but not in Spanish America, where self-paid manumission was a consuetudinary law.<sup>47</sup>

Weingast offers a third possibility to explain the persistence of slavery in spite of slaves not being as efficient as hired laborers were:

The slaves were far more numerous than the elite. Seemingly a necessary condition for more efficient production, granting slaves freedom would include rights of mobility, owning property, and amassing wealth. Emancipated slaves as right-holders would amass wealth and power, raising a direct threat to their former masters, both in terms of their elite status and in terms of their

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even be perceived as narratives of advocacy. Thomas Wells observes this as well: “Smith paints vivid pictures of the barbarity of slavery which invite our sympathy [I would argue here that the correct term is “empathy”] with the slave and the justified resentment he should feel: the severity and arbitrariness of punishment (LJ 181); lack of family rights (LJ 178); fatal neglect of their children (LJ 193). Smith staunchly criticises the ethical failings of those who own slaves” (157)

<sup>47</sup> In Portuguese America, slaves were not officially allowed to have a peculium and buy their freedom with it until a new law was passed: “*Lei Nº 2.040, de 28 de setembro de 1871*.” Unofficially, however, some slaves did enjoy this benefit before the law was passed: writing on the subject in 1866, Agostinho Marques *Perdigão Malheiro* tells us what he saw: “It was not unusual, especially in the rural areas, to see slaves tending parcels on their masters fazendas, with the consent of the latter, keeping all the harvested products, which become their peculium. Likewise, in cities and villages, some [masters] allow their slaves to work as freemen, keeping a portion of what they gain and allowing them to keep the remainder, which becomes their peculium” (55).



property and wealth ... Why should the former slaves be ruled by the elite? Although emancipation held the prospect of making masters better off, commitment problems in practice threatened political order. Granting the former slaves the possibility of gaining economic power directly threatened the elite. (20)

This argument may be debated, of course, but the debate does not concern us because, as it will be discussed, in Latin America, the very real threat of slave revolt—especially after the successful Haitian Revolution—seemed to be a much greater concern to the slave-owning elite than any potential threat to its political power stemming from emancipated slaves. But I would still like to comment at this point that even if the elites described by Weingast did believe that there was reason to be afraid, hindsight suggests that such worry may have been unnecessary: while it is true that enslaved Africans and Afrodescendants (the majority of slaves) were more numerous than the members of the elites that exploited them, they were still a minority within the overall population of any place that employed them as slaves, and the racism that had already taken hold in society may have been enough—as it still is today in countries like the United States, where racism has been a very efficient tool for dividing the working class (See [Martinot](#); [Merritt](#); [Ñopo](#))—to make the rest of the White population, including the poor, support the White elites and their political and legislative power.

Smith's idea that wage laborers were more economic than slaves was also shared by Karl Marx, but with a caveat explained by [Foster](#) et al.:

Slave labor was uneconomical if dispersed in any way, due to the level of slave resistance, since it would be removed from direct coercion and the whip of the overseer. Nevertheless, slave labor was especially suitable to centralized large-scale production in gangs on monocultural plantations where the costs of the labor of superintendence could be kept down, and where only forced labor could be employed on that scale and with that physical intensity. (108)

In other words, as long as slaves were kept uneducated and very well supervised, plantation slavery was “highly competitive with other forms of production under capitalism” (108). But this setup had its cost: the soil degradation brought about by monocultural plantations implied a perpetual need for expansion in search of fertile soil; in the case of the United States, it meant “a violent westward and (southward) movement driven principally by the slave power's need to expand slaveowner capitalism, encompassing the Trail of Tears, the three Seminole Wars, the seizure of Texas, and the Mexican-American War” (109). It is this exhaustion of the soil that many

authors, including Marx, saw as the main economic failure of the slave system in North America.

Following the work of Lowell Ragatz and Eric Williams, most scholars offer economic failure as the main factor behind abolition, be it due to slaves being more costly than hired laborers, or to soil exhaustion, or, as [Ragatz](#) writes, to “a wasteful agricultural system, the rivalry of newly-exploited tropical territories, adherence to a policy of restricted trade after all real justification for it had ceased to exist, vicious fiscal legislation in the mother country” ([vii](#)), adding that

[t]he commercial capitalism of the eighteenth century developed the wealth of Europe by means of slavery and monopoly. But in so doing, it helped to create the industrial capitalism of the nineteenth century, which turned round and destroyed the power of commercial capitalism, slavery, and all its works. Without a grasp of these economic changes, the history of the period is meaningless. ([210](#)).

Williams argues that Afrodescendant slavery was not a shameful and accidental phenomenon, and that it was not abolished thanks to the eventual prevalence of moral integrity. Instead, it was an imperative factor in the achievement of the primary accumulation that later financed the Industrial Revolution, and that it was discarded once its job was finished. Anticipating criticism, Williams makes it clear in the Preface to his book that his study

is strictly a study of the role of Negro slavery and the slave trade in providing capital which financed the Industrial Revolution in England and of mature industrial capitalism in destroying the slavery system. It is therefore first a study in English economic history and second in West Indian and Negro history. It is not a study of the institution of slavery but of the contribution of slavery to the development of British capitalism. ([vii–viii](#)).

But not all scholars agree with the argument of economic decline as the main reason behind abolition. In *Econocide: British Slavery in the Era of Abolition* (1977), Seymour Drescher calls abolition an “econocide,” that is, “the “radical termination of a profitable trade by a newly empowered political movement that finally sentenced the British transoceanic slave trade to death” ([xxvii](#)). Drescher argues that slavery was far from being in decline when Great Britain abolished it, and, although he does not offer one unique reason to explain abolition, he puts back on the table what Ragatz and Williams had dismissed: the power that human rights movements, such as the antislavery movement, can achieve. Drescher adds that

The global achievements of antislavery a century ago left two indelible legacies. In the course of a century and a half (1770s–1920s), it destroyed or sharply restricted an institution which had devastated and abbreviated the lives of tens of millions of human beings in two hemispheres. By

the mid-twentieth century, it succeeded in reasserting slavery's position at the top of the list of practices condemned in the Universal Declaration of Human Rights. For more than sixty years, reviving slavery has remained beyond the bounds of any contemporary movement's dreams or any state's ambition ... And the story of slavery's reduction remains a model of comparative achievement for all who seek to expand the range of human rights. (461-2)

In relation to Latin America, Drescher writes that "capitalist slavery reached its apogee just prior to the Spanish American Revolutionary Wars of Independence. *Econocide's* basic thesis thus fits [the region] quite well" (xxv). Later, in "[Econocide, Capitalism and Slavery: A Commentary](#)," he also writes that in Spanish American regions "[w]here slaves were more important, both economically and demographically (Venezuela, Colombia, Peru, Ecuador), [slave] liberation might be restricted to slaves in arms and free womb legislation imposed only at the end of the conflict" (194); and in Portuguese America, despite the pressure that Great Britain exerted on Portugal and Brazil towards their putting an end to slavery in exchange for British support against Napoleon and for English recognition of Brazil as an independent country, slavery continued to thrive: "Portuguese legislators tried to say as little as possible about, and to make as few waves as politically feasible over, slavery. It was an institution whose continued existence promised economic rewards and whose dismantling promised predictable divisions among the elite and unpredictable social, economic, and imperial risks" (202).

While it would certainly not be correct to say that abolition merely took place because it was no longer profitable for slave owners, it would also not be correct to say that capital had no voice in abolition, or that abolition occurred without its consent. Although many factors not directly linked to the economy contributed to abolition in Latin America—such as slave resistance (on which I will focus in the next chapter); independence movements; the promise of British support for those movements in exchange for their bringing an end to slave trade; racism and elitism; increasingly prevalent moral pressure from members of the culturally dominant sector of society—there were other factors directly linked to the economy that did contribute to it: a monocultural agricultural system that required continuous search of fertile soil,<sup>48</sup> and a developing industrial capitalism that not only needed laborers of varied skill to manufacture and commercialize products, to manage workers, to take care of the finances, etc., but also needed a market with buyers

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<sup>48</sup> For studies on soil degradation in Latin America, see [Curtin](#), 1998; [Funes Monzote](#), 2005; [Reyes](#), 2006).

for those products, something that the slavery system would not be able to provide.<sup>49</sup>

#### 4.6.2 The end of slave trafficking

It is not necessary for this dissertation to describe the specific details behind the varied process of abolition in each of the incipient Latin American nations, which would result in a very lengthy text; in any case, and very fortunately for us, Hebe Clementi has already described them in her book, *La abolición de la esclavitud en América Latina* (1974). I will now rely on her research and that of Manuel Lucena Salmoral—which I have been citing throughout this chapter—as I focus on whether and how capital resisted the abolition of slavery.

Hebe Clementi observes that “in spite of the differences that can be pointed out between the different cases that have been put forth, which become much more noticeable in Brazil and Cuba, a series of valid conclusions may be offered which encompass the whole Latin American region” (201). During the period that included the first step towards abolition—the outlawing of slave trafficking—“[n]ot the slave revolutions in the Caribbean, nor the new ideas of human equality, nor the emancipation of the colonies, nor the international wars were capable of halting that crazy race” (Lucena Salmoral, *Leyes* 341) full of obstacles that was the slave trade, both in Spanish America and in Portuguese America. Officially until 1817 and, as Lucena Salmoral shows, unofficially until 1842 (341-53), the Spanish Crown kept sponsoring slave trafficking because without slaves its land-owning vassals could not “prosper and flourish, nor produce for the State the immense riches offered by its climate and the fertility of its lands” (qtd. in 342). Together with his permission for such trafficking, King Charles IV issued a Royal Decree—the *Real Cédula Instrucción circular sobre la educación, trato y ocupaciones de los esclavos en todos sus dominios de Indias e islas Filipinas* (1789)—to establish some rules for slave owners, seeing that the cruelty with which they mistreated their slaves “led to increasingly frequent escapes and marronage, which were affecting the security of the colonies” (354). This code regulated when slaves should be indoctrinated in the Catholic faith, what they should be fed, how they should spend their time, how they should be lodged, how they should continue being fed even at an old age and when ill,

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<sup>49</sup> Richard Graham is not too sure about this last point. He suggests that “people are rarely that far sighted. The results of abolition were uncertain; it might have plunged Brazil [the author focuses on Brazil, but his statement certainly could be extended to other regions] into a period of chaos and economic decline” (132)).

and other similar aspects that did not really affect the slave owners's economy.

But there were two rules in this Decree that did affect the slave owner's economy and led to their outrage: one of the rules limited to twenty-five the number of lashings that slaves could be given, as well as their level of violence; the other ordered that plantations be visited by inspectors to control the way slaves were treated. These rules resulted in "emergency meetings of the local town halls, asking for their suspension ... mobilized by slave owners, who were represented in them or had influence over their members, through relatives or friends" (qtd. in 362). In Venezuela, they demanded the suspension of the Decree on the grounds that it would lead to "the decadence of agriculture, of commerce, and of customs, as well as to a general slave rebellion" in which slaves would "end all white Spaniards and become rulers of the country" (364), causing the King to lose his colonies. In Cuba, the petition to suspend the Decree was based on "the scandal or irreparable damage" (qtd. in 365) that would take place should it be obeyed, as slaves were

barbaric, daring, ungrateful to benefits. They never abandon their pagan vices; the good treatment makes them insolent; their character is hard and rough. Many of them do not forget the error of the Pythagorean transmigration from which they feed since their childhood. This is why they fear little being murderers of themselves. They lean towards desperation, turmoil, theft, drunkenness; they are treacherous, incendiary and inclined to all kinds of vices. (qtd. in 368).

In Santo Domingo, there were complaints about how "soft lashes [azotes suaves] on the resilient skin over a ferocious heart would only serve to irritate [the slaves's] pride" (qtd. in 371). Similar complaints were brought up all over the region—Colombia, Louisiana, Ecuador, Cuba—and the Decree was suspended pending resolution. Finally, in 1795, it was indefinitely suspended, yet not revoked out of consideration towards its author, the King, and actually "commended for its 'spirit'" (378). With respect to the trafficking of slaves and their status as viciously exploited beings, capital, once again, prevailed in Spanish America.

And it prevailed in Portuguese America, as well. In spite of the fact that "[t]owards 1810 a treaty of friendship and alliance is signed with England, in which Portugal, in a vague manner, commits itself to cooperate in the suppression of slave trafficking" (Clementi 135), African slaves continued being imported into Brazil in enormous amounts. As Clementi writes, "the constant entry of new shiploads had to be secured so that, in turn, plantations ran smoothly" (136), especially when considering that the mortality rate of slaves was twice that of births due to the number of abortions caused by their lifestyle. Even with the intervention of Great Britain in 1845,

through the country's *Law of Aberdeen* that declared that "it would have the right to judge and condemn a captured slave ship" (137), Portugal did not relinquish its slave trafficking, widely resorting to piracy and fraud, until finally abandoning it when tensions with Great Britain reached their peak. But by that time sugar plantations in the north of Brazil were having difficulties: "[t]he extensive crops, the irrational exhaustion of the soil, the lack of technology, made sugar cultivation increasingly less profitable" (138-9), which led to a great number of inactive slaves being sold to southern regions where new sugar plantations were established, as well as coffee and cacao plantations. The end of transatlantic slave trafficking, then, was not too serious a problem for capital in Brazil: as northern slave owners sold their slaves to southern plantations, capital did not suffer a shortage of slaves.

#### 4.6.3 The end of slavery

By the beginning of the nineteenth century, none of the nascent Latin American nations could avoid the subject of abolition, whether ready for it or not. Although the final period in the process towards abolition—from the end of slave trafficking to abolition itself—began at different times in each Latin American region, it is in this century that the entire continent would join Haiti in officially ending slavery.

In Spanish America, abolition was first supported by the revolutionary patriots who viewed slavery both "as ignominious for the American continent as well as a sign of monarchic oppression" (Lucena Salmoral, *Leyes* 394). Beginning with Francisco de Miranda in Venezuela, in 1806, and Miguel Hidalgo y Costilla in Mexico, in 1810, independence leaders promised freedom to those enslaved Africans and Afrodescendants who helped them achieve victory in their wars against the Crown—the same freedom that the monarchist leaders also began to promise to them should they fight for the King. The independence movements moved the Latin American region one step closer to abolition; *Drescher* writes that this step "came without much prior discussion or any extended moral crisis" (*Abolition* 186), adding that

[i]t is difficult to identify any articulated motives by the new legislators. It seems plausible that the early revolutionaries wished to integrate their societies into the Euro-American orbit of civil equality, individual liberty, and citizenship that were integral to the political ideology of the American, French and Caribbean revolutions. Moreover, the British government, with the world's most powerful navy, placed slave trade abolition high on its diplomatic agenda. (187)

Great Britain's influence on the revolutionaries was certainly not minor. Just as Drescher recognizes it, so does [Clementi](#), who also identifies different periods in the relations between Great Britain and the new nations with respect to the subject of abolition. The first period centered on diplomacy, when "patriotic anti-trafficking declarations, some of which expressly referred to the abolition of slavery, aligned themselves with the British postulations against Spain, [with the new nations], in hopes of achieving recognition through that mediation" (29-30). The second period, beginning around 1823—when the United States issued the Monroe Doctrine—centered on "the negotiation of treaties of friendship, commerce, and navigation," with Great Britain adopting "an independent policy before the rest of Europe with respect to America, evident in its recognition of the new nations jointly with the United States" (30).

Despite the treaties signed between Great Britain and different incipient nations in Spanish America, where the latter acknowledged the King's desire to abolish slave trafficking and committed themselves to "cooperate with His British Majesty to complete such beneficial enterprise" (qtd. in [Clementi](#) 30), it should not be surprising that slave trafficking did not cease due to the varied regional attitudes in response "to the real needs that in each place were covered through the importation of Black laborers, the racial tensions derived from the greater or lesser number of Blacks, and the eventual use of them in the fight for independence" (30). With slave trafficking intensifying in Cuba and Brazil, Great Britain and the new Latin American nations (except for Cuba and Brazil, of course) entered a third period in their relations, one in which the latter supported the former's decision to capture and destroy slave ships by officially declaring themselves against slave trafficking. This stance put an end to the tactic that slave ships had been using to avoid being captured by the British, which was to navigate using neutral Latin American flags. In the end, everyone—or, at least, both slave owners and the "civilized"—won: Great Britain obtained the support of the new nations in its quest against slavery; the new nations gradually moved towards abolition, with stepping stones such as the end of trafficking, the offer made to slaves of obtaining freedom in exchange for fighting in the revolutionary wars, and the freedom of wombs; and slave owners were not only remunerated for many of the slaves whom they lost to the different armies, but also their position in society did not change, as "the improvement in the situation of the Black slave and the Black freedman was null, accentuated by the regime of agrarian exploitation that prevailed in those nations of incipient sovereignty" (31-2).



In Portuguese America, the situation was a little different from that of Spanish America. To better understand what happened there that eventually led to abolition—an abolition against which the region’s slave owners fought for longer than slave owners of any other country in the Americas—I turn to Richard [Graham](#), who writes that, on top of the constant pressure during decades from Great Britain on the Brazilian government, as well as the fleeing of slaves from plantations, there were also two major socio-economic changes in Brazil that led to abolition: “[o]ne was the rise of coffee exports and the expansion of new coffee producing regions; the other was the increasing size and importance of the cities” (125). In his article, Graham explains how these changes came about and how they led to the creation of “new establishments such as banks, transport companies, insurance corporations, and urban services” (126), which resulted in “a distinctive culture, oriented towards Europe. Port cities became the beachheads of European civilization. Fashions of clothes, eating habits, architectural styles, and opinions all reflected the new influences of Europe.” The growing urban centers resulted in new and/or expanding groups of people—merchants, engineers, bureaucrats, industrialists, even military officers not drawn “from the landed aristocracy but from the cities”—who, despite their traditional education, “were impelled by their contact with urban society to adopt the new values of the city and the new ideas imported from Europe” (127), including the idea that slavery was barbaric and that it “slowed down capital formation and tied it up in immovable labor” (128).

[Graham](#) shows that abolition in Brazil was not just the result of the wearing down of “a Parliament dominated by slavery interests” through “public meetings, articles in the daily press, and abolitionist societies” (123), nor the result of the British “desire to increase the buying power of the Brazilian market for British goods” (131). Instead, it was a combination of elements (which he analyzes in detail) that can be summarized as follows: “[a]n expanding export economy [that] was demanding more laborers” than what slavery could provide, being obvious that it “would end sooner or later and no new slaves would be available either from Africa or from procreation”; new urban groups “finding slavery an impediment not only to their own financial success but to the spread of their world-view” (132); an abolitionist military reluctant “to act as slave hunters” (134); and, last but certainly not least, the role that abolitionists had in persuading both “the slaves to leave the plantations” and the magistrates to rule in favor of slaves imported since 1831, “charging illegal enslavement of free persons,” as well as the effects of continuous British, “civilized” influ-

ence on the growing urban centers of the region. By the time when abolition arrived, “the law abolishing slavery was largely a formality. One anti-abolitionist asked: ‘For what, an abolition law? In fact it is done already—and revolutionarily. The terrified masters seek to stem the exodus by giving immediate freedom to their slaves’” (135). As far as what concerns us—the role that capital played in all this—it may be said that by the time slavery legally ended, capital was ready for the change: not only had it turned its attention to other fields—from plantation agriculture to industry, banking, and transportation—but it had also adapted itself to the changing times within the plantations themselves, switching from slavery to hired labor.

Going back to the “civilized” influence that Great Britain had on certain social sectors in Latin America—independence revolutionaries (like Miranda, Bolívar and San Martín), urban military officers, industrialists, engineers—it is important to also mention such influence and the influence of other European nations on the intellectual elites of the region, always concerned with being civil and civilized, and always defining these two concepts through a European lens. Mara Loveman writes that “[f]rom Argentina to Mexico, many of the region’s political leaders and intellectual elites dreamed of turning their respective patrias into card-holding members in the international community of ‘civilized nations’” (331); Argentina, for example, declared the prohibition of slave importation and the liberation of all such shipments “‘invoking the rights of humanity and the uniform behavior of *the civilized nations*’” (qtd. in Clementi 53, my emphasis). These “civilized nations” were the models to follow of the new Latin American liberals; as John Charles Chasteen writes, “[w]hereas France remained the Latin American ideal of literary and artistic culture, and Paris the fashion Mecca for ‘decent’ women of the middle and upper classes, Great Britain was imitated in economics and politics” (202).

The “civilized,” “progressive” influence of Great Britain in Latin America continued throughout the nineteenth century, and, in the case of Cuba, it became the main ally of the intellectual elite, led by Domingo Del Monte, in its apparent quest towards ending slavery—apparent because, as Jerome Branche writes, the goal was not really to abolish slavery but to abolish slave trafficking. Questioning the role played by Del Monte and the members of his literary circle, widely celebrated as enlightened heroes for their resistance to the slave-owning sugar growers and for their anti-slavery campaign through literature, Branche solidly argues that “Delmontine opposition to slavery as an altruistic vindication of the rights of the enslaved . . . is a highly ques-

tionable proposition. So too is the suggestion that he and his literary group in toto espoused the vision of a democratic inclusion of Black ex-slaves in a future Cuban polity” (“[Mulato](#)” 72). Writers who opposed the sugar barons, like Del Monte and José Antonio Saco (and Fermín Toro y Blanco, author of “Petrona y Rosalía,” analyzed in Chapter 2) did not necessarily want an end of slavery—Del Monte himself owned a plantation<sup>50</sup>—but rather an end of slave importation based on racism: “the writings of both Saco and Del Monte repeatedly reveal a sense of paranoia over racial coexistence at the time, as well as the supremacist desire for a White and hence ‘civilized’ future Cuba” (72). Evidence to support this statement is found in Del Monte’s letters to David Turnbull, a British abolitionist agent, where the former expresses his view of abolition as madness, as it would “sacrifice the tranquility of [his] country and the existence of [his] race” (qtd. in 75). More evidence is found in one of Saco’s essays,<sup>51</sup> in which, as Branche writes, “considering it his duty as writer, intellectual, and patriot to warn his fellow countrymen of impending racial conflagration and financial ruin should the importation of Africans continue, he proposed several reforms aimed at modernizing Cuba’s sugar industry ... [through] the importation of White labor and the elimination of Blacks” (72). And even more evidence is found in Félix Tanco y Bosmeniel’s letters to Del Monte, which I also mentioned in Chapter 1: “What hope is there ... that our land may improve with literature, with city halls, with civil governors, with province representatives, with assemblies, with nonsense and more nonsense, while they stuff us with blacks everywhere?” (231).

In spite of Del Monte’s circle and its literary abolitionist —“anti-trafficking,” to be precise—push, “slave trafficking continued to resort to all the subterfuges and chicaneries possible in the face of English control and encouraged by North American and Brazilian support” ([Clementi](#) 169). Writing about the subject, Franklin W. [Knight](#) gives two main reasons for such insistence. One, that “slavery was accepted as the best way by which the Cubans could obtain and organize their laborers at a time when the island was undergoing a massive intensification of agricultural

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<sup>50</sup> As a plantation owner himself, Domingo Del Monte certainly did not want slavery to end; “[t]he slave-owners, he asserted in August of 1843, are united in their intention to seek ‘apoyo y protección y amparo’ (help and protection and support) from the great Northern Confederation, should Madrid declare slavery abolished” (Branche, “[Mulato](#)” 74).

<sup>51</sup> As [Branche](#) explains, “[t]he essay in question is ‘La supresión del trafico de esclavos africanos en la isla de Cuba, examinada con relación a su agricultura y a su seguridad, por don José Antonio Saco.’ It is a reworking of a previous essay, published in 1837, titled: ‘Mi primera pregunta. ¿La abolición del comercio de esclavos africanos arruinará o atrasará la agricultura cubana? Dedicála a los hacendados de la isla de Cuba su compatriota Jose Antonio Saco’” (72).

activity,” and the absence of an exploitable working class, the slow rate of slave reproduction, and “the unexpected afflictions of diseases and natural disasters” (54) made slave trafficking a necessity to the planters. Two, that the trade got the support of rich and politically influential men in Cuba, Spain, and Brazil who continued sending illegal expeditions to hunt Africans, even destroying slave ships after the deliveries of slaves were made so as to erase all evidence of their illegal activity. It was only through a series of combined factors that the abolition of trade (and also of slavery) became feasible, such as “the rapid deterioration of the conditions that had facilitated its continuation”; the efforts of people like Captains-General Serrano and Dulce, who “made vigorous attempts to abolish the trade and to prosecute the traders”; and a “real death-blow”: “the abolition of slavery in the United States and the withdrawal of the Americans from the slave trade” (56). What had already become highly costly for the African slavery-related capital had now become prohibitive in cost: “The Cubans could no longer continue a trade which had been deplored by all the leading powers of the western world. Had they made the attempt, the telling force of economic restraints allied to the perseverance of diplomatic approaches would have combined to humble them.” But capital was ready for this change, as it had found another source of labor: “the equally remunerative ‘trade’ in indentured Asian laborers” (57). By the time African slave trafficking was abolished in 1866, there was no conflict “between the State and the planters. For essentially the Cuban planters only wanted men to work in the sugar cane fields; they did not necessarily want those men to be slaves—[they wanted them to] merely [be] in servile conditions” (58).

The path from the abolition of slave trafficking to the abolition of slavery was not straightforward nor immediate, and there are countless texts that explain it. The Spanish Crown resisted abolition, and so did the Cuban planters—they resisted diplomatic and moral pressure; they resisted partial abolition; and they argued that “only an end to the [Ten Year] war qualified Cuba for social and political reform” (175). Nevertheless, the final stretch towards abolition had already begun: to begin with, “[t]he Spanish government granted freedom to a relatively small number of slaves who helped the loyalist troops, as well as those who belonged to persons sympathetic to the insurgents” (175); also, “death, either from natural causes or as a result of the war, accelerated the decrease in the number of slaves, especially as new importations had ceased” (176); and finally, aware of both the inevitability of abolition and the “rapidly deteriorating economic

situation, aggravated in part by a general decline in the price of sugar on the world market” (177), plantation owners began to allow their slaves to buy their freedom or just freed them without remuneration.

Just as it had been ready for the end of slave trafficking, capital was now also ready for the abolition of slavery, ready for the change it implied. Sugar manufacturing was now becoming an industrial enterprise: “[t]he workers included a full-time engineer, and an expert chemist ... Large centers with modern machines and railroads replaced the teams of ox-drawn carts, and the large slave gangs gave way to a racially mixed, wage-earning labor force ... Slavery in Cuba was partly the victim of the steam engine” (178).

In relation to abolition in the rest of Latin America, Hebe Clementi arrives at several general conclusions, two of which particularly stand out in relation to my research. One of the conclusions is that

[i]n no instance is there a real desire or concern to change the situation of the real, flesh-and-bone black person. Emancipation does not go beyond being an abstraction, and the black person will continue being the outcast within the Latin American social structure, at best buried among the rural proletariat or marginalized within the urban poor. (202).

The other conclusion is that abolition

is not posited as an integral rupture with the previous system of exploitation. When it finally takes place and there is no more room for legal subterfuges to prolong the factual servile state, it is always because the land ownership system is secured. Same with the eventual substitution of labor. In no way does abolition feel like a social threat within the framework of power that supports the liberal state. (201)

## 4.7 CONCLUSION

As mentioned in this chapter’s introduction, one of the claims of this dissertation is that no matter how many narratives of advocacy are written, nor for how long, legal change in the situation of the exploited occurs when capital is ready for that change, either because it is not affected by that change or because it has found a way to benefit from it. I also mentioned that this claim does not mean that such narratives are worthless, or that those who speak on behalf of the exploited are not truly concerned about the latter’s situation, and that their advocacy is just a performance,

always. It also does not mean that any legal change brought about by the passing of new laws is useless, or that the situation of the exploited never improves. What it does mean, though, is that no matter how genuine the intentions of the advocates are, or how forceful their advocacy is, legal change in the situation of the exploited will not take place, in general terms, unless capital is not opposed to it. If capital is ready for the change—be it because it benefits from it, or because it is not affected by it—then it will not be opposed to the promulgation and implementation of the protective law. On the contrary, if it is not ready for the change—because it would mean a significant loss in profits, or because it would halt the possibilities for growth—then it will oppose the promulgation and/or enforcement of the protective law, resulting in a law that is not promulgated, or that is revoked, or that is not obeyed.

The analysis carried out in this chapter, on the laws aimed at protecting Amerindians and enslaved Africans and Afrodescendants, shows the enormous power that capital has over legislation, preventing laws from being passed, forcing laws to be revoked, and/or ignoring laws with little or no repercussion. And I write “has,” in the present tense, because such power still applies today; as I mentioned in the introductory chapter, both [Gilens and Page](#), as well as [North and Clark](#), provide ample evidence to support the claim. [Gilens and Page](#) focus on the United States and show that “economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence” (564).<sup>52</sup> And if the interests of capital are dominant in the United States, so they are in Latin America by transitive character, as [North and Clark](#) show in their collection of essays on the situation of a handful of countries in the region: “[In all cases, states were more or less captured or severely constrained by elites, despite some appearances to the contrary. And in all cases, in one way or another, the United States and the principal International Financial Institutions (IFIs) played critical roles in these transformations” (5), concluding that “[t]he region continues to be dominated by a small elite that wields extraordinary economic and political power, while much of the population lives in precarious conditions with little real capacity to shape the future of their countries” (222).

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<sup>52</sup> In “[Relative Policy Support and Coincidental Representation](#)” (2015), Peter K. Enns advises caution on the findings published by Gilens and Page, showing that the preferences of the very wealthy do not always trump in policy-making those of middle-income earners. Gilens addresses this critique in his article, “[The Insufficiency of “Democracy by Coincidence”: A Response to Peter K. Enns](#)” (2015).

My analysis also shows that pseudo-protective laws—that is, seemingly protective laws that do not protect much, if at all—are an appeasing tool for the culturally dominant sector of society: seeing that the authorities respond with new legislation to the denunciations brought forth by traditional intellectuals, the members of the culturally dominant sector of society become complacent in their thinking that the exploited will now live in better conditions. As seen over and over in the analyzed laws, this complacency is beneficial to capital, which, not being ready for the change demanded by the new laws, now has more time—often many years, even decades—to carry on with its exploitation until new denunciations emerge and the cycle is repeated. This pattern is seen today, as well, with respect to currently exploited, voiceless entities: illegal immigrants, animals raised for consumption, the environment.

In the next chapter, I will look at what kind of voice the exploited beings that concern us had in the legislative process.



## 5.0 THE VOICE OF THE EXPLOITED IN THE LEGISLATIVE PROCESS

### 5.1 INTRODUCTION

In the previous chapter, I looked at the role played by capital in relation to any piece of legislation regarded as protective of the exploited beings for whom the analyzed narratives of advocacy spoke. It was shown that, in general, protective laws requiring change to improve the exploited's situation were not generally passed unless capital was ready to benefit from that change or was unaffected by it; and when they were passed while going against the interests of capital, they were either revoked or not obeyed. All these observations also apply to the present time. Also shown was the way in which legal change benefitting the exploited was (and continues to be) perceived by society in general as a response to narratives of advocacy denouncing the exploited's situation.

Just as capital had a say in the way colonization went, so did the colonized. But their say was not only limited to being antagonistic; it was also complicit in many ways. In general, as a society, we tend to categorize Amerindians and enslaved Africans and Afrodescendants as either submissive or rebellious, turning them into what Steve J. [Stern](#) (in relation to Amerindians, but also applicable to enslaved Africans and Afrodescendants) describes as “mere objects upon which evil is enacted, heroism exerted,” and we ignore the “historical fact that in myriad ways [they] engaged—assisted, resisted, appropriated, subverted, redeployed—European colonial projects, utopias, and relationships” ([Peru xlii](#)). In this chapter, I will focus on that engagement; I will look at the ways in which Amerindians and African and enslaved Africans and Afrodescendants sought to stand up for themselves against their oppressors—be it using a “civilized” voice (a non-violent resistance through legal petitions within the colonial institutional framework), or an “uncivilized” voice (a violent resistance through war and rebellion)—and how the legal system responded in turn.

Before beginning, two observations must be made. First, the meaning of *resistance* in this chapter is not *endurance*, but rather *confrontation*. I will not focus on those activities that the colonized exploited carried out to endure their day-to-day life, such as playing their traditional games, celebrating their traditional festivities, or performing their traditional ceremonies, even though those were certainly ways to resist change. Instead, I will focus on the activities that they directly carried out against their colonizers' to resist dominance: wars, uprisings, and lawsuits.

Second, I have decided not to include in this chapter examples of Amerindian and African and Afrodescendant resistance that occurred during the nineteenth century. As the last century in which Spanish America and Portuguese America were colonized—officially, at least—the nineteenth century was full of changes that reflected the ideals of the elites behind the independence movements, who now saw their new nations emerge, free, ready for the implementation of their envisioned national projects. These projects had varied ideas about the role that their now Amerindians and African and Afrodescendant citizens should play, and decisions were being made on whether they would be treated as they had been thus far—as uncivilized, backwards, inferior, justifiably exploitable—or as just as much citizens as Whites, or as something in between.<sup>1</sup> As colonies switched to nations, and as colonial institutions switched to constitutional institutions, the litigations brought forth by Amerindians and Afrodescendants questioned and ultimately contributed to define their new role in society. Addressing—even superficially—the many changes taking place in the nineteenth century and how they influenced (and were influenced by) the civilized and uncivilized expressions of resistance carried out by enslaved Africans and Afrodescendants and Amerindians in the legislation would add to the length of this already long chapter without affecting its conclusions.

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<sup>1</sup> Even Cuba, which continued being a colony for most of the century, and Brazil, which together with Cuba continued being a stronghold of slavery during the same time, were undergoing transformations at this time that were no less significant and complex than those in the other regions of Latin America. These transformations had several roots, including the elite's perception of Afrodescendants as a threat to the establishment, the cultural make-up, and the ethnic make-up; the influence of anti-slavery movement permeating into the conscience of Cubans and Brazilians; and the changing means of production in both countries.

## 5.2 THE AMERINDIAN CIVILIZED VOICE

### 5.2.1 In Spanish America

There is plenty of evidence that Amerindians participated in “civilized” and “civil” ways in the colonial political-legal system, but it would be foolish to assume that such participation meant that the system recognized Amerindians as equal as Spaniards or that it was impartial in its rulings. As Susan Kellogg writes, an important function of law in both empires and nation-states is to furnish an institutionalized means through which political and economic power, the search for such power, or conflicts over it can be expressed, negotiated, and controlled ... Yet forms of conflict resolution may themselves help shape states and their political formations at particular times” (19-20).

It is paradoxical for an exploited being to seek protection from his exploiter by resorting to the legal system imposed by that very exploiter, especially when such resorting implies that the exploited has recognized and accepted his exploiter’s authority over him, that he has been *interpellated* by the ruling ideology as a newly recruited subject, as Althusser theorizes in his essay, “Ideology and Ideological State Apparatuses” (1970). An important question that I address in this section is one asked by Kellogg: “Was the colonial political-legal domain simply an instrument of domination or did councils, courts, and legal personnel allow for or adjust to the assertion of agency?” (19)

Yanna P. Yannakakis points out that for many historians the answer to this question is the first option: they “have widely acknowledged that the legal system played a primary role in making Spanish colonialism work at a political and economic level and in producing a political-cultural hegemony” (130). But, as it will be shown, the answer is both options: while the political-legal domain was, without doubt, an instrument of domination, concessions were made to the exploited, contributing to making that domination less violent. What makes this seemingly contradictory answer possible is that the instances of successful Amerindian assertions of agency occurred when—as this dissertation keeps insisting—capital benefitted from those “concessions,” or when they did not pose a risk to it. In other words, the Spanish allowance for Amerindian assertions of agency were more an appeasing tool than a meaningful recognition of agency, one that made

the Amerindians more agreeable to being under Spanish rule through the illusion that they could have control over their lives, when in reality they did not have it—and would never have it—in relation to the aspect that mattered most to them, the Crown, and capital: their being dominated so as to be exploited. These allowances and adjustment have contributed to what Lee M. [Panich](#) calls Amerindian “persistence”: a continuation of existence in the face of opposition that “acknowledges the physical and symbolic violence of colonialism but also allows for a continuum of processes that encapsulates various forms of perseverance, ranging from intentional resistance or ethnogenesis to more subtle shifts in political organization and group identity that draw on and are structured by dynamic cultural values and practices” (107).

**5.2.1.1 Sixteenth century** Many writings exist about the Amerindian interaction with the Spanish institutional system, and I rely on several of them in this chapter. One author interested in the subject, specifically in the Amerindian interaction with institutions of law in Spain during the sixteenth century, is Nancy E. [Van Deusen](#), who looks at how indigenous slaves in Spain litigated for their freedom, and how their lawsuits in those courts of law “informed global processes of imperial sense-making and defined the boundaries of identity, sovereignty, and territoriality” (13). Van Deusen’s study covers the lawsuits and appeals that took place between 1530 and 1585, in which 184 slaves participated as plaintiffs or defendants: mothers pleading for their children; single men and women who had had been abducted at an early age; members of the Amerindian elite seeking to regain their status; married couples and elderly people seeking to live in freedom. These Amerindians had arrived in Spain from different places in the New World, although “some of the young children of female litigants were born in Castile” (17). I will leave this book aside because the dynamics surrounding the litigations that it analyzes, which took place in Spain and affected Amerindians living there, differ from the dynamics surrounding the litigations that affected Amerindians living in Spanish America, which is the focus of this section.

R. Jovita [Baber](#) is another author who studies Amerindian incursions into the Spanish American legal system. She argues that “native people consciously and strategically negotiated their interests within the empire and, in doing so, contributed to an imperial system that emerged as a fluid convergence of negotiated interests,” and that the Tlaxcala in particular “pursued their own ambitions and used a variety of strategies to negotiate within the emerging social order. In the

process, Tlaxcala became a model of a self-governing Indian municipality—for both the Crown and other native communities—and influenced the developing imperial system” (35). To illustrate her claim, Baber first describes a Tlaxcala delegation that traveled to Spain with Hernán Cortés to meet with the King to ask to be exempted from the *encomienda* system, and also “to remain free vassals of the Crown and to retain perpetual status as señores naturales (natural lords) with jurisdiction over their respective subjects and lands” (37). The author then mentions two other cases of Amerindians traveling to Spain: two Mexica lords—Don Rodrigo and Don Martín—and Pedro Tlacahuepantzin, son of Motecuhzoma, and Francisco de Alvarado Matlacohuatzin, nephew of Motecuhzoma.

Of interest to me is what happened to the requests brought forth by these Amerindians: the Tlaxcala (crucial allies of Cortés’s in his capture of Tenochtitlán, as well as crucial allies of the Spanish Crown in its incipient conquering of the New World) were granted what they petitioned, with everyone remaining on friendly terms. Also favored were the Mexica lords, now owners of “an *encomienda* grant” (37) and, as such, contributing not only to the Crown’s coffers but also to the solidification of the *encomienda* system: by extending its benefits to Amerindian *encomenderos*, the Crown ensured that these would also praise the system and model for other Amerindians the way to be successful within it. But Motecuhzoma’s relatives were not so fortunate:

[D]uring their stay [in Spain], they were kept as court members; however, what could have seemed to be a special treatment and a show of the Crown’s receptivity of the Indian nobility, was in reality a ruse to keep them away from their places of origin, where their presence had been deemed dangerous by the Royal Audience in Mexico in what were decisive moments for the consolidation of Hispanic domination over its overseas possessions. (Díaz Serrano 1057)

Another author that looks at the interaction of Amerindians with the colonial legal system during the sixteenth century is Susana García León, who studies a series of litigations that occurred between 1563 and 1600 to ascertain whether “the law was applied as it was stipulated in the dictated norms concerning each case, or, on the contrary, the reality of the events prevailed and the judges [Amerindians themselves] had a small, discretionary margin at the time of acting” (279). These six cases consisted of civil lawsuits related to land disputes, a homicide, a rape, and three testamentary dispositions; after analyzing them in great detail, the author shows how the Amerindian judges strictly abided by Castilian law in their rulings. What is most important

in relation to this dissertation is that, evidently, so did the Amerindian litigants, who accepted the rulings under such law, leaving behind their own, traditional ways to solve conflict. Although in 1555 Charles V had declared that Amerindians could “keep their old laws and good customs as long as these did not go against [the Catholic] religion, it can be observed that within just a few years the Castilian legislation had already been assimilated, at least with respect to civil, criminal, and testamentary law” (302).

One final author to consider is Gonzalo Lamana, who proposes that although the Incas were in the end dominated by the Spaniards, their dominance was “elusive” during the first few decades after the parties’ first encounter, and that such dominance was not the mere “outcome of battles or economic drive” (20) but of a series of power struggles not only between the two parties involved but also within each party. Although the author focuses on Peru, he does not restrict his claim to that region or even to the sixteenth century:

Neither the concrete mechanisms through which the Spaniards attempted to subalternize indigenous ways of thinking and acting, nor the ways in which native peoples recognized these mechanisms and strived to disarticulate and go past them, are particular to this case alone. Current debates on violence and human rights, assumptions of superiority taken to be self-evident, declarations of civilizing duties and images of authenticity, and subaltern attempts to disable hegemonic frames validating other epistemologies, all have their sixteenth-century doubles. (7)

This tug-of-war-like process to which Lamana refers is present whenever any party seeks to exercise dominance over another and expects to do so without having to resort to constant violence. In the case of Peru, Lamana sees this sort of negotiation in events such as the encounter between the Spanish conquerors and the Inca Atahualpa, the war led by Manco Inca, and the “reinvention” of Inca power through the coronation of Paullu Inca in 1537—a man whom the author does not see as the “traitor to his race of nation” (23) that current scholars see, but rather as “an actual challenge to the conquerors” (160), “the first example of a mestizo consciousness that emerged when the Spaniards’ presence was a given but not yet how it was going to actually materialize” (23).<sup>2</sup>

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<sup>2</sup> Relying on a series of accounts from “elderly native witnesses” (163)—obtained a whole sixty-two years after Paullu’s coronation at the request of Paullu’s grandson, in order to produce a report (información)—Lamana disputes the idea that Paullu Inca had no agency in his coronation, that it was all the doing of the Spaniards. He argues that Paullu offered an option to those Incas who wanted to leave Manco Cápac II and his war against the Spaniards, and that it was Paullu himself who “organized a solemn coronation in which Inca captains, Inca governors, and ethnic lords took part” (164). Lamana adds to his evidence a letter written in 1537 by Diego de Almagro to Charles V, in

Relevant to this dissertation is that independently of what type of manipulative resistance Paullu Inca may have put forth against the Spaniards, his *public* appropriation of the Spanish “cosmology, deity, and legal forms” (23)—which Lamana argues to have been the Inca’s way to create a “gray space that subverted Spanish domination from within, effectively keeping the Spaniards’ claim of mastery at bay” (24)—was also a public sign of his having been interpellated by the Spanish ideology, a public sign of his recognition of himself as a constituted subject of that ideology. What is worse, his subjection to the Spanish ideology and his resulting success in the emerging colonial order became an example to Amerindians: if, just as Paullu did, one built oneself as a respectable self in Spanish terms—getting baptized, becoming literate in the Spanish language, and dressing with European clothes—one could also have a chance, just as Paullu had it, to be respected both by Incas and Spaniards, to be favored by the Crown (186), and to even have one’s own *encomienda*.

**5.2.1.2 Seventeenth century** Legal petitions and demands increased during the seventeenth century. [Puente Luna and Honores](#) write that the local legal system “progressively became a dynamic instrument controlled by specialists in process- and doctrine-related aspects, who constructed, redesigned, and strategically applied legal arguments inspired in varied methods for the resolution of conflicts” (16). In their very informative text, these two authors describe a land dispute between two Amerindian parties, filed in Huarochirí, Peru, in 1637, and discuss many aspects of the judicial system of the time, including how “towards the third decade of the seventeenth century, the fluidity between ‘ancestral’ rights and rights granted or confirmed by the authorities established by the King was a reality in Huarochirí” (31). While the authorities in charge of resolving the complicated case followed the Spanish law and needed to protect the interests of the Spanish Crown, they also took into consideration the consuetudinary rights of the Amerindians involved, noticing that “although the dispute revolved around the land, its background was the control and use of the hydrological resources, and their justification based on the normative rules at play.” This type of hybrid justice, “this judicial space and the activity of its agents and func-

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which Almagro describes Paullu as an authority that the Inca nobles recognized and that he (Almagro) had allowed to raise “to Inga and lord of the naturals” because it would be “convenient to [His] Majesty’s service” (qtd. in 165). To the author, Almagro’s statement and a deposition from Antonio de Castro indicate that both Almagro and Paullu needed each other to uphold their respective authority, and that during this period they neither ruled as one nor split their domain. (169).



tionaries, were crucial in the construction of colonial law, a mixture of different legal traditions also built 'from below'" (41)—a win-win situation for everyone, as this both allowed Amerindians to conduct themselves in a somewhat normal, familiar medium, and it provided non-alienating tools for the Crown to resolve Amerindian internal disputes.

Compared to the other three centuries of conquest and colonial times, as Magnus [Lundberg](#) reminds us, the seventeenth century "continues being the least known period of time in the history of New Spain" (223), and the analyzed cases taking place during this period are usually "disputes on the use of land, labor conditions, tax payments, and the autonomy of indigenous town councils" (224). Lundberg adds to the research by focusing not on Amerindian litigations in secular tribunals, but rather on those in ecclesiastic ones.

The first petition, presented in 1611, was against Alonso Rodríguez de Esquivel, a priest accused by his Amerindian community in Ixcapulzalco of physical violence, unreliable performance as priest (missing Masses, not taking confessions at the homes of the ill), and economic damage (his mules trampled crops; he demanded that two hens be given to him each day, free of charge; and he forced women to spin cotton and sew blankets). The priest defended himself saying that the Amerindians had turned against him "because [he] loves them and because [he] reprehends their vices and public sins, which are inadmissible," and that those who brought forth the petition were not even members of the town council and thus could not represent it. The Audience asked the petitioners to support their accusations with evidence; "the process continued in this juridical limbo for three months, and the record does not show whether the natives formalized their accusations against the priest" (232). The ruling is unknown.

The second petition, presented in 1614, was also against a priest, Gerónimo Frías Quijada, on the grounds that he committed "acts of physical violence and transgressions of a sexual nature" (233), with many witnesses supporting the accusation. As the priest maintained his innocence, more testimonies arrived against him, including that of a woman describing how he "had her carry out carnal acts with him many times." The petition was granted; the priest was found guilty; the archbishop "gave him a substantial fine and warned him to abstain from causing any type of scandal in the future, as well as to be a good example for the faithful, treating them well and teaching them the Christian doctrine" (235).

Petitions were also filed in Quito, as the research of Diana Bonnett [Bonnett Vélez](#) shows.

The author observes that “until the introduction of the First Protector of Naturals” in 1642, few cases related to tax impositions reached the audience; however, afterwards, these cases became frequent. During the last decade of the century, “claims were mostly about the two great disasters suffered by the Audience: the measles and smallpox epidemic, and the earthquake of 1698” (113), and they sought a reduction in work and in taxes, as well as the elimination of taxes for those who had died or had moved away. These petitions were often denied, which led many Amerindians to leave their communities. One of the cases described by the author concerns doña Marta de Salazar, who, in 1681, petitioned to have her and her children (who had fled the town, leaving their families behind) recognized as direct descendants of the town’s Chiefs, and, as such, as deserving of not having to work in the mines. Six years later, the Audience granted her the request. Another petition, brought forth in 1656, was also granted: it determined that tribe chiefs should not “pay what was owed by absent Indians, nor should they send others in their replacement” (123).

None of these decisions in favor of the Amerindian petitioners negatively affected capital, and there seems to be no evidence pointing at any law having been changed, based on these petitions, to prevent such future outcome.

**5.2.1.3 Eighteenth century** Many examples of civilized negotiations between Amerindians and colonial authorities can be found in the essays compiled by Ethelia Ruiz Medrano and Susan Kellog in their book, *Negotiation within Domination: New Spain’s Indian Pueblos Confront the Spanish State* (2010). One of the texts included is Edward Osowski’s, which shows how “throughout the eighteenth century, native leaders forced officials in Spanish governmental institutions to negotiate with them on how they would draw sufficient numbers of indigenous participants to the [annual Catholic] festivals” (85). Osowski focuses on the creativity of the negotiations and the indigenous leaders’ exercise of “considerable local power” (81) over their subjects; however, it is another element relevant to this analysis that stands out: how the leaders’ “considerable local power” was only so because the Spaniards’ allowed them to have it as long as the former showed themselves to be Christian and helped to deliver a Christian constituency. Since “only Christians had rights and protection under Iberian law” (85), it was in these leaders’ best interest not only to be Christian and perform their Christianity, but also to convince their followers to do so, as well. In other words, it was only by accepting the Catholic religion, its rituals, and the Spanish

legal system, and imposing it on those whom they guided, that Amerindian leaders were allowed to protect “their political autonomy and authority over their people” (86). To me, this set-up is comparable to today’s managerial class: managers can negotiate to have some autonomy at the time of ruling over their employees, but ultimately they and their employees are subject to the overarching rules of the dominant class.

Another essay in Ruiz Medrano’s and Kellogg’s compilation also addresses the way in which Amerindian interaction with Spanish colonial institutions led to a reshaping of their culture and traditions. María de los Ángeles [Romero Frizzi](#) writes about a series of conflicts that took place in the eighteenth century in Sierra Zapoteca over territorial claims, where Amerindians resorted to the Spanish juridical system for mediation. Romero Frizzi focuses on one case in particular, in which the Zapotec people of San Juan Juquila Rincono “made the text of its sacred history available to the [mayor] of Villa Alta in order to prove its right to hold certain lands in a dispute with the neighboring Zapotec community of San Juan Tanetze” (118). The legal dispute lasted for ten years until the Spanish judicial system, casting aside the documentation provided, decided to divide the land between the two peoples—a decision that neither community accepted. In the end, then, the Amerindian appeal to Spanish law resulted in the communities’ sacred histories and system of reciprocity being ignored, devalued and made the object of derision” (127). Even worse, it reinforced the power of the Spanish culture and judicial system in indigenous communities by undermining their culturally traditional means to address their differences.

This undermining is also evident in Yanna P. [Yannakakis](#)’ essay, where the author analyzes a dispute in Villa Alta, also in the eighteenth century, between an Amerindian community that the Spaniards had set up as an administrative center—or *cabecera*—and its surrounding Amerindian communities—or *sujetos*—which now had to resentfully contribute towards “the maintenance of the parish church and the celebration of religious festivals” (134).<sup>3</sup> Yannakakis looks at how the notion of *costumbre* (tradition, custom) allowed the San Juan Yae community to obtain the title of *cabecera* so as not to be under the control of San Juan Tanetze, which had originally been named *cabecera* by the Spanish authorities. Still, the author observes that the reason why San Juan

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<sup>3</sup> The *cabecera-sujeto* system allowed for centralized social, political, and religious control, undermining and eroding “the long-standing political autonomy of the pueblos of Villa Alta and [displacing] the decentralized administrative structure that had been the rule in the region” (134) before 1700. This way, the Spanish government became better positioned to exercise social control, and so was the Church to eradicate idolatry.

Yae was awarded the title was the way in which its litigants defined *costumbre*: not as political rights achieved over a long period of time in relation to communities seen as equals, but rather as political rights achieved over a long period of time in a relation of hierarchy—a model that, as Susan Kellogg writes, “squared with desires of both church and state to impose a more hierarchical political structure” (25). Yannakakis concludes that by redefining the notion of *costumbre* “in the name of greater political control” (152), the Spaniards “shattered the colonial system that was a product of two centuries of political struggle,” a shattering that she partly blames for “rebellion, violence, and extralegal forms of expressing discontent on the part of the *pueblos de indios* during the last decades of the eighteenth century” (153).

Yannakakis’s theory certainly makes sense, as domination is less violent when the dominated believes that he still has some dignity left and a voice that is not completely ignored; taking those elements away, not surprisingly, often triggers a violent response. The Spaniards dealing with Apache and Comanche tribes were very aware of this dynamic, as Cuauhtémoc Velasco Ávila shows in his essay, concluding that peace during the last decades of the eighteenth century in their region was more the result of negotiation with the Comanche and Apache of the north

rather than the product of better organization of the troops or the installation of presidios and other war materials; while it is obvious that a stronger military presence worked in favor of stable agreements, it is also undeniable that the fortifications and the troops by themselves were not enough to sustain a constant state of war against the more powerful Indian nations.(179).

During a time when “the progress of settlement was slowed in those regions where the exploitation of natural and human resources no longer justified the investment needed in the pacification or evangelization of the local people,” as Velasco Ávila writes (159), the Spanish Crown became concerned about how to best safeguard both settlers and their continued agricultural and cattle-related activities. José del Campillo y Cossío, a statesman, proposed to strengthen the defense of the frontier territories and to establish trade relations with the uncivilized Amerindians, “taking advantage of their ‘passions’ and taming their tastes” (161). Velasco Ávila describes in great detail the very varied and complex negotiations—some friendly, like those carried out with the Comanches; some more threatening, like those carried out with the Mescalero Apaches. He also shows that although these were not negotiations between equals because the Spaniards had the advantage of a “stronger military presence,” these still knew that negotiating with the

Amerindians was the only way to achieve border tranquility without having to resort to the unsustainable violence mentioned above.

Throughout the colonial times, the incorporation of native Americans in the power structure of the Spanish institutional system was regarded as positive by those Amerindians and mestizos who, having studied the Castilian language, religion, and law now considered themselves “civilized” as the term was defined by their oppressor. Caroline Curtin writes that such incorporation, especially in the Protectorship of Indians institution (*Protectoría de Indios*),<sup>4</sup> “led protectors and lawyers representing indians to win decisive battles in the imperial justice fora, creating a legal path capable of counteracting some of the nefarious effects of the structural asymmetries generated by the colonial system” (488). Nevertheless, while this may be true—even though it is not clear what Cunill understands for “decisive” legal battles—the inclusion of traditional intellectuals rising from the exploited class was not, just as it is not today, a guarantee that these may serve the interests of the class from which they rose, as I will address in the chapter’s conclusion.

There are many more analyzed instances of Amerindian participation in the colonial courts of law; it would be impossible (and unnecessary) to mention all of them in this dissertation. In general terms, however, two claims may be made. First, that the rulings very rarely favored the Amerindians when these went against capital. Second, that, as Steve J. Stern writes in relation to colonial officials in Peru (but this also applies to the rest of Spanish America), while it certainly was the case that “as long as some bureaucrats or colonial powers found it in their interest, in some cases, to back an assertion of the natives’ legal rights, [and as such] the Indians could find ways to impede, obstruct, or subvert extraction” (*Peru* 115),<sup>5</sup> it is also the case that ultimately “the Indians’ struggle for Spanish justice, in the end, weakened their capacity to mount a radical challenge to the colonial structure, and thereby contributed to the dominance of a colonial elite” (*Peru* 116).

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<sup>4</sup> For a detailed explanation of these protectorships, please refer to Mauricio Novoa’s book, *The Protectors of Indians in the Royal Audience of Lima. History, Careers and Legal Culture, 1575-1775* (2016).

<sup>5</sup> Stern gives examples of these instances: one was when an “Indian woman fought skillfully to fend off the incursions of a local landowner on several prized hectares”; another was when “the community of Tiquihua won a decree by the viceroy in Lima to keep [an *encomendero*] out.” What is more, “even when natives could not carry through a struggle to a final victory, their litigation might prove costly and disruptive to a colonial entrepreneur” (*Peru* 116).

### 5.2.2 In Portuguese America

Writings on the participation of Amerindians in the Portuguese American system of justice are not abundant; in fact, what seems to be the first compilation of essays related to the subject, “Os povos indígenas, a dominação colonial e as instâncias de justiça na América portuguesa e espanhola,” was not published until 2019. The number of analyzed cases is much lower than what is available in relation to Spanish America, perhaps because there has not been as widespread scholarly interest in the subject until relatively recently, but also perhaps because the Amerindian use of colonial tribunals “was much more frequent in Central America and the Andean world than in the Brazilian context” (54).

This difference can be explained by first reviewing the different juridical categories of the Amerindians in the region—“free,” living in the *sertão* (backlands); “free,” living in villages administered by Jesuit priests; “legally enslaved,” captured in just wars and registered as slaves; or “illegally enslaved,” captured and enslaved during excursions into the plains—and then looking at what kind of access to the colonial legal system each category had. Amerindians who lived free with their tribes had their own law, which is why they did not resort to colonial tribunals and there are no records of this type of interaction. The remaining Amerindians, however, were subject to Portuguese law, and although this would lead one to think that they would have left a more significant legal paper trail behind them than they did, the fact is that they did not do so because their access to the courts of law was limited—much more so than that of Amerindians in Spanish America.

Amerindians living in the Jesuit-administered villages were in a very particular situation: the villages, or *aldéias*, were an enclave within Portuguese American law because “[t]hey were understood as self-sufficient units from the jurisdictional point of view, falling on the missionary, with his paternal authority ... to judge transgressions and apply the corresponding punishment” (37). What this means is that civil matters between Amerindians—which was sometimes decided by a judge in Spanish America, as I discussed above—were decided by the priests in the Portuguese American *aldéias*,<sup>6</sup> and any matter related to enslavement had to be taken to a colonial court. But

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<sup>6</sup> Resorting to colonial courts of law was not a common occurrence for those living in *aldéias*; however, as Maria Regina Celestino de Almeida explains, sometimes priests and Amerindians jointly presented complaints and petitions before governors, auditors, and the King himself, in relation to the administration of the villages’ lands and their sources of income. As Celestino de Almeida writes, “the collective land, guaranteed by the Portuguese legislation,

taking such matters to a colonial court was not easy for Amerindians in *aldéias* because they had the same problem that officially enslaved Amerindians had, which Bombadi and Prado explain as follows:

In practice, the colonial judicial structures were accessible only to a reduced group of slaves. It was only those who lived close to the main urban centers (Belém, São Luís, and Tapuitapera) who were able to carry out litigations. All those who lived in the settlers' houses and plantations, in small towns located close to rivers, could rarely run away and present their claims in the cities, as it was difficult for them to find someone who would shelter them while they obtained legal protection to fight for their freedom away from their masters. (189)

In addition to the logistical difficulties of accessing the legal system, there was also another factor that influenced Amerindians in their reluctance to seek legal help: the courts' unreliability and pronounced bias towards the interests of the colonizers, and the consequent and well-founded fear of retaliation when petitions of freedom were denied and the petitioners were ordered to return to their administrators or masters. In spite of the series of laws that insisted on the freedom of most Amerindians—beginning with the 1570 law that was discussed in the previous chapter, reaffirmed in 1596, 1609, 1611, and 1696—and also in spite of certain administrative reforms implemented in 1690, such as the arrival of permanent auditors in Brazil, there was what John M. Monteiro calls “a real abyss between the spirit of indigenist legislation and the reality of euro-indigenous relations” (“Alforrias” 46), where even as Amerindians became increasingly “aware of the advantages of resorting to the colonial justice, especially with respect to matters of freedom” (53), they still knew that the legal system offered them no guarantees of justice.

**5.2.2.1 Seventeenth century** Fortunately for Amerindian slaves, the end of the seventeenth century brought another way to obtain freedom that did not require legal action. Monteiro's research shows how Amerindians began to obtain their freedom by buying it themselves from owners willing to sell it to them, or by having it granted to them by their owners. This granting of freedom could be unconditional and immediate, or it could be conditional, with the slaves having to wait until after the deceased slave owner's spouse died, for example—as it happened to Simeão in *As vítimas-algozes* (see Chapter 3, page 167—or until a specific number of years passed, or

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was a good of considerable worth to the indians, with functions that went beyond their subsistence. Around it, numerous conflicts and negotiations were built, moved by [the Amerindians'] own interests and motivations, which continuously changed in their colonial existence” (36).



until a specific duty was fulfilled. Also, while many freedmen left their owners right away, others were forced to stay with them because their family members were still captive.

At times, slaves freed by their owners found themselves having to recur to the law: the promise of freedom was rescinded by the owner; or the heirs of a deceased owner refused not to recognize the freedom granted to his or her slaves; or the obtained freedom was questioned by others. In these cases, until 1690, the Portuguese settlers had the advantage before the law, as customary law prevailed; however, at the turn of the century, with the arrival of permanent auditors in São Paulo, “Amerindians themselves became frequent authors of petitions and litigations seeking freedom, based on arguments founded on the knowledge of the legislation [at the time]” (54). In 1634, for example, Amerindian Madalena had to resort to justice to have her freedom recognized, as her former owner’s heir kept her enslaved. The judge ruled and “established a fine of twenty thousand reis, the probable value of the young woman, to ‘whoever bothered her’” (51).

Another case was that of the Janduí Tribe, which John Hemming describes. After decades of undergoing ferocious fighting against invading cattle-ranchers—fighting that I will discuss in section 5.3.2.2—the Jaundin people realized that they were on the losing side. The King had asked that the government buy the captured Amerindians from their captors and place them in the nearby Jesuit *aldeias*; but, this option was rejected by the Governor-General because “the Jesuits in Rio Grande would not dare to take such prisoners for fear that they would run back to their homes” (361). Instead, the Governor asked that he be allowed to ship “the prisoners to *aldeias* in Rio de Janeiro, over one thousand miles south,” to which the King agreed. While these conversations were taking place, a delegation sent by the Janduin arrived in Bahia “to sue for formal peace” (362)—an idea that was suggested to the tribe by a white man, João Paes Floriano, married to the Chief’s sister. The delegation successfully negotiated a peace treaty until 1692, when the Portuguese broke the treaty, and they had to make several promises in exchange for their (relative) freedom:

In the Treaty, Canidé [King of the Janduin] and his successors would be humble vassals and accept Christian baptism. The Janduin would send 5,000 warriors to help the Portuguese against any foreign invader or other Indian tribe; and the Portuguese would help the Janduin against their enemies. Janduin were to be guaranteed ten square leagues of land around each village. Their freedom was also guaranteed, and royal officials undertook to protect them from molestation—particularly from the Paulistas [*bandeirantes*]. The Janduin would be able to work on settlers’

estates, but their own chiefs were to decide the labour quotas. In short, the Portuguese governors undertook not to harm the Janduim, but 'forever to conserve them in the freedom, peace and quiet in which they wished to live.' (362)

**5.2.2.2 Eighteenth century** By 1733, Amerindians were still randomly captured and enslaved in spite of the law, which included the most recent royal order on the subject: King João V's 1726 *Royal Letter* insisting that the law be observed without exception. The Governor of São Paulo, Count de Sarzedas, dictated then that all general auditors and judges impart sentences according to the law: all Amerindians captured in just wars were to be registered as slaves; all Amerindians who were prisoners of enemy tribes should be bought, and they could be enslaved for ten years; and all other Amerindians should be placed in the villages administered by the Jesuits.

Of course, the Governor's efforts—as those of previous authorities—did not really change the situation, and the concepts of “just war,” “*resgate*,” and “*administrado*” (a servant who, for all purposes, was a slave) continued providing slave owners with plenty of loopholes and opportunities for exceptions and re-interpretations of the law, making it clear that “Indians during the colonial period occupied a very peculiar position at the intersection of different interests, which directly influenced the definition of their juridical situation” (Ferraresi 26).

The justice system that enforced the legislation still lacked coherence and predictability, as evident in the court cases of the time, some of which have been researched by Liliam Ferraresi. In 1736, Amerindian Thereza Dias petitioned to be freed from her condition as *administrada* of Captain Antônio da Veiga Bueno, claiming that she belonged to a native tribe that was “free and exempt from all obligation of servitude” (22). After many audiences that yielded no verdict, a judge ordered Thereza to prove her allegation through testimonies. The outcome of the trial is uncertain, as the judge's order was the last entry in the case's file. Another example took place in 1745; Amerindian Vitória, also petitioned to be freed from her condition as *administrada*. In this case, the judge gave the woman two options: she could continue serving her master, Vitorino, or she could be placed in a Jesuit village. Vitória chose to remain as *administrada*, which not only suggests that the villages were not necessarily an easy and happy place for Amerindians, but also that a “royal official could consider legitimate [Vitória's] condition” (21) as *administrada*.

Monteiro also offers examples of petitions and litigations during this century. One of them is

the case of Micaela Bastarda, who had been freed by her owner but was being made to work by the prior of a convent who inherited his slaves after the man's widow died. After twenty years of uncertainty, a judge finally ruled in Micaela's favor in 1721, "establishing precedent for the other Indians in the convent" (Monteiro, "[Alforrias](#)" 55). Another example is that of Francisco Dias and his wife, who resorted to the law on behalf of their daughter. She, like them, had been born free, but a slave owner had taken hold of her and "was treating the child as a slave. They asked the judge to have the child returned to her village so that she could enjoy the freedom to which she had a right." When the investigators found that the child was treated well, the judge recommended that the litigation be suspended. As [Monteiro](#) writes, the upper class "showed itself as very obstinate in the face of these changes, holding on to its last Amerindian slaves at all cost" (55).

The lack of consistency in the rulings is also illustrated by [Bombadi and Prado](#) and Prado through two cases that also show the difficulty that enslaved Amerindians had to access the legal system. The first case, taking place in 1726, concerns Amerindians Catarina, Domingas, Teodora, and their children, who, after having fled their master's plantation, had sought the help of attorney Manuel da Silva Andrade "to file a petition of freedom without constriction." When the Amerindians' owner demanded that the slaves be returned to him, the attorney refused to do so and went to prison. Eventually, the tribunal (Junta das Missões) "determined that the attorney should be freed and that the Amerindians could bring forth their petition anytime, even with [his] help" (189). The second case, taking place in 1738, is about a group of Amerindians who had fled their master's plantation and had been provided shelter by some missionaries while they pled for their freedom in a court of law. Unlike the previous case, however, and "to avoid establishing precedent and give the bad example of Indians who fled from their owners and obtained freedom, the auditor, facing that situation, declared that the indians should be returned to [their master] even if they were not his legitimate slaves" (190).

Illegally enslaved Amerindians began to join others in their same situation in hopes to increase their chances of success in their petitions of freedom. In the cases studied by [Bombadi and Prado](#), "forty percent of petitioners joined other Indians to bring forth a joint petition against the same master," exposing "different stories and circumstances of captivity [that] made it possible for the denunciations to obtain more relevance and recognition before the authorities in charge

of the cases” (190). These masters were not always just ordinary settlers; among them, there were also a number of missionary priests and even a few Amerindians. Enslaved Amerindians also carried out their denunciations against these: in 1729, a group of Amerindians, Pedro, Inês, and Germano, accused Carmelite priests of enslaving them, and were set free by the authorities; in 1749, another group of Amerindians, Apolonário, Francisco, Feliciano, Amaro, Estevão, and Maria, accused Jesuit priests of the same, but they were sent back to the Jesuit village as slaves because they could not prove that their mother had been a free woman; and in 1752, Amerindian Catarina accused Amerindian Severino of enslaving her, and her request of freedom was granted (192).

To build a strong case when petitioning for their freedom, Amerindians had to show that their master had no title of ownership; towards this purpose, they narrated “their trajectory, pointing out the moment when their condition as ‘naturally free’ was taken away from them. It was important to underscore their origins, how they were brought to the city, for whom and for what they were sold, and under what circumstances they worked” (193). This was the process followed by, for example, Amerindian Ângela de Jesus, whose freedom was later granted to her by the King himself; by the grandchildren of Amerindian Mônica, whose freedom was put on hold by the court after they were ordered “to live and work at their master’s house until the end of the juridical process”; and by *mameluca* Claudia, whose petition went unanswered and sent to an auditor for reviewing (194). Bombadi and Prado also found a very peculiar petition of freedom, that of Manoel de Quadros, who knew that the government was having difficulty in finding soldiers and decided to take advantage of the situation by asking the court to recognize his freedom so that he could enlist—and the court did just that (194).

As in the case of Spanish-American Amerindians, the Portuguese-American Amerindians’ use of the colonial institutions is seen by scholars such as Hal Langfur, as an “adaptive resistance, or a defiant complacency. Recognizing that an open rebellion could be fruitless and lethal, many natives realized that, in certain circumstances, injustice could be questioned and mitigated through the use of the very institutions that oppressed them” (“Índios” 57). The way Langfur illustrates this statement is not through new examples of court cases, but through his narrating of how the natives in the mountainous regions between Rio de Janeiro and Minas Gerais misled the Portuguese by distorting and withholding information, subverting and destabilizing the Crown’s

efforts to establish sovereignty in the region in 1786 and capture a notorious contrabandist, Maõ de Luva. Langfur bases his argument on the claim that “the jurisdictional device rested on the native networks of information and knowledge” (158), without which it was not so easy to gain control of peoples and territories. By deciding “what was allowed to be known, what was to remain a mystery, what was to be achieved, and what was beyond reach in these mountains that were so strategic” (83), the Amerindians “had a significant capability to tame the ‘other,’ the intruder, frustrating the Portuguese attempt to expand their territory” (84)—all in a “civilized” voice and for several decades, as it would not be until the middle of the nineteenth century that the region would actually be transformed as a consequence of the coffee industry’s growth along the Paraíba River.

With regards to the concept of the Amerindians’ “adaptive resistance” to the Crown’s domination—both Portuguese and Spanish—Pedro Cardim points out that such resistance allowed “the natives to be, at least in part, producers of their own history, and that this took place despite both the devastation caused by the European colonization and the subaltern status that was imposed on them” (69). Cardim adds that

to affirm that the natives were much more than simple, passive victims does not mean to deny the violence of the conquest, the arbitrariness of the colonization, or the asymmetrical character of the relations between the colonizers and the indigenous ... It means, above all, to diversify the perspectives from where to look at the colonial dominance and its multiple configurations within the narrative of the three hundred years that it lasted. (69-70)

In spite of any empowering that the Amerindians may have felt both in Spanish America and in Portuguese America through their permitted access to the colonial courts, one fact remains, and Pedro Cardim also recognizes it: “the colonial project needed the law not only to legitimize the colonial situation, but also to construct both the subjects of the colonial relation and the organizational structure within which Amerindian women and men would maneuver” (70). The colonial institutional framework offered Amerindians tools to, as colonial subjects, try to resist dominance in a civilized manner; however, their acceptance and use of those tools implied, ironically, their subjecting themselves even more to that dominance that they sought to resist.

### 5.3 THE AMERINDIAN UNCIVILIZED VOICE

In the previous section, I looked at the effectiveness of the Amerindian “civilized” voice at the time of defending the interests of Amerindians, observing that such voice was effective in relation to matters between Amerindians themselves, as well as in relation to some individual matters against capital when these matters did not affect capital as the process that it is. I also observed that the Amerindian “civilized” voice was ultimately harmful to Amerindians, as their willing participation in the colonial institutional system also meant their willing acceptance not only of the colonial institutions but also—and even more importantly—of the colonial ideology that these represented, an ideology that categorized Amerindians as oppressed subjects ruled by a colonial elite.

In this section, I will look at the effectiveness of the Amerindian “uncivilized” voice at the time of defending the interests of Amerindians. This “uncivilized” voice was heard many times, not only during the initial Amerindian resistance to European dominance through warfare, but also during their many uprisings against the European colonial system that took place throughout the centuries. Examples of well known uprisings in Spanish America, in what is a very long list, are the Rebellion of Enriquillo (1519), in Hispaniola; the Rebellion of Manco Inca (1536), in Peru; the Mixtón War (1540 to 1542), the Great Rebellion of the Mayans (1546), the Rebellion of Tepehuan (1616), the Rebellion of Tzeltal (1712)—these last four taking place in Mexico; the Rebellion of Calchaquí (1659), in what today is Argentina; the Rebellion of Pueblo Rebellion (1680), in what today is New Mexico; the Rebellion of Túpac Amaru II (1780), in Peru; the Rebellion of Totonicapán (1820), in Guatemala. And in Portuguese America, some examples are the Rebellion of Piratininga (1562), in São Paulo; the Tupinambá War between 1617 and 1621, in Espírito Santo and Bahia; the Guaicuru War between 1725 and 1744, in Mato Grosso do Sul.

Just as it would be impossible to describe every instance of Amerindian “civilized” protesting in this dissertation, so would it be impossible to describe every instance of “uncivilized” protesting, every revolt. A sample that well represents those instances suffices for the purpose of this section, which, as I mentioned at the end of the previous section, is to find out their level of efficiency as well as what made them ultimately fail, seeing that all Amerindians had to eventually comply with the colonial system. It is also not necessary for us to go over every revolution in

detail; rather, what interests us is to obtain a general idea of what caused the revolts, what they achieved, and how they ended. The included examples have been chosen randomly from as many sources as I was able to include within the constraints of space.

### 5.3.1 In Spanish America

**5.3.1.1 Caribbean** Although technically not the leader of an “official” rebellion, I cannot begin this section without recognizing who seems to have been the first Amerindian seen by the Spaniards as a rebel: Taíno Chief Hatuey. Not much is known about him other than what Bartolomé de Las Casas, *Brevísima* wrote about him: running away from the Spaniards in Hispaniola, Hatuey and many of his followers sailed to Cuba, where he warned the local Amerindians about what was coming to them. Las Casas writes that “this Chief and lord ran away from the Christians from the moment these arrived in the island, because he knew how they were, and he defended himself when he ran into them until he was finally caught. And only because he fled from these wicked and cruel people, and he defended himself from those who wanted to kill him and oppress him until his death, not only him but also his people and his generation, he was burned alive.” At the stake, a Franciscan priest asked Hatuey whether he wanted to believe in God, so that he could go to Heaven after he died; when Hatuey asked the priest whether Christians went to Heaven and the answer was affirmative, the Chief said, “without thinking twice, that he did not want to go there but rather to Hell, so as not to be with them and see such cruel people” (37).

The first rebellion that I will discuss is the Enriquillo Revolt of 1519, on the island of Hispaniola. “Enriquillo” was the name given to the son of the Magiocatex chief, who had been burned alive with a large number of tribe chiefs by Nicolás de Ovando. After becoming a chief himself, Enriquillo made use of “the good reasonings learned from the friars” and resorted to the Spanish courts of law in search of justice after several offenses committed against him, including “the stealing of a mare that the Indian owned and the abuse of [his] wife in the hands of [a] Spaniard” (Barral 54). Receiving no justice, Enriquillo and a group of Amerindians fled to the mountains, where they engaged in victorious battles against the Spaniards with the help of the many Indians and even some runaway slaves, who joined him “enticed by the hope of obtaining their freedom” (55). Ángel Barral explains that the revolt, similarly to what occurred with Túpac



Amaru II's rebellion, which will be analyzed ahead, was a response to

the injustices and the abuses committed against the chief, and [to] the mistreatments endured by him ... [I]t was never [Enriquillo's] intention to openly rebel against the authority of the Castilian sovereign, Charles I, or to question his rights; instead, he simply [wanted] to ask for justice against arbitrariness, and to defend himself via the only means that remained within his reach. (56)

The Spaniards lost battles as they tried to punish Enriquillo and his followers, added to the many new instances of fleeing natives and Black slaves, resulted in a serious Spanish offensive that was countered by Enriquillo. It was only in 1533 that an understanding was reached between the two parties. Enriquillo ended up offering “to collaborate with the Spaniards to end the excesses of his old ally, Chief Tamayo, who continued intensifying his attacks,” employing his “war capacity both against other indigenous groups still in arms, as well as against groups Black runaway slaves who had escaped from the sugar plantations” (62). In the end, after almost twenty years of fight, the Spaniards regained control.

Before the Enriquillo Revolt, the Spaniards had been able to control another rebellion in the Caribbean—in Borinquén, Puerto Rico—where different Amerindian communities had reacted to excessive impositions and had united to attack the Spaniards, killing a very high number of them—“without doubt, over one hundred fifty people” (66). In this rebellion, which lasted from 1511 to 1518, there was no Amerindian “traitor” like Enriquillo; it was the Spaniards’ strategy and weapons that led to their victory. Nevertheless, although most of Amerindians turned themselves in or fled the island, many of those defeated

opted to flee to the easternmost forested areas, where they joined the Caribe inhabitants there established, and ... they carried out innumerable attacks innumerable attacks that managed to slow down the Hispanic expansion towards the east, even forcing [Spaniards] to set out and put into practice a certain defensive policy to contain the bellicose vigor of these warriors. (67)

**5.3.1.2 New Spain** Amerindian rebellions in New Spain occurred throughout the region. In what today is Central America, native populations “tenaciously fought against the Spaniards attempts to settle in the region; they also rejected the efforts of the latter to transport them to new locations far away from their original homes” (Solórzano Fonseca 127), be it either fighting or fleeing and hiding. In Costa Rica, revolts became so powerful that during the sixteenth century, “the Europeans were incapable to establish permanent colonizing settlements” (144),

achieving this later only through the use of greater violence and pacifying Catholic missions. And in Guatemala, as Elías [Zamora](#) writes, documents show that “the end of the seventeenth century and the entire eighteenth century, marked by mutinies, conspirations, and confrontations more or less violent but always dissident in nature, force us to consider that the indigenous resistance against the Spaniards was more important than what was thought” (200).

In Mexico, where tribal rivalries were well known by the Spaniards, these knew how to take advantage of them both to conquer Amerindians as well as to crush rebellions. The practice began as soon as Cortés set foot in the region in 1519, when he allied himself with the Tlaxcala to fight the Mexica and take over Tenochtitlán in 1521 (See [Hassig](#)). The Tlaxcala greatly benefitted from this alliance; not only was the tribe now free from the Mexica, but it also

received special privileges and tribute exemptions, and was permitted to govern its internal affairs with more autonomy than other subject indigenous states. Its borders remained intact, and Spaniards and others were prohibited from residing within them. In fact, while other altepeme [Amerindian city-states] were being carved up and granted to Spanish conquistadors in encomiendas (grants to Indian labor), Tlaxcala was actually expanding, swallowing up former enemies’ territories on its margins. ([Jeffres](#) 96)

In 1591, however, things began to change for the Tlaxcala when, as Travis [Jeffres](#) writes, “Tlaxcala was called on to serve the Crown by providing four hundred families to settle the northern frontier as part of a comprehensive effort to secure peace in the interminable Chichimec War” (96). Based on “sources written by those who planned, commented on, and participated in the Tlaxcalan resettlement of 1591” (97), Jeffres argues that far from being a “voluntary act undertaken by heroic Indian allies, [the resettlement] was a forced exodus that provoked far-reaching opposition and strained an indigenous state facing demographic collapse, economic upheaval, and political turmoil” (96). And not only that: it also “marked a critical turning point” (97) after which, forsaken, the Tlaxcala became “unwilling accessories to and hapless victims of Spanish colonialism who experienced profound dislocation and loss” (109).

Another example of the Spaniards’ taking advantage of the Amerindians’ division is the Mixtón War (1540-1542), a conflict that, as [Barral](#) explains, was similar to the vast majority of the greatest uprisings in the New World in that it was the culmination of years of Amerindian abuse in the hands of Spaniards; “already by the year 1531, the Teueltec tribe had revolted against the Spaniards” (92); so had the natives in Xochitépec in 1538, and those of Juchipila, Tlaltenango,

Nochistlán, and Teocaltithe in 1539. The battles during the first year and a half of the Mixton War saw the Amerindians<sup>7</sup> victorious against the Spaniards, and, increasingly empowered, they managed to invade Guadalajara “and destroy it almost in its entirety, until they were finally driven away by its defenders thanks to their advantage through the use of artillery” (96). Pedro de Alvarado’s death, after his having been put in charge to lead an army against the rebels, drove Viceroy Antonio de Mendoza to intervene, recruiting “six hundred Spaniards and a great number of [Mexica] Indians” (96) and eventually making it to Mount Mixton, where the decisive battle took place. The Spaniards won this battle and the war, as the battle was so gruesome that it left the Amerindians unable to recover. Miguel León-Portilla, who analyzes the Mixton war in detail, quotes Friar Antonio Tello in his description of how Mendoza was received in Mexico City after the war ended: “As soon as he arrived, with people offering him great celebrations and the most dignified welcome, carrying the triumph and trophies that were the enemies whom he had captured, a large number of Indians, big and small. With this punishment, the land remained so peaceful that even to this day it has not uprisen again” (qtd. in *La flecha* 96).<sup>8</sup>

Of course, it was not only when they allied themselves with Spaniards, or when they fought against tribes who had allied themselves with Spaniards, that Amerindians ended up eventually losing their freedom and their way of life; when they fought on their own, they also eventually lost them. In 1531, for example, the Amerindians in Cuscotitlán fought with the Spaniards against the Yope (also called Yopi) tribe in what Diego Pardo—the author of a letter written in 1531 to the auditor Rodrigo de Albornoz—described as “the largest cruelty and butchery . . . performed among Indians in this land” (*Colección* 56). The Yope’s unambiguous, violent rebelliousness had allowed them to remain free not only from the Spaniards, but also from Moctezuma even before Cortés arrived in the region. Now they were victorious again, and they were joined by natives from neighboring communities in their resistance against conquest. Seeking to reach an agreement with them, Diego Pardo thought about sending the tribe’s chiefs a message; however, he was told by some friendly Amerindians that “if [the Yope] had never wanted to obey or serve Montezuma,

<sup>7</sup> These Amerindians, collectively called Chichimecas, included the Tlaxicoringa “allied with the Guainamota, Cora, Tocomio, Tecual, and Caxcan” (León-Portilla, *La flecha* 50), as well as the “Cuitlan, Hueli, Coltla, and Tepeque” (54).

<sup>8</sup> The “again” that Fr. Tello mentions could not have been after 1653, when he died in Guadalajara. In his *Colección de documentos para la historia de México* (1858), Joaquín García Icazbalceta, *Colección* devotes several chapters to a section to fragments written by Fr. Tello; he titles it “Fragments of a History of New Galicia,” with the following subtitle: “Written towards 1650 by Father Antonio Tello, of the San Franciscan Order” (343)

who was the highest lord of the Indians, how could [he] expect them to now obey the Christians; that they were always in wars, and that in them they want[ed] to die and prove who they are” (57). Hearing about all this, and also hearing that there was much gold in the region which would not be able to be mined with the Yope there, Hernán Cortés ordered an expedition to end this tribe. Francisco Vidal Duarte writes that the expedition “acted with the same ferociousness as the natives had; it annihilated thousands and thousands of them [and] it devastated its dwellings” (33), leaving them almost totally exterminated and unable to ever fight the way they used to do. Vidal Duarte continua:

[S]ome [of the Yope] sought refuge in the most inaccessible areas of the mountains; others established themselves ... on Mixtec land, in Oaxaca; and there were some who dispersed themselves throughout Central America—even in Nicaragua, where they are known as the Subtiaba. The group that established itself in the Tlapa region, known as Tlapanec, became subjugated afterwards. The rest, decimated, sick, without any sort of supplies, and leading a nomadic life as fugitives, ceased to be a problem and nobody worried about them until the [Mexican] War of Independence, when their indomitable spirit was reborn. (34)

During the War of Independence, under the insurgent leaders’ promises to help the Yope recover their lands, these fought alongside Mexico against Spain. But “in 1842, tired of waiting for a change in their situation or for the promises that had been made to them to be realized, they rebelled in Chilapa, alleging that their participation in the War of Independence had been for the purpose of recovering their land.” As their demand went ignored by the government, the uprising extended to all the Tlapa region. Again, they were crushed by the “professional, well-trained army of Nicolás Bravo” (34), and they fled again into the mountains. They never recovered their land and—like all the other tribes in America, to different degrees—their culture was subjugated to that of Europe.

As this last Yope uprising shows, Amerindian rebellions did not stop once it became evident that the Spaniards had no intention of leaving the New World. Far from giving up, many Amerindian tribes kept on fighting; however, just as it had happened in the sixteenth-century, not every tribe was ready or willing to fight, and often within a tribe “some families rebelled, [while] others openly collaborated with the Spaniards, favoring their purposes” (Barral 141).

Examples of these rebellions in New Spain in the seventeenth century are those of the Acaxee and Tepehuan tribes, about which Barral also writes. The Acaxee, who “had already revolted in

1591, 1592, and 1601, rose up again due to both the abuses that they experienced in the mining districts,” as well as their firm denial in converting to Catholicism. This time, they “began to attack all the Spanish settlements within their reach, such as mines, ranches, and mills” (141), and they blocked all roads, seizing shipments and hindering communications. Before they could be repressed by the Spaniards, the Acaxee fled to the mountains; they were eventually found by the Spaniards but the encounter ended up being peaceful (142), with the Acaxee returning peacefully to one of the mine districts. Three years later they rebelled again, but this time many of them were killed in the confrontation with the Spanish forces. Reduced in their number of inhabitants, the Acaxee villages saw the installation of missions ran by Jesuit priests, which led to the Amerindian’s further conversion and acculturation. For their part, the Tepehuan carried out uprisings in 1616 and 1617, and these also stemmed from previous revolts. In these new uprisings, however, not only were the Tepehuan were joined by other Amerindians—Acaxee, “Xixime, Cora, and Trahumaca” (142)—but also by Afrodescendants, all protesting the labor conditions in the mines as well as expressing the religious conflict that existed between the tribes’ spiritual leaders and the missionaries. The Amerindians were easily overcome; around “seventy five prisoners were executed, most of them in a swift way” (143), an event that dispersed the rebels.

In the eighteenth century, the rebellions continued in New Spain, which now extended to Baja California. One of them began in 1733 and was led by two Pericu tribe chiefs—Botón and Chicorí, both half Amerindian, a quarter Afrodescendant, and a quarter White—aiming at expelling the Catholic missionaries in their region. The rebellion was very successful; the rebels destroyed the missions of Santa Rosa, La Paz, Santiago, and San José del Cabo, and killed the resident priests. In Loreto, Barral writes, the rebels found out that the priest had left, and chose instead “to attack their own brothers, the converted Guaicura in the mission, killing twenty-seven of them,” which turned the rebellion around. The Viceroy of New Spain, the Governor, and the missionaries in Sinaloa requested any willing Yaqui to come to their aid, and “the Yaquis turned out in such great numbers that it was decided to select the bravest of them” (181) to join the Spanish soldiers. With the help of the Yaqui, this rebellion was extinguished; however, sporadic uprisings still were carried out by different tribes, including the Pericu themselves: the Cochimi, the Mayo, the Pima, and even the Yaqui themselves at some point. It was only towards the end of 1741 that the situation was resolved, when the main leaders of the uprisings were executed by the Span-

ish government. It was the harsh punishment exerted on the Amerindians and the continuous threat of that punishment being repeated that “allowed for a lasting peace which would extend practically uninterrupted until 1825, already in the republican era, when these groups reinitiated a long and tenacious fight” (184). In the case of the Yaqui, for example, who claimed the land that encompasses their eight original villages and the Sierra of Bacatete, the long and tenacious fight still continues today, although the last instance of the tribe’s using their “uncivilized” voice occurred on January 18th, 1900, in what is known as the Mazocoba Massacre. In his book, *Recuerdos del Yaqui*, Manuel Balbás, a witness of the event, describes it in detail: mothers carrying their dead babies, babies trying to nurse from their dead mothers’ breasts, wounded Yaqui killing themselves before surrendering themselves to the enemy (58). The devastating scene makes it understandable why anyone would want to give up—including Balbás himself, who wrote these following lines to which I will return in this chapter’s conclusion:

Yaqui Indian! Purebred Indian, expecting to be as free as the eagle of your mountains and the beasts of your woods, without wanting to understand that, in this world, the least free of its beings is man.

Brave and obstinate Indian. If you do not wish for your race to be extinct, to disappear forever from the history of the living, evolve, seek to become civilized. Do not allow for progress, irresistibly devastating, to do with you what you do with your eagles and your beasts: hunt them until their complete extinction (56).<sup>9</sup>

**5.3.1.3 Paraguay and New Granada** In what today is Paraguay, the attacks carried out during the first half of the seventeenth century by the Tupi, Paiaguá, and Guaicurú against their Spanish oppressors were successfully controlled by the Spanish authorities thanks to a major ally: the Guaraní natives, “whose docility made their conversion to Christianity and reduction to Spanish authority relatively easy tasks” (Saeger 216), and who also fought alongside the Spaniards against *mameluco* [the Portuguese equivalent of the Spanish *mestizo*] and Portuguese men who traveled into Spanish territory to enslave Amerindians and pushed in the Spanish territorial borders. Afterwards, notable confrontations took place: in 1659, when the Guaicurú revolted under the leadership of Chief Arecayá and they were punished with such cruelty that the governor,

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<sup>9</sup> ¡Indio yaqui! Indio de sangre pura, que pretendes ser tan libre como el águila de tus montañas y las fieras de tus bosques, sin querer comprender que en el mundo el menos libre de los seres es el hombre. Indio valiente y obcecado. Si no quieres que tu raza se extinga, que desaparezca para siempre de la historia de los vivos, evoluciona, procura civilizarte; no des lugar a que el progreso, irresistiblemente arrollador, haga contigo lo que tu haces con tus águilas y tus fieras: perseguirlas y aniquilarlas hasta su completo exterminio.”

Alfonso Sarmiento de Sotomayor y Figueroa, “was removed from his post by the Crown” (157-8); in 1678, “when many [Guaicurú] warriors were killed in an armed ambush” (Herberts 32); and in 1735, when the Guaicurú invaded Asunción, which led the Guaraní to come to its aid “to combat the Guaycurú and with their help favor the authorities” (253)). (I will further discuss the Guaicurú in section 5.3.2.4, in relation to their activities in Portuguese America.)

What in 1717 would be named New Granada also experienced revolts, such as in Santa Marta, in 1601, where Tairona natives were crushed after revolting against the Spaniards; and in Santa Cruz de la Sierra throughout the eighteenth century, when “the attacks by the Chiringua tribe were constant and, on occasion, they even endangered the very city of Santa Cruz de la Sierra” (269), resulting in also constant Spanish counteroffensives—not only against the Chiringua in this region but also in other regions as well, at different times and even into the nineteenth century. Another place of resistance was Chocó. Caroline C. A. Williams describes the area as vastly populated by Amerindians who “for the most part [were] fiercely hostile to outsiders” during the sixteenth century, but who after “conquest, disease, enslavement, migration and the intensification of warfare between native groups to which repeated Spanish incursions gave rise” (1-2), ended up almost with only a few of the native groups continuing “to exist as distinct entities” (2). As such, their power to rebel was no match against the Spaniards, so they resorted to other strategies of resistance: their “civilized” voice and their knowledge of the territory, which allowed them to hide deep in the “uninhabited land in the northernmost reaches of the Chocó to reconstitute their communities” (3).

**5.3.1.4 Chile and Peru** Although in 1776 it would become known as the Viceroyalty of the Río de la Plata, this region was part of Peru when it saw its first indigenous rebellions. In what today is Chile, the region’s Amerindians—the Mapuche, fragmented into different groups (Picunche, Araucano, Huilliche, Puelche, Pehuenche, and Lafquenchesthat)—viciously fought against the Spanish conquerors from the very beginning, leading to a “chronic war situation during the first few decades [of the conquest]” (117). With the Spanish settled, the first Amerindian insurgence took place in 1553, under the leadership of Lautaro and Caupolicán. Lautaro had been captured as a child and turned into a servant for Pedro Gutiérrez de Valdivia, a conqueror and also the first royal governor of Chile; there, he learned about how the Spaniards fought and what weapons



they used. This knowledge helped the Mapuche to devastate several of the Spanish settlements and kill hundreds of soldiers including Valdivia himself, whose death motivated the Spaniards to put on a strong offensive against the rebels and eventually kill Lautaro and Caupolicán in 1557, bringing an end to the rebellion. The continued Spanish territorial expansion and the opening of even more mines resulted in a new rebellion in 1598, in which the Amerindians fought with such energy that the Spanish expansion was halted and the “geographic profile of the governorship” (124) was stabilized. What followed was what [Barral](#) describes as a “very particular frontier situation, full of peculiarities and complexities” that, toward the middle of the seventeenth century, would consist “more of commercial and cultural relations [between the Mapuche and the Spaniards] rather than of their continuous confrontation” (124)—a “human frontier” is what Ricardo [Alonso de la Calle](#) (225) unlike any in the New World, where rules were not strictly followed, where “neither did every Indian show the belligerence that the chronicles have told us, nor did every Spaniard show loyalty to the Crown” (232).

While this dynamic became the norm in this region during the colonial period, a few sporadic uprisings still took place, such as the Rebellion of 1723, which was “unleashed and motivated by the mistreatment and abuse that the friendly captains’ exerted on the native Mapuche,” as [Barral](#) explains (235), and which ended when the Spaniards abandoned their settlements in deep Mapuche territory; and the Rebellion of 1766 in response to a governmental plan to build reserves for Amerindians to be kept “under the attentive supervision of Jesuit priests, the main promoters of the idea” (240), a rebellion that finally ended with a compromise between the two sides after five years of intermittent confrontations. After independence, hostilities were resumed when the new government “pondered the definitive incorporation of the entire territory into the new Chilean nation through a series of campaigns of annexation and conquest” (124).

One of the Amerindian rebellions best known today, also studied by [Barral](#), is that of Manco Inca, which occurred in Peru, in 1536. Manco Cápac had been crowned as Inca ruler during a time of continued tensions and hostilities both between the Incas and other Andean groups, as well as between the Inca communities themselves, the latter stemming from “the internal divisions that during that time affected the very nobility of Cuzco, as well as the personal interests and appetites that had become evident among the most relevant figures” (70) in relation to who would succeed Atahualpa or his brother, Huasca—whom Atahualpa had had murdered. These

internal issues had become aggravated with the arrival of the Spaniards, “avid to gather and melt the abundant gold still treasured in [Inca] temples and palaces” (71). It did not take long for Manco Cápac, now Manco Inca Yupanqui, to realize that his power was non-existent, and “tired of being slighted and humiliated, tired also of corroborating that each day that passed he lost more of the prestige that he still had before his people and the nobles and the *curacas* [the chiefs of the social and territorial units known as ‘ayllus’] who surrounded him” (72), he organized a general uprising against the Spaniards with the help of a council of elders and the highest Inca authorities. The uprising began in 1536; it was a “general attack against every Spaniard wherever they were, be it in cities, in the country, or on roads” (75). It was not, as so many scholars already point out, a polarized situation; it was not the indigenous on one side and the Spaniards on the other side. Barral explains that the Spaniards took advantage of the antagonisms between the different Andean peoples, “fomenting the existent division between the different rival factions, pitting characters against one another, and also pitting the Inca-dominated tribes against those the Incas” (76). Although the Spaniards were also divided—with Diego de Almagro against the Pizarro brothers—Almagro eventually managed to defeat Manco Inca and gained control of Cuzco in 1537, imprisoning the Pizarro brothers and allying himself with the newly crowned Inca, Paullu, who, as I mentioned above, was mestizo, Christian, and acculturated. Meanwhile, Manco Inca retreated to Vilcabamba “to harass the Spaniards and carry out guerrilla fights, inaugurating in this manner the period that some historians have agreed to call ‘the neo-Inca State of Vilcabamba’” (79), whose members sought to recover their Inca past,

trying to restore in all its magnificence the [Inca] culture and old customs, rites, and ceremonies—although they already showed evident and unavoidable foreign influences—becoming a last refuge against the foreign invasion that was shattering the old political, social, religious, and economic order. (79)

The neo-Inca State lasted until 1572. In the interim, Manco Inca was murdered and his son, Sairi Túpac, took his place as leader. Sairi Túpac moved to Lima, was baptized in 1555, and was murdered in 1560. Another son of Manco Inca became the new leader: Titu Cusi Yupanqui, who remained loyal to his father’s wishes of ridding his community of the Spanish yolk. Eventually, Titu Cusi allowed the entrance of missionaries into Vilcabamba, and he himself became baptized before dying in 1571 and being succeeded by Túpac Amaru, also a son of Manco Inca and also

loyal to his ideals. At some point, due to reasons that are not clear—the torture and execution of a missionary, Fr. Diego Ruiz Ortiz (83), or the capture and execution of a Spanish envoy, Atilano de Anaya (Kubler 202)—the Viceroy of Toledo ordered an attack to put an end to Vilcabamba. Túpac Amaru was caught and sentenced to death; his execution, which took place in front of thousands of Amerindians, marked the end of the neo-Inca State.

The last rebellions that I will mention also took place in Peru. The first one happened in the seventeenth century, when what Barral describes as “never-ending abuses [of the Amerindians] by the *encomenderos*, and the loss of [their] freedom led the Maina peoples to a violent outburst in 1635, whose most notable result was the death of every Spaniard except for a small group of twelve soldiers that managed to hide in the city of Borja” (155). In response, the Spanish authorities sent an army that regained control of the situation; they also sent Jesuits, under whom, in time, the Amerindians “achieved an extraordinary level of development and activity” (156).

The second one occurred in the eighteenth century: the Túpac Amaru II Rebellion, perhaps the most widely known rebellion today. José Gabriel Condorcanqui Noguera, taking the name of Túpac Amaru—who had been “the last of the Inca lords after the Spanish conquest, and of whom [José Gabriel] had tried in vain to be recognized as legitimate descendant” (209)—sought to end the abuses that Amerindians had to endure. As Felipeigna writes, Túpac

[d]enounced the inhuman efforts to which [Amerindians] were subjected, the long and dangerous roads that they had to walk to get [to the mines]. He also asked for the end of *obrajes* (textile mills), true concentration camps where men and women, children and the elderly were forced to work without rest. He particularly denounced the *repartimiento* system [in which colonists recruited Amerindians for forced labor], a precursor of the shameful payment-in-kind [*pago en especie*]. The Audience of Lima, mainly composed of exploitative *encomenderos* and miners, did not even deign to hear his complaints.

Since his civilized voice led him nowhere, Túpac and his wife, Micaela Bastidas, decided to resort to the uncivilized voice. Capturing the Spanish tax collector (*corregidor*) and forcing him to write letters requesting supplies for a supposed expedition to fight against pirates, the Amerindian leader obtained the money, weapons, and mules that he would need to carry out his rebellion. Charles F. Walker writes that Túpac Amaru addressed a crowd of thousands in Spanish and in Quechua, where “Indians heard, in their own language, about the abolition of the forced sales of goods and the hated labor and sales taxes, and witnessed the condemnation

of the maximum Spanish authority in the region” (4), the *corregidor* Antonio de Arriaga, who was then hanged. This event, which took place in 1780, marked the official beginning of the rebellion, which “stretched from Cuzco to Potosí, with copycat revolts occurring elsewhere in South America” (267) and which was very successful during its first year:

By late 1780, Túpac Amaru’s forces had defeated the Spanish in several confrontations. He and his followers entered small towns and Indian villages to gain recruits and provisions. They sought to kill all *corregidores* (most, however, fled before the rebels arrived) and to imprison landowners despised by local Indians ... The colonial state collapsed in much of the area that stretched from Cuzco to Puno ... Although authorities initially underestimated the uprising, they realized by the end of 1780 that their control of Peru and beyond was in danger. (6)

To turn things around, the Spaniards relied on their tried-and-true techniques: a massive army focused on trapping the rebellion’s leader, and a divide-and-conquer strategy was set in place. By the time Túpac, whose recapture had been the ultimate goal, headed to Cuzco, the Spanish army had gathered of fifteen thousand troops, and the Visitador General had “offered a pardon to those involved in Túpac Amaru’s ‘robberies, insults, and other grave crimes,’ stressing how the rebel leader had used false affection, unfulfilled promises, and fear to attract followers” (131). For their part, Túpac and Micaela “rebuilt their forces, recruiting wherever they ventured and encouraging skeptical or frightened supporters” (136), in spite of which many of the latter did desert them, thinking that the end was near. As fighting became devastating for both sides, Túpac Amaru wrote to Visitador Areche in hopes to come to an agreement. Túpac explained to his rival that “exploitative *corregidores* not only mistreated Indians but also prevented them from being good Christians” (145), ignoring the Crown laws. The Visitador rejected and ridiculed Túpac’s arguments, and the fighting continued. In April 1781, the Spaniards captured Túpac, his wife, two of their sons, and several relatives—all of whom had to face the “the administrative formality that marked Spanish-American justice and the public cruelty that characterized early modern Europe” (152). With the death of Túpac and Micaela, the rebellion ended as it had been known; what followed, under leaders who were relatives of Túpac and Micaela, deteriorated into a much more disorganized and divided Amerindian group against a very united Spaniard front that kept on recruiting Amerindians for them. Nevertheless, the fight continued for over a year, with tens of thousands dying on both sides, until the rebellion was ultimately suffocated in 1783 after the Spanish authorities killed all its leaders and their families.

The Túpac Amaru II Rebellion is widely considered as the beginning of the independence movement by most Peruvians, with Túpac Amaru being a founding father of Peru—so much so that Peruvian children learn this in their history lessons. However, like Jürgen [Golte](#), I disagree with this notion. This rebellion was not about independence; it was, as Golte explains in a 2012 interview, a fight “against the financial bourgeoisie of Lima, not against the Spanish Crown. As such, it did not seek independence but the derogation of a system of wealth accumulation in the entire Viceroyalty.” What is more, the holders of that wealth were the very “social group that, after Independence, took power and reorganized Peru based on its interests” ([Golte](#)) marginalizing all those who had sided with Túpac Amaru. As Golte puts it, “[s]aying that] Túpac Amaru was a founding father of this Peru would mean including him in a history from which he wanted to distance himself”—an insult to his memory and to the ultimate sacrifice he made for his people.

In the upcoming section, I will look at how Amerindians in Portuguese America expressed their discontent using their uncivilized voice.

### 5.3.2 In Portuguese America

Amerindian “uncivilized” resistance in Portuguese America began later than in Spanish America, in part because Brazil was not claimed by Portugal until 1500, and also in part because the first expeditions did not find precious metals, gems, or spices, which meant that, as Joseph [J. Smith](#) explains, “while the Portuguese Crown quickly declared its possession of the new territory under the terms of the Treaty of Tordesillas, it showed no desire to incur any expenses to set up a colonial administration or to emulate Spain and embark on a great civilizing mission in the New World” (4). In addition, “in contrast to Spanish America, there were neither highly developed civilizations nor large concentrations of [Amerindian] settlement in Brazil similar to the Aztecs in Mexico or the Incas in Peru” (31).

It was only in 1531, after the French became a threat to the brazilwood (*pau-brasil*) trade that the Portuguese had established with the natives, that Martim Afonso de Sousa left for Brazil “under the royal instructions to establish fortified settlements that would also provide bases for naval instructions to prevent the French interlopers from trading with the Indians” (5). And it was only in 1534 when King John III divided the territory in captaincies and distributed them among twelve

people (*donatários*), in a feudal-like arrangement “in which the latter and his heirs received the royal gift of land and in return pledged not only to pay taxes to the king, but also to settle and develop the land and to provide for its defense against the indians and foreign invaders” (5). With Africa and India being less dangerous and more enticing to colonizers, five of the twelve captaincies never saw their *donatário* arrive; and of the remaining seven who took up their captaincies, “four were killed by Indians who frequently attacked and often destroyed fledgling settlements.” Two of the captaincies, Pernambuco and São Vicente, were successful; they “effectively contained the Indian threat and established profitable sugar plantations.” But they were the exception. In response, King John III intervened by installing Tomé de Sousa as governor-general of the territory in 1549, equipping him “with a powerful fleet of six ships and more than 1,000 soldiers” (6), as well as with the set of instructions that I discussed in the previous chapter. This new centralized government meant the end of the captaincies system; although captaincies themselves continued existing (often redefined in their borders, annexed, and divided), the powers that had been granted to the *donatários* reverted to the Crown.

Until the arrival of Tomé de Sousa, the relationship between Amerindians and the Portuguese (other than fighting each other) was limited to trade: the former exchanged brazilwood for products such as “axes, knives, machetes, pocketknives, scissors, mirrors, and also crystal beads in opalescent colors” (Ribeiro 48). Afterwards, things gradually changed. First, “military operations directed against the French resulted in the establishment of new fortified Portuguese settlements along the Brazilian coastline, extending from São Vicente up to the Amazon Valley. In the process, there was frequent conflict with local Indians resulting in their subjugation and expulsion” (J. Smith 7). Second, the arrival of Jesuit priests with Tomé de Sousa meant that Amerindians were now a target for evangelization, pacification and acculturation, which implied that they would be taken to Jesuit villages, away from their original homes. And third, as the cultivation of sugar became more profitable than the harvesting of brazilwood, two requirements needed to be fulfilled to support the increasing number of plantations: the rapid and continuous territorial expansion to replace the fields that lost their fertility due to intensive cultivation, and the enslavement of Amerindians (and, not much later, of Afrodescendants) to serve as labor force in those plantations, because “the Portuguese colonizers did not go to the New World to serve and work, but rather to gain power and social status” (Thomas 41).

Apart from the Crown- and Church- approved method of just war to enslave Amerindians, the Portuguese also enslaved them through “*resgates*” (rescues), as I saw in the previous chapter: taking advantage of the many tribal rivalries, colonizers kept as slaves many of these tribes enemy prisoners, obtaining them in exchange for European products. But there were also methods of enslavement that, though the Crown had not officially approved them, it also did nothing to prevent them. One of the methods was the *saltos* (assaults), described by Thomas: “Slave hunters organized ships with which they sailed along the coast. They would surprise the Indians, capture them, and sell them to the plantations in the country” (50). Another method was the *entradas* or *bandeiras*, expeditions conformed of *bandeirantes*, described by Darcy Ribeiro as men “whose destiny was to throw themselves on people and on the things of the earth, trapping and looting whatever was within their reach” (366). These *bandeirantes* hunted Amerindians both in the *sertão* (backlands) and in Jesuit villages, either to keep them as slaves in their own villages and settlements, or to sell them to plantations. They were “the terror of the free tribal groups and of the Indians evangelized by the Jesuits” (366), capturing “over three hundred thousand Indians” (367) during colonial times.

In general, Amerindians in Portuguese America seem to have been more combative than Amerindians in Spanish America. They certainly offered great resistance against the Portuguese; however, they faced a few drawbacks in their wars against the invaders. One was that tribes generally fought by themselves, “except for a few instances in which they allied themselves, helped by the Europeans who lived among them” (49); as Pedro Puntoni points out, quoting Florestán Fernandes, “the sources of the efficient functioning of tribal societies prevented the emergence of a system of supra-tribal solidarity.” As a constitutive part of the Tupi society, “the kinship bonds that promoted unity inside the tribes led to unsurmountable rivalries [among tribes], even in emergency situations” (80). A second drawback was that even when Amerindians were more numerous than the Portuguese during confrontations, the latter were “superiorly organized, more advanced technologically, and, as a result, better armed ... [C]olonial chronicles copiously register those wars without barracks, with Europeans armed with cannons and harquebuses against natives who only had clubs, blow-pipes, bows, and arrows” (Ribeiro 49). And a third drawback was that “in the eyes of the Portuguese, [Amerindians] were also a minimum substrate of inhabitants necessary for maintaining dominium against conquest or invasion attempts by other



European powers, and against resistance by hostile Indigenous groups” (Puntoni 49). In other words, just as it was happening in Spanish America, the European colonizers had allies among the Amerindian tribes, thanks to whom they increased even more their chances of victory: not only did they have superior weapons and organizational skills, but also their number of warriors was also considerable.

**5.3.2.1 The Tupinambá War (1617-1621)** Towards the end of the sixteenth century, the Tupinambá tribe became an ally of the French. John Hemming writes extensively about the subject, explaining that both parties “were desperately eager for good relations with one another in Maranhão. Each saw the other as a protection against the Portuguese” (198), and their relationship became so cordial that each newly arrived Frenchmen “linked himself with a Tupinambá in a close bond: they considered one another as *compères*” (199)—buddies, mates. But in 1614, the Portuguese carried out a surprise attack that left ninety Frenchmen and four hundred Amerindians dead, and a year later, at the threat of being attacked again, “the French abandoned their colony and withdrew from Brazil for ever,” leaving the Tupinambá without their ally. These sought protection from the newly arrived Jesuits, but it was not enough: “the Portuguese moved with characteristic vigour to explore, conquer and exploit the hinterland of Maranhão” (212). Suspecting that they would end up being enslaved, the tribes in the region attacked a Portuguese fort and a ship in 1617. Other Amerindians joined in the war, including the Tupinambá in Pará (the Tupinambá in Maranhão stayed out of the conflict). After continuous fighting, the Tupinambás attacked the fortress of Belém in 1619, “but the fort’s gunfire was too powerful. An arquebus shot killed the Tupinambás chief [*Cabelo de Velha*]. The Indians called off the assault and melted into the forests” (214). What followed was a “war of annihilation on the Tupinambá” (215); those who were not killed were captured and enslaved, though some escaped by migrating and joining other tribes. As far as the Tupinambá of Maranhão goes, they were devastated by an epidemic of smallpox so grave that it “destroyed most of the twenty-seven populous villages of Tupinambá that had once filled [their] island” (216).

**5.3.2.2 The Barbarians War (1651 to c.1727)** The Barbarians War—a contemporary of the Palmares War, which I will discuss in section 5.5.2—was technically not only one war, nor was

it a general Amerindian rebellion. Pedro [Puntoni](#) divides this conflict “into two periods: a first period including the events that took place in the Recôncavo region (1651-1679), and a second period of clashes (1687-1705) along the banks of the Açu River in the backlands of Rio Grande do Norte and Ceará” (155). John [Hemming](#) adds twenty-two years to this second period of clashes, and I will include those years here, as well. [Puntoni](#) observes that the notion that this was a war between the Portuguese and the Amerindians as two defined groups “was a product of the European way of looking at things” (155), of not recognizing that the Amerindian enemy was not just one people presenting a united front. The Barbarians’s War, then, was in reality a set of wars that the Portuguese and their Amerindian allies—the Tupi—fought against whom the Portuguese knew as “Tapuia,” a construct that meant non-Tupi and included the Cariri, the Tarairiú, the Paiaiaí, and the Anais. The “war” was just different tribes and groups showing “their refusal to succumb to the colonization process, the defense of their territories and livelihoods, and their rejection of the Europeans and all that they represented” (157).

The first set of clashes took place in the Recôncavo region. It began in 1659 after decades of Amerindian resistance against Portuguese territorial expansion, carried out through attacks on farms and civil parishes (*freguesias*). In 1658, the newly appointed Governor General of Brazil, Francisco Barreto de Meneses, had enough of these attacks and, as [Puntoni](#) explains, he “sent four infantry companies to completely destroy the ‘hostile gentiles’” they encountered, “not only throughout the Orobó Mountains but also at Utinga and on any other mountain where they could seek refuge” (162), killing only the men, as Barroso had ordered that women and children “‘should be spared so that they could become captives’” (qtd. in 162). To increase his chances of success, Barroso enlisted a group of Paulista *bandeirantes*, who knew the territory better than the soldiers and were known for their violence and fearlessness; “sweetening his offer, the governor promised the Paulistas that ‘all whom they capture in this conquest they will take as their captives to their captaincies’” (Monteiro, [Blacks](#) 77). While the unrest dwindled, it did not end, and towards the end of the 1660s, the Amerindians went back to attacking farms and towns. After a back-and-forth in cruel victories between Amerindians and Portuguese, which left over one thousand five hundred Amerindians captive, the war changed its objective; as [Puntoni](#) explains once again, “[i]ndigenous resistance had effectively ceased to threaten the Recôncavo’s productive system, in such a way that the war became driven by the interests of capturing, trading and using Indigenous

labor” (164). These Amerindians “were finally subdued. Some may have retreated southwards, melting into the forested hills of the interior of Ilhéus; others were settled in *aldéias*; but many were simply destroyed or sold into slavery in other parts of Brazil. Their lands were now rapidly colonised” (Hemming 351).

The second set of clashes occurred in the Açu region, north of Recôncavo. John Hemming calls it “one of the most serious Indian wars,” where the Portuguese fought against a large, warlike and experienced group of tribes” (356) in a confrontation that was the culmination of decades of isolated uprisings by native Tapuia in reaction to the expanding Portuguese cattle-ranches and the abuses by local inhabitants. The Amerindians who rose—”notably the Tarariú and, among them, the prominent Janduí” (166)—had been able to maintain themselves free and autonomous not just from the Portuguese but also from the Dutch, a feat “largely due to warrior strength, which resulted from the ability to incorporate their intruders’ military technology (fire guns and even combat strategies)” (166). Their reaction to the cattle-ranchers’ territorial expansion into their own land left, according to Governor Matias da Cunha, “100 people [dead] including whites and slaves, and destroyed over 30,000 heads of cattle” in 1687 (qtd. in Puntoni 165 and Hemming 357), and it could not be left unpunished by the authorities. The first battle, in 1688, was won by the Amerindians, and many settlers fled in panic. To avoid a mass exodus, settlers were threatened with arrest and to have their property seized should they abandon the area; in addition, the government increased its efforts to fight the Amerindians by once again resorting to *bandeirantes*. The participation of *bandeirantes* helped the authorities to devastate various Amerindian groups, not only because “thousands of captives were taken, [but also because] many died of diseases contracted from the Europeans, which were aggravated by the conditions of the forced marches from the *sertão* to the settlement” (Monteiro, *Blacks* 78). The fighting lasted for decades, and both sides lost thousands of warriors. In 1692, as was observed in section 5.2.2.1, the Janduí decided to give their “civilized voice” an opportunity, negotiating a peace treaty with the Crown that led to peace in that region—temporarily, at least, until the Portuguese broke the treaty in 1697, leading to a series of battles, massacres, truces and broken truces (364-371). As fighting moved towards the north, other Tapuia tribes became involved—the Ceará, the Tobajara, the tribes of Piauí and Maranhão, the Quixolo, the Caocaya, the Cariú, the Caratiú, the Caboré, the Barbados. By the time the fighting was over, when the conquest moved inland and began a new phase dealing with

the Timbira, towards the end of the 1720s, most Amerindians in the region were either dead or in Jesuit-controlled villages, being indoctrinated and civilized. As [Hemming](#) writes, “the interior of the North-East was occupied. Portuguese Brazil finally controlled most of the land up to the fifteenth-century Line of Tordesillas. And vast herds invaded the plateau and hills where the many Tapuia tribes had resisted so stubbornly” (376).

**5.3.2.3 The Botocudo War (c.1765 to 1839)** In this section, I will mostly rely on the detailed research carried out by Hal [Langfur](#) on the conflicts collectively known as “The Botocudo War.” The Botocudos were not just one tribe, but several; the name “botocudo”—derived from *botoques*, or wooden disks inserted in ear lobes and lower lips—was how the Portuguese referred to them, to “the numerous indigenous groups of the Eastern Sertão [today Minas Gerais] who refused to submit to Portuguese subjugation” (“[Uncertain](#)” 224). The settlers’ invasion of the Botocudos’ territory resulted in five decades of unofficial war, which was made official in 1808 by Prince Regent João, who thereby sanctioned the Amerindians’ slaughter and enslavement. Before then, after the discovery of gold in the region in the 1690s, the presence of the Botocudos in the eastern *sertão* had been beneficial to the Crown, as it scared smugglers away from the area, smugglers who cheated the Crown out of its royal fifths and other taxes. But apart from scaring away the smugglers, the Botocudo presence also scared away settlers and administrators, which is why the government implemented towards the mid 1760s a “policy designed to create a barrier to smuggling, created fear, racial hatred, and an irrepressible impetus for conquest,” an impetus also fueled by the aura of mystery that the region developed due to its impenetrability, inspiring in colonizers “the same longings and fantasies that had driven the conquest of the Americas from the beginning” (239). The dwindling of activity in the mines also contributed to the colonizers’ obsession with entering the eastern *sertão* in search of new opportunities. At this time, then, going against the Crown, the local authorities responded “to the pressures of increasing numbers of impoverished miners, farmers, and ranchers by forging an incompatible policy of opening the territory to exploration and settlement,” and thus the military conquest of the region began, initiating “a pattern of invading indigenous territory and subjugating its seminomadic occupants [that] can be traced from one decade to the next beginning in the mid-1760s” (243).

By the time the official war began in 1808—when the Prince Regent justified the war by cate-

gorizing it as a just war—a recorded total of sixty-four *bandeirante* expeditions had already taken place the eastern *sertão*, both state-sponsored and private. These expeditions “were dispatched to search for new sources of wealth, to neutralize native resistance, to clear authorized trails, to reconnoiter rivers, to track down smugglers and runaway slaves, and for various combinations of these objectives” (244). And after decades of fighting, the Botocudos were about to face their last battles for freedom, described by the Prince Regent as a “‘just’ and ‘offensive’ war, a war that would ‘have no end’ until settlers returned to their habitations and the Indians, ‘moved by terror,’ submitted to the rule of law, accepting settled life as ‘useful vassals,’ just as other Indians before them had done” (252).

**5.3.2.4 Mato Grosso (1700s and 1800s)** The Amerindians in the Mato Grosso region offered great resistance against their subjugation, which the Portuguese eventually achieved the same way it was observed throughout this chapter: by dividing them and then overpowering them: “the destruction of indigenous alliances ... and the establishment of alliances between Portuguese and Indigenous was fundamental for the construction of the nation-state in Brazil” (Cordeiro Ferreira 98).

One of the very influential native groups in the region was the Guaicurú, whom I briefly mentioned on page 283. Bandeirante Rodrigues do Prado wrote that the Guaicurú “‘consider themselves superior to all other tribes ... and do not even judge themselves inferior to Spaniards and Portuguese’” (qtd. in Hemming 391), with whom they had been in contact since the early sixteenth century. The many Guaicurú tribes prided themselves in being free, and perhaps it was because of this that they put great effort into their fighting skills. John Hemming, who carries out a thorough description of all aspects of this tribe, writes that “when it came to fighting, they could adapt and evolve, and did so better than any other Brazilian tribe” (387), even mastering horseback riding and breeding and training “horses to be faster than those of other tribes, which gave an obvious advantage in battle” (387). Frequent allies in these battles were the Guaná people, with whom the Guaicurú had a very particular relationship of alliance and domination, but also one of mutual benefit, “with the Guaicurú obtaining [from the Guaná] the agricultural labour they despised, and the Guaná the protection of a powerful warrior tribe” (394). Also allies, though sometimes also rivals, were the Paiaguá, with whom the Guaicurú attacked Spaniards and

Portuguese who trespassed into their territory.

Towards the second quarter of the eighteenth century, the Governor of São Paulo began noticing the attacks carried out by these tribes because they prevented traffic to the mines and colonizer settlements, and in 1728 he declared a just war against these Amerindians. The Paiaguá had a series of victories that devastated their enemies, but in 1734 they could no longer be a match for the weapons, the organization, and the number of soldiers that the Portuguese brought forth. The Paiaguá were massacred; “[t]he attack was launched in such a way that the enemy could not use their usual tactics, not even for escape,” writes witness Barbosa de Sá, adding that “[t]hey were so immobile and terrified that they hurt none of our party. That barbarous canaille was totally destroyed” (401). Although the Paiaguá carried out a few more attacks after this, they were not as frequent as before. As [Hemming](#) writes,

the tribe retreated into the depths of its swamps and lakes. It succumbed to punitive expeditions, wars with its former allies the Guaicuru, and the ravages of disease. By 1780s, the Paiagua were almost annihilated; the few survivors took refuge among the Spaniards, and a pathetic remnant of the tribe now survives on an island reservation at the edge of Asunción. (401)

For their part, the Guaicurú and the Guaná also carried out attacks against the Portuguese; however, while their relationship helped them to resist colonial expansion, it was evidently not strong enough to endure the temptation of establishing links with the Portuguese, resulting in what [Cordeiro Ferreira](#) observes: once the Guaná “began establishing closer commercial and political relations with the Portuguese” and were “courted by the Portuguese” (113), they distanced themselves from the Guaicurú. In her research, Cordeiro Ferreira arrives at two conclusions that are pertinent to this dissertation: one, that “the politics of collaboration (which alternated themselves with a politics of war and everyday resistance) . . . is what made possible the creation of the conditions for Portuguese domination in the region” (130); and two, that the Amerindians “were neither victims of history nor not-subjects, but rather protagonists who invent[ed], create[d], differentiate[d] themselves internally—through a segmented organization—and ha[d] multifaceted strategies, often contradictory” (131). These statements certainly apply to Amerindians in Spanish America, as well.

While the details behind each tribe’s rebellion, each attack, each alliance formed and dissolved, are very intricate and impossible to replicate—especially in a dissertation like this one,

which must summarize them as concisely as possible—I can still make a few observations that, although they may not fit every single instance of resistance, they do generally apply. And it is no coincidence that some of these observations are found in *The Art of War* (6th century B.C.), a book on war strategy whose teachings, attributed to Sun-Tzu, are still relevant today.

First, the strategy of dividing and conquering, which allowed Philip II of Macedon, Julius Caesar, and Napoleon Bonaparte to rule vast empires, also allowed the Spanish and the Portuguese to ultimately impose themselves on the Amerindians of the New World. Philip W. Powell even affirms that

in a very real sense the Indians of America were the conquerors—or destroyers—of their own world, to the advantage of the European invaders. Time and again the story was repeated: Indians conquered other Indians to enable Europeans to control vast New World areas. Much, or even most, of European conquest in America was aided and abetted by the Indians' fighting their own race—a fight that was supervised by handfuls of white men who astutely profited by long-standing native rivalries or the basic enmity between nomadic and sedentary Indian peoples. (158)

The existing rivalries among Amerindians, and their new rivalries created and fueled by the Spaniard and Portuguese colonizers, were fissures that weakened what could have been a united front of Amerindians against European invaders. The strategy of dividing and conquering is one of the maxims in *The Art of War*: “The control of a large force is the same principle as the control of a few men: it is merely a question of dividing up their numbers” (45). As it will be seen in this chapter's conclusion, this is also a strategy that allows today's ruling class to stay in power.

Second, the more knowledge the Europeans had of their enemies—their customs and beliefs, their weapons, their numbers—the easier it was to defeat them. In *The Art of War*, the strategy of knowing in order to conquer is worded as follows: “If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle” (41). Perhaps it was because of the dangers of giving away information that Rigoberta Menchú, in her testimony given to anthropologist Elisabeth Burgos-Debray, refers on several occasions to the importance for Amerindians in Guatemala to keep secrets: during a baby's baptism, his or her parents commit themselves to teaching their child “to keep all the secrets, so that nobody can put an end to [their] culture, [their] customs” (33); as children grow up, their parents teach them how to do things, honoring the indigenous community's commitment



to perpetuating “the customs, the secrets of [its] ancestors” (38). Parents also keep many secrets that they do not reveal until their last hours alive, “so as not to let the ladinos get a hold of them, so that “generations and generations will pass and [the indigenous] will continue being indigenous” (93). Burgos-Debray ends the book with Menchú’s reiteration of how important it is to her not to be fully forthcoming: “I continue hiding my identity as Indigenous. I continue hiding what I consider to be unknown to everyone. Not even an anthropologist or an intellectual, no matter how many books they may have, can discern all our secrets” (271).

Third, while fighting and coercion were the first step towards conquest and colonization, they were not sustainable as a strategy for the long term; at some point, the conquered and colonized had to accept their condition as subjugated and contribute to the peaceful perpetuation of the new socio-politico-economic dynamics at play. For this purpose, the Spanish and Portuguese Crowns set up their respective ideological state apparatuses—churches, missions, schools, courts of law—always backed up by the repressive state apparatus: soldiers, prisons. (In “[Ideology and Ideological State Apparatuses](#),” Louis Althusser writes that these apparatuses function both on violence and on ideology, and that what differentiates them is the degree to which each apparatus employs violence and ideology.) Once Amerindians began to respond to their being interpellated as subjects of the Crown by interacting with the colonial institutions, they also began to internalize that condition, learning not just to accept it but also to justify it and impose it on one another. With the passing of generations, that knowledge became increasingly solid, unquestionable, “normal.” Sun-Tzu’s maxim—often linked to Joseph Nye’s concept of “soft power”—thus becomes relevant in relation to the hold that the West has had in Latin America: “The skillful leader subdues the enemy’s troops without any fighting; he captures their cities without laying siege to them; he overthrows their kingdom without lengthy operations in the field” (40).

To the detriment of all exploited—Amerindians, enslaved Africans and Afrodescendants, the working class—a major lesson instilled by the state apparatuses is that “violence will get you nowhere,” that civility, which includes being advocated for, is the path to take when seeking change. This insistence on being civil and civilized is no accident: in the case of Amerindians, their civilized voice very rarely did them any good, while it greatly benefitted the ruling class by solidifying its colonial system—a claim that is not as easy to support with respect to their uncivilized voice. I will further discuss this in this dissertation’s conclusion.

## 5.4 THE AFRICAN AND AFRODESCENDANT CIVILIZED VOICE

### 5.4.1 In Spanish America

In their 2015 study on the African slave trade to Spanish America, Alex [Borucki](#), David Eltis, and David Wheat estimate that as many as two million African slaves entered this region, and that two-thirds of them did so “before 1810—prior to the era of large-scale sugar cultivation in Cuba and Puerto Rico—which necessitates a reconsideration of the real significance of slavery in Spain’s American colonies” and of the “key role [slaves] had in the growth of the Spanish Americas” ([434](#)).

The previous chapter showed that, unlike Amerindians—who at least on paper, after the Junta de Burgos (1512), were not supposed to be slaves—enslaved Africans and Afrodescendants as a group were never legally free until abolition. Not only that: all the laws that were passed in relation to them during the first two centuries after 1492 only protected the interests of their owners. It was only in 1680 when the first protective law for enslaved Africans and Afrodescendants was passed; however, this law did nothing for enslaved Africans and Afrodescendants in Spanish America, as it only affected enslaved Africans and Afrodescendants arriving in Spanish America from other European colonies, who were then set free. Other laws that were passed shortly afterwards—to free all slaves who were smuggled into the continent, and to curb prostitution—did little, if anything, to improve the life of this group in the region.

Towards the eighteenth century, Afrodescendants began having a few opportunities for freedom: their masters could grant it to them before dying, or they could buy it themselves in installments. (I discussed this last method, *coartación*, in the previous chapter, in section [4.4.2](#).) Sometimes, however, those who had been granted or had purchased their freedom were still treated as slaves, and seeking the affirmation of their freedom became the most common type of petitions brought forth by Afrodescendants in the courts of Spanish American law.

In the next sections, I will refer to the research of several authors to present cases that illustrate the interactions of enslaved Africans and Afrodescendants with Spanish American institutions with the purpose of civilly petitioning for justice. Most of the studies do not state the rulings on those petitions; in general, this is because the rulings cannot be found in the original documents. Sometimes, however, the rulings do exist in those documents, yet they are not of

interest to authors; in these cases, I looked up as many of the original files as I could, but without much luck. In one case, I found a summary of the case without the ruling; in the rest of the cases that I was able to locate, the archives were not digitized. Since the outcomes of these petitions are what interests me in this chapter, as I seek to evaluate how efficient the enslaved African and Afrodescendant civil voice was to achieve justice, not having those outcomes could signify a problem. I will address this in the section's conclusion.

**5.4.1.1 Seventeenth Century** Although African and Afrodescendant participation in the judicial system did not really become noticeable until the second half of the eighteenth century, there are some earlier instances of that interaction, and Rafael Ángel [Obando Andrade](#) writes about several of them. In 1604, for example, Andrea Velasco asked a lawyer in the City of Mexico to represent her in a lawsuit; her former masters had gifted her half of her value towards manumission and she was supposed to pay the other half after their death. Unable to do so, she was sold to a man who made her work for his daughters. Knowing that only half of her person was enslaved, Andrea demanded half of the salary that a free person would have received in the twenty years that she ended up working for the women. The court ruled in her favor; “Andrea received the stipulated amount and was able to quickly buy her freedom” (114). Another case, taking place in 1642, also in Mexico, involved Antonia de la Cruz, who petitioned for her deed (*carta de venta*) to be taken from her owner and given to a new one, after the former had reneged from his promise to free the slave upon her completion of a “particular task: to carry messages back and forth while he was imprisoned by the Holy Inquisition on charges of heresy” (121). The court ruling is not revealed by the author, nor is it mentioned in the digitized material made available by the General National Archive,<sup>10</sup> where the slave's and her master's conduct is briefly described.

Two years later, in Chiquimula, Guatemala, there was the case of Luisa de Molina and her two sons, Eugenio Nicolás and Nicolás del Espíritu Santo. The three slaves had been freed by their master at the time of his death, but when his mother refused to respect his son's will, “the slave saw herself forced to ask for the intervention of the authorities” (114). The outcome of this petition is uncertain; it is not revealed by the author and the record (Archivo General de Centroamérica,

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<sup>10</sup> Archivo General de la Nación, Instituciones Coloniales: Inquisición Tomo 61, Volumen 396, Expediente III.

Exp. 10202, Leg. 1159, fol. 471) has not yet been digitized. A similar case occurred in Nicaragua, in 1667, where several slaves were granted their freedom by their now deceased owner; in this instance, however, the ruling was not favorable: they were ordered by a judge to remain in the plantation under who would be their new owner from now on (145).

Also taking place in the sixteenth century are several cases described by Miguel Ángel Rosal, who focuses his research on Buenos Aires. Rosal prefaces his findings with an observation that may explain the relative lack of academic texts on juridical documents written around this time: it is very time-consuming research. Not only did the calligraphy of the time (named *procesal encadenada*) consisted of notoriously deformed letters, making what was written very difficult to understand today, but also the acidity of the ink and the extreme thinness of the paper caused what was written to bleed through to the other side of the page, resulting in two texts blending together. In addition, many documents are missing sections, many files are missing entire pages, and not only is the documentation not always in chronological order, but also documents are often combined as one (2).

Rosal writes about the different transactions that made it into the first clerk archives in the city: slaves that were donated by their owners to others to serve them as slaves for the rest of their lives; slaves who bought their freedom and that of their loved ones; slaves who were granted their freedom by benevolent masters, under varied conditions; and one petition that interests us. This petition was made by enslaved Africans and Afrodescendants Pedro and his wife, Esperanza, and Francisco and his wife, Isabel. In 1636, their owner granted them freedom, giving them their *cartas de libertad*, but later changed his mind. The situation resulted in a litigation “about which we know nothing,” Rosal writes, “but which was resolved with a transaction where Pedro and Esperanza remained free after paying 250 pesos and the court fees” (7). Three years later, the couple was able to buy their young son’s freedom, as well. There is no information on the ruling for the other couple.<sup>11</sup>

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<sup>11</sup> Although not a civilized petition for justice before colonial institutions, one of the cases described by Rosal is worthy of mentioning. The case concerns Amerindian Juan and Afrodescendant slave María. María’s owners, Blas and Francisca, stipulated in 1621 that María’s two existing children—named Blas and Francisca, after their mother’s owner—be set free, as well as any other children born into this matrimony. Rosal comments on how the children were named after their owners, “which could indicate a special respect and love towards [the latter], who later compensated it with manumission for all the children” (10). It would be revealing to know how often an action like this one took place, as it could point to the practice of naming children after their masters as a calculated, civilized way to obtain freedom for slave children.

Brian [Owensby](#) also writes about litigation that took place in the seventeenth century, in this case in Mexico. In 1658, eight years after having been granted her freedom by her owner, Leonor de los Reyes presented a complaint that was addressed in 1660 by the Holy Office of the Inquisition. The case moved very slowly, and Leonor filed a series of petitions that included for her to be allowed to call more witnesses, and for a lawyer to be appointed to her, as she could not afford to hire one. The petitions were granted, but the case continued dragging on until it became dormant after reaching the Supreme Council of the Inquisition in Madrid. It was only in 1670 that “Leonor was declared a free person” (47), twenty years after she had been granted freedom by her owner—twenty years during which, as the last appeal cites, she suffered ““from great work and bad treatment”” (qtd. in 47).

Another case took place in 1661, when “a free mulatto named Francisco Camargo appeared before [Holy Office of the Inquisition] to present a petition concerning the liberty of Juan and Ursula Clemente, ‘Black,’ and their children, Lucía and María” (48), who had been freed by their now deceased owner, Pedro de Soto López, just before his death, which occurred before the drafting of a document that recorded that action. Five other slaves had also been freed at that time, and they also brought forth their petitions to be recognized as free people: Camargo’s wife and their three sons, and one of their other sons petitioning separately. After sorting out some legal technicalities concerning jurisdiction—on whether this should be a case for this tribunal (which it ended up being),<sup>12</sup> or for the Royal Fisco, seeing that these slaves were part of the deceased man’s estate—and after two years of litigation, the court ruled in favor of the slaves: it “established de Soto López’s intent to free his slaves, and that there was no fraud against his creditors since the estate was sufficiently large to settle all its debts without including the plaintiffs in the inventory” (49).

**5.4.1.2 Eighteenth Century** Studies on eighteenth-century legal cases are easier to find than those of previous centuries. Víctor M. [González Esparza](#), for example, mentions the 1772 case of Antonia Josefa Cid and her daughter, María Guadalupe, successfully petitioned before the law in

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<sup>12</sup> [Owensby](#) explains that the reason why this tribunal had any say in these cases is that it “had original jurisdiction over all disputes involving its own people.” In Leonor’s case, her former owner’s estate may have had a connection with the Holy Office as his estate passed to it after his death. And in the case of Soto López’s slaves, this man “had been a public accountant and alguacil mayor [main clerk of the court] of the tribunal. As such, he and his family, including all his slaves, fell within the Holy Office’s jurisdiction on most matters” (51).

Guadalajara, Mexico, to have her daughter's freedom recognized after it was promised to her by her master in exchange for her virginity. And Juan Manuel [de la Serna](#) describes two cases, also taking place in Mexico: in the first one, Manuel Joseph, his sister, Rita Gertrudis, and her two daughters, petition in 1758 to have their sale price reassessed, as it is too high to allow them to buy their own freedom. By the time a ruling was made available sixteen years later granting them freedom, Rita was the only one alive. The second case involves a María Anna Josepha Cano, who had bought her freedom in 1756 with one hundred ten pesos sent to her owner by her mother. A few months later, it was found out that the slave had forged the letter from her mother, and that the money had been stolen from her owner by her boyfriend. The court ruled to have the María Anna returned to her owner.

Magdalena [Díaz Hernández](#) also writes about cases that took place in Mexico, such as the 1783 case of enslaved Afrodescendants Antonio Milieses, Julián Josef, and Fernando Quirós, who, after being sent to prison for twenty-five years, wrote to the King and “showed their subjection to the royal authority, but they also showed their need to achieve justice ‘with the humility proper of any miserable slave’ as a last resort to achieve pardoning” (14). These slaves had fled their plantation after the administrator had been murdered, out of fear of being accused of the crime. They were wrongly arrested for that crime, and the King ordered the Viceroy to free them. Another case occurred in 1788: José Antonio Concepción, his wife, and their two children had been promised freedom by their master, but the latter never established this in his will. As a result, the master's bastard son kept the family as slaves, but José Antonio escaped to seek justice for his family and was caught. Imprisoned with his family by his new master, the slave wrote to the Viceroy, telling him about “‘the miseries and nakedness’ suffered in jail, and about how his master had his family imprisoned until they obeyed him” (16). The Viceroy ordered the Governor to set the family free should their claims be legitimate; however, in this case, there was no documentation to corroborate them. Díaz Hernández implies that the slaves may have been freed or switched to a kinder owner, but there is no further information on the case. Being assigned a new owner due to mistreatment was sometimes the verdict in these cases, just as may have happened in 1788, when Felipe de la Cruz fled<sup>13</sup> from his plantation to denounce his owner's mistreatment. Again,

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<sup>13</sup> [Díaz Hernández](#) reminds us that “the local judicial channels did not work, which is why slaves ran away to present their denunciations in capital city's tribunals” (17).

as the author writes, “the outcome of the case remains unknown, one of the issues that elicits great reflection in researchers” (17), evident in how most of the cases described in her study are inconclusive in their verdict, as there is no information on them.

In New Granada, Ramsés [López-Santamaría](#) writes, “the number of petitions filed by Afro-descendant slaves towards the end of the eighteenth century was significant, be it to express their current distress by the way their owners treated them, or to ask the Viceroy to be switched to a new owner” (9). In 1760, Francisco Xavier de Mier petitioned before the Mayor to be switched to a kinder owner; then, when his petition was denied and he protested, he was sent to jail. From there, de Mier wrote to the Viceroy to make his case. And in 1784, Juan Francisco and his wife, María Francisca wrote to the King asking him to free them, seeing that neither one of them nor two other slaves for whom they were petitioning had an iron mark. The outcome of these petition is not revealed by the author, and I was unable to locate the files in the digitized files of the Colombian National General Archive.

Another litigation taking place in New Granada is the one described in María Eugenia [Chaves](#)’ excellent dissertation; in this case, Afrodescendant slave María Chiquinquirá Díaz sought to be freed from her owner, a priest, in 1794. The slave, given to the priest by his sister, married a non-slave tailor, and exchanged her work for that of her husband’s: “A relationship of reciprocity was established, in which the priest expected the tailor to work for free for him and his family” (111). This deal allowed for María’s family to have some economic independence, as she was able to work elsewhere. But when the relationship soured, the nature of the arrangement changed: it went from being reciprocal to being financial, and the focus was placed on who had given what to whom. The priest argued that the tailor owed him “the rent of the rooms that [the family] had occupied in his house for many years. In addition, he [asked] that both María Chiquinquirá and her daughter reincorporate as servants in the house” (111). María and her family counter-argued that “the free work that the tailor had performed for the priest had “more than enough covered the price of their freedom,” adding that “she and her daughter had a relationship with their master that resembled, more than anything, the relationship that freedmen had with their bosses, and thus they exercised virtual freedom” (112). Moreover, María was born to a mother with leprosy who had been abandoned by her owner, making her emancipated as were her children born after she was abandoned. When petitioning for her freedom, María argued that “if she accepted to live as



a slave, it was because she had been treated with kindness by her masters, until the day when she met the priest, who repeatedly insults them [María and her daughter] and refuses to dress them, feed them, or treat their ailments, all expenses that she and her husband have incurred” (113). After four months of confrontations and vengeful retributions, with María fiercely holding her ground, the slave and her daughter were declared to be free from working for the priest; then, after three years of litigations, appeals to higher courts, changes of lawyers, and a letter directly written by María to the King seeking a full recognition of her condition as a free woman, not belonging to the priest, the appeal trial abruptly ended, and the outcome became unknown. Chaves theorizes that María Chiquinquirá and the priest arrived at a mutually beneficial deal; the cost of carrying a lawsuit in the Audience of Quito must have influenced the priest’s decision. Unlike María, who was “excused from a series of expenses due to her condition as poor” (118), the priest had to pay for everything.

Evidently, even if all the rulings had been favorable to the slaves’ petition for freedom—and it is known that not all of them were so—neither the consuetudinary slaves’ rights to self-manumission and to the necessary peculium to achieve it, nor their right to being freed by their owners, were a threat to the slavery system or the slave owners, let alone capital: peculia were not large, which meant that freedom was not quick to buy—in most cases, it would take a slave 40 or 50 years to pay the due amount due, which was also the amount of time that the average slave lived (Benavides Silva 310). The cases in which self-manumission did not take so long to achieve certainly do not seem to have been significant enough in their number to have represented a threat to the system, either. In any case, as if the mechanisms for slaves to obtain freedom had not been harmless enough to the ruling class and the system in which it thrived, there was often one extra step for slaves to take before enjoying that freedom: an appeal to the justice system when their bought or given freedom was not recognized. For many of these slaves, these appeals were impossible to make, as they were not allowed to leave their quarters, or they did not have the means to get to a court of justice, or they did not have all the documentation needed to support their claim, etcetera.

## 5.4.2 In Portuguese America

Just as in the case of Spanish America, there were not many opportunities for enslaved Africans and Afrodescendants in Portuguese America to be “civil” and “civilized” in their protesting; as it was observed in the previous chapter, and as Silvia Hunold [Lara](#) summarized, “the Portuguese metropolitan legislation concerned itself, above all, with the practical aspects of the flow control of this precious commodity [that was the slaves] and with the revenues that it generated” (27-8)—practical aspects that did not have the wellbeing of the slaves as a priority. Also in the previous chapter (section 4.5) it is observed that it was only at the end of the seventeenth century that, at least in appearance, a few laws favored enslaved Africans and Afrodescendants in the region. The limited permission that these people had to petition before the judicial system, and the resulting relatively low number of filed cases, may explain why there are very few academic studies on the subject, most of which focus on the nineteenth century. There is, without doubt, great potential for interesting findings in this area of research.

**5.4.2.1 Eighteenth century** One of the cases taking place in the late eighteenth century, described by Ana Carolina [Gesser](#), is that of freed Afrodescendant slave, Brígida. In 1774, in Paranaguá, she and her husband, João Manoel—a White man, listed as the person filing the legal claim on behalf of his wife—accused Francisco de Borja, a priest, of libel for having said “that the said wife of the plaintiff is his [João Manoel’s] slave” (qtd. in 91). The purpose of the lawsuit was to prove before the law that Brígida had been freed by her former owner; a positive ruling would ensure that no one else would question her freedom in the future. Gesser, who transcribed a fragment of the original court file, summarizes the case: Brígida’s owner, Manoel Ferreira Faleyroz, encouraged João Manoel “to marry Brígida in return for the freedom that he would grant her after the fact. In exchange, her owner ‘asked’ that the couple reside in his house with other slaves and household members [*agregados* that Faleyroz had” (92). In spite of the main piece of evidence to show that Brígida had been freed by her owner in 1767, her *carta de liberdade*, the case became very complicated, with accusations from all parties—the slave, her former owner, and the priest—supported by the witnesses they presented. In the end, the Auditor ruled in favor of Brígida and João Manoel.

That same year, unhappy with the result of the previous lawsuit, Faleyroz decided to go after Brígida's and João Manoel's oldest daughter, Brazida, who was born after their marriage but before Brígida was granted her *carta de liberdade*, making Brazida a born-slave belonging to Faleyroz.<sup>14</sup> Brazida was now married and she and her husband had lived in Faleyroz's estate; however they moved away after learning that the man had sold Brazida to Francisco de Borja, the same priest from the previous lawsuit, and they claimed that the young woman had been freed at the baptismal basin by Faleyroz's wife, now dead, who had "always treated her as freed, raising her as if she were her daughter during the entire time in which said [woman] was alive" (qtd. in 96), just as her husband had done. Faleyroz denied that he had ever treated or considered Brazida as freed, and that her good treatment was nothing but "the custom practiced in Brazil of having house slaves and their offsprings be 'pampered' by their mistresses, and that very young slaves be treated by them as their own children" (97). In the end, the Auditor found Brazida to have been freed during her baptism, and ruled in her favor.

Another author who has analyzed civil actions in the courts of law of the old Portuguese regime is Fernanda Aparecida Domingos Pinheiros, focusing her research on Mariana, in Brazil, and Lisbon, in Portugal. In her dissertation, Domingos Pinheiros writes about Narcisa Ribeiro, an Afrodescedant woman who was auctioned off as part of her deceased owner's estate—an owner who had made a deal with his creditors that she would be allowed to buy her freedom in installment payments. When she had already paid for almost two thirds of her value, she had a disagreement with a creditor; wary, she asked for the receipts of her payments and was not given them. She allowed herself to be auctioned under the advice that her actual value would prove to be lower than estimated, which would mean that she would owe less money to buy her freedom. Soon after the auction, she realized that she had been tricked and she fled. After she was arrested, Narcisa filed a lawsuit in 1769 asking to be freed so that she could continue paying for her freedom.) The contradiction that Domingos Pinheiros points out—"how could she be freed when she had not yet finished paying the installments of her *coartação*?" (26)—is an analysis that the author carries out in her dissertation.) The judge's ruling for this case is unknown; the file's "pages are loose,

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<sup>14</sup> At the time of the trial, in 1774, Brazida was twenty years old, which means that Brígida's letter of freedom, issued in 1767, was given to her at least thirteen years after her marriage. Gesser does not mention this. Seeing that this delay was the reason why Brazida's freedom was now questioned, it would be interesting to look at how many other cases were similar, cases where the mother was granted her freedom but not before she left young slaves behind for her owner.

and [Domingos Pinheiros] think[s] that some were lost after the file came undone” (32).

A similar and very interesting case analyzed by this author involves Luiz Leite Peres, who, in 1795, filed a claim before a judge stating that “his freedom had been ‘ruined and pulled away from him’ when he was arrested and auctioned at the public square” (26), and demanded that he be declared freed once again. Luiz claimed that he had been “*coartado*” by his former owner, Domingo Leite, and that when he was sold to a new owner, this one became the person receiving the installment payments towards his freedom. When this new owner died, the payments went to his heir, who soon left for Portugal. His last owner’s abandonment left Luiz in limbo: he had not finished buying his freedom, but he was left free—which, in reality, he had already been for nine years as he “went where he wanted to work [as a miner] in order to afford his installments” (qtd. in 29). It was when someone denounced his situation that he was arrested as “captive of an absent owner” (29) and auctioned off. But the twist in this case is that Luiz had arranged with the person who bought him at the auction that he would be bought with Luiz’s own money so as to be free afterwards, and that is what happened. The ruling for this case was against Luiz Leite Peres; “the judge considered that his claim was unfounded, seeing that [Luiz] had already returned to freedom, which he enjoyed without being bothered by the defendant who had bought him at the auction for that purpose” (32). In other words, although the ruling did not take Luiz’s freedom away, it did not help him to clear his name after the public humiliation that being auctioned in a public square had been, as if he had been enslaved until then even though he had, for all purposes, been free for almost a decade.

Petitions made by individual enslaved Africans and Afrodescendants are much easier to find than those made collectively; however, collective judicial actions do exist. An example is discussed by Jener Cristiano Gonçalves: in 1782, Quitéria Lopes, Luiza dos Santos, and Joze de Toledo jointly filed a judicial claim in Minas Gerais “to prove their freedom through agreements that they had signed with their owner, Manoel de Toledo da Rocha” (100). To Toledo da Rocha’s creditors, however, it did not matter how long ago those agreements had been signed—forty-five, twenty-six, and one year, respectively—and not only did they want the slaves to be relinquished to them, but also their children. The author believes that the joint nature of the petition and the large amount of evidence presented by the slaves “significantly increased their chances of victory” (104). In any case, the final ruling remains unknown.

While the majority of legal actions by enslaved Africans and Afrodescendants centered on the recognition of the freedom that they were granted or that they bought, some legal actions were denunciations of mistreatment in the hands of their owners. Priscila [de Lima](#) studies such legal actions; her research describes the cruelty experienced by slaves who were able to flee their torturers and seek help. What is terrible to think is that, just as in the case of Spanish America, the slaves who made it to court were a tiny minority of those mistreated, as this type of petition was not easy to bring forth due to fear of retaliation or to being physically incapable to do so.

De Lima describes several cases spanning from the middle of the eighteenth century to the beginning of the nineteenth century. In most of them, their outcomes are unknown; nevertheless, the author's research leads her to affirm that "there was widespread knowledge among slaves that they could count on certain legal protections in situations of great danger and violence" (2). One point that the author seeks to prove is that

next to mistreatment, what surfaces as a legitimizing value of any cause of freedom is natural law. The reference to natural law alludes to the debates that were taking place in Europe about freedom—in which the condition of Black people was not completely ignored—which gained increasing notoriety mainly throughout the second half of the eighteenth century. (6)

To show that in Brazil the idea of freedom as a natural right was becoming increasingly ingrained, and that it was the reason why "in spite of not being part of any legal code [the claim of mistreatment] was considered to be one of the most legitimate ways through which slaves could obtain their freedom" (9), de Lima presents some examples of petitions made by high authorities appealing to the humaneness of those in charge at the local level. One of those interventions took place in 1789, when the Governor of São Paulo wrote to the auditor of Paranaguá on behalf of a slave: "...justice and humaneness made me interested in this manumission ... which is why I asked the auditor to allow ...into the insensitive hearts feelings of compassion and tenderness towards a kind of individuals that God must not make miserable, seeing that we are the same in every aspect" (qtd. in 8). A similar intervention was made by the governor of Maranhão in 1799 on behalf of a slave's son, in which the Governor "affirmed that [Portuguese laws] regarded slavery as odious" (8). The evidence that the author provides seems far from sufficient to support her claim, however; the outcomes of the two examples that she presents are unknown, and the idea that mistreated slaves could be freed in ordinary circumstances—not extraordinary, such as when

a Governor or a King intervene—is difficult to believe, especially when (as seen in the previous chapter, in section 4.5.2), even the King himself had to reverse a law that asked that cruel slave owners be punished and that their slaves be sold to kinder owners.

What has been seen in this section is that, in Portuguese America, the opportunities for enslaved Africans and Afrodescendants to resort to colonial justice were not many. They were not easy, either—just as it was the case for enslaved Africans and Afrodescendants in Spanish America, colonial courts of law were not physically accessible to all slaves in Brazil, be it due to their distance, to the slaves’ lack of economic means to reach them, and/or to the physical and psychological restraint of slaves at their places of residence. In any case, while the colonial courts of justice sometimes helped those who presented themselves before them, they did not pose a major threat to slavery as an institution, to slave owners, and to capital as the process that it is.

## 5.5 THE AFRICAN AND AFRODESCENDANT UNCIVILIZED VOICE

Frank Tannenbaum writes that “with all its cruelty, abuse, hardship, and inhumanity, the atmosphere in Brazil and in the Spanish American countries made for manumission” (61); that “the master had an obligation to protect the spiritual integrity of the slave, to teach him the Christian religion, to help him achieve the privileges of the sacrament, to guide him into living a good life, and to protect him from mortal sin” (63); that “slaves were often encouraged to hire themselves out and bring their masters a fixed part of their wages, keeping the rest” (58), which they usually used to buy their freedom; and that “the Latin-American environment was favorable to freedom” (65).

Yet, while all this certainly happened sometimes, it was not, as it has been seen, what happened as a general rule.<sup>15</sup> Leaving aside how relatively “more favorable” or not slavery in Latin America was to the enslaved African and Afrodescendant, slavery was still slavery, and the eco-

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<sup>15</sup> When comparing the slave systems of the United States and Latin America, Tannenbaum depicted the latter as less harsh, and he assumed that this disparity in harshness explained the difference in today’s racial tensions in both regions. This assumption has been criticized by many scholars, including Stuart B. Schwartz, who noted that one of the pillars on which Tannenbaum built his claim was faulty: unlike what he thought, a slave was not really “viewed as a person and as a member of society, albeit a disadvantaged one” (*Slaves* 6); the law provided little protection to the slave” (7).

conomic interests of the slave owners and of capital trumped all else. All too often, promises of freedom or better life conditions were not kept; all too often, granted favors were taken back. In those cases, appeals to the justice were a form of resistance—when they could be brought forth, that is—which Lyman L. [L. L. Johnson](#) sees as a “seldom-recognized form of revenge,” since the courts of law were “a public venue where their grievances could be performed and the most embarrassing elements of the master’s life could be made public” (657).

Not all forms of African and Afrodescendant resistance were as civilized as suing one’s master; rebellion and marronage also provided enslaved Africans and Afrodescendants with a way to fight back —“uncivilized” expressions of discontent that, together with its influence on the legislative system, are what I will study next.

### 5.5.1 In Spanish America

For enslaved Africans and Afrodescendants, flight was, from the beginning of the slave trade, the most common strategy to escape. Evidence of this statement lies in the fact that, as Aline [Helg](#) writes, “the very term *quilombo*, or a Brazilian maroon community, has a Central African origin: it refers to warrior societies primarily composed of male adults of diverse ancestry, formed in the wake of wars, forced migrations, and famines related to the slave trade.” Some slaves fled slavery in Africa, before being shipped away; others fled it while crossing the Atlantic, “jumping overboard and most often drowning, while others let themselves die”; and others fled it in America, hiding and surviving in the wilderness. Some slaves were re-captured within a few days, with their “petit marronage” allowing them “to enjoy a night or a few days of freedom, alone or in the company of a loved one, their children, and/or their relatives, even at the expense of a lashing or being put in stocks at their return” (43); or, as Neil [Roberts](#) writes, allowing them “to organize clandestine rendezvous with those in separate plantation zones in order to coordinate collective flight, rebellion, or revolution in the long term” (98). Other slaves managed to live free, mixing in with free enslaved Africans and Afrodescendants once these began being more numerous. And others ended up living in “grand marronage,” which entailed extended flight and a life as free as possible within the circumstances, escaping slavery by blending into a free population of African descent, move to the margins of colonial frontiers, or form societies in interior regions far from



whites” (44). In the latter, in maroon communities, “runaways were sometimes able to produce their own food supplies and organize elaborate armed defenses against potential attacks by government authorities or mercenary armies recruited by slaveholders seeking the return of their property” (Bergard 203).<sup>16</sup>

While rebellions and marronage did not end slavery as an institution—with the exception of Haiti—they certainly made things difficult for slave owners. Insurrections meant lost productivity and, more often than not, lost lives as well, both of rebel slaves and of the people hired by the slave owners. And marronage, with its promise of relative freedom for slaves, and in spite of the always-hovering threat of being discovered, attacked and re-captured, “represented a constant and costly threat to authorities and slaveholders, forcing them to hire professional hunters, form militias, or bring troops from Europe to halt it or prevent its spread” (45).

**5.5.1.1 Caribbean** Enslaved Africans and Afrodescendants began collectively rebelling very early in the sixteenth century. Anthony Stevens-Acevedo tells us about what may have been the first such rebellion, taking place in Hispaniola, in 1521, when African slaves revolted in a sugar-making plantation owned by Diego Colón. With weapons that they both found and made themselves, they attacked any Christian they found, killing and wounding many, and headed westwards, seeking to reach more African slaves in other plantations. Diego Colón, also the island’s governor, “responded immediately to the uprising with military force sufficient to quell it, reportedly by applying harsh punishments that included the execution of a number of the rebels” (10). In addition, he passed a new set of

very repressive laws specifically targeted at ‘Blacks and slaves.’ The new ordinances were aimed at preventing any further occurrence of uprisings by prescribing a combination of great restriction of physical mobility, minimized access to weapons, and harsh punishment in the form of physical torture and executions, on the one hand, and an increased availability of Black women with whom male slaves could engage in procreation and family-formation, on the other. (10)

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<sup>16</sup> Neil Roberts objects to the differentiation of *marronage* as *petit* and *grand*. To him, “under this bifurcated conception, marronage cannot address the dimensions of flight experienced and envisioned through large-scale revolts, revolutions, and the personalities of a polity’s political leadership” (10). In his book, the author redefines the concept of marronage, proposing the term “sovereign marronage” to describe “the mass flight from slavery in which the sociopolitical goal of independence is achieved through the agency and vision of the lawgiver, not the people”; and “sociogenic marronage” to describe “a revolutionary process of naming and attaining individual and collective agency, non-sovereignty, liberation, constitutionalism, and the cultivation of a community that aligns civil society with political society” (11).

Despite the laws, enslaved Africans and Afrodescendants continued resisting, often by fleeing. In the 1540s, reports written by the Audiencia of Santo Domingo recognized the existence of various maroon communities on the island, including one where “between 2000 and 3000 African maroons were occupying Cabo San Nicolás, Ciguayos, the Samaná peninsula, and the cape of Higüey” (620), and a 1545 report by conquistador Girolamo Benzoni put the number of maroons on the island at 7000. Robert C. [Schwaller](#) attributes the high number of maroons to both the abandonment of many settlements due to a production change from mining to sugar, and the increasing influx of African slaves, many of whom managed to flee and join the maroon communities. In 1543, Santo Domingo Governor Alonso López de Cerrato led a campaign against the maroons, killing one of their leaders, Diego de Guzmán, and capturing another, Diego de Ocampo.

But another leader, Sebastian Lemba, was able to avoid the Spanish expeditions and organized what would be the most important African and Afrodescendant rebellion in the history of what today is the Dominican Republic. In 1548, Lemba was killed and most maroons—at least those known to be in existence—were killed or captured. In his report to the King, [López de Cerrato](#), in Guatemala at the time of Lemba’s rebellion, makes evident the threat that maroons represented to the colonizers—“so dangerous that no one dared to venture out unless he was in a group of fifteen or twenty people”—and the constant fear that these had of a general slave revolt ignited by maroons, which is why expeditions were sent out to exterminate them as soon as possible: “And since there were 12,000 Negroes on the island who could revolt at any time, it seemed best to try to deal with this dangerous evil head on” (66). As [Schwaller](#) writes, “the persistence and proliferation of maroon activities during the sixteenth century contributed to the radical decision in 1603 to abandon the western and northern bands of the island” (637), an incomplete conquest that would not be finished until the end of the seventeenth century.

In the case of Cuba, very little has been written on the insurrections that took place before the nineteenth century—in fact, the only book that I have been able to find on the subject has been Pedro [Deschamps Chapeaux](#)’s brief, posthumous *Subelevación de esclavos en Cuba* (1533-1880), a summary of the revolts occurred during the period defined in its title, published in 2013. According to the author, the first slave revolt in the island took place in 1533, in Jobabo; the rebels were quickly defeated and four of them were quartered “and their heads were exhibited in the

public square” (70). A relatively low number of rebellions followed this first one throughout the next two centuries, all small with one exception: in 1675, “the 275 slave workers in the copper mines of Santiago del Prado (El Cobre) revolt[ed]. Armed with spears, clubs, and spades, they [took] refuge in the nearby mountains and establish[ed] a *palenque* (a maroon community). This was the beginning of the *rebelión de los cobreros* [rebellion of the copper miners]” (72). While Deschamps Chapeaux’s book offers information that can certainly be used as leads to deeper research, such information is not detailed, corroborating what Manuel Barcia writes: “with the exception of the Aponte plot and revolt, which took place in 1812, and the conspiracy of La Escalera, in 1843-44, no other movement with slave participation in Cuba has been the subject of intensive research” (6). (Barcia will end up adding his own research to the short list: the Great African Slave Revolt of 1825.) I do not include these rebellions in this dissertation as per the explanation in this chapter’s introduction on why I have left out the nineteenth century; however, had I included them to look at how they affected the legislation, I would have found that the Aponte Rebellion was suppressed and that it led the town council to increase the number of militia soldiers that patrolled the countryside, while also purchasing “extra military supplies in the belief that the slaves and free people of color planned to revolt again” (Childs 125). In the case of the Great African Slave Revolt, it was also suppressed and “began a cycle of African-led slave rebellions that would end with the repression of the plotters of the Conspiracy of La Escalera in 1844 and 1845” (Barcia 6), leaving thousands of tortured, disappeared, dead, and persecuted enslaved Africans and Afrodescendants.

**5.5.1.2 New Spain** New Spain’s experience with rebel slaves also began in the sixteenth century. In spite of the exemplary lashings and other forms of punishment to recaptured runaway slaves, and in spite of stricter restraints to their mobility, slaves continued fleeing. Maroons often hid among Amerindians, an alliance that, as Araceli Reynoso Medina points out, “gave the impression to the authorities that the union between Indians and Blacks rendered inefficient their restrictive and repressive measures against the offenders” (128). As a result of this impression, the Viceroy issued a series of decrees between 1571 and 1574 establishing not only a regulated high number of lashes for captured slaves, but also castration and death for repeated offenders. In addition, slave owners and authorities were ordered to increase their vigilance, and anyone

who helped runaway slaves was warned that he would be punished.

These laws did not curb the slaves wish for freedom. Word of a simultaneous uprising in Amatepec and the City of Mexico City in 1537 led to an early intervention by the authorities, who managed to suffocate it; “many Blacks were apprehended, quartered, and salted like animals, as a warning to others. (129), and the Viceroy forbid enslaved Africans and Afrodescendants to own or carry weapons. Another conspiracy, also in the city of Mexico, where the number of enslaved Africans and Afrodescendants surpassed that of Whites, took place in 1612; in this case, the authorities intervened early, again, and killed thirty-three Congolese slaves in the main square.

As the mining and sugar industries expanded towards the north of the region, so did the rebel movements. [Reynoso Medina](#) observes that “by 1580, in their reports to the metropolis, the authorities wrote about fleeing and rebellions carried out by Blacks throughout the territory” (131), and the turn of the century brought with it the most widely known slave rebellion today, led by African maroon Yanga. Between 1580 until 1618, Yanga “protected the freedom of his subjects, and his fame ...attracted numerous runaways, willing to abide 'by his authority and beautiful manners.' He knew how to provide a well structured and adapted organization,” as Jean-Pierre Tardieu writes in his very detailed account of the rebellion (145-6). In the end, after a successful attack by the Spaniard authorities, the maroons negotiated their fate: they would be allowed to live free from then on as residents of the newly named town of San Lorenzo de los Negros (later, San Lorenzo de Cerralvo; today, Yanga), in exchange for several conditions that included their recognition of God and the King, and their aid in catching and returning any maroon slave that reached them in the future.

Although marronage and maroon attacks by Yanga and his followers diminished after this pact, other attacks continued happening in New Spain. The eighteenth century saw “large-scale uprisings in 1725, 1735, 1748, and 1750” as Frederick Marshall [Rodríguez](#) writes, to which the regions’ slave owners responded with a “six-hundred-man force” (123) that, even though it proved to be too powerful for the enslaved Africans and Afrodescendants, it did not completely eliminate the maroon attacks. In the town of Teutila, Mayor Andrés Fernández de Otañez sought to attempt negotiations; however, “the inaction of the viceroy and a treacherous attack on the truce meeting by Spanish slave owners caused the peace effort to fail” (124). Years later, in 1768, an agreement was reached that, much like that with the Yanga palenque, allowed maroons to remain free, to be

exempt from paying tribute, and to choose their own local authorities in exchange for capturing and returning future runaway slaves so as to prevent the establishment of new palenques, as well as bearing arms against Spain's enemies.

**5.5.1.3 New Granada** Slave revolts and marronage in New Granada began early on in colonial times. Santa Marta, the first Colombian town, founded in 1525, “was completely destroyed as a result of a slave rebellion. It was rebuilt in 1531, but another uprising took place there in 1550” (Rout 109). The Venezuelan region experienced its first uprising when “African Miguel, his wife, and other *bozales*<sup>17</sup> fled into the surrounding mountains in 1552 and established a fortified camp from which they attacked the mines, enabling the collective escape of many slaves” (46). Their maroon community reached one hundred eighty people, and it also included Jirojara Amerindians fleeing the newly established *encomiendas* in Venezuela. While Miguel and others were eventually killed, “others took refuge deeper in the mountains and continued to live at the margins of slavery’s reach, eventually forming unbreakable communities closely integrated into smuggling networks” (46).

In Cartagena, founded in 1533, a maroon community formed in 1600, when Benkos “Domingo” Biohó and his followers established a *palenque* in La Matuna.<sup>18</sup> Writing on the subject, Sandra Beatriz Sánchez López explains that the palenque was “an autonomous community, militarily, economically, and politically organized” (80), and although the authorities tried to destroy it on several occasions, they failed and were forced to acquiesce to the conditions imposed by the maroons. Eventually, however, Biohó was imprisoned and hanged after “a new slave revolt shook Cartagena in 1619” (Rout 110), and this event finally put an end to the *palenque*.

During the entire seventeenth century, the Cartagena elite tried to destroy all the existing *palenques*, always without success until a Royal Decree signed in 1688 gave it the support it needed “to end, once and for all, all the *palenques* in the region, even through the use of vio-

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<sup>17</sup> Federico Brito Figueroa writes that “Miguel was not a bozal, as it is generally stated, but a negro ladino y aculturado [an Afrodescendant who spoke Spanish and had experienced the Spanish culture], imported with another one hundred slaves from Puerto Rico and Santo Domingo to replace the Indians as laborers in the gold mines of Buría” (260).

<sup>18</sup> Nicolás del Castillo Mathieu questions the notion that the palenque founded by Benkos Biohó is the Palenque San Basilio—a city, today: San Basilio de Palenque—as it is commonly believed. Based on his research, Castillo Mathieu places La Matuna 69 miles away from Cartagena, while San Basilio is 45 miles away. He does acknowledge that perhaps it is to San Basilio where Biohó’s followers went after the murder of their leader, and he adds that “only in this sense could [Biohó] be considered an indirect founder of San Basilio de Palenque (83).

lence” (Sánchez López 81). In 1693, the situation reached its peak: the maroons had been stealing “food, jewels, and women, and they diminished their owners’ social status by freeing themselves from their yoke and run away into the wood; in addition, they would weaken the city’s economy with their systematic attacks to the farms and herds that supplied the urban area” (82), and their actions led the Governor to coordinate an attack against them. A rumor began that there could be a generalized uprising of maroons together with the slaves living in the city, who, as Sánchez López shows in detail, had both great capacity and great mobility to connect with each other and plan a revolt. In the end, the rumor remained a rumor, as the uprising did not take place; however, it made evident how much the ruling and managerial classes, as well as the White urban and rural dwellers, feared the potential that Afrodescendants (slaves, maroons, and freed) had “to organize themselves and plan strategies to openly and publicly undermine their oppressors’ power” (97). Sánchez López’s conclusion is that such general uprising would have been the most drastic way for Afrodescendants to fight against the order that they had already been violating “in different ways and on different levels, by fleeing, by establishing *palenques* in regions that were inaccessible for the authorities, by using their bodies as places of transgression, and by manipulating the discourse of domination, all forms of resistance that complete the image of slave insubordination” (97).

Ecuador was another region that saw rebellions and marronage “almost from the time that Spaniards began importing Africans to work the Cauca River gold diggings in Colombia,” writes Leslie B. Rout (116). Some of those maroons hid among Manabú and Mantux Amerindians, and a zambo settlement was eventually established along the coast. The settlement—named “El Portete”—“acted as a kind of beacon, attracting other bondmen who chose to flee rather than accept a living death panning the streams of southern Colombia for gold dust” (116). In 1556, the governor of Quito sent troops to eliminate the settlement; this expedition and others that followed failed, and a deal was made with the settlers in El Portete through which, “for all practical purposes, they remained autonomous” (117).

Brito Figueroa points out that in African and Afrodescendant slave rebellions in this region, “the idea of freedom became confused, especially during the sixteenth and seventeenth centuries, with the utopian aspiration of establishing forms of social organization equivalent to those that existed in the regions of the African continent from where slaves came” (266); however, towards

the end half of the eighteenth century, many slave rebellions were also nurtured “by the revolutionary doctrine of the time: the principles proclaimed by the French Revolution” (270), also followed by the Black Jacobins in Haiti. For many, then, now the fight was not just against slavery but also against the social order, which is why rebellions were not only carried out by enslaved Africans and Afrodescendants alone but also, together, by freed Afrodescendants, Amerindians, zambos, mulattos, mestizo peons, maroons, and poor Whites (278).<sup>19</sup> In Venezuela, these rebellions took place in Coro, Cumaná, Carúpano, and Río Caribe, in 1795; in Maracaibo, in 1799; in the valleys of San Jaime and Unión, in 1802; in the valleys of Aragua and Tuy, in 1804; in Coro, again, in 1808—all ultimately suppressed.

**5.5.1.4 Peru** Writing in relation to Peru, Frederick Bowser shows that, just as in the rest of the Americas, “the control of the African slave was of concern to both slaveholders and the authorities” (146). To the former, a runaway enslaved Africans and Afrodescendants meant a loss of money—both the slave’s worth and what was spent chasing after him or her. To the latter, “blacks were unruly and thievish in town, overbearing with the Indians, and, as bands of runaways, menacing to agriculture in the countryside and to trade along the highways” (146). Runaway slaves “were a source of concern almost from the very beginning of Spanish Peru. As early as 1544, runaway blacks were ‘assaulting and killing men and robbing farms’ on the outskirts of Lima and Trujillo” (187). In 1545, a maroon community of two hundred people, rumored to be plotting to bring down the Spanish government, was attacked by an army of Spaniards. By the time the maroons finally surrendered, they had killed eleven of their enemies.

When the viceroyalty of Peru became established and its new authorities and colonizers moved into the region “from the West Indies, Panama, and Mexico, [they] carried with them not only their slaves but also their memories of black uprisings” (149), which resulted in a quick implementation of slave control laws when Lima was “less than three months old” (150), laws such as a curfew for Afrodescendants, and a harsh punishment for not observing it; and the mandate that no arms were to be taken up by Afrodescendants against Spaniards, unless they were defending their owner. In addition, many more laws were implemented later to create division between Afrodescendants and Amerindians, as the authorities knew how patent the danger was

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<sup>19</sup> See Martín Lienhard’s essay for more on the ontologies behind the late colonial rebellions.



“that Africans and Indians might suppress their mutual hostility and make common cause against their Spanish overlords” (151).

Bowser writes that the level of unrest among enslaved Africans and Afrodescendants in Peru was relatively low in comparison to other areas. One reason he offers to explain this fact is that “this was an age more reconciled to human suffering than our own, and many Afro-Peruvians must have observed that poor whites and mestizos, not to mention the Indians, led equally dismal lives” (331). And in cases when the situation was intolerable rather than bleak, “flight rather than rebellion was far and away the most common form of slave protest ... For some slaves, flight was little more than a symbolic gesture, a confession of despair, and many returned voluntarily or were easily apprehended. Other runaways were more determined, and many banded together in the countryside for companionship and support” (330), enterprises that were usually short-lived, as well, as the Peruvian landscape did not offer them easy opportunities for shelter and hiding. Nevertheless, as Aline Helg observes, “some maroon groups settled near the coast and provided cattle, agricultural products, and skins to privateers in exchange for weapons, tools, and money” (46-7), while at least one other briefly settled near Cuzco. The latter included enslaved Africans and Afrodescendants and Amerindians who, led by Amerindian Francisco Chichima, “had escaped from a gold mine and neighboring plantation on which they worked side by side under extremely harsh conditions” (47). They were eventually recaptured, and Chichima was beheaded.

### 5.5.2 In Portuguese America

As observed in the previous chapter (section 4.5, page 230), Portuguese American legislation did not provide any significant protection for enslaved Africans and Afrodescendants—even those laws that attempted to diminish the cruelty with which slaves were treated kept being reinforced with new laws repeating previous mandate, as slave owners in general did not comply with them. It is not surprising, then, that just as it occurred in Spanish America, enslaved Africans and Afrodescendants in Portuguese America also rebelled, also ran away, and also formed maroon communities. They also committed other acts of uncivilized resistance, such as poisoning their owners or killing themselves, which will not be discussed here.

Klein and Luna write that while *petit marronage* was more common than *grand marronage* in Portuguese America (just like everywhere else), this region offered maroon slaves very good conditions to escape indefinitely: “dense forests or inaccessible mountains within a short distance from their homes,” “the availability in these inaccessible regions of soils and climates that allowed for local food production by which to sustain themselves independent from the slave regime,” and “a relatively benign Indian frontier” that allowed for permanent settlement if necessary.” As a result of these helpful conditions, Brazil had “the most numerous, longer lasting, and most widespread distribution of [maroon communities] in the Americas” (197), stretching from the northeastern sugar regions to the southern region of Santa Catarina.

In reaction to the high number of such communities (*quilombos* or *mocambos*) already in existence in Bahia by 1612, Captain Alexandre de Moura obtained permission from the Crown to create a new rank: bush captain (*capitão de campo*, or *capitão do mato*). Stuart B. Schwartz writes that bush captains were assigned to each parish in the captaincy and, “with the aid of twenty Indians, would hunt down escaped slaves” (*Slaves* 109), obtaining a reward for each runaway slave re-captured—an offer extended in 1637 to everyone else. Another implemented policy “of slave control and capture in Brazil was the calculated use of Indians as slave catchers and as a counterforce to mocambos and possible slave revolts,” a policy that was greatly successful: “the destruction of virtually every *mocambo* from Palmares to the much smaller hideouts of Bahia, Rio de Janeiro, and Goiás depended to a large extent on Indian troops and auxiliaries” (110). Nevertheless, in spite of these alliances between Amerindians and Portuguese, there were also alliances between Amerindians and Afrodescendants. Fearing the threat that such alliances represented to the Portuguese, the Crown ordered in 1706 “that blacks, mixed bloods, and slaves be prevented from penetrating the interior, where they might join the hostile Indian groups.” While the Crown’s order may have deterred some Afrodescendants from joining such Amerindians, it certainly did not deter all. By 1613, In Bahia, for example, Afrodescendan maroons joined the Santidade movement—a syncretic messianic religion—and, together with Amerindians, they carried out “raids and even [stole] slaves from Salvador. As late as 1627, despite punitive expeditions, *Santidade* adherents were still launching attacks.” Schwartz points out the lack of studies on the complicated Afro-Amerindian relationship, in which Amerindians were “both the best potential allies and the most effective opponents of slave fugitives” (111).

Between 1734 and 1816, more than eighty maroon communities established themselves in Maranhão and Grão Pará, while one hundred sixty did so in Minas Gerais (Klein and Luna). Some were small, with less than one hundred people—like Buraco de Tatú (Bahia), destroyed in 1763— and some were large, with more than one thousand—like the Kingdom of Ambrósio (Minas Gerais), destroyed in 1746, and Vila Maria or Sepotuba (in Mato Grosso), destroyed in 1769. Some communities managed to stay hidden in remote locations; others needed to remain close to cities and plantations because they had an economy that “was basically parasitic,” in Schwartz words, “based on theft, extortion, and sporadic raiding” (*Slaves* 113), taking not just food, tools, and clothes, but also women. These communities were the first ones targeted by military expeditions; “the threat of their very existence caused the colonial authorities to exterminate [them]” (117-8).

Menacing maroon communities were not the only problem that the authorities faced; the possibility of slave revolts was always latent, and the growing free African and Afrodescendant population was beginning to worry the Governor, Count of Assumar. To control this latter issue, he established measures that, while nearly impossible to enforce, were aimed at regaining some of the lost control. One of this measures was limiting the number of manumissions granted in the region, under the excuse “that the grants of liberty led to slave thefts and prostitution”; another was limiting the number of Afrodescendants with personal property, as this “threatened the social hierarchy” (119). These measures did not do much to reduce the fear that the Portuguese had been having for already some time: that, as Count de Assumar wrote in 1719, Afrodescendants “may be tempted to repeat the acts of the Palmares of Pernambuco, emboldened by their multitude” (qtd. in 122).

Palmares was the most famous of the maroon communities in Portuguese America, and the war associated to it is just as well known. Unlike most others, “located relatively close to population centers or to the surrounding plantations” (108), it was established in a remote area at the beginning of the seventeenth century. By the 1640s, “the central town was estimated to contain some six thousand persons. By the 1690s, when Palmares reached the apogee of its power and importance, it counted some twenty thousand persons, among whom were many who had lived in their communities for three generations” (Klein and Luna 196). Each one of the several villages that conformed Palmares was fortified, and each one paid taxes to its administration, led by King Ganga-Zumba. Part of those taxes were destined to pay for a state-sponsored army whose

job was to defend the community from the constant attacks by the Portuguese and the Dutch.

While the residents of Palmares—not just African and Afrodescendant maroons, but also Amerindians “and even some renegade whites” (Schwartz, *Slaves* 125)—cultivated some of their food and engaged in trading, they, like most of the other maroon communities in Portuguese America, still raided for food, animals, women, and slaves. Also, modeled after African societies, Palmares allowed slavery: “those who came to Palmares by choice were considered free, but those taken in raids were enslaved” [121](121). The community also had a section where residents trained for fighting, to which Schwartz, leaning on the research done on seventeenth-century Angola by Antônio de Oliveira de Cadornega, attributes the inclusion of the word *quilombo* in the region’s lexicon towards the end of the century, which until then had only employed the word *mocambo* to refer to such communities. The original *ki-lombo* had been an institution among the Mbundi people of Angola dedicated to prepare young men for adulthood and war. The institution was later adopted and adapted by the Imbangala people to meet its needs, among which was to provide cohesion to their identity as a people, “torn from ancestral lands and gods, sharing no common lineage, living by conquest and, according to European observers, rejecting agriculture” (126). While the Angolan *ki-lombos* had many characteristics not present in Palmares, such as infanticide and cannibalism for ceremonial purposes, the characteristics of the Palmares’ inhabitants—diverse and disembodied from their original cultures—and their need for effective military organization, point at the *ki-lombo* as a model of socio-political organization for the Palmaristas, which may explain why these called their community “Angola janga,” or “Little Angola.”

The constant fighting prompted King Ganga-Zumba and Governor Pedro Almeida to arrive at an agreement in 1678: freedom to all maroons living in Palmares in exchange for their submission to Portuguese authority. It did not take long for the Portuguese to break the pact; as a result, an internal revolt took place within the *quilombo*, and Ganga-Zumba was murdered by his nephew, Zumbi, who became the new king. In 1695, a royally financed army of six thousand troops led by *bandeirantes* finally succeeded in destroying Palmares. Two hundred maroons were killed, five hundred were captured, “two hundred reportedly committed suicide rather than surrender” (123), and the rest fled to other maroon communities.

Palmares was exceptional in its size and power; after its destruction, no other maroon community ever compared to it. Still, slave revolts and marronage continued, of course, such as in

a peculiar case in 1789, also described by [Schwartz](#). A group of slaves killed their overseer and ran away, establishing themselves in a maroon community. As they normally did, the authorities immediately sent out forces to capture them, but the maroons resisted and remained at large for two years, during which the sugar mill remained inactive: not only had the slaves left, but they had also taken with them the hardware needed for the mill to function. At some point, the maroons decided to negotiate their return with their former master, for which they listed specific conditions that they wished to be met, such as “the clothing of the boatmen, the number of workers needed in the mill, the elimination of unpleasant tasks ...two days free from responsibility to the *engenho*, with the right to fish, plant rice, and cut firewood” (“[Resistance](#)” 73), as well as a reduction in the quota of sugar cane and manioc flour that each day had to fulfill each day, and an overseer approved by them. Schwartz writes that “the control they hoped to obtain over their own servitude was far too revolutionary for any slave regime to accept.” In the end, the maroons “were finally tricked, captured, and re-enslaved” (75).

Just as in Spanish America, towards the end of the eighteenth century many of the large organized revolts in the region were influenced by ideals associated with the French, American, and/or Haitian revolutions.<sup>20</sup> Separatist movements such as the Miners’ Conspiracy (*Inconfidência Mineira*) of 1789 began to appear, often led by “intellectuals, poets or disaffected aristocrats”—although one of these movements, the Tailors’ Conspiracy (*Inconfidência dos Alfaiates*) of 1798, “enlisted men, self-employed artisans, and slaves” and “has been called ‘the first Brazilian social revolution’” (D. Ramos 74). Similar conspiracies and revolts occurred later—Cabanagem (1835-1840), Sabinada (1837-1838), Balaiada (1838-1841), Praieira (1848), among many others—which also reflected, to different degrees,<sup>21</sup> the sociopolitical tendencies that were becoming popular at the time, especially national independence and individual freedom.<sup>22</sup>

<sup>20</sup> Smaller slave revolts continue occurring, similar in nature to those of the previous century. An example is a revolt in Minas Gerais in 1833, in which “some thirty slaves killed several white fazenda families, as well as a free pardo and an agregado. Given that many of the whites were from elite families, the government’s response was ferocious, and almost as many slaves were executed for this one-day movement ... It has also been suggested that this revolt gave rise to the imperial law of 1835 that mandated the death penalty for any slave killing a master or overseer and without any jury trial provided” (Klein and Luna 208)

<sup>21</sup> Dick [Geary](#) argues that these movements were rarely inspired by Western discourse, and instead they a reflection of Afro-Brazilian traditions—an Atlantic Revolution that “came from the South and not the North Atlantic” (336).

<sup>22</sup> An exception were a series of Muslim slave rebellions in Bahia, beginning in 1808. The last one of these, taking place in 1835, is studied in depth by João José [Reis](#) in *Slave Rebellion in Brazil. The Muslim Uprising of 1835 in Bahia* (1993). The revolt, which Reis describes as “the most effective urban slave rebellion ever to occur on the American continent” was carried out by hundreds of African-born slaves and freedmen. After three hours of fighting, the

In relation to the research that has been done on the African and Afrodescendant uncivilized voice, Stuart [Schwartz](#) makes an excellent observation:

[T]he topic of slave flight and resistance in Brazil has been treated as a deceptively simple one, and analyses of it have often been based on a limited set of questions to which common-sense answers have been made: Why did slaves flee? To escape slavery. Where were runaway communities located? Far from possible white retaliation. Why did fugitives attack white society? To liberate their fellows and because they hated slavery. Was there class solidarity among slaves? Of course. What kind of societies did fugitives create? More or less egalitarian ones based on African traditions. Noticeably missing from the study of marronage in Brazil has been concern with some of the issues that have preoccupied students of this phenomenon in other American slave societies, [or with finding] solid evidence that would illumine some of the more intractable questions about ethnic solidarities, political goals, and strategies, as well as variations in form. ([Slaves](#) 103-4)

I do not address any of those issues here, either—issues like the distinctions between *petit* and *grand* marronage, or the efforts of maroons to overthrow the system “rather than seeking personal freedom” (104). Nevertheless, after looking at all these examples of civilized and uncivilized resistance, both by Amerindians as well as Africans and Afrodescendants, I arrive at several conclusions.

## 5.6 CONCLUSION

In this chapter, I have looked at the two ways in which Amerindians and enslaved Africans and Afrodescendants expressed their objections to the colonial system and to their being exploited within it. The civilized voice spoke within the boundaries set by society in regards to what was “civilized”; it was normally non-violent and it adhered to the law. The uncivilized voice spoke outside of those boundaries; it was normally violent and it normally transgressed the law.

Michel Foucault’s “[The Subject and Power](#)” (1982) comes to mind in relation to the civilized and uncivilized voice of the subjugated. Foucault looks at forms of resistance to understand power relations—forms of resistance that, just as in the cases seen in this chapter, are not limited

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rebellion was contained, leaving almost seventy rebels dead and five hundred “sentenced to death, prison, whipping, or deportation” (xiii). News of the revolt reached the entire country, and vigilance of Afrodescendants tightened. The repression of the rebels was so violent that “no other major rebellions were to occur in this region after that date” ([Klein and Luna](#) 210)

to one region; are aimed at the effects of the power; are immediate in that “they do not look for the ‘chief enemy’ but for the immediate enemy” (780); seek to enable the individual to be different from what is considered normal, yet without having this mean that he must now be separated from society; question “the way in which knowledge circulates and functions, its relation to power”; and refuse to allow power to ignore who each one is at the individual level. These forms of resistance act against “forms of domination (ethnic, social, religious); against forms of exploitation which separate individuals from what they produce; or against that which ties the individual to himself and submits him to others in this way (struggles against subjection, against forms of subjectivity and submission)” (781).

It is only when forms of resistance can be carried out that the relationship can be described as one of power; otherwise, it is a relationship of violence. The latter “acts upon a body or upon things; it forces, it bends, it breaks on the wheel, it destroys, or it closes the door on all possibilities” (789), whereas the former can only exist with “points of insubordination which, by definition, are means to escape” (794). At the state level, the instability that those forms of resistance cause can be dangerous to its social structure and its mode of production, because it is not sustainable to constantly resort to violence to impose a social order that does not interfere in the mode of production—that is, the productive forces (labor and means of production) and the relations of production (property rights, work relations, etc.).

To minimize those forms of resistance there are what Louis Althusser identifies as ideological and repressive state apparatuses, which lead the state’s subjects to internalize the social formation arisen from the mode of production of the time, to the point that most cease to question it. Through the institutions that conform the ideological state apparatus—religious, educational, legal, political, syndicalist and cultural institutions, together with the media and the family—subjects learn “the attitude that should be observed by every agent in the division of labor, according to the job he is ‘destined’ for: rules of morality, civic and professional conscience, which actually means rules of respect for the socio-technical division of labour and ultimately the rules of the order established by class domination” (“[Ideology and Ideological State Apparatuses](#)” 132). And through the institutions that conform the repressive state apparatus—“the police, the courts of law, the prisons, the army” (137)—subjects are punished when they do not follow those rules. Althusser makes sure to point out that neither of these two apparatuses is purely ideological or



purely repressive; rather, each one is primarily ideological or repressive, and secondarily repressive or ideological. No matter what the social formation is—originating in slavery, feudalism, or capitalism—the ideological and repressive state apparatuses benefit its ruling class, as it is the class that owns the means of production.

With Foucault and Althusser in mind, I can better analyze the results achieved by the civilized and uncivilized voices of Amerindians and enslaved Africans and Afrodescendants, as well as the colonial response to their demands.

In the case of the civilized voice, I can make several observations. First, the civilized voice—successful or not—never represented a threat to capital. Not only was access to courts difficult for most of the exploited, but it was also easy for the authorities to manipulate the system against them via bureaucratic delays and technicalities. Even in those cases when lawsuits were favorable to the exploited or financially painful for their owners, as they needed to spend money to defend themselves, each civilized expression of Amerindian or Afrodescendant discontent changed nothing *at the root of the system* to make things better for them as the exploited class. Despite individual triumphs (which were certainly no guarantee of triumphs to come), both groups continued being exploited and oppressed by the ruling class—and they continue being exploited and oppressed today, as well, much more so than other ethnic groups in the Latin American region.

Second, while nothing changed at the root of the system to make things better for Amerindians and enslaved Africans and Afrodescendants after they were incorporated into the colonial judicial system, something *did* change to make things permanently worse for them. By being allowed to participate “as equals” in this system—a system that, as seen in the previous chapter, did not go against the colonizers’ interests, either because certain laws that would have been harmful to them were not passed, or because the few such laws that passed were revoked or not enforced—many Amerindians and many enslaved Africans and Afrodescendants gained the impression that the new order could end up being fair, after all; that their inclusion in it meant could end up meaning equality. Through their participation in the colonial system, Amerindians and enslaved Africans and Afrodescendants accepted and internalized their status as colonial subjects of the Crown, a status that ultimately benefitted the colonizers, the Crown, and capital. In the words of Steve J. [Stern](#),

[T]o the extent that reliance on a juridical system becomes a dominant strategy of protection

for an oppressed class or social group, it may undermine the possibility of organizing a more ambitious assault aimed at toppling the exploitative structure itself. When this happens, a functioning system of justice contributes to the hegemony of a ruling class. (*Resistance* 137)

This participation of Amerindians and enslaved Africans and Afrodescendants in the judicial system, combined with their (first forced into *encomiendas* and *aldéias*, but then willing) acceptance of the Catholic Church—the main ideological state apparatus of the time—allowed for their ideological indoctrination, making them more Eurocentric in their perspective of their own cultures, of themselves, and of their place in society. From this perspective, Europeans were superior: White was superior to non-White; the languages, clothes, and religion of Whites were superior to those of non-Whites. For the first indoctrinated Amerindians and indoctrinated enslaved Africans and Afrodescendants, the relation of power that had been imposed on them by their European colonizers may have even seemed logical at some point; for the increasingly indoctrinated generations that followed, that relation of power became being natural. Since those first “inclusions” as pseudo-equals within the colonial system, indoctrinated Amerindians and indoctrinated enslaved Africans and Afrodescendants, together with Whites, have been reproducing the ideology of the colonizers, imposing it on themselves and contributing to the establishment of the racial hierarchies that still today keep them oppressed. This “coloniality of power,” articulated by Aníbal Quijano, affects us today as much as it did then.

Third, it was observed that as Amerindians began occupying official posts within the judicial system—as lawyers and judges—their new positions gave hope to other Amerindians, who assumed that now they had influential people on their side.<sup>23</sup> A problem that comes along with this assumption—an assumption that is prevalent today—is that although it may have been the case that on individual occasions they were able to favor “their” people, the fact remained that the system that formed them as lawyers and judges was not favorable to those people as a group. With colonial laws as they were, any Amerindian and Afrodescendant advocate would have his hands tied at some point, unless he was willing to act fraudulently or engage in a very unpleasant

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<sup>23</sup> Brazil began incorporating Afrodescendants shortly before abolition. The first Afrodescendant lawyer in the region was Luiz Gonzaga Pinto da Gama (1830-1882). Self-educated—not allowed to attend university due to his skin color—he obtained a license in 1869 to practice law. It was only in 2015 when the Ordem dos Advogados do Brasil officially recognized him as a lawyer (“OAB Confere Título De Advogado a Luiz Gama”), and in 2018 he was declared Patron of the Abolition of Slavery in Brazil (“Lei Nº 13.629, de 16 de janeiro de 2018”). Although there is “no reliable record of the number of people who obtained their freedom thanks to him, the available notes range between 500 to 1,000 cases” (“OAB Confere Título De Advogado a Luiz Gama”).

and practically impossible fight to change those laws. But acting fraudulently or willing to fight against the laws risked the loss of a position of privilege as an intellectual in society, a very tempting position especially when one rises from the bottom, from the traditionally exploited class. So, having a person of the same ethnic background in a position of relative power may mean “representation” in the sense that the skin color is the same, but it does not mean “reality-changing advocacy.”

In the case of the uncivilized voice, I also make several observations. First, although they were all eventually subdued, only violent confrontation allowed Amerindians and enslaved Africans and Afrodescendants to hold their ground while hurting capital. (Remaining peacefully hidden after fleeing was also a successful resistance strategy; however this was not so easy to achieve for long periods of time, especially in regions whose geography and/or climate did not offer easy opportunities for agriculture, hunting, and shelter.) From the fighting tribes that thwarted the conquerors’ early attempts to take over their territory and resources, to the fighting maroon communities that rejected colonial authority and re-enslavement, the only voice that hurt the colonizers, the Crown, and capital was the uncivilized voice. The ultimate example of this was Haiti, which, although it was not a Spanish or Portuguese colony, deserves to be mentioned: not only did the Haitian Revolution manage to liberate slaves from the masters who exploited them, but it also managed to liberate Haitians from the very system that, aligned with the interests of capital, sponsored that exploitation. The price that Haitians paid for going against capital was not cheap, of course—neither figuratively nor literally. Not only did Haiti lose over 200,000 of its fighters ([Perry](#) 60), but also the capitalist powers of the world quickly imposed trade bans on the new country and refused to recognize it until decades later, after other countries in the Americas had also gained independence. In addition, in 1825, France demanded a payment of 150 million gold francs, “estimated to total \$21 billion in today’s dollars” ([Sperling](#)), which Haiti had to pay if it did not want to risk being invaded again, or continue being marginalized by the rest of the global powers. The price for going against capital was also not cheap for rebel Amerindians and enslaved Africans and Afrodescendants in Spanish and Portuguese America, whose uncivilized voice resulted in tighter, more punitive laws against them.

Second, the best strategy that the colonial authorities employed to defeat any resisting Afrodescendant or Amerindians forces was that of “divide and conquer.” As [Cardim](#) states, “it is im-

portant not to forget that the alliances with the natives were necessary and fundamental for the survival of the colonial society, because without 'Indian friends' it was not possible to wage war against 'pillager indians,' and without that war it was impossible to meet the labor needs of the populations of European origin" (47). Without those alliances, it was also not possible to wage war against maroon communities. Keeping the exploited divided by encouraging existing divisions between Amerindians and by creating division between Amerindians and enslaved Africans and Afrodescendants, was crucial to colonizers, just as it is crucial today for the ruling class. When Amerindians fought together against Spaniards or Portuguese, or when Amerindians, enslaved Africans and Afrodescendants, and poor Whites in maroon communities fought together against the Portuguese, they were often impossible to defeat. It was their internal fractures that allowed their enemy to prevail.

Third, the research on which I relied revealed a high level of praise for the negotiating agency that Amerindians and enslaved Africans and Afrodescendants showed during colonial times, through which they were able to keep certain elements from their previous, non-colonized existence. Although the fact that they were at least allowed to keep those elements is better than the alternative, I find it dangerous to seek comfort in this, and it reminds me of what occurs today in relation to identity politics.

Of all the elements that Amerindians and enslaved Africans and Afrodescendants wanted to keep, only the two non-negotiable ones ultimately mattered: their freedom from the imposed role as labor force, and the freedom of their natural resources from the imposed role as means of production. I say that these two were the only elements that ultimately mattered because all else stemmed from them: the eventual loss of the exploited's cultures as they knew them, the way the exploited learned to perceive Europe as superior and themselves as inferior, their being relegated to a position of disadvantage that even today causes them to see themselves and be seen by others as "backwards." They were the only two elements that mattered because they were the reason for the need to have to ask for concessions.

It may seem important that many Amerindian nobles as well as African and Afrodescendant maroon community leaders were allowed to maintain a relative autonomy and authority over their subjects, but what is more important is that, ultimately, their subjects (and eventually themselves as well) were exploited and learned to see as normal their place as exploitable be-

ings. It may seem important that the Virgin of Guadalupe *looks* Amerindian, but what is more important is that it is *she* who is the patron saint of the entire Latin America, and not Coatlicue, Chimalma, Xochitlicue, Toci, Pachamama, Mama Quilla, or any of the *actual* Amerindian religious mothers. In other words, while the Amerindian, African and Afrodescendant negotiations are lauded as forms of “resistant adaptation” (Stern, *Resistance* 11), they had a questionable side to them: not only did they not hurt capital (and if they did, it was not for long), but they also made life more tolerable for Amerindians and enslaved Africans and Afrodescendants, which in turn made the exploiter and his system appear fair—often even kind. This type of appeasement, which continues today, takes the edge off what leads to a revolution carried out not just against the exploiter (that “immediate” nature of usual forms of resistance, according to Foucault) but also against the system itself, against the mode of production and its social formation responsible for the continued exploitation and all that comes with it—the type of revolution that allowed some Amerindian tribes to hold their ground against the conquerors; the type of revolution that freed Haitians.

Today, I see this dynamic in relation to identity liberalism: just as the colonial concessions granted to Amerindians and enslaved Africans and Afrodescendants were made on a case-by-case basis, appeasing the demands of one party at a time (individual, tribe, maroon community) and leaving everyone else in the same situation within an unchanged exploitative mode of production, so are today’s concessions made on a case-by case basis, appeasing the demands of one social identity group at a time (based on ethnicity, race, gender, sexual orientation, age, religion, ability) and leaving everyone else in the same situation within the same unchanged exploitative mode of production. This mode of production has existed in Latin America since the installment of the first *encomienda*, and just as it needed then the social division of the working class—Amerindians and enslaved Africans and Afrodescendants—in order to establish itself, so does it need today the social division of the working class—almost everyone—to remain established. Identity politics seamlessly plays into these needs, dividing the working class and distracting it from the root cause of the exploitation and the inequality: the system itself.

In this chapter, it has been shown that when going against capital, only the uncivilized voice of Amerindians and enslaved Africans and Afrodescendants was successful, albeit temporarily, whereas their civilized voice posed no imminent threat to it. The uncivilized voice was, and still

is, the only voice that seems to let capital know where the limits of exploitation are. It is no coincidence, of course, that the boundaries that separate the civilized voice from the uncivilized voice are similar to the boundaries that separate the legal from the illegal: just as the repressive state apparatus filters out the laws that may harm capital, so as to maintain the social formation that allows for the reproduction of the mode of production, so does the ideological state apparatus filter out the behaviors that may harm capital, for the same reason.

## 6.0 CONCLUSIONS

### 6.1 INTRODUCTION

I discussed in the previous chapter that to ensure long-lasting domination and the reproduction of the mode of production without having to constantly resort to violence, which would be an unsustainable enterprise, the state indoctrinates its subjects through its ideological and repressive apparatus. This indoctrination includes principles of civility (courtesy, respect, law abidance, verbal communication), which strengthen the subjects' adherence to the notion that the state is the only legitimate user of "physical force as a means of domination within a territory" (M. Weber 83). The more civilized the society—that is, the farther the society's subjects are from the state of nature, with lives that are "solitary, poore, nasty, brutish, and short" (Hobbes 84)<sup>1</sup>—the higher the level of civility that it demands from its subjects, and the higher the internalization that those subjects have of violence as being illegitimate in hands other than those of the repressive state apparatus.

The internalization of the illegitimacy of violence—and, as such, of its incivility—when exercised by non-state institutions is particularly strong among the members of the culturally dominant sector of society, which, as observed in the introductory chapter, page 2, is the sector of society that encompasses those with a certain level of education and who regulate their behavior according to what is considered civilized and civil. But a dilemma arises for the leaders of this sector—the traditional intellectuals—in relation to the suffering of certain exploited entities and

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<sup>1</sup> Hobbes writes that when humans are in a state of nature, "every man is Enemy to every man ...there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth, no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare and danger of violent death" (84).



the options that these have to express their discontent. On one hand, they see that the suffering of the exploited is real; on the other hand, they see that the exploited have no powerful civilized voice (if they even have a civilized voice at all) with which to complain, but their use of their uncivilized voice would not be acceptable in a civilized society, which has also learned to believe that any positive result achieved through violence would be short-lived, anyway.

It is at this point that narratives of advocacy come into being.

In the introductory chapter, on page 1, I defined “narratives of advocacy” as those narratives that meet the following criteria: they are written by authors who belong to or have assimilated into the intellectual sector of society; they advocate for exploited beings before readers who, like the authors themselves, perceive themselves as civilized and seek to reach a high level of civility according to what “civilized” and “civility” mean during their time; they portray the exploited beings in a manner that inspires empathy in the reader; they circulate with relative popularity for a particular time while the exploitation takes place; and they are regarded as influential in the passing of laws to end the exploitation that they denounce. As such, these are narratives that allow traditional intellectuals to come to the rescue of exploited entities—human and non-human—by divulging their misery in a voice that is more likely to be heard by the culturally dominant sector of society than the voice of the exploited beings themselves.

In my analysis, I corroborated the validity of this definition in relation to several narratives written in the sixteenth and nineteenth centuries on behalf of exploited Amerindians and enslaved Africans and Afrodescendants. First, their authors were the traditional intellectuals of their time—highly educated priests in the sixteenth century and men of letters in the nineteenth century—who guided their societies at the cultural level while contributing to the legitimization of the ruling class’ social hegemony, which not only fostered their development but which also provided them with a cultural and social capital that resulted in social privilege. Second, their readers were members of the culturally dominant sector of society—high rulers, well-educated priests, and scholars in the sixteenth century, and the bourgeoisie in the nineteenth century—who, like the authors themselves, perceived themselves as civilized and sought to reach a high level of civility according to what “civilized” and “civility” meant during their time. Third, their authors reached their readers by representing the exploited beings as “just as human” as them—individual, intelligent, and emotionally and physically sentient. That relatable representation,

necessary to inspire empathy and mobilization, could only be achieved through a language that translated the barbarity behind the cruel treatment—so that the reader could understand the suffering and feel distressed—but also redacted it, so that the reader did not feel so overwhelmed as to disengage himself for self-protection. Fourth, the relative popularity of narratives of advocacy preceding the passing of protective laws for the exploited beings led to their being credited with the passing of such laws, and to their being regarded—then and today—as a major reason (and, to many, the only reason) why the denounced exploited’s suffering ceased.

## 6.2 CONCLUSIONS DERIVED FROM THE RESEARCH

This analysis has allowed me to formulate several conclusions. First, narratives of advocacy do not seek to end the exploited’s exploitation, but the exploited’s *uncivilized* exploitation. They do not ask for a change in the mode of production that requires that someone be exploited; rather, they ask for the civilized and civil exploitation of those who are unfortunate enough to be born exploitable—and there is little or no reflection in these narratives on what makes them be born exploitable. In the narratives that I analyzed, sixteenth-century authors denounced the uncivilized treatment that Amerindians received in the hands of Spanish colonizers, and nineteenth-century authors denounced the uncivilized treatment that enslaved Africans and Afrodescendants received in the hands of their masters; however, neither group of authors denounced their exploitation in itself: the existence of a non-exploitable ruling class and an exploitable working class has been a non-questioned constant for centuries in this type of narratives. This non-questioning makes sense: this social formation benefits the traditional intellectuals who author narratives of advocacy, as it provides them with a position of privilege with respect to the (rest of) the working class. It also benefits the readers, members of the culturally dominant sector of society, who also benefits from this social formation because it allows for their upward mobility.

Second, narratives of advocacy reinforce the otherness of both the exploited Other and of exploitation itself. The feeling of empathy (and not of sympathy) that they inspire in their readers not only helps them to understand the suffering of the uncivilized, exploited Other, but also creates the illusion of otherness both in who the exploited is and in what exploitation is. As a

result, the notion of “exploitation” becomes equivalent to “uncivilized exploitation,” something that happens to those who are socially inferior to the members of the culturally dominant sector of society, who are usually non-White, and who lack a powerful civilized voice—so much so that their only hope to be protected is to have someone civilized and with a higher social standing intervene on their behalf. As it will be shown, this illusion is very beneficial to the capitalist system.

Third, narratives of advocacy are a class-marking product for the culturally dominant sector of society. The reader’s public reaction to the narratives of advocacy in wide circulation allows him to place himself within or outside the culturally dominant sector of society. A public display of concern and/or outrage signals to others his virtue,<sup>2</sup> his high level of civilization and civility; while not showing concern and/or outrage—or questioning the nature of the narratives themselves!—may lead others to doubt that level of civilization and civility, putting at risk the reader’s membership into the culturally dominant sector of society together with the social benefits that such membership carries with it.

Fourth, narratives of advocacy contribute to the establishment of legal hierarchies within the labor force. The culturally dominant sector of society’s favorable or unfavorable reaction to the narratives of advocacy presented before it coincides with the viability of any change to the denounced exploitation. When a specific type of exploitation is imperative within the mode of production, the narratives that denounce its cruelty are filtered out by the ideologically state apparatus, regarded as too radical by the culturally dominant sector of society. But when the mode of production is ready to make changes to that specific exploitation, narratives of advocacy denouncing that exploitation are no longer filtered out and, now marketable, they proliferate and lead to public reaction. Any protective law that is passed in response to that public reaction raises the legal status of the newly legally-protected exploited worker above that of other exploited workers not legally protected. In other words, the popularity of narratives of advocacy, the mobilization that they cause within the culturally dominant sector of society, and the protective laws that result from that mobilization contribute towards defining who is who within the

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<sup>2</sup> The term “virtue signaling” was coined by journalist James [Bartholomew](#). In his own words, it describes “the way in which many people say or write things to indicate that they are virtuous ... One of the crucial aspects of virtue signaling is that it does not require actually doing anything virtuous. It does not involve delivering lunches to elderly neighbors or staying together with a spouse for the sake of the children. It takes no effort or sacrifice at all.”

labor force, creating a legal hierarchy of who can be exploited, when, and how. (This hierarchy is also established with respect to natural resources by narratives that advocate for non-human exploited entities.)

Fifth, narratives of advocacy contribute to the misguided notion that the civilized voice is more efficient than the uncivilized voice at the time of achieving prompt change in the situation of the exploited. Because, unlike rebellions, these narratives are associated with the passing of protective laws for the exploited beings for whom they advocate, the culturally dominant sector of society—and, as a result, the rest of society guided by it, including the very exploited beings—believe that the civilized voice is much more capable to achieve change than the uncivilized voice. This notion benefits capital; as Sharika [Thiranagama](#) points out, “[p]romoting civility can close down debates, often recasting disagreement in terms of etiquette and manners, silencing heterodox views and draining disputes of passion and agonism . . . [Civility] is a conservative favoring of the status quo, standing opposed to all forms of dissent, rebellion, and revolution and in doing so forecloses radical change” (154).

The establishment of these conclusions allow us to address the two questions that anchored this dissertation.

### 6.3 FIRST QUESTION

The first question that this dissertation sought to answer was the following: what made narratives of advocacy more popular among the culturally dominant sector of society—the civilized and civil members of society—than the denunciations brought forth by the exploited beings themselves, to the point that today we, as a society, prevalently think of the former as a main element (“the” main element, for many of us) that leads to legal change, while we ignore the role played by the voice and the actions of those exploited?

The answer to this question is: their higher level of credibility and ability to inspire empathy, their supposed capability to lead to change in a civilized and civil manner, and their class-marking quality.

Narratives of advocacy have authors who are credible to the culturally dominant sector of

society: they are traditional intellectuals, the people with the highest levels of civilized education, who guide society in its quest to be as civilized and civil as possible. By the time their narratives of advocacy achieve relatively mainstream circulation, it is not just one or two authors making the denunciations, but many, and their numbers aid in dispersing any doubt as to the credibility of what they denounce—especially when those authors are well known intellectuals. When so many civilized intellectuals denounce the same thing and call for change, the culturally dominant sector of society believes them and heeds their call.

Also, what the authors write inspires the empathy of the readers. The message is clear, not only because its grammar and orthography are conventional among the educated, but also because its language has a register that is familiar to them, painting images with which they can identify even though they are the images of a suffering Other. In those images, this Other is someone with whom the members of the culturally dominant sector of society can empathize, someone whose children remind them of their own, whose family reminds them of their own, whose reaction to pain makes them think about how they would react. This Other is someone who almost could be the reader—almost, but not quite: the reader knows that they will never find themselves in that position, because as a member of the culturally dominant sector of society (whether born in it or inducted into it) they are not exploitable like that, in such an uncivilized manner.

Still, even though the reader believes that he will never be in that position, the empathy that narratives of advocacy inspire in him, together with his belief in the importance of living in a civilized and civil society, lead him to react. Some readers will seriously mobilize to bring about change, directly contacting legislators and petitioning for the passing of protective laws for those exploited. Others (the majority) will not seriously mobilize, but will still show support for those who do by publicly echoing the denunciations made by the traditional intellectuals—at least to the point where such support does not become an inconvenience, for example when it demands too much time, or too much energy, or too much money. In other words, the members of the culturally dominant sector of society not only believe that the new awareness and the ensuing mobilization (of some) can lead to change because this happened in the past, but they also know that their display of awareness and support for change affirms their status as civilized—as cultured, enlightened, humane, refined. Going against the denunciations would mean not being

civilized, a characteristic that risks upward social mobility.

But while the denunciations made by traditional intellectuals are not easy to ignore because they are credible, empathy inspiring, seemingly efficient in achieving legal change, and class-marking instruments, the denunciations made by the exploited beings themselves are a different story.

The Other's voice is always regarded as "uncivilized" by those who considered them "civilized." If the denunciations are made through physical violence, the members of the culturally dominant sector of society distance themselves from them; they have learned that in the modern Western state violence is only acceptable and legal in the hands of the government, and they have also learned that when the exploited Other used violence in the past, his achievements were short-lived (the long-lived achievements, like the Haitian Revolution, are ignored or maligned within the ideological state apparatus). And if the denunciations are not made through physical violence—that is, if they are made through language or through physical evidence (lacerations, mutilations, crippling psychological trauma, etc.)—the members of the culturally dominant sector of society also distance themselves from them: while they may not doubt that this Other feels pain and suffers, his pain and suffering is not as easy to feel as when it is mediated by someone who translates and redacts it, not only so that it can be brought closer to the reader, but also so that the reader is not so overwhelmed by it that becomes disengaged.

In addition to the conscious or unconscious disbelief, the lack of empathy, and the lack of confidence in the efficiency of the exploited Other's voice to bring about legal change, there is also another reason why the civilized members of the culturally dominant sector of society allow themselves to look away and/or remain relatively silent in the face of the exploited's denunciations: their status as "civilized" is not questioned if they do. The exploited Other does not offer a class-marking product; his text—his raw experiences, told in an uncivilized manner, often frustrating and/or truly unbearable to read or hear—can be gently set aside, later becoming forgotten and unknown.

## 6.4 SECOND QUESTION

The second question that this dissertation sought to answer was the following: Why is it relevant today that the members of the culturally dominant sector of society prevalently think of narratives of advocacy as a main element (“the” main element, to many) that leads to legal change, while they ignore the role played by the voice and the actions of the exploited themselves?

The answer to this question lies in my thesis: this perception is relevant today because it leads us to regard narratives of advocacy as a valuable tool to make the capitalist system more just and humane, while in reality there is a hidden side to them that actually contributes to the injustice and inhumanity of the system: they appease the members of the culturally dominant sector of society, contributing to their disengagement from any exploitation that is not denounced by these narratives; and they reinforce among them the notion that the exploited is a subaltern Other who needs a hegemonic mediator to fight against exploitation, contributing to their not considering themselves as exploited beings. This hidden side of narratives of advocacy strengthens divisions within the working class and ensures the availability of exploitable workers that our current mode of production demands.

### 6.4.1 On the disengagement from exploitation not denounced by narratives of advocacy

The first claim in this dissertation’s thesis is that narratives of advocacy appease the members of the culturally dominant sector of society, contributing to their disengagement from any exploitation that is not denounced by those narratives.

It has been established why they are appeased: they associate narratives of advocacy with the passing of protective laws that they trust will end the denounced suffering, and they consequently regard those narratives as a valuable tool to make the capitalist system increasingly just and humane. Having learned to focus their attention on those narratives of advocacy that widely circulate among them—due to, as it was discussed above, their higher level of credibility and empathy inspiration, their supposed capability to lead to change in a civilized and civil manner, and their class-marking quality—the members of the culturally dominant sector of society have



also learned to ignore or dismiss other mediated narratives, still too radical for a capital that is not yet ready for change, as well as non-mediated narratives, put forth by the exploited beings themselves in a voice that, as it was mentioned in the previous section, is just not civilized enough to reach them. Trusting that the traditional intellectuals will inform them when something is really wrong and needs to change, and also trusting that at that moment they will mobilize and achieve the desired change, the members of the culturally dominant sector of society are able to live their lives disengaged from whatever suffering does not make its way into the center of their field of vision.

Yet while the bulk of narratives of advocacy that we associate with “the end of suffering” of a particular exploited entity is written around the time when protective laws are passed for those entities, they are not the only narratives written on behalf of those same exploited beings: there are always authors who denounce that same suffering and exploitation much earlier than most, even centuries before capital allows for any change to take place. We may know who Bartolomé de Las Casas and Francisco de Vitoria were, but most of us have never heard of Antonio Montesinos or Pedro de Córdoba; we may know who Gertrudis Gómez de Avellaneda and Anselmo Suárez y Romero were, but most of us have never heard of Epifanio de Morains or Francisco Javier de Jaca. The difference between the unknown authors and the renowned ones is that the latter wrote when capital was ready for a change in the manner of exploitation.

When narratives of advocacy become relatively available, and when it becomes “fashionable” for the culturally dominant sector of society to write, read, and discuss them, it means that something has changed in the system, that whatever caused those denunciations to be filtered out by the ideological state apparatus no longer represents a threat to the mode of production and its social formation. In the case of Amerindians and enslaved Africans and Afrodescendants, both groups were essential as exploitable and exploited laborers under the particular conditions of exploitation that were imposed on them, and narratives that advocated for a change in those conditions—which, improved, would have led to a diminished profit—were as easily filtered out of the prevailing ideology as, for example, narratives that for at least forty years have been advocating for a change in the conditions in which industrially farmed animals are exploited, met with responses that range from the completely non-questioning “that’s just how it is,” to the somewhat more empathic, but equally inconsequential, “it’s a necessary evil.” It was only when

it became evident that not only were there better options to maximize profit, but that capital was already implementing those options—by replacing Amerindian laborers with enslaved Africans and Afrodescendants (and, to a much lesser degree, other enslaved groups), and later by replacing these slaves with hired workers—that not only was it not as easy to dismiss the denunciations as illegitimate, but it was also not necessary to do so, as the change that those denunciations sought was already being implemented.

Through the consumption or rejection of the narratives of advocacy presented before them, the members of the culturally dominant sector of society ultimately show their alignment with capital: whatever exploited being is chosen as deserving of their intervention will be lifted by them towards justice in that manner that they—and the rest of society, culturally guided by them, including the exploited beings themselves—believe to be the most effective way to achieve change: the civilized and civil way, where change is politely, non-violently sought and granted. And whoever is not chosen as deserving of mediation—be it because the exploitation occurs in a culture that is too different and/or too far away, making it difficult to feel empathy; or because the exploitation is not seen as horrible enough to warrant a denunciation; or because the exploited is not seen as a voiceless subaltern, even though any protest has evidently not been heard so far—is ultimately left without recourse: the members of the culturally dominant sector of society will neither amplify the exploited’s civilized voice, which is mute or not loud enough on its own, nor will they support his or her uncivilized voice, from which they will distance themselves (and even position themselves against it) should it manifest itself. As a result, these exploited beings for whom capital is not yet ready to change the manner of exploitation, will have no alternative but to wait.

#### **6.4.2 On the perception of not being exploited**

The second claim in this dissertation’s thesis is that narratives of advocacy reinforce among the members of the culturally dominant sector of society, the notion that the exploited is a subaltern Other who needs a hegemonic mediator to fight against exploitation, contributing to their not considering themselves as also exploited

In *Ethics: An Essay on the Understanding of Evil* (2001), Badiou writes that “[e]very invoca-

tion of blood and soil, of race, of custom, of community, works directly against truths” (76). This affirmation is applicable to narratives of advocacy and their insistence in depicting the exploited being as a categorizable Other—an Amerindian, an enslaved African or Afrodescendant, an undocumented migrant, an open-pit mined mountain, an animal—without a civilized voice and with an identity different from that of the typical hegemonic member of society. The fact that narratives of advocacy reinforce the otherness of both the exploited Other and of exploitation itself (the second conclusion, on page 334, and that they contribute to the establishment of legal hierarchies within the labor force (the fourth conclusion, on page 335), works directly against one truth: that in the capitalist system a majority is exploited by a minority, which means that even the members of the culturally dominant sector of society are exploited even though they do not recognize themselves as such.

And they do not recognize themselves as exploited for several reasons. First, because they are not barbarically exploited, enduring the extreme physical and psychological abuse experienced by the exploited beings in narratives of advocacy, which to them has become the meaning of “exploitation.” Instead, they enjoy a comfortable place in society, they perform non-manual labor, and they have a higher income than those they see as “working class.” For most members of the culturally dominant sector of society (those who make a living from the work they produce for others), considering themselves “exploited” would mean acknowledging that in spite of their pretensions, they are still part of the working class, a label which is not very prestigious for the educated, “civilized,” white-collared, upwardly mobile individual who seeks to place himself or herself as high as possible in the echelons of society. Second, because if they were exploited, they would have already done something about it; unlike the subaltern Other of narratives of advocacy, who needs the help of hegemonic mediators, the members of the culturally dominant sector of society do have a certain position in society that they think allows for their civilized voice to be heard. Third, because if they were exploited, they would have heard about it; there would be narratives advocating for them, but there are none. (Narratives of advocacy, as per their definition, could not be about these members of society; however, that does not mean that there are not texts that discuss their exploitation. A fundamental problem with these texts, and the reason why they are filtered out by the culturally dominant sector of society, is that they are relatively few and are usually not written by those regarded as traditional intellectuals, whose

ideology stays—at least publicly—within the parameters that are acceptable to the ruling class.

In this lack of recognition by the members of the culturally dominant sector of society of their condition as exploited beings, we can observe how capital repeats its strategy of dividing in order to conquer, just as it we have seen it do during the conquest of the New World and in colonial times: instead of risking that all the exploited beings focus on their common exploitation and unite against their exploiter—the ruling class—and demand a change in the system that allows for that exploitation, which is imperative for its survival, the ideological and repressive apparatuses of the state make sure that the working class remains divided by focusing on differences of identity, each one of which “creates a figure that provides a material for its investment by the market,” as [Badiou](#) writes, adding that, at all times, some “social image authorizes new products, specialized magazines, improved shopping malls, ‘free’ radio stations, targeted advertising networks, and finally, heady ‘public debates’ at peak viewing times” (Badiou, *Saint* 10).<sup>3</sup>

Narratives of advocacy contribute to the creation of those identities and also become, themselves, products of consumption, not only for their readers to signal to which class they belong (the third conclusion, page 335), but also for their authors—especially in the last century and a half, due to the increasing easiness with which these narratives have been able to be distributed—to market a product whose success, which depends on how ready capital is for the change it proposes, grants them recognition. What is more, as these narratives that advocate for cruelly exploited subaltern beings circulate together with a second type of narratives, which advocate for beings whose suffering is not attributed to barbaric exploitation but rather to discrimination—LGBT, disabled, women, ethnic minorities—even more identities and sub-identities are articulated and emphasized, with each group individually fighting for what they imagine to be a little place in the sun—and which is far from being that, in a way that is reminiscent of how divided Amerindians and enslaved Africans and Afrodescendants fought separately during centuries—instead of addressing the reason why discrimination exists in the first place, and why it needs to exist: a mode of production that demands a divided work force to ensure the availability of exploitable workers, which include the majority of the members of the culturally dominant sector of society,

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<sup>3</sup> Noam [Chomsky](#) also comments on the illusion-creating aspect of these public debates: “The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum—even encourage the more critical and dissident views. That gives people the sense that there’s free thinking going on, while all the time the presuppositions of the system are being reinforced by the limits put on the range of the debate.”

even though there are no narratives of advocacy written about them.

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