

point of fact the two opponents became so carried away by the strength of their desire to uphold their respective positions that the discussion degenerated into a dispute as to whether or not force could be used to evangelize the Indians.

At that stage of the process this truly exceptional controversy was a mind-clearing exercise, a new approach to tackling the New World issues that for so long had burdened the Crown and aroused so much passion in Spain.

The new approach was to lead a few years later to the drafting of the Laws on the Discovery, Resettlement and Pacification of the Indies, which Philip II handed down in Segovia on 13 July 1573. The new laws officially halted the system of conquest and ushered in a policy consisting essentially of pacification based on co-existence between the inhabitants, both Spaniards and natives. This was to become the cornerstone of Spain's rule throughout Spanish America henceforth until the American provinces eventually secured political emancipation from the monarchy.

Fernando Murillo Rubiera

ANNEX

MILESTONES IN THE DEFENCE OF DIGNITY
AND BASIC HUMAN RIGHTS
IN AMERICA

- | | |
|------------------|--|
| 20 July 1500 | Royal decree addressed to the King's retainer Pedro de Torres , ordering the release and repatriation of Indians brought to Spain from Hispaniola. The historian Altamira considered this document as the "first acknowledgement of the respect due to the dignity and freedom of all men, however ignorant and primitive they may be". |
| 30 November 1511 | Fourth Sunday in Advent. Sermon delivered by Friar Antonio de Montesinos in the church on the island of Hispaniola, in the presence of Diego Columbus and other island authorities, denouncing the land grantees' inhumane treatment of the |

Indians. He expressly proclaimed the Indians' human dignity and their intrinsic rights as rational and free beings.

- 27 December 1512 Laws of Burgos adopted by the special assembly convened by King **Ferdinand the Catholic** following information given by Friar Montesinos to the monarch in person. These texts contained the first legal provisions regarding proper treatment of Indians.
- 17 November 1526 Laws providing for humane treatment of Indians and regulating new conquests ratified by Emperor **Charles I** in Granada.
- May/June 1537 Promulgation by Pope **Paul III** of the bull *Sublimis Deus*, together with the bull *Altitudo divini consilii* and the papal brief *Pastorale officium*, in which the Church proclaimed the rationality of the Indians and their ability to receive the faith and the sacraments.
- January/June 1539 **Francisco de Vitoria's** two *relectiones* on the Indians delivered at the University of Salamanca: the first, *De indis prior* (around 1 January) dealt with the issue of the legality or otherwise of the conquest of the Indies; the second, *De jure belli* or *De indis posterior* (19 June), the rules governing the law of war.
- 20 November 1542 Promulgation in Barcelona by the Emperor of the New Laws, which provided for the abolition of the land grant system and proper treatment for the Indians.
- August/September 1550 Assembly of Valladolid, with the debate between **Bartolomé de las Casas** and **Juan Ginés de Sepúlveda**. The two opponents had been summoned by the Emperor following adverse reaction to the New Laws, in order to determine the principles and rules governing the propagation of the faith in the Indies ("whereby the Catholic faith was to be preached in

the New World and the peoples brought under the authority of the Crown”).

13 July 1573

Laws on the Discovery, Resettlement and Pacification of the Indies, handed down by King **Philip II** in Segovia. These represent the culminating point in the development of Spanish policy since the question of treatment of the Indians first arose in Burgos.

18 May 1680

Promulgation by King **Charles II** of a collection of material on the Kingdoms of the Indies. This marked the completion of the compilation started in 1560 through the initiative of the then Visitor, later President of the Royal and Supreme Council of the Indies, **Don Juan de Ovando**. The work comprised nine books containing all material relating to Indians or natives, and included references to the laws on natives found in other chapters and sections of the text. The entire body of law concerning the Indians could thus be found in one place.

Fernando Murillo Rubiera holds a doctorate in law from Madrid's *Universidad Complutense*. He was formerly on the staff of the Ministry of Foreign Affairs' Hispanic Cultural Institute, where he was the director of the Centre for Hispano-American Legal Studies and secretary of the Graduate Studies Centre. He gave courses on public international law at the Law Faculty of the *Universidad Complutense* and the Domingo de Soto College in Segovia, and taught international humanitarian law to doctorate students at the *Universidad Complutense* from 1974 to 1985. As international legal adviser to the Spanish Red Cross, he was a member of the Spanish delegation to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (Geneva, 1974-1977). He is a member of the Hispano-Luso-American Institute of International Law, and a correspondant of Spain's Royal Academy of Jurisprudence and Legislation and Venezuela's National Academy of History.