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The Thomist Philosopher and the Cannibals: Alonso de la Veracruz's Theses on Cannibalism and Crimes against Nature

El filósofo tomista y los caníbales: las tesis de Alonso de la Veracruz sobre el el canibalismo y los crímenes contra la naturaleza

Abstract:

The intention behind this work is to briefly explain the defence of the Native Americans by Alonso de la Veracruz, specifically in what concerns the accusation of cannibalism. For many of his contemporaries, the constant and systematic practice of cannibalism and human sacrifices by the Amerindians brought serious doubts on the rational faculties of the Native Americans and their ability to follow what they thought of as the law of nature. Preventing these crimes was a powerful motivation to deprive Native Americans of their dominions, because, in the eyes of sixteenth century Europeans, the bloody practices of such «primitive barbarians» reflected an inability to guide their life by reason. But Alonso de la Veracruz attempted to explain and justify the practices of Native Americans, including the most repelling ones, by providing a new interpretation of the law of nature, based on conventions and context.

Key words: Cannibalism; *dominium*; natural right; law of nature; reason; just war.

Early Modern Authors : Alonso de la Veracruz; Francisco de Vitoria; Juan Ginés de Sepúlveda.

Resumen:

Mi intención en este trabajo es explicar la defensa de los indios americanos de Alonso de la Veracruz respecto al canibalismo. Para muchos de los contemporáneos del filósofo español, la constante repetición de esta práctica ponía en serias dudas las capacidades racionales de los

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pueblos autóctonos de América, así como su capacidad de seguir la ley de la naturaleza. La prevención de estos crímenes contra natura era un buen motivo para gobernar a estos pueblos y no permitirles el dominio de sus propiedades, dado que esas costumbres reflejaban una inhabilidad de seguir los mandatos de la razón. Pero Alonso de la Veracruz intentó entender el contexto del canibalismo, dando así dentro del paradigma escolástico una nueva interpretación de la ley de la naturaleza.

Palabras clave : Canibalismo; *dominium*; derechos naturales; ley de la naturaleza; razón; guerra justa.

Autores Modernos : Alonso de la Veracruz; Francisco de Vitoria; Juan Ginés de Sepúlveda.

1. A brief account of Cannibalism in the Middle Ages and early modern Spain

The fascination with cannibalism and human sacrifice has a long history¹. References to anthropophagy are found in the foundational myths of Western literature. In Greek mythology, the world began in an incestuous act of cannibalism in which Cronos consumed his children to secure his rule. It is also possible to observe how Tantalus, one of Zeus's sons, felt after succumbing to the temptation for forbidden food, as he stewed his own son to serve to the Gods².

In descriptions of the nations surrounding the Mediterranean ring, the people who lived outside the boundaries of the Greek world not only appeared to be the antithesis of culture, but they even looked like the transgressors of all human norms, suggesting a relation between cannibalism and backwardness. In these nations, there was a predominance of passion over reason. The Greeks included tribes in Ireland, Ethiopia, India, and Scythia among these groups.

For Aristotle, cannibalism was produced by three causes: A) the existence of a brutish mind incapable of rational operations, which could have been the case of the barbarians who lived along the shores of the Black Sea and ate raw meat and human flesh; B) the existence of certain conditions which made people lose their minds and commit cannibalism as a result of a faulty functioning of reason; C) and finally, the force of custom and habit, by which cannibalism in

¹ A. PAGDEN, «The forbidden Food: Francisco de Vitoria and Jose Acosta», *Terrae incognitae*, 13 (1981) 17-29, reprinted in A. PAGDEN, *The Uncertainties of Empire*, Variorum, Aldershot 1994.

² M. L. PRICE, *Consuming Passions: The Use of Cannibalism in Late Medieval and Early Modern Europe*, Routledge, London 2003, p. 3.

some groups (even those recognized as fully rational) came to be accepted³. In general, Aristotle drew a picture of cannibals as beings without self-control, incapable of restraining their appetites. For Aristotle, there had to be something that undermined intellectual capacity for humans to accept eating the flesh of other humans⁴. Since barbarians looked incapable of restraining their appetites, Aristotle identified cannibalism with barbarians. These people displayed little rational capacity; therefore, their behavior did not look different from that of animals.

After the Christian religion became the dominant religion of the Roman Empire, cannibalism was attributed to the enemies of the this faith living outside the boundaries of its world. Many medieval texts counted the Scythians, the Huns, the Alans, and even such rivals of the Christian faith as the Arabians, among those most renowned for their appetite for human flesh. This was arguably because, as Peter Comestor and Geodffey of Viberbo pointed out, these nations were located behind Alexander's Gates, far from the scope of Christian and European influence. During the 13th and 14th centuries, when Mongol power became consolidated and a growing menace to Eastern Europe, European writers considered Mongol soldiers the quintessential cannibalistic horde, capable of eating the bodies of their fallen enemies «like bread» and of sucking the blood from their captives. In the *Historia Tartarorum*, Simon de Saint-Quentin reported that the Mongols «devour human flesh like lions, but prefer it roasted»⁵.

This discussion over cannibalism became prescient after the encounter with the Amerindian world. In initial descriptions of the Native Americans, the first European chroniclers revealed their own fears and expectations for this new land.

³ Aristotle, «Nicomachean Ethics» 1148b23-31, in *The Complete Works of Aristotle*, trad. R. MCKEON, Random House, New York 1949.

⁴ F. CASTAÑEDA, *Ensayos antropofagia y el buen comer en la filosofía antigua y medieval*, Uniandes, Bogotá 2008, p. 10.

⁵ The most graphic piece against the Mongols was found in the *Crónica Majora* by Mattieu Paris: «The Tartar chiefs, with the houndish cannibals their followers, fed upon the flesh of their carcasses, as if they had been bread, and left nothing but bones for the vultures. But, wonderful to tell, the vultures, hungry and ravenous, would not condescend to eat the remnants of flesh, if any by chance were left. The old and ugly women were given to their dog-headed cannibals—anthropophagi as they are called—to be their daily food; but those who were beautiful were saved alive, to be stifled and overwhelmed by the number of their ravishers, in spite of all their cries and lamentations. Virgins were deflowered until they died of exhaustion; then their breasts were cut off to be kept as dainties for their chiefs, and their bodies furnished a jovial banquet to the savages». Cfr. PRICE, *Consuming Passions*, cit., p. 6. Ibid., p. 87.

These depictions also served well to justify the colonial projects of Portugal and Spain⁶.

Columbus, very familiar with Marco Polo's descriptions of the Far East and with Mandeville's *Travels*, wrote of his fear of the Caribbean anthropophagi on Hispaniola Island. A similar description was made by Americus Vespucci in the *Novus mundus*. For the Italian explorer, the natives of the New World were individuals who lived in complete freedom⁷ but also enjoyed fighting against each other and eating the flesh of their captives. This depiction resembles Peter Martyr's portrayal of the Native Americans as men without any written language or monetary system, ignorant of the value of either. Martyr also mentioned the Native Americans' appetite for human flesh, especially that of the men captured in their tribal wars, and their practice of using women for breeding stock or slave labor⁸.

In his *Cartas de la conquista de México*, Hernán Cortés was scandalized by the horrors of paganism and human sacrifice practiced by Mexico's indigenous population⁹. For this reason, every time he had an opportunity, Cortés destroyed the temples of the Native Americans and installed Christian images¹⁰. But among these descriptions, the most negative criticism levied against the Native Americans was made by Gonzalo Fernández de Oviedo. In the *Sumario de historia natural*, Oviedo accuses the Native Americans of cannibalism and sodomy. Moreover, Oviedo considered them «...mean and lazy, despondent and cowardly, vile and ill-mannered with little memory or stability... and as they had thick skulls, they had bestial, evil minds»¹¹. In Oviedo's contention, the depopulation of the Indies

⁷ D. BRADING, *Orbe indiano*, Fondo de Cultura Económica, México D.F. 2003, p. 31.

⁸ G. OBEYESKERE, *Cannibal Talk*, University of California U. Press, London 2003, p. 3.

⁹ «...todos los días, antes de que obra alguna comienzan, queman en las mezquitas incienso, y algunas veces sacrifican sus mismas personas, cortándose unos las lenguas, y otros las orejas, y otros acuchillándose el cuerpo con unas navajas, y toda la sangre que dellos corre la ofrecen a aquellos ídolos, echándola en todas partes de esa mezquita, y otras veces echándola al cielo... por manera que ninguna ora comienzan sin que primero hagan un sacrificio. Y tienen otra cosa horrible y digna de ser punida...para que más aceptación tenga su petición toman muchas niñas y niños y aun hombres y mujeres de más mayor edad, y en presencia de aquellos ídolos los abren vivos por los pechos y les sacan el corazón y las entrañas, y queman dichas entrañas y corazones delante de los ídolos, ofreciéndole en sacrificio aquel humo». H. CORTÉS, *Cartas de la conquista de México*, SARPE, Madrid 1985, p. 48.

¹⁰ BRADING, *Orbe indiano*, cit., p. 41.

¹¹ *Ibid.*, p. 56.

could be attributed to the Native Americans themselves; their suffering was God's punishment for their mortal sins. Oviedo attributed the vices of the Native Americans to the influence of the devil.

The link between sin and cannibalism could be read in *Historia general* by Francisco López de Gomarra. In this book, Native Americans are considered lazy, lying sodomites, cruel and without honor or virtue. Their lack of rational understanding explains their multiple crimes against the law of nature—crimes such as cannibalism, idolatry, sodomy, and human sacrifice. As a result, Native Americans are described by Gomarra as bestial men with tyrannical rulers and no civil law¹².

Gomarra's *Historia general* was based on the works of the Franciscan Fray Toribio Benavente «Motolinia». He was one of the first clergymen to step into Mexico. He lived among the Aztecs and Tlaxcaltecs for more than 30 years and kept a detailed description of their customs and religion. Unlike Gomarra and Oviedo, Benavente described a structured society with laws and an organized religion. However, being influenced by the devil, the Native Americans could not discern the law of nature and so the worst crimes against nature—sodomy, human sacrifice, and cannibalism—constituted acceptable practices in their societies¹³. A similar conclusion was made by Bernal Díaz del Castillo in his *Historia verdadera de la conquista de la Nueva España*. The Spanish chronicler marveled at the novelty and organization of the indigenous people of the New World, but

¹² López de Gomarra wrote a negative account of the Native Americans, but he also distinguished the customs of these people. The people of Nicaragua were described as «mentirosos, noveleros, haraganes; empero muy obedientes a su señor. Son muy lujuriosos». Differently, the inhabitants of the Yucatán were portrayed «como muy esforzados...ponense grandes plumajes... No dan grandes batallas, sino hacen grandes cumplimientos». Although López de Gomarra assumed the negative description of the Indians made by Fray García de Loaliza: «Los hombres de tierra firme de Indias comen carne humana, son sodomitas más que generación alguna, no guardan verdad sino en su provecho; son inconstantes...», López de Gomarra defended their natural liberty because «justo es que los hombres que nacen libres no sean esclavos de otros hombres, especialmente saliendo de la servidumbre del diablo, por el santo bautismo». F. LÓPEZ DE GOMARRA, *Historia General de las Indias. Vida de Hernán Cortez*, Biblioteca Ayacucho, Caracas 1979, pp. 78, 293, 310-311.

¹³ «Era esta tierra un traslado del infierno, ver moradores de ella de noche dar voces, unos llamando al demonio, otros cantando y bailando...procuraban comer carne humana de los que morían en el sacrificio, y ésta comían comúnmente los señores principales y mercaderes, y ministros del templo, que a la otra gente baja que le alcanzaba el sacrificio». F. T. BENAVENTE, *Historia General de los Indios de la Nueva España*, Editorial Porrúa, México D.F. 2007, pp. 24-25.

he also expressed his disgust at the practice of cannibalism, human sacrifice, and idolatry among the Indians¹⁴.

One of the best accounts of the religion and custom of the indigenous people of Mexico was made by Bernardino de Sahagún. With his knowledge of Nahuatl language, the Franciscan clergyman gave a detailed description of the ancient religion and myths of the Aztecs, but he also criticized their offenses to God and declared these customs to be a result of the devil's influence. The lack of contact with Christianity permitted the devil to deceive the Indians and make them perceive mortal sins as good¹⁵.

For the Spanish clergymen who sailed to America, tended to see Native Americans in a positive way. They were considered as rational men capable of creating organized societies. However, another predominant view represented by Juan Ginés de Sepúlveda, attributed Native Americans with the features of natural slaves, according to Aristotle's theses on natural slavery. For Sepúlveda, the Native Americans, including the most civilized among them, the Aztecs, showed a lack of control over their passions, a lack of prudence and of deliberative reason. They were ruled by tyranny and ignorance. Their behavior showed a predominance of passion over reason in the face of the Spanish foreign invader and a lack of any civil virtue. More important, if the Spanish left the Native Americans to live free, they would continue to commit aberrations such as cannibalism and other crimes against nature¹⁶. The Native Americans' crimes against nature constituted

¹⁴ In numerous passages, Bernal Díaz del Castillo referred to the cannibalism and human sacrifices in New Spain. For example, in Cempoala, Díaz del Castillo accounted that the Indians «cada día sacrificaban delante de nosotros tres o cuatro o cinco indios, y los corazones los ofrecían a sus ídolos, y la sangre pegaba por las paredes, y cortábales las piernas y los brazos y muslos, y comían como vaca que se trae de las carnicerías de nuestra tierra...». B. DÍAZ DEL CASTILLO, *Historia Verdadera de la Conquista de la Nueva España*, Editorial Porrúa, México D.F. 2009, p. 87.

¹⁵ For Bernardino de Sahagún, it was surprising that sophisticated cultures like the Aztecs and others committed hideous crimes against nature in their everyday lives. For Sahagún, the only reasonable explanation was the deceitful work of Lucifer. In his *Historia General de las Cosas de Nueva España*, Sahagún declared: «Síguese que Huitzipolochtli, no es dios, ni tampoco Tlaloc, ni tampoco Quetzalcóalt... Oh malaventurados de aquellos que adoraron y reverenciaron a tan malas criaturas, y tan enemigo del género humano como son los diablos y sus imágenes y por honrarlos ofrecían su propia sangre y la de sus hijos, y los corazones de los prójimos, y los demandaban con gran humildad para todas las cosas necesarias, pensando falsamente que ellos eran poderosos para darles todos los bienes y librarlos de todos los males». B. de SAHAGÚN, *Historia General de las Cosas de Nueva España*, Editorial Porrúa, México D.F. 2006, p. 57.

¹⁶ J. A. FERNÁNDEZ-SANTAMARÍA, *The State, War and Peace*, Cambridge U. Press, Cambridge 2008, p. 202.

a powerful incentive to use force against them. For Sepúlveda then, the Native Americans' sins forfeited their rights to *dominium* over lands and governments. To prove this point, Sepúlveda resorted to Canonical right¹⁷. The war waged against the Native Americans was, therefore, divine punishment for their sins¹⁸.

For Sepúlveda, the Native Americans' imperfect knowledge of the law of nature made them inferior to civilized men. The uncivilized Indians were devoid of rational faculties and rights such as *dominium*. As a result, the Spaniards could freely occupy the territories in America, because *de jure* these lands could be considered empty. Furthermore, as Sepúlveda pointed out, «the Spaniards had a perfect right to rule over the barbarians who in prudence, talent, virtue, and humanity are inferior to the Spaniards, just as children are to adults, women to men, the savage and cruel to the mild and gentle, and the grossly intemperate to the very reserved»¹⁹.

In the opinion of the Utopian reformist Vasco de Quiroga, the inability of the Native Americans to create political communities was due to the fact that Native Americans still lived in a feral state without any «policía»²⁰. As Native Americans did not develop a life sanctioned by good laws, they did not have mechanism to reinforce justice and punish cannibalism and human sacrifices²¹.

17 «Así pues, por el testimonio de la Historia Sagrada y los Sagrados Doctores, se deduce que a estos bárbaros en estricto derecho, por su impiedad, se les podría privar de la vida, de las tierras y de todos los bienes para justo castigo». J. G. de SEPÚLVEDA, *Apología*, Editora Nacional, Madrid 1975, p. 64.

18 «Pues bien, a una nación así puede parecer favorable esa tesis de los modernos teólogos que antes citaste, en la causa de la guerra, cuando dicen que la infidelidad no constituye culpa para que, con intención de castigo, los príncipes cristianos en justicia puedan atacarle con las armas...del mismo modo sabemos que muchas naciones fueron arrastradas por completo por los ejércitos de los hebreos con el consentimiento de Dios, por crímenes cercanos a la infidelidad, y especialmente por estos dos que más se engolfan esos indios: el culto a los ídolos y la inmolación de carne humana». J. G. de SEPÚLVEDA, *Democrates segundo*, Excmo. Ayuntamiento de Pozoblanco, Salamanca 1997, p. 73.

19 Ibid.

20 «...no podría faltar el poder y dominio regitivo, regulativo y ordenativo que dice Gerson, que la cristiandad y sus cabezas tienen en caso de necesidad y de evidente utilidad como ésta sería, y es así para su conservación como para su buena conversión e instrucción, como para la bastante sustentación de la gente española que ha de residir en la guarda y defensa de la tierra, porque quererse ordenar de manera que los súbditos quedando miserables, agrestes, bárbaros, divisos e derramados, indoctos, salvajes como de antes...sería una especie de tiranía». V. de QUIROGA, *Pensamiento Jurídico. Antología*, Fondo de Cultura Económica, México D.F. 1986, p. 111.

21 A. PAGDEN, *Spanish Imperialism and the Political Imagination*, Cambridge U Press, Cambridge 1990, p. 17.

2. Francisco de Vitoria's opinion on crimes against nature

After the conquest of Mexico, the Spaniards encountered empires with a recognizable political and economic life. The Aztecs (and later the Incas) lived in cities and had recognizable laws and political forms of government. Therefore, in opinion of many Spanish scholars, they formed political societies and held natural rights over their liberty and goods. According to the School of Salamanca, even those who lived in a state of nature enjoyed the same natural rights as those who lived in civil communities. The conquest of America could only be legitimized by demonstrating that Native Americans had forfeited their natural rights by their own actions²².

The most important of the Spanish scholars who confronted the problems of the conquest of America was Francisco de Vitoria. For him, the reason why the Native Americans appeared little better than brute animals was their poor education, though it also appeared obvious that they did try to rule themselves with some rational order. In other words, the primitive education of the Native Americans became an obstacle to their ability to understand completely the principles of the law of nature and to distinguish proper from improper food. But even if the Native Americans were guilty of several mortal sins, these were offenses against God and could not justify waging war against the American-Indians or revoking their dominium²³, since all nations are guilty of these crimes²⁴.

In Vitoria's opinion, for a Spanish king to punish sin on God's behalf would be a tacit acceptance of the Protestant doctrine that a sinner's dominium could be revoked. Nevertheless, in *de Indis* Vitoria accepted that intervention and even force were necessary in the case of crimes against innocent people²⁵. The

²² Ibid.

²³ Ibid., p. 22

²⁴ «Y en cuanto a los pecados mortales hacen una distinción: dicen que hay algunos pecados, que no van contra la ley natural sino sólo contra la divina positiva; por estos últimos no se puede hacer la guerra a los bárbaros. Pero otros son pecados contra la naturaleza, como el comer carne humana, el concubito indiscriminado con la madre con las hermanas o con varones; por estos pecados si puede hacerse la guerra para obligarles que desistan a estas prácticas. La razón de este doble criterio es que en relación con los pecados que van en contra de la ley positiva no se les puede demostrar que obran mal. Pero en cuanto a los que van en contra de la ley natural puede demostrarseles que ofenden a Dios y, por consiguiente, se les puede obligar a que no le ofendan más». F. de VITORIA, *De indis prior. De potestate civile*, Tecnos, Madrid 2007, pp. 118-119.

²⁵ «...puede obligarse a los bárbaros a que renuncien a tales ritos; y, si se niegan, por esa razón puede declararsele la guerra, y ejercer los derechos de guerra contra ellos». Ibid., p. 145.

existence of human sacrifice and cannibalism in Indian society could warrant the removal of their dominium²⁶. In Vitoria's opinion, cannibalism in rational men, as the Native Americans appeared to be, might be due to a variety of contingencies—the customs and deceitful machinations of Satan, for example. This contingency could produce false deductions and, therefore, irrational thinking in a group of men who attempted to follow the law of nature. These false deductions would produce a failure to distinguish between what is fitting food from what is not²⁷.

3. Alonso De La Veracruz's Discussion on the Rights of native americans

Vitoria's pupils also discussed the reasons to revoke the dominium of the Native Americans. This was the case of Alonso Gutiérrez, who later adopted the surname de la Veracruz in 1536. As Burrus has remarked, Alonso had an advantage over scholars who had never sailed from Spain, because he shaped his knowledge of the Native Americans from personal experience²⁸. He lived and worked among the Native Americans for more than 17 years before he composed his most famous lecture *De dominio infidelium et iusto bello*, composed between 1553 and 1556. Nonetheless, the influence of Francisco de Vitoria is clearly visible in Alonso de la Veracruz's thought²⁹.

Alonso de la Veracruz discussed the causes for declaring a just war against the Native Americans. Again in agreement with Vitoria, he arrived at the conclusion that the only reason to declare war against the Native Americans was their violation of the *ius communicationis*. To be specific, the only justifiable case was obstruction of the Catholic faith by violent means. For example, when a pagan Indian ruler prevented the spread of the Christian faith, he was considered a traitor to the common good and could be revoked from office³⁰. Otherwise, before considering any intervention into the political affairs of the Native Americans,

²⁶ «Y, si de otra manera no se pueden abolir los sacrílegos ritos, se puede destituir a los señores y establecer un nuevo gobierno». Ibid.

²⁷ A. PAGDEN, «The forbidden food...», cit., p. 23.

²⁸ E. J. BURRUS, «Alonso de la Veracruz's defense of the American Indians», *The Heythrop Journal* 4 (1963) 225.

²⁹ C. ROVIRA, «Relación entre la parte tercera de la lección *Sobre Indios* de Vitoria y la cuestión VI del tratado *De iusto bello contra indos* de Alonso de la Veracruz» in C. PONCE HERNÁNDEZ, *Innovación y Tradición en Fray Alonso de la Veracruz*, U.N.A.M, México D.F. 2007, pp. 155 ss.

³⁰ «Se sigue...que si hubiera algún rey, tal fiel como se quiera, o algún señor en los temporal que impidiera a los predicadores predicar la palabra de Dios...se sigue, digo, que podría el sumo

the Spanish had to communicate with the Native Americans, according to the *ius gentium*.

Based on his firsthand experience, Alonso de la Veracruz could state that the polities of the Native Americans, even if they looked backwards and bizarre to the Europeans, constituted true political associations. The Native Americans attempted to regulate their morality with laws; they punished crimes and, moreover, they had some form of primitive economy. In this sense, despite their backwardness, these communities fulfilled the goals of men.

Alonso de la Veracruz asserted that the only human authorized to change the government of the Indians was the Indian community itself, because *el pueblo* constituted the ultimate source of political power with the authority to reject or elect a governor. For Alonso, this was a natural right, especially useful when the governors acted tyrannically³¹. If experience proved that the Native Americans were ruled by a recognizable form of government, only the Indians as a community could change their native *caciques*, but they also could legally reject Spanish authority. If the Spanish Crown wanted to legitimize its rule, the Native Americans had to give the *potestas* voluntarily and by peaceful means.

Aquella república puede elegir alguien de entre ellos mismos para que reine, éste, así elegido, será verdadero rey y tendrá justamente dominio. Luego con la misma razón podrá elegir a algún extraño...como la república misma y la provincia tienen en sí incluido tal dominio, podrán transferir ese derecho a quien ellas quieran. Y eso consta tanto por el derecho natural como por el derecho de gentes³².

When Alonso examined how Spanish colonization was conducted, he realized that the American Indians had not expressly accepted Spanish authority; neither had they committed actions that might have suspended their natural rights. Therefore, Spanish colonization was done on an illegal basis, because, based on

pontífice, por la potestad que le fue conferida por Dios, disponer de aquel reino...y podría llevar las armas contra él, y dar el dominio a quien rigiera y gobernara para el bien de sus súbditos y no cometiera tiranía. Y tal gobernante tendría potestad legítima, por más que se opusiera el despojado». A. de la VERACRUZ, *Sobre el dominio de los indios y la guerra justa*, trad. R. HEREDIA CORREA, U.N.A.M., México D.F. 2007, p. 121.

³¹ «Si la república no pudiese entregarse a otro contra la voluntad de su rey, sería sobre todo porque se hiciera injusticia al rey. Pero ninguna injusticia se le hace si reina tiránicamente, no tiene derecho legítimo ni derecho a gobernar. Por tanto, se sigue en tal caso la república puede transferir a otro el dominio aun contra la voluntad del rey». *Ibid.*, p. 183.

³² *Ibid.*, p. 180.

his personal experience, Alonso could see how the Spanish colonists had imposed a tyrannical rule on the Native Americans without their consent through the institutions of the *encomienda*. In this case, Native Americans had the natural right to resist Spanish rule, since this government was affecting their common good.

4. Law of nature, cannibalism and religion

Alonso wanted to dismiss one of the principal criticisms of the Native Americans: the lack of civic life or the barbarism of Mesoamerican cultures³³. He confirmed that Native Americans «had laws, in their own way, since they punished adulteries and weren't so dissolute, without any restraint in their nature or form of government»³⁴. This means that Native Americans were ruled by recognizable political regimes, such as monarchies and aristocracies³⁵. For Alonso, all these hints proved that Native Americans were not just rational men, but they were capable of handling dominium and also of creating political regimes that sought the common good of their inhabitants. If the characteristics of these regimes seemed odd or tyrannical to the Europeans, they still had to respect them. As Alonso said, the political conventions of the Native Americans should not interest the king of Castile.

...consta clarísimamente que entre estos naturales había un régimen encaminado al bien de la república, y que sus señores eran verdaderos señores...Sin embargo, no negamos que habían muchas cosas del pueblo llano fuera de norma, porque, como los señores eran infieles, gobernaban al pueblo llano tiránicamente en muchos aspectos. ¿Pero qué importa esto al emperador cristianísimo?³⁶

For Alonso de la Veracruz, the only way to validate Spanish authority in America was for the American Indians to transfer freely the *potestas* to the Spanish king. In this sense, American Indians would maintain their natural rights and retain the ability to change their rulers in case they felt a threat to their common good. Finally, in case the Indians accepted the authority of the Spanish king, they would have the same rights as other Spanish citizens, although the Spanish king would acquire obligations to the American Indians.

³³ J. G. de SEPÚLVEDA, *Democrates Alter*, cit. p.?

³⁴ A. de la VERACRUZ, *Sobre el dominio*, cit., p. 144.

³⁵ *Ibid.*, p. 148

³⁶ *Ibid.*, p. 59.

For Alonso de la Veracruz, the government of the Native Americans might have appeared barbaric and strange due to their interpretation of the law of nature. Even if these principles were evident to rational creatures, they could be interpreted differently due to diverse causes. In other words, the notions of good and evil could be interpreted in distinct ways by two different cultures because the principles were not revealed explicitly by God. As a result, men would have diverse modes of sanctioning justice or recognizing liberty. For Alonso, authority exerted by the Native Americans over each other might seem tyrannical to outsiders but for them proved to be an adequate and just mode of rule.

Y así, si entre estos bárbaros el régimen de Moctezuma y de Caltzonzin era tiránico, hubo justicia en la guerra, de tal manera que no tuvieran legítimo dominio quienes antes lo oían. Ahora bien, si sucedió de esta manera, es decir, que gobernarán tiránicamente y no para el bien de la república, no me consta. Tal vez lo que parece tiránico a otra nación fuese conveniente y apropiado para este pueblo bárbaro, por ejemplo, que fuesen gobernados por sus señores mediante el temor y el autoritarismo y no por medio del amor³⁷.

With this, Alonso wanted to reply to Sepúlveda's argument that (1) the Native Americans' inability to deduce the principles of the law of nature rationally or to apply them in their lives³⁸ was what compelled them to accept cannibalism, sodomy, and other mortal sins and that (2) these behaviors, being sins against nature, provided the reason to wage a just war of conquest. The best way for Alonso de la Veracruz to demonstrate the falseness of Sepúlveda's arguments was his firsthand experience with the Aztecs and the Purépechas. For Alonso, sin constituted an act of will, which requires reason because the sinner is making a rational choice. If the Native Americans were capable of deciding between what is good and what is wrong, then they were capable of exercising dominium. In agreement with Vitoria, Alonso considered that pagans without the experience of Christian revelation were still able to exercise dominium because this only requires a rational soul³⁹. Further, based on his personal experience, Alonso de la Veracruz con-

³⁷ Ibid., p. 172.

³⁸ PAGDEN, *Spanish Imperialism and the Political Imagination*, cit., p. 15.

³⁹ «Es argumento en contrario que la potestad y dominio verdaderos no se fundan en la fe. Por tanto, puede haberlos en un infiel... Ahora bien, esta voluntad no pudo ser, y parece que de hecho fue, de transferir la potestad a uno solo para que gobernara. Por tanto, en él había dominio verdadero también en el tiempo de infidelidad; porque la fe, que es derecho divino, no quita ni confiere dominio, que es del derecho de gentes». A. de la VERACRUZ, *Sobre el dominio*, cit., pp. 52-53.

firmed that the Native Americans were able to distinguish between what is good and what is bad and, therefore, the Spanish should approach the Native Americans as rational men and not treat them like idiots or small children⁴⁰. On a theoretical basis, Alonso did not accept the thesis common among canonists that idolatry and mortal sins provided the legal basis for a just war.

In the case of cannibalism, Alonso de la Veracruz remained cautious before making any judgment. For him, the most important thing was to understand the conditions in which cannibalism and human sacrifices were committed. The Purepechean and Aztec nobility permitted Alonso de la Veracruz to observe and understand their religious practices. In his accounts, he discovered that cannibalism and human sacrifices were perpetrated only against prisoners of war and criminals, but never against innocent people. In these cases, Alonso suggested that cannibalism and human sacrifices could not be called sins. Further, in a surprising move, Alonso de la Veracruz affirmed that since these individuals were condemned to die, the Indians were free to do what they wanted with their flesh. Therefore, cannibalism and human sacrifice did not constitute a case for waging a just war against them.

Si alguna causa justa de guerra puede darse, sería sobre todo porque son antropófagos, que comen carne humana y tienen en esto sus delicias, como se dice de los naturales del Nuevo Mundo. Pero esto no basta para justificar la guerra. Esto es manifiesto. Porque comían las carnes de aquellos de aquellos que eran capturados en la guerra, los cuales también eran sacrificados. Pero esto se hacía sin injuria de nadie. Porque tales individuos eran siervos y pasaban a poder de sus captores. Podían, pues, sin injuria de nadie comer sus carnes, que podían arrojar a los perros o ser consumidas por el fuego⁴¹.

If the Spaniards could prove that some of the American Indians used innocent people in their bloody rituals, then it was possible to declare a just war against them because «si quis videret innocentem occidi et non liberaret si posset, mortalitè peccaret. Ergo teneret eum liberare»⁴².

⁴⁰ «Porque estos habitantes del Nuevo Mundo no sólo son niños ni amendes, sino que a su manera son destacados, y hay entre ellos a lo menos algunos que a su manera son destacadísimos...si ellos fuesen incapaces, como niños y amendes, se sigue que no podrían pecar, y así todos los vicios, lascivia, borrachera, concúbito libre, incesto, sodomía, no se les podrían imputar más que a los brutos animales. Pero se les imputan, y con razón. Tienen, pues, uso de razón suficiente para pecar, y así, en consecuencia, son capaces de dominio». *Ibid.*, p. 148.

⁴¹ *Ibid.*, p. 156.

⁴² *Ibid.*, p. 174.

Despite this tolerance toward the practices of the Native Americans, Alonso does not accept the possibility of tolerating so-called offenses against nature. Based on divine and natural law, Alonso also recognized that men are not allowed to eat human flesh. Therefore, Spaniards needed to attempt to convince the Indians by peaceful means to change their barbaric customs. If they could be peacefully convinced, the Spaniards should not wage war against them, and thus they could conserve their dominium. But in case the Native Americans continued with their human sacrifices and cannibalism and there was no way to convince them to change their customs, the Spaniards could wage a war against them.

Nonetheless, Alonso considered it necessary to extirpate the custom of human sacrifice and cannibalism within Native American culture, especially when it was connected with religious practice and backed by the political authorities. But even if the Spaniards were obliged to evangelize the Indians in order to make them change their customs, they were not allowed to use force.

In Alonso's remarks, the Spaniards should be careful in their use of the Scriptures, because the dominium could not be revoked in cases of mortal sins. In the first place, Alonso affirmed that there was no explicit reference in the Scriptures or any other document that the Spaniards had the right to dominate and to enslave the Native Americans⁴³. In the second place, by grounding the dominium in the Christian faith, the Spaniards would tacitly accept the arguments of Protestant theologians such as Wycleff and the Waldensians who based the existence of the dominium in grace⁴⁴.

Further, based on his personal experience, Alonso de la Veracruz stated that mortal sins in the New World were not as frequent as the Spaniards thought because Native Americans had some restraint in their lives and, in their particular

⁴³ «Es argumento en contrario que la potestad y dominio verdaderos no se fundan en la fe. Por tanto, puede haberlos en un infiel...Ahora bien, esta voluntad no pudo ser, y parece que de hecho fue, de transferir la potestad a uno solo para que gobernara. Por tanto, en él había dominio verdadero también en el tiempo de infidelidad; porque la fe, que es derecho divino, no quita ni confiere dominio, que es del derecho de gentes». *Ibid.*, pp. 52-53.

⁴⁴ «...el dominio ciertamente fue introducido por el derecho humano, que emana de la razón natural; y la fe de derecho divino, que no suprime el derecho natural; por consiguiente, nadie por la sola infidelidad está privado de dominio». *Ibid.*, p. 136. «En efecto, algunos autores, y del número de los herejes, como aquellos llamados Waldenses y Wycleff, los juzgaron [a los infieles] privados de legítimo dominio, como lo también lo afirmaron de los fieles que vivían en pecado mortal, pues fundaban el dominio en la gracia misma, de la cual estaban privados los infieles, y también los fieles que vivían en pecado mortal». *Ibid.*, p. 151.

way, imposed laws that punished some mortal sins such as adultery⁴⁵. In many cases, the resistance to adopt European customs and Christian religion, might have been due to the people in charge of their evangelization and could not constitute a *casus belli*. In the first place, in Alonso's opinion, the Catholic faith should not have been imposed by armed men. In the second place, the first Christians in the New World should have strictly followed the Scriptures, but instead they acted in an offensive way to the Indians. More important for Alonso, no person could be forced to accept some particular fait⁴⁶. Therefore, waging a war against the pagan Native Americans in order to expand the Christian faith was not a valid reason to conquer the native civilizations of America.

5. Conclusion

Alonso de la Veracruz remains a relatively unknown character compared to other more prolific writers such as Bartolomé de las Casas. However, I sense that the philosophical work of Alonso de la Veracruz provides a better philosophical base to the defense of the rights of the Native Americans. Philosophically, Alonso questions the right of depriving dominium to alien civilizations by force, even if the objective is to spread Christian doctrine⁴⁷. He also dismantles several of the arguments used by the Spanish conquistadors to enslave the Native Americans, including allegations of crimes against nature.

In their particular view on cannibalism, I must coincide with Ambrosio Velasco that Alonso de la Veracruz made a consistent critique of the Spanish Imperial project in the Indies within the framework of Thomist philosophy as

⁴⁵ «...estos naturales, aunque bárbaros, tenían de algún modo sus leyes, y castigaban a su manera los adulterios; y no eran tan disolutos que no hubiese algún freno, tanto según su naturaleza, como según su sistema de gobierno». *Ibid.*, p. 144.

⁴⁶ «En primer lugar, porque ése no es el modo de predicar y proponer la fe [mediante las armas], pues eso debe hacerse con seriedad y prudencia, y no a la ligera. Debe hacerse sin escoltas armados, y por medio de varones de tal condición, que confirmen con su vida la doctrina, o bien por medio de milagros producidos ante su vista. Estas cosas, digo, no se dieron en el principio del arribo a esta nueva tierra». *Ibid.*, p.142. «Si estos infieles [los indios americanos] admitieran a los predicadores y les permitieran evangelizar libremente, aunque no quisieran creer, por esta causa no pueden ser privados de su dominio por medio de la guerra...Esto es manifiesto. Nadie debe ser obligado a la fe. Ahora bien, someter a los infieles y privarlos de su dominio, a menos que crean, es obligar a la fe». *Ibid.*, p. 143.

⁴⁷ A. S. BURRUS, «Las Casas y De la Veracruz: su defensa de los indios americanos comparada», *Estudios de Historia Novohispana* 2 (1968) 19.

developed in Salamanca. As a result, he recognized the existence of different interpretations of the law of nature. Fray Alonso «recognizes that two distinct and distant cultures, such as the Spanish and the people of the New World, could follow the law of nature»⁴⁸. The Native Americans could accept Christian doctrine and their sovereignty through dialogue. Perhaps, as Velasco points out, after his experiences in the New World, Alonso developed a multiculturalists' position, which accepts the validity of alien cultures in the New World and respects different cultures and religions⁴⁹.

⁴⁸ A. VELASCO, «Fray Alonso de la Veracruz: fundador del republicanismo republicano», *Tópicos*34 (2008) 219-220 [My own translation].

⁴⁹ *Ibid.*