
'That they will be capable of governing themselves': Knowledge of Amerindian Difference and early modern arts of governance in the Spanish Colonial Antilles

History of the Human Sciences
2019, Vol. 32(3) 24–48
© The Author(s) 2019
Article reuse guidelines:
sagepub.com/journals-permissions
DOI: 10.1177/0952695119843716
journals.sagepub.com/home/hhs



Timothy Bowers Vasko

Barnard College of Columbia University, USA

Abstract

Contrary to conventional accounts, critical knowledge of the cultural differences of Amerindian peoples was not absent in the early Conquest of the Americas. It was indeed a constitutive element of that process. The knowledge, strategies, and institutions of early Conquest relied on, and reproduced, Amerindian difference within the Spanish Empire as an essential element of that empire's continued claims to legitimate authority. I demonstrate this through a focus on three parallel and sometimes overlapping texts: Ramón Pané's *Indian Antiquities*; Peter Martyr d'Anghierra's *First Decade*; and the first systematic attempt to govern colonized populations in the Americas, the Laws of Burgos. Not only did each text furnish the necessary material upon which the claims to intellectual, and so civilizational, superiority that were central to the justification of empire could be sustained. What is more, they transformed Amerindian difference from an object of knowledge into a subject of governance.

Keywords

anthropology, colonial governance, early modernity, humanitarian law, indigenous peoples

Corresponding author:

Timothy Bowers Vasko, Barnard College of Columbia University, American Studies Program, 221 Barnard Hall, 3009 Broadway Avenue, New York 10025, USA.

Email: tvasko@barnard.edu

Introduction

The 1492 collision of European explorers with the original inhabitants of the western hemisphere¹ remains a foundational allegory through which historians of the human sciences critically diagnose the violence of which the modern subject is capable when confronted by its 'other' (Cheyfitz, 1997; Grafton, 1995; Greenblatt, 1991; Hanke, 1994; Martens, 2016; Mignolo 2003, 2011; Seth, 2010; Todorov, 1999; Wey Gómez, 2007; Wynter, 1995). The existence of the so-called 'New World' so fundamentally threatened to dislocate the categories of knowledge that structured the explorers' civilization that the present state of the human sciences can hardly be understood without at least a rudimentary appreciation of the collision and its immediate effects on both sides of the Atlantic (Barrera-Osorio, 2010; Elliott, 1992; Gerbi, 2010a[1955], 2010b[1975]; O'Gorman, 1961). Consequently, the response to the 'shock of discovery' that took the form of European Christian violence toward Amerindians has been the occasion for a variety of contemporary scholarly attempts to critically address their respective fields' historical entanglements with that violence. However, it remains an open question whether, and if so when, how, and to what extent, those entanglements have been or can be undone (see, for example, Trouillot, 1995: 70–108; 2003: 7–46). Few variations of this question exhibit such contentiousness as that which interrogates the intersection between early modern discourses of anthropology, politics, and law in the context of Spanish imperialism and the Conquest of the Americas. It is this question with which this article is centrally concerned.

Conventional accounts of the intersection at issue typically take the form of studies of Thomist Natural Law doctrine during the 16th century, and how it was varyingly applied to questions of the Spanish rights of Conquest (Alland, 2009; Anaya, 2004: 15–31; Anghie, 2007: 13–28; Brading, 1996; Castro, 2005; Elliott, 1992; Grovogui, 1996: 11–77; Hanke, 1959; Hodgen, 1971; Pagden, 1986, 1998; Seed, 1995; Todorov, 1999; Williams, 1992: 74–103). Such studies are especially interested in the ways in which the question of the perceived humanity or inhumanity of the American Indians was staked out by various participants to that debate. Specifically, scholars have been concerned with the extent to which those debates turned on the degrees of 'barbarity', the rectitude of applying the Aristotelian doctrine of natural slavery to Amerindian populations in the Americas, and the ways in which Catholic understandings of heathenism, evangelization, and salvation coloured the variety of legal proposals for imperial governance and early versions of anthropological and humanitarian discourses that frequently informed such proposals. Scholars of these debates remain split over the question of which approach to Amerindian difference and humanity can be taken to be most representative of European Christian attitudes toward these matters during the 16th century. However, there remains a basic consensus in this literature that the Conquest of America can be said to mark the origin of a modern anthropological perspective, especially in matters of jurisprudence and governance, which attempted to cognize, recognize, and respond to cultural difference between different human populations.²

There are effectively two schools of thought on the meaning of this historiographic point of origin. For some, the emergence of the anthropological perspective in question is said to mark the genesis of humanism, humanitarian legal thought, and modern

cosmopolitan negotiations of difference as knowledges and arts of governance within and without 'the West'. This perspective is typically characterized as being, at a minimum, ecumenical, self-reflexive, and capacious to human difference, especially that of the Amerindians. At a maximum, it is said to be resistant, emancipatory, and wholly different from modernity to such an extent that, if properly appreciated, it will deliver humanity writ large from the immiseration of the modern condition partly inaugurated upon Columbus's landing in the western hemisphere. Another approach to these practices, however, has recently argued that because they were largely the products of Catholic mendicants and imperial agents interested above all in the success of the colonial enterprise, such efforts were disingenuous and unsuccessful at best, and thin veils for more malevolent motivations at worst.³ While each of these approaches to the period helps us to understand the profound importance of 16th-century Spanish imperialism to genealogies of modern thought and forms of governance, the basic assumption animating the divisions between these perspectives amounts to something of a false dichotomy: Either European Christian practitioners of anthropological, humanitarian arts of governance were genuinely concerned with the proper treatment of the original inhabitants of the western hemisphere, or they were cynically attempting to provide an alibi for the imperial mission through with no interest. In so doing, moreover, these persons were in fact actively engaged in an effort to eliminate Indian difference.

Strict adherence to either of these hermeneutic imperatives obscures as much as it reveals. This article demonstrates, by contrast, that the central question of early modern Spanish colonial rule was how to develop institutions that could respond to the objective problem of Indian difference. Indeed, discourses and institutions critical of colonial policy during the 16th century took Amerindian difference very seriously as the basis for understanding those populations as full human beings – that is, anthropologically. These discourses and institutions frequently solicited testimony from the Indians in order to determine which differences had to be recognized so as to be properly governed. In so doing, they frequently made space for what some today refer to as 'indigenous voices' in both knowledge production and policymaking. Nonetheless, such practices were always presented as essential, critical correctives that would legitimize continued claims to authority on the part of the Spanish Crown, the Catholic Church, and their (frequently overlapping) representatives over the lands and populations of the western hemisphere. In short, early modern practices of collecting and communicating knowledge of Indian difference were the primary arts that determined the success or failure of early modern Spanish colonial government.

This article substantiates this point by documenting the transformation of the figure of the Indian in European thought and law during roughly the first three decades of the Conquest of the islands that make up what are today referred to as 'the Caribbean' or 'the Antilles'. During that period, the Indian was transformed from an object of knowledge, the bearer of a difference that had to be understood, into a subject of governance, the embodiment of a degree of difference that worked as a helpful metric to determine the legitimacy and success of the colonial enterprise. I demonstrate this in the next two sections through readings of the first-drafted and most primary works concerned with this region and its original inhabitants during the period. The first work is a 1493 ethnography of the Taino people of the island of Haïti (later Hispaniola) written by the

Hieronymite monk Ramón Pané, who had accompanied Columbus on his second voyage across the Atlantic. While Pané is likely the first European to make Indian difference an object of knowledge, that difference did not come to be attached to the textual and legal valuations enabling the Indian to emerge as a subject of governance until 1504. This transformation occurred in the second work I examine, the first of eight *Decades* concerning the New World written by Peter Martyr d'Anghierra. Martyr was a scholar from Italy working in the employ of the Castilian court who was in regular contact with members of the Royal Council of Castile, the primary body tasked with administering affairs in the Indies. In his accounts, he explicitly and implicitly referred to Pané's work in order to ground his claim to know what had transpired and what was discovered during Columbus's voyages. Accordingly, through Pané's data, Martyr conceived for the court the ability to produce Indian subjects as *Indian subjects* – that is, in accordance with the specific attributes of difference by which they were characterized, within certain limits. Martyr's arguments, in turn, satisfied the court's desire to authorize the Spanish presence in and claim over the lands and peoples of the western hemisphere.

Consequently, the third and final section of this article goes on to trace the intensification of the form of anthropological knowledge of Indian difference in the 1512–13 Laws of Burgos. Explicitly proposed as a critical response to the mass death among the original populations of the western hemisphere catalysed by European Christians' arrival, the Laws had a two-pronged strategy. First, they sought to mitigate the corporeal damage done to the original inhabitants of the Antilles by the presence and practices of European Christians. Second, and in the course of that mitigation, they sought to cultivate subjects capable of governing themselves through both a Christian education and the accommodation of autochthonous sociocultural practices. Thus, the Laws and the knowledges that they drew from rendered the European Christian presence in the New World palatable to the royal court back in Spain, uneasy that it was betraying its claim as the *haut-lieu* of human civilization and righteousness in sending expeditions of unsavoury and frequently brutal colonists to carry the banners of Christianity and the Crown.

Focusing on the works and laws of this period offers a corrective to existing studies of the period that seek to place the exclusion and elimination of difference on one side of a dividing line separating those practices from the recognition, announcement, and celebration of that difference on another. Indian difference was not what was excluded in the course of early colonization; it was what was produced. It was produced through attention to the difference of the elemental aspects of Indian society, and the solicitation of the disclosure of that difference from Indians themselves. The production of Indian difference by European Christian observers was a response to their elimination and disappearance as a consequence of the presence of European Christians, a fact that threatened the legitimacy of that presence in and of itself. It was this productive aspect that characterized the Spanish attitudes toward Amerindians and justifications for Conquest, as much as those rightfully maligned aspects of exclusion, destruction, and negation that characterize much of the historical record of colonial governance in the Americas.

What follows is therefore a case study relevant to more general studies of the sciences through which the modern subject and the strategies for governing that subject have emerged. Accordingly, the following inquiry treats the moment, authors, and institutions

it examines as a discursive field stratified by contemporaneous, parallel, frequently mutually constitutive, sometimes diverging, and sometimes directly connected, enunciations, each of which is organized around and oriented toward the production of a specific object of knowledge. The result of that organization and orientation is the production of a specific form of subjectivity circumscribed by the constitutive elements that compose the object of knowledge as it emerges through varying enunciations about it (Foucault, 1982, 1994). In this case, that object of knowledge is the Indian, characterized by specific elements said to be constitutive of that object that were catalogued in the course of Pané's and Martyr's works. The Indian was thenceforth isolated as a unit of governance by the Laws of Burgos as a subject capable of both being conducted and conducting itself. Both enabling this process and contingent upon it, moreover, was the capacity for governors to properly identify in the governed a limit against which government must conduct *itself*, as the condition of possibility of reifying and legitimizing its claim to authority in the first place (Brett, 2010; Foucault, 2008, 2009; Hacking, 2006; Mamdani, 2012; Mantena, 2010). Consequently, examining the emergence of the arts of government in the early Antillean context adds crucial depth to the story of that phenomenon. It does so by demonstrating that a significant chapter in the story of these arts is that which took place in the Antilles in the first years of Conquest.

The production of the Indian as an object of knowledge

Ramón Pané has been referred to as 'the founder of American anthropology' (Bourne, 1906). His only known text, the *Indian Antiquities* (1999[1571]), is regarded as 'the first to attempt a careful description of the natives' of the newly acquired Spanish colonial territories (Hanke, 1935: 22). Less observed, but of equal significance, is the fact that the *Antiquities* catalogued many of the specific elements that would appear as constitutive characteristics of Indian subjectivity as it was produced and evaluated in Martyr's *First Decade* and intensified as a strategy of governance in the Laws of Burgos. Chief among those elements were the spiritual congruity of the Amerindians to European Christians; the Indians' capacities with letters and writing; the sociopolitical forms structuring Taino community life; the fundamental importance of strictly defined gender roles within those sociopolitical orders; the cultural practices sustaining those orders, the most important being the administration of medicine and the maintenance of social cohesion through dances and songs known as *areytos*; and central to all of this, the disclosure of this knowledge from Indian informants to European observers. By attending to the textual interplay of these themes in Pané's work, we can observe the initial phase of the process of the production of the Indian as an object of difference to be known and governed.

Comprised of 26 short chapters, the *Antiquities* focused exclusively on the Taino people inhabiting Haïti. The island itself was divided up into five distinct chiefdoms prior to Columbus's arrival, each with its own specific dialect within the family of Arawakan languages (Rouse, 1992). Pané related that, in the course of researching and drafting the *Antiquities*, he habited, conversed with, and evangelized at least two of these groups and their primary *caciques*, or chiefs. First was the *Macoris*, led by a *cacique* by the name Guanaoboconel, whose brother, Guaticabanu, was reportedly the first Indian to be baptized in the Americas, taking the name Juan. The second was a chiefdom of people

led by the *cacique* Guarionex, one of the first *caciques* Columbus had reported meeting on his arrival in the Antilles, according to Martyr (1912[1504]: 106; De Las Casas, 2002a: 450). On Pané's account, he was sent to these chiefdoms to evangelize and learn their languages – especially Guarionex's, as Columbus believed it to be the most widely spoken on the island – during a siege laid upon the fort of Magdalena by a third *cacique*, Caonabó.

Pané's text thus went into extensive detail in an effort to portray, as accurately as possible, the particularities of the Taino's beliefs as he ascertained them throughout his time in Guanaoboconel's and Guarionex's respective territories. As Pané (1999[1571]: 3) wrote, 'in observing the idols they keep at home, which they call *zemis*, they observe a particular manner and superstition'. Consequently, a significant proportion of the text was dedicated not only to providing the necessary background narrative for appreciating the specificities of the *zemis* behaviour, but also to cataloguing and explaining several significant *zemis* and their primary functions. Pané's text is not only remarkable for its chronological priority, however. It also demonstrates a quite alien and, to the contemporary reader, seemingly paradoxical set of scholarly sensibilities.

On the one hand, Pané evinced a tendency not only to emphasize the particularity of Taino society and customs, but indeed, to do so as accurately as possible. So pronounced was this tendency that, even as he chastised the Taino for the ignorance which, he concluded, followed from the beliefs that they held, Pané simultaneously said that he himself was guilty of 'knowing likewise' – that is, being ignorant of – the neighbouring peoples of the region (Pané, 1999[1571]: 4). Particularity and accuracy were here rendered, in effect, operative hermeneutic principles according to which Pané conducted his research and attempted to guide his readers in the understanding of the Taino that he wished to communicate. On the other hand, therefore, while this principle of particularity enabled Pané, as an anthropologist, to condescendingly comment upon what he took to be the 'absurdities' of Taino beliefs, it simultaneously rendered him ineligible to comment on anything but the immediate context in which he was performing and transcribing his observations.

Thus, Pané sought to reassure his readers of the superiority of Christendom by highlighting parallels between Christian dogma and Taino belief systems. In doing so, however, he transgressed his own internal hermeneutical principle of hyper-localized, particularistic understanding, in order to translate that understanding into terms that were cognizable and so assimilable into Catholic Christian consciousness. 'They recognize that there is in the sky . . . an immortal being, which no one can see', Pané wrote of the Taino, continuing that '[this being] has a mother and . . . he is not subject to any laws, and they have named him *Iocahuva* and they named his mother *Atabei*, *Iermao*, *Guacarapito*, and *Zuimaco*, which are five names' (1999[1571]: 8). This belief, for Pané, seemed to suggest the presence of an incipient and unrecognized Christianity, a kind of natural reason, in Taino beliefs and society. If nothing else, the formal position of the Godhead was acknowledged by the Taino, albeit in inaccurate and idolatrous modes. Although the Taino had incorrectly applied five names to the Holy Trinity, Pané concluded, their belief in an immortal, indivisible, and invisible Supreme Being who was the author and not the subject of the laws of nature, and born of a divine mother no less, made them ready candidates for conversion.

This was underscored by the fact that, on Pané's account, Guaticabanu/Juan was murdered by his compatriots for his having received the baptism along with his four brothers, and for this reason, the monk was 'sure he died a martyr'. This was not least because, Pané continued, 'I have learned from some who were present at his death that he said "*Dios naboria daca, Dios naboria daca*", which means "I am a servant of God"' (1999[1571]: 32–3). This, Pané argued, surely evidenced that many Taino were least amenable to European Christians caring for their souls and bringing them into the one true faith. Indeed, Pané wrote, Guaticabanu/Juan and the other Indians who converted to Christianity on the island did so 'because they were inclined to believe easily', though force might still be needed to convert some of the more obstinate holdouts. 'If someone were to ask me why I believe this business [of conversion] to be so easy', Pané affirmed, 'I will say I have seen it in my own experience and especially in a principal *cacique* named *Mahubiaïre* who has continued to be of good will for three years now, saying he wishes to be a Christian, and who wants to have but one wife, although they usually have two or three, and the principal men have ten, fifteen, and twenty' (ibid.: 38). Still, while Pané speculated quite positively on the possibility of Taino conversion, he tended to defer that possibility to a later, undetermined, point. It was first up to Pané to render their difference legible to the European Christians who would inevitably be tasked with converting the Indians. In this way, the Taino remained largely an object of knowledge for the monk.

Where the Taino readiness to believe the Word underscored the spiritual authority of the Catholic faith, the absence of textual literacy in their society worked, for Pané, as a necessary support for sustaining the epistemological superiority of the author and his narration over that of those persons he was observing. Pané maintained an outward commitment to accuracy and verisimilitude when confronted with the challenges of transcribing oral traditions, writing that 'because [the Taino] have neither letters nor writing, they do not know how to tell these fables well, nor can I write them well. Therefore, I believe that I put first what ought to be last and the last first. But everything I write, they tell it thus, in the manner I am writing it, and thus I set it down as I have understood it from the people of this country' (Pané, 1999[1571]: 11). However, Pané elsewhere betrayed the possibility of his having taken editorial liberties when he wrote that 'because they have neither writing nor letters, they could not give a good account of how they heard this from their ancestors, and therefore they do not all say the same thing, nor can anyone even write down in an orderly fashion what they tell' (ibid.: 8). It is quite likely then that Pané transcribed and, at a minimum, reorganized the testimony he received from his Taino informants in an order that he thought most fit for his European Christian readership. This, not least because determining the suitability of the Taino to the Catholic faith, and vice versa, was the primary purpose for Pané's project in the first place. In this way, we cannot read Pané's text as simply transmitting Indian difference. Nor can we simply understand it (as is often the case with texts of the 15th and 16th centuries more generally) as nothing more than an effort to identify similitudes (see, for instance, Foucault, 1994: 17–42; Pagden, 1986: 10–26). Instead, we ought to read Pané's documentation of the constitutive elements characterizing the Indian as the productive process through which an object of early modern anthropological knowledge emerged.

The object that emerged was an object of *difference* that might be aligned with certain points of similitude, but not reduced to them.

Accordingly, beginning with the Taino's origin story, which concerned the emergence of humans from a cave named Cacibagiagua high in the mountains of Haïti, Pané's ethnography sought to demonstrate that for the Taino, the relations between men and women, and the sociopolitical order of their society, were fundamentally knotted up with one another through the events that transpired after their ancestors had left the cave. Indeed, on Pané's account, much of the misfortune that subsequently befell the descendants of those who had left Cacibagiagua was the consequence of their progenitors' having broken a sacred oath to remain in the darkness of that cave, never to cross the threshold into the light. Crucial to the implementation of these punishments was the establishment of the division of men and women in Taino society.

This division involved, first, the portrayal of women as creatures easily seduced by the promise of a combination of earthly delights to which only beings more divine than they could provide access. The latter, however, would ultimately find themselves corrupted by the women they seduced. Second, this division also involved the establishment of political order among men in the wake of the women's absconding. As Pané related it, a *zemi* by the name of Guagugiona was said to have coaxed the women of Cacibagiagua out of the cave, telling them to 'leave your husbands and let us go to other lands. . . . Leave your children and bring only the plant [*digo*] with us, for afterwards we will return for [your children]' (Pané, 1999[1571]): 7). Accepting Guagugiona's invitation, the *zemi* took the women from Haïti to the island of Matinino (today Martinique), left them there, and himself went to Guanin. In his absence, Pané wrote, Guagugiona put the women under the leadership of the *cacique* named Anacucagia, who also happened to be his father. Upon returning, Guagugiona tricked Anacucagia into seeking out a beautiful *cobo* (sea snail) they had both noticed lingering in the shallows, only for Guagugiona to pick up his father and cast him into the sea. Departing Matinino once again for Guanin, Guagugiona left the island populated only with women, their existence there serving solely to fulfil his own pleasure (ibid.: 9–11).

Accordingly, on Pané's (re)telling, the formation of Taino sociopolitical systems was the direct result of the women's lasciviousness and dupability that resulted in their constitutive exclusion. Not only did Guagugiona's luring of the Taino women to Matinino result in the installation of the chieftain system on that island under the leadership of his father Anacucagia. What was more, the resulting struggle between the two men over this singular seat of dominance left a society of exclusively women both an exception to the rule, and additionally only possible to the extent that it existed at the pleasure of a man. Indeed, the men back in Haïti were forced not only to reconstitute their society, but to refashion the entire female sex out of mysterious, sexless spirits that a group of hunters had watched form out of the rainwater in the forest (Pané, 1999[1571]: 7–8). Thus, Pané rendered an image of Taino society that was fundamentally centred on the authority of men and the necessity of a rigid code of conduct for its women.

If women fared the worst in Pané's interpretation of the Taino's oral traditions, their sociopolitical order did not fare much better. Indeed, Pané's *Antiquities* portrayed Taino society as led by and ordered around the corrupt and exploitative influence of its priestly class. This, in addition to their purported illiteracy, served as the moral, spiritual, and

political basis upon which Pané judged the Taino to be an inferior society. In a chapter titled ‘Concerning whence [the Indians] deduce this and who leads them to hold such a belief’, Pané went to great lengths to stress to his readers the unsavoury nature of the Taino’s sociopolitical structures. ‘There are some men who practice medicine among them, named *bohuti*’, Pané reported. In doing so, they engaged in a litany of deceptions which gave the people to believe that these medicine-men conversed with the dead. Thus, these *bohuti* led the people to believe that they knew all of their intimate secrets. For these and related reasons, Pané reported, these were the men to whom the Taino turned when they fell ill, mistakenly believing that they had the power to cure people’s maladies (1999[1571]: 19–23). Moreover, he noted, ‘just as the Moors, they have their laws gathered in ancient songs [*areytos*] by which they govern themselves, as do the Moors by their scripture’. Indeed, Pané argued the *caciques* were especially prone to ‘believ[ing] in these fables with greater certainty than the others’ (ibid.: 20), though he did not specify why this was the case.

The significance of Pané’s account of the corporeal dimensions of sociopolitical power in Taino society, in addition to its highlighting the centrality of the *areytos* for the maintenance of social cohesion, will need to be borne in mind. This is because, as we will see, not only did the Laws of Burgos take as one of their central priorities the corporeal care of the Indians that were to be organized into its *encomienda* system, in addition to their evangelization, but they also made a brief but important accommodation for the continued observance of *areytos*. Thus, somewhat paradoxically, as the strategies of Indian governance and, ultimately, self-governance, sought to replace the foundations of the autochthonous authorities as reported by Pané, they simultaneously relied upon specific elements of Indian difference that Pané had indexed and narratively produced, such as the *areytos*. In other words, in order to make Indians similar – that is, Christians – it would henceforth be necessary for their differences to be known and, to some extent, respected.

Thus, through his simultaneous claims of a careful and accurate recording of Taino beliefs and structures, alongside his possible reordering of their narration as he received it according to his perception of what an appropriate order for such narration might have been, Pané *produced* Indian difference, in and of itself, as an object of early modern anthropological knowledge. Indeed, it was on the basis of this experience and the narrative reordering of it by its author that Pané’s work gained currency shortly after it was received back on the Iberian Peninsula, in particular by Peter Martyr. It was Martyr who would utilize the testimony that the monk had solicited to both substantively and formally reproduce a depiction of the Indians as a subject both critical of and conducive to the legitimacy of Spanish and Catholic authority in the western hemisphere. In doing so, moreover, he would attach a critical political value to the Indian subject as the condition and the limit of colonial governance.

The emergence of the Indian subject

Martyr’s great innovation in his first *Decade* was his use of the knowledge of the Indians as the basis of a critical stance against contemporary colonial policies. Martyr thus positioned the Indian as a subject of governance whose mismanagement forestalled the

productive governance of those peoples as subjects of both the Church and the Crown. Crucially, Martyr elevated Indian testimony as an essential element of the conceptualization of a general humanity, both overt and opaque, that subject would henceforth represent through the differences he disclosed. While Martyr never visited the Antilles himself, therefore, it is important to position him as a key figure in the early modern formulation of anthropology, to the extent that he sought to extrapolate and convey the *meaning* of the similarities and, just as importantly, the *differences* that constituted the Indian as a particular kind of human subject.

Unlike Pané's strict focus on Taino life in the *Antiquities*, Martyr's *First Decade* (1912[1504]) developed an image of the populations encountered in the 'New World' as a narrative supplement to his chronicle of the exploits of Columbus and the men who followed him across the Atlantic. In order to draft this text, Martyr claimed to have had access to first-hand accounts from the Admiral and other participants in the expeditions across the Atlantic. However, Pané's *Antiquities* seems to have been Martyr's primary source of information on the Indians, and indeed, the only source beside Columbus he saw fit to mention by name. Martyr accordingly followed Pané in advocating for the importance of accurately and truthfully knowing Amerindians. But if Pané largely saw the Indians as seriously corrupt, though still eligible and capable of conversion into Christianity, Martyr was more ambivalent. To be sure, the chronicler sometimes viewed the Amerindians as the heathen simpletons that Pané portrayed. As Martyr wrote in the introduction to his summary of the *Antiquities* (the recounting of which would otherwise be a rather unedifying and turgid enterprise), 'these things [that Pané described] are only the fancies of the islanders; nevertheless, though fanciful, they are more interesting than the true histories of Lucian, for they really do exist in the form of beliefs, while the histories were invented as a pastime; one may smile at those who believe them' (*ibid.*: 167). Nonetheless, the reader will here note the seriousness with which Martyr advocated that his audience consider the Taino's 'fancies' as 'really exist[ing]' beliefs. This was indeed the attitude with which Martyr presented his readers with a thorough catalogue of the proper names for, and so the categorical difference between, 'good Indians', with societies characterized by centrifugal and hierarchical structures of authority, and 'bad Indians', with no discernible sociopolitical order and who practiced cannibalism. Relatedly, Martyr established a strict evaluation of the good and/or evil of different Indian communities as this related to their treatment of women.

Ultimately, by re-presenting the anthropological information he had extracted from Pané, Martyr rendered these peoples potential subjects capable of conducting themselves and, in turn, setting legitimizing limits on the conduct of Spanish authorities as well. Thus, 'absurd' though he may have held the Taino beliefs reported by Pané to be, Martyr can be read as having also held a decided sympathy, if not outright admiration, for the Indians. Indeed, the grounds for such an estimation relied largely upon the anthropological data that Pané's account both explicitly and implicitly supplied. Here, we only need look at how Martyr narratively used Indian testimony in order to make more sweeping generalizations about and comparisons between both Taino society and Martyr's Europe. To this end, Martyr (1912[1504]) painted a scene in which, 'assisting at mass one day, Columbus beheld a man eighty years old . . . coming towards him, accompanied by a number of his people. During the rest of the ceremony this man looked on full of

admiration; he was all eyes and ears'. After the end of the ceremony, Martyr wrote, the man presented Columbus with a basket of native fruits, before launching into the following soliloquy:

It is reported to us that you have visited all these countries, which were formerly unknown to you, and have inspired the inhabitants with great fear. Now I tell and warn you, since you should know this, that the soul, when it quits the body, follows one of two courses; the first is dark and dreadful, and is reserved for the enemies and the tyrants of the human race; joyous and delectable is the second, which is reserved for those who during their lives have promoted the peace and tranquillity of others. If, therefore, you are a mortal, and believe that each one will meet the fate he deserves, you will harm no one. (ibid.: 103)

Such a scene was doubtless, in the first instance, carefully designed and deployed by Martyr to underscore to his reader the heroic characteristics of Columbus and his expedition, especially in the admiral's mission to care for the souls of the Indians, such that they could exalt and expand the faith. Indeed, such a rhetorical move was not only common to Renaissance chroniclers of Martyr's level of education, but was to be regularly repeated by inheritors of his works in the later 16th century, among whom numbered Las Casas, de la Vega, Michel de Montaigne, and Alonso de Ercilla (Brading, 1996; Cochrane, 1998). But as contemporary celebrations of those later authors' works have demonstrated (Cheyfitz, 1997; Elliott, 1992; Pagden, 1986; Todorov, 1999), portraying the Indians in this way also worked, for Martyr (1912[1504]), to position the author himself as a privileged observer of the 'goodness' or 'badness' of their true nature, as their own words would indicate. Conversely, the author was also from here on capable of evaluating the 'goodness' or 'badness' of European civilization itself when considered alongside that of the Amerindians.

Accordingly, Martyr followed this lionization of Columbus as a defender of the meek and a crusader of the faith, writing that

it is proven that amongst [the Indians] the land belongs to everybody, just as does the sun or the water. They know no difference between *meum* and *tuum*, that source of all evils. It requires so little to satisfy them, that in that vast region there is always more land to cultivate than is needed. It is indeed a golden age, neither ditches, nor hedges, nor walls to enclose their domains; they live in gardens open to all, without laws and without judges; their conduct is naturally equitable, and whoever injures his neighbour is considered a criminal and an outlaw. They cultivate maize, yucca, and ages, as we have already related is the practice in Hispaniola. (1912[1504]: 103)

In this regard, the chronicler transformed the Indian and his difference from the *object* of knowledge into the *subject* of colonial governance in the Antilles. Martyr thus gave the knowledge about all matters of Indian life an overt moral and political valence. In this way, Martyr seemed to suggest that, when properly understood, the very difference of those matters in life could not but indict the behaviours of European Christians in the New World, inviting colonial authorities to devise better laws and practices according to the grounds such knowledge offered.

It was significant, too, that the above passage concluded with Martyr's reference to the Taino vocabulary of *maize*, *yucca*, and *ages*. Martyr had already catalogued these and other quotidian practices and the names for them in the first letter of the *Decade*. Martyr's ability to catalogue and explain the Indians' vocabulary, in fact, established very early on in his letters his ability to reliably distinguish those Indians who could not only receive the faith but point European Christians toward their own purer practice of it, as his critique suggested. It was to this end that Martyr established, and throughout his text returned to, the significant contrast between the orderly *Tainos* and the man-eating *Caraibes*. Indeed, Martyr (1912[1504]: 81) put it succinctly when he wrote that the name *Taino* itself signified, at least for the Europeans, 'good men and not cannibals', the latter appellation of *Caraibes* therefore being reserved for those who engaged in anthropophagy.

Especially important, for Martyr, to the distinction between good and bad Indians was the presence or absence of cannibalism (and so the related capacity to receive the word of God), as well as the presence or absence of centrifugal and hierarchical forms of sociopolitical authority in Taino society that were relatively recognizable as 'kingdoms'. Here again, proper names mattered greatly. In the second letter of his *Decade*, after describing how the lines of communication between the natives and the Europeans had been opened up, Martyr was able to report to his readers that '*cacique*' was in fact the more general name which referred to kings in the natives' language. Indeed, such progress had been made by this point that, when describing a *cacique* named 'Cacique Caunaboa' (who, it will be remembered, laid siege to the fort of Magdalena during Pané's tenure on the island), Martyr was able to translate the man's name for his readers as 'the Lord of the Golden House; for in their language *boa* is the word for a house, *cauna* for gold, and *cacique* for king, as I have above written' (1912[1504]: 82).

Martyr also extended the inferential entanglements between Taino sociopolitical forms and gender divisions that Pané had traced in his *Antiquities*. This, for Martyr, demonstrated the extent to which native hospitality or hostility was mediated through the women of these societies. This occurred, for instance, in one of the most important moments in which Martyr (1912[1504]) recalled Pané's work. Importantly, this occurred when the chronicler inserted into his narrative an echo of the Taino fable recounted by Pané of Guagugiona luring the women of Haïti to Matinino. Writing of the island of 'Madanina . . . inhabited exclusively by women', which Columbus had visited during the course of his second expedition, of which Pané was of course a participant, Martyr curiously identified as the source of this information neither the admiral nor Pané himself. The source, wrote Martyr, was instead one of the Indians that the admiral and his men had taken captive the previous year before returning to Spain from their first voyage. 'The cannibals', Martyr thus relayed, 'went at certain epochs of the year to visit these women, as in ancient history the Thracians crossed to the island of Lesbos inhabited by the Amazons. When their children were weaned, they sent the boys to their fathers, but kept the girls, precisely as did the Amazons'. Furthermore, he continued, 'it is claimed that these women know of vast caverns where they conceal themselves if any man tries to visit them at another than the established time' (ibid.: 73).

The constitutive exclusion of both women and cannibals that Martyr effected in this passage was likewise echoed elsewhere in the text. Writing of Columbus and his men's arrival in Hispaniola, Martyr (1912[1504]) reported that on first sight, the Indians fled from the men into the woods, 'like timid hares pursued by hounds'. Nevertheless, Martyr continued, the admiral and his men 'succeeded in capturing one woman, whom they took on board their ships, where they gave her plenty of food and wine and clothes (for both sexes lived absolutely naked and in a state of nature)'. Being won over by the Christians' civility, Martyr wrote, 'this woman, who knew where the fugitives were concealed, returned to her people, to whom she showed her ornaments, praising the liberality of the Spaniards; upon which they all returned to the coast, convinced that the newcomers were descended from heaven'. 'As soon as more intimate relations were established and the Spaniards came to understand the local customs', he concluded, 'they gathered by signs and by conjectures that the islanders were governed by kings. When they landed from their ships they were received with great honour by these kings and by all the natives making every demonstration of homage of which they were capable' (ibid.: 62).

In both of these cases, two things are of significance for our understanding of how Martyr transformed the Indian from an object of knowledge into a subject of governance. First, in the passage concerning Matinino and the women inhabiting that island, while Pané was likely the source of Martyr's information for such a story, Martyr seemingly sought to solidify his readers' confidence in the tale by attributing it to the testimony of the Indian who had originally told it. This was a curious inversion in the order of knowledge transmission. The Indian could in fact report upon his own condition instead of relying on conduits such as Pané, Martyr's attribution suggested. Accordingly, and echoing the old man's supplication to Columbus, Martyr was given to report that the Indians regularly testified – in speech and in act – not only to the congruency between their beliefs and those of the Christians, but moreover, to their willingness to submit to the faith while retaining the capacity to govern themselves vis-a-vis the institution of the *cacique*. It was to that end that Martyr wrote his Second *Decade* more than ten years later, at the request of Pope Leo X. There, Martyr wrote to the Pontiff that 'I have wished, Most Holy Father, to furnish you these particulars concerning the religion of the natives . . . that Your Beatitude might be convinced of the docility of this race, and the ease with which they might be instructed in the ceremonies of our religion. . . . Thus shall you see the number of the sheep composing your flock increased each day' (Martyr, 1912[1514]: 245). The second point of significance is Martyr's solidification of the exclusion of Indian women from possible participation in any kind of subjectivity. Indeed, nowhere in Martyr's *Decade* did Indian women operate as anything other than either absent signifiers of difference (as was the case in the Matinino tale) or as mediums of exchange between European men and male Indian authorities. Women remained objects attached to the specifically male subjectivity granted the Indian. They did not 'speak' or offer testimony themselves. They remained either available for pleasure or vulnerable to the violent proclivities of cannibals.

Thus, if Pané's anthropology of the Taino furnished the necessary data upon which the anthropological Indian could emerge as an image in the consciousness of European imperial governance, it was Martyr who provided the template for how one could mobilize that data into a sustained, critical, and culturally attuned assessment of colonial

rationalities and forms of governance more generally. Martyr's text therefore needs to be read as having produced, in the course of his cataloguing and critical evaluations of colonial practices, a fully formed anthropological subject that could be known, grouped, and governed in all its particularity and locality, so that it could be integrated into the universal mandates of the faith and the global structure of the empire. This was a unit that was human precisely because of the differences it exhibited through its simplicity, its proximity to the natural laws ordained by Divine Providence. Consequently, this simplicity and proximity simultaneously formed the basis upon which a critical distinction from and evaluation of certain Spanish behaviours could be articulated by a European Christian scholar. And it was this distinction that would ultimately coagulate into the *raison d'être* for the Laws of Burgos.

Governing the Indian subject differently

Most accounts concerned with the Laws of Burgos wrestle with an inherent paradox in the seeming rationality which, they argue, motivated the Crown to finally call the *junta* that would result in the 1512–13 ordinances. On the one hand, the Laws are said to be a response to the Dominican friar Antonio de Montesinos's famous 1511 condemnation of the gross maltreatment of the Indians in the Antilles, desperately asking whether the Indians were not themselves men with rational souls capable of recognizing the glory of God (De Las Casas, 2002c: 26–30). On the other hand, the Laws are said to have been the first attempt to resolve the still-open question of what legal rights, aside from or in addition to Alexander VI's 1493 papal bull *Inter Caetera*, the Crown possessed in order to enact its Conquest of America. It was this second problem to which Juan Lopez de Palacios-Rubios and Matias de Paz's infamous *requerimiento*, drafted shortly after the first version of the Laws was promulgated, attempted to provide much more expedient resolution. For that reason, along with Palacios-Rubios' position on the Royal Council of Castile (and his attendant friendship with de Paz), the Laws and the *requerimiento* have come to be seen as co-extensive (Green and Dickason, 1993: 185–201; Pagden, 1986: 27–56; Sánchez Domingo, 2012; Seed, 1995: 69–100; Todorov, 1999; Williams, 1992: 74–103).

Such a view may place too much confidence in treating Palacios-Rubios' judgements as coterminous with the governing rationality of the Laws, however. Or, if Palacios-Rubios arguments were indeed decisive, there are elements of those arguments that are incongruous with accounts that position Palacios-Rubios and de Paz as the sole authorities consulted during the 1512 *junta*. If the problem was that, as Pagden (1986: 56) puts it, 'the paradox which makes the Indian both a slave and free was also an attempt to save the harmony of the natural world, which demanded that, within certain well-defined limits, all men must behave alike or resign their claim to being men', this does not seem to answer for the preservation of certain objects of constitutive difference within the reorganization of Indian life, such as the *cacique* system and the *areytos*.

The Laws might be more helpfully viewed as having largely embodied, and further materialized, the anthropological figuration of the Indian that Pané and Martyr were largely responsible for having first produced and circulated in the learned classes of southwestern Europe. While neither Palacios-Rubios nor de Paz made overt reference to

Pané's and Martyr's works on Indian difference, small but telling references to knowledge about the Indians made by those canonist doctors in their respective tracts, *De Las Islas del Mar Océano* and *Del Dominio de Los Reyes de España Sobre Los Indios*, read alongside the final text of the Laws, suggest that knowledge of the type Pané and Martyr each provided would have been essential.⁴

It is in this way that one can begin to make sense of how the Laws conceptualized and addressed four specific aspects of Indian life that they sought to govern: the Indians' corporeal care; their spiritual care and education; their autochthonous sociopolitical structures and cultural practices; and the place of their women within those structures. Attending to these matters, according to the Laws, would create the conditions under which Indians could live such that they could, as the 1513 Amendments put it, 'in the course of time, what with their indoctrination and association with Christians . . . become so apt and ready to become Christians, and so civilized and educated, that they will be capable of governing themselves' ('The Laws of Burgos', 1984: 347).

Accordingly, the first task for colonists that the Laws mandated was the relocation of the natives to live in closer proximity to the Spaniards. This would cultivate in Indian vassals a spirit of industriousness conducive to both their faith and their potential capacity to be governed. This technique would also ensure that the *encomenderos* would not abuse their wards, thus undermining their sacred task. Further, this would force *encomenderos* to provide a minimum of subsistence to the Indians themselves in the form of clothing, weekly meals, shelter, hammocks for sleeping, and regular payment. It would also allow for the Indians to continue a kind of agricultural lifestyle that they had, on accounts such as Martyr's, already practised in some fashion. Thus, instead of codifying a vision of absolute and natural servitude, the Laws seemed to at least hope for a wilful and collaborative form of labour and settlement between the Indians and the Europeans. Such a vision was, perhaps tellingly, congruous with a description of the *repartimiento-encomienda* system that Martyr (1912[1511]) had proposed to his first Spanish patron, Íñigo Lopez-de Mendoza, count of Tendilla, in the tenth letter of the First *Decade*, which Mendoza had in fact commissioned personally after the publication of the unofficial 1504 version (Wagner, 1946):

The *cacique* and his men receive a salary, and when they return to the labour of their fields, which cannot be neglected for fear of famine, one brings away a jacket, one a shirt, one a cloak, and another a hat. Such articles of apparel please them very much, and they now no longer go naked. Their labour is thus divided between the mines and their own fields as though they were slaves. Although they submit to this restraint with impatience, they do put up with it. Mercenaries of this kind are called *anahorios*. The King does not allow them to be treated as slaves, and they are granted and withdrawn as he pleases. (Martyr, 1912[1511]: 181–2)

This passage is revealing not only for the extent to which it envisions a positive, consenting, and reciprocal relationship of agricultural industriousness between Spaniards and Indians. It also reveals the extent of the strategic role that Spanish understandings of the Taino institution of the *cacique* played in early schemes of colonization. We have seen that in Martyr (1912[1504]), for example, where it was said to have existed, the

cacique represented a centrifugal and hierarchical form of autochthonous authority that could be taken to indicate the ‘goodness’ of the Indians in question. This was no small matter for the Spanish. Not only was this reflected in Palacios-Rubios’ (1954[c. 1511]: 69) justifications of the supremacy of the Crown’s authority, to the extent that he felt compelled ‘to deal with the power and jurisdiction that the island lords, called “Caciques”, had over their subjects to determine whether . . . after they received the baptism, they maintained them and can put them to work’. As Palacios-Rubios affirmed, the appropriate legal response to this was to maintain Indian subjects’ obedience to their *caciques*, though now through the prior authorization of the Crown and the Church. Moreover, the preamble of the original document of the Laws, as Roland Hussey (1932: 306) has transcribed it, expressed the Crown’s ‘mucha voluntad [que] los *Caçiques* e yndios de la ysla de San Juan veniessen en conocimo de nira Sancta Fe catolica [my emphasis]’.

As part of ensuring the corporeal care of the Indians, therefore, the Laws also targeted the institution of the *cacique* as a vehicle through which they could undertake the responsibility of ensuring their wards’ spiritual wellbeing. To that end, the Laws asserted, were the current and future ‘sons of the chiefs of the said Island [*todos los hijos de los Caciques [que] en la dha ysla*], of the age of thirteen or under, [to] be given to the Friars of the Order of St. Francis who may teach them to read and write and other things of our Holy Catholic Faith’ over a period of four years. Indeed, the Laws went much further, mandating that for every fifty Indians an *encomendero* held in his charge, he was ‘obliged to have a boy (the one he considers the most able) taught to read and write, and the things of our Faith, so that he may later teach the said Indians, because the Indians will more readily accept what he says than what the Spaniards and settlers tell them’ (‘The Laws of Burgos’, 1984: 347). Thus, the emphasis placed by the Laws on the education of both Indian boys generally, and especially those who were the offspring of the chiefs of Hispaniola and the other islands, demonstrate the Spanish belief that the cultivation of an Indian flock capable of properly governing itself crucially depended upon the ability of *caciques*, their sons, and other Indian authorities, as *Indian* authorities, to both receive and subsequently evangelize the word of God. This is to say that the Laws foregrounded the importance of producing Indians as *Indians* — and thus, as different kinds of persons — within the parameters of a regime of governing subjectivity that was amenable to the autochthonous society and therefore legitimizing of the order that the colonial administration sought to impose on them.

It was in this sense, too, that the decidedly patriarchal and patrilineal vision of the institution of the *cacique*, and Indian societies in general, seems to have yielded in the Laws a series of provisions concerning the management and conduct of women. These included a moratorium on the employment of pregnant women and mothers of children under three years of age for any hard labour, with the mothers themselves being expected to nurse the children until such a time as the children had matured enough to be left behind when the mother returned to work. Married women were not to be separated from their husbands; unmarried daughters were to be kept with their fathers; and unmarried orphans were to be confined to their estates strictly in the company of other women, ‘to prevent their becoming vagabonds and bad women’ (The Laws of Burgos, 1984: 346–7).

Accordingly, some measure of the preservation of the Indians' original social order as European observers such as Pané and Martyr had come to understand it would, it was assumed, help to augment and expedite the conversion process. Indians would remain Indians, within limits. Such an assumption was not isolated to the institution of the *cacique*. Indeed, it is curious to note in this sense that, although the mission of the Laws and their re-envisioning of the *encomienda* system was directed toward the end of cleansing Indian societies of their lascivious and idolatrous proclivities toward paganism, they also stipulated that 'since we have been informed that if the Indians are not allowed to perform their customary dances [*areytos*] they will receive great harm, we order and command that they not be prevented from performing their dances on Sundays and feast days, and also on work days, if they do not on that account neglect their usual work stint' (The Laws of Burgos, 1984: 340–3). What was particularly curious about this inclusion was not only that it seemed to fly in the face of, say, both Palacios-Rubios' and de Paz's (1954[c. 1511]) assertions that the extant forms of Indian social life were to be brought into strict concordance with Christian forms of social and political organization and practice. What was more, the term never appeared in either of those tracts, though it did appear in the original text of the Laws themselves (Hussey, 1932: 313).

These bibliographic lacunae notwithstanding, the writings of both Palacios-Rubios and de Paz as well as the Laws signalled a much more textured vision of Indians than simply that of natural slaves to be forcefully brought into line with Christian visions of order, one which must have referred to some authoritative form of knowledge concerning the Indians. This is evidenced in the reliance on the autochthonous institution of the *cacique* as the primary mechanism through which corporeal and spiritual care could be administered, the extension of spiritual and corporeal care into carefully circumscribed roles for Indian women that accorded with a Christian vision of gender and sexual relations, and the preservation of extant Indian practices such as the *areytos* in order to maintain social cohesion and purchase in the *encomienda* system. Indians, to be sure, had to be brought into line, but the success of that effort hinged on the extent to which their established differences were in some measure respected and accommodated – and, moreover, the extent to which those Spaniards charged with bringing them into line were able to conduct themselves appropriately. Indeed, as de Paz (1954[c. 1511]: 255) argued,

the obligation [for us to resolve these matters] is undoubted and, what is more, I affirm that although the Indians could be considered as servants, it is not licit to do it that way . . . because of the services we have demanded [of the Indians], they abandon the faith, blaspheme the name of the Lord, and the women, before giving birth, sacrifice their unborn children, so as not to see their offspring reduced to such slavery, which is a very horrible and crime creditor to the greatest severity.

Consequently, the Laws also called for a system of outside supervision in the form of local 'visitors' to the *encomiendas*. Visitors were tasked with reporting back to the Council on the success of an *encomendero*'s management of the mission at hand and the care of the Indians in his charge.

However, by 1516 the Laws' project of protecting and preserving Indian life so as to lead them into self-governance had seemingly failed, and miserably so. A massive and

relentless smallpox epidemic had begun to sweep the island of Hispaniola, which would ultimately result in the loss of what is today estimated to be over 90% of the original population, with the disease spreading to the neighbouring islands of Cuba and San Juan by 1519 (Cook, 1993; Crosby, 2003). This loss of Indian life both contributed to and was a result of considerable famine that had also afflicted the island on account of the settlers' singular focus on extracting gold from the mines of the island instead of organizing any sustainable agricultural life, as well as the tactics of the Indian resistance, which took the form of scorched-earth abandonments of villages as European settlers began to encroach (Martyr, 1912[1504]). Similarly, Indians had continued to abandon the *encomiendas* en masse. Some Indians continued to stage significant military campaigns aimed at repulsing the continued expansion of European power on the island through the famed resurgence of the *cacique* Enriquillo, which lasted until 1533. Many Indian maroons, however, reportedly found ending their own lives – and, as de Paz had earlier reported, if they had born or unborn children, theirs as well – to be preferable to the possibility of being recaptured and returned to their *encomenderos*. Las Casas later reported, for example, witnessing mass suicides and mass infanticides on Hispaniola and Cuba that reached figures of hundreds at a time, a not uncommon occurrence (De Las Casas, 2002b, 2003[1552]; Hanke, 1935).

In response to the rapid and evident failure of the Laws, in 1517 the Crown, represented in Castile by the late Isabella's close confidant, Cardinal Ximenes Cisneros, chose to launch an inquiry into the conditions of Indian life and the still-open possibility of their self-governance (Hanke, 1935). Importantly, the three Hieronymite friars were ordered to consult with 'the *caciques* . . . a full explanation of Spanish policy [to be] given them, [with] the testimony of an Indian [to be] worth as much as that of a Spaniard, unless a royal judge should direct otherwise' (ibid.: 27). Space unfortunately does not allow for a full discussion of the nature of this inquiry and its ultimate result – the attempt to place under the charge of certain Indian *caciques* themselves certain *encomiendas* on the island of Cuba.⁵ It is nevertheless important to highlight the matter, for the simple fact that it reveals that in the face of the failure of the Laws of Burgos, the inquiry made the very testimony of the Indian subject – that central device through which the truth of Indian subjectivity could be discerned, for Martyr, and through which the Indian made himself a knowable object, for Pané – the condition under which both Indian governance and Spanish *imperium* could potentially be reconciled. Crucial to the solicitation of this testimony was the appreciation of the constitutive difference that the remaining Indian populations continued to pose to the envisioned form of political life in the colony put forward by the Spanish authorities. Indeed, if the latter were to succeed in both its material and ideational mission, it would have to continue to reconcile with the former.

Such, of course, was not the view of the governors and most prominent settlers in the Antilles, and because it was on them that the major parts of the success or failure of the '*experiencias*' in Indian liberty depended, the project was doomed from the start. The friars themselves, in their letters to Cisneros, expressed as much, even if they seem to have sided with the views of the Spanish in the Antilles more than in any sense of the colonists' material and ideational interest and intention to deliberately engineer the failure of such an experiment. Still, it was reported that that the Indians, even faced with the relatively promising prospect of being organized into *encomiendas* governed by

their kin, continued to exhibit what could be read as a sense of hopelessness about the prospects of a life worth living under conditions of a system that still involved the regular presence of Spaniards in their world for the foreseeable future. The suicides continued; the *encomiendas* themselves fell into disrepair; certain Indians continued to antagonize the Spanish; and likewise the Spanish remained at best, mortally negligent and at worst, violently hostile to the Indians.

By 1535, therefore, the project was officially ended (Hanke, 1935). The Laws of Burgos were all but abandoned, and the Antilles largely depopulated of their original inhabitants. Martyr and Pané were long dead, though both were fitfully memorialized for the remainder of the century in Spanish by Las Casas (2002a, 2002b, 2002c), and in English by Richard Eden and Richard Hakluyt (the younger). New Spain and Peru had come to occupy the imperial imaginary and energies of the Spanish Crown, and the Antilles from there on largely served as an outpost for the nascent production of sugar by African slaves, who had begun to be imported to the region to supplement the loss of Indian labour after 1518 (Andrews, 1978; Wheat, 2016; Wynter, 1984a, 1984b).

While the Laws themselves may have fallen into disrepair, the principles that they established would not be abandoned by the Spanish until at least 1577, when Philip II would order a moratorium on the production of knowledge about the Indians under his imperial command. As Robert Ricard (1966) has noted, the Laws informed a 1523 *cédula* issued by Charles V that sought to establish the acceptable parameters of the continued practice of pre-Columbian traditions within the terms of a concerted and coordinated effort to make Christians of the Indians of New Spain (137). The same was true, as Brading (1996) has discussed, in the Peruvian context of the Toledo reforms and the establishment of the *curaca*-based *mita* system. Moreover, of course, the elimination of Indian slavery that the Laws envisioned would be legally codified in the 1542 New Laws, the famed emancipation document for which Bartolomé de Las Casas has largely been credited. Las Casas (2002a, 2002b) was an avowed admirer of both Martyr's and Pané's works, and there is important work to be done in tracing the relationship between these three authors.

In sum, the Laws of Burgos represented a marked manifestation of the transformation of the Indian from an object of knowledge, which began with Pané, into a subject of governance, as that figure was first sketched out by Martyr. This was a matter that, if connected to the question of imperial legitimacy, was of quite a different nature and representing a very different vision of empire than what the *requerimiento* would come to represent when it was later used, in particular, by Hernando Cortés and his men in the conquest of New Spain. Indeed, this was a vision of empire that relied upon emerging arts of governance which were to be grounded in, and limited by, the critical knowledge of the truth of the populations being governed.

Concluding remarks

Attending to the production of Indian difference through early articulations of the intersection between anthropology, politics, and their legal concretization into the governing institutions of the early colonial period of the Antilles demonstrates that,

from the start, early modern theories of the human sought to open that category up to more capacious and self-reflexive understandings of certain kinds of cultural difference. The preceding essay has attempted to take seriously in this intersection the spirit of optimism about the possibly mutually beneficial relationships between Amerindians and Europeans that was expressed in the texts and the Laws considered above. The reader should not conflate such a hermeneutic exercise, however, with the author's endorsement.

The point of the above exercise has been to demonstrate that the colonizer-colonized relationship is not expressed solely through attempts to eliminate the differences of colonized populations, as it has become popular (indeed, almost axiomatic) to assert, especially as regards the original inhabitants of the western hemisphere and the so-called 'New World' generally (Brunstetter, 2012; Castro, 2005; Wolfe, 2006). The relationship between colonizer and colonized has also been expressed in the production of knowledge about the fundamental differences between the two groups, knowledge that at once seeks to set the parameters for what is possible in the former's project of organizing and managing the latter, and conversely, to identify those points through which the project of organization and management might be most effectively directed in autochthonous forms of socio-political order.

The argument that colonial governance is productive of those very identifying categories that later come to contest it has been put forward for quite some time now. This has especially been the case among scholars concerned with matters of state sovereignty, economic exchange, war and security, and the provision of human rights and their attendant material necessities (Mamdani, 2012; Mitchell, 2002; Shaw, 2008; Spivak, 1999). Unfortunately, these lessons seem to have been largely lost on contemporary scholarship seeking to unpack the conditions of the self-determination and self-governance of the original inhabitants of the Americas in the history of international law, anthropology, and political thought (see, for instance, Anaya, 2004; Crawford, 1994; Lightfoot, 2016; Mignolo, 2011; Tully, 2000).

This, too, is a matter for another discussion. Given the regularity with which such claims refer to the Spanish colonial experiences of the 16th century in particular, however, it remains striking that so few contemporary scholars interested in such matters seek to understand the question of Indian difference in the context of colonial power with the subtlety and sense of complication that they frequently declare the issue deserves. Perhaps this is due to a fear that complicating the image of an independent and unsullied Indian difference, quietly recalling that 'golden age' to which Martyr harkened when he reflected on such matters, would be to forfeit the moral and rhetorical purity of a stance opposed to the violence of colonial institutions in the western hemisphere and their legacy for the descendants of the original inhabitants with whom that terrible wave of European Christendom's expeditions of discovery first collided. This is understandable, and not in every sense unreasonable. It has only been the ambition of this essay to submit to such efforts the consideration that attaching moral righteousness to the identification of difference in studies of colonial institutions and contexts might be a legacy of the legitimizing enterprise essential to those institutions such opponents of them seek to contest.

Declaration of conflicting interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author received no financial support for the research, authorship, and/or publication of this article.

Notes

1. A note on terminology: The problems with finding the appropriate nominative term for the original inhabitants of the western hemisphere and their descendants are many, and by now well known. In this article, I attempt to use the most frequently used term, 'Indians', when that follows the usage of the texts I am examining. When I am not engaged in a contextual description of the texts under consideration here, I use 'original inhabitants'. Likewise, I sometimes use 'the West', 'Europeans', 'European Christians' and 'Christians' interchangeably. While these are obviously crude nominations, they are nevertheless a convenient and necessary shorthand for differentiating the two main groups from either side of the Atlantic in question in this article.
2. Margaret Hodgen (1971: 26) famously characterized this perspective as not only 'enumerating similarities and differences' but, moreover, the attempt to 'grasp their historical and scientific meaning'.
3. The divide on these questions is perhaps best exemplified in the various assessments of the Court-appointed 'Protector of the Indians', Bartolomé de Las Casas, that populate the contemporary literature. The present article does not examine Las Casas in the detail necessary to evaluate these claims about the Friar himself, but because of his notoriety and the symbolic importance attributed to him by both sides of the debate, it is worth (very briefly) illustrating the different ways in which he is characterized by each approach. For some, Las Casas's *oeuvre* represents, as J. H. Elliot (1992: 48) put it, 'an extraordinarily ambitious and erudite attempt to embrace the peoples of the New World within a global survey of human civilization', making him a founder of 'comparative cultural anthropology in which the social and religious habits of the Greeks, Romans, and Egyptians . . . are examined alongside those of the Aztecs and the Incas, generally to the advantage of the latter', with Las Casas being even so ecumenical as to conclude that 'even the most barbarous of men could in due course, with care and persistence, be induced to live in an ordered polity'. Daniel Castro (2005: 7), on the other hand, sees in Las Casas's work 'little more than another member of the occupying forces', albeit under a more 'benevolent' guise.
4. It is likely, though to be sure not definitively provable, that Martyr's knowledge, and perhaps even Martyr himself, were important to the deliberations surrounding Indians that informed the Laws. Martyr was a major figure in the Castilian court, which held jurisdiction over the Indies, and was proximate enough to many of the individuals and governing organs that influenced policy over the Indies up to and throughout the period of the Laws' promulgation and the subsequent efforts at their remediation that it is worth commenting upon here. Martyr had a good relationship with Queen Isabella, having been personally selected by her to work as a court scholar educating young Spanish noblemen in the manner of his Italian Renaissance training (MacNutt, 1912). Consequently, and more significantly for the focus of the present

essay, Martyr also held strong relationships with individuals closely tied to the Crown and the Council. These were, namely, Isabella's confessor and later archbishop of Grenada, the Hieronymite friar Hernando de Talavera, as well as Iñigo Lopez de Mendoza, count of Tendilla, viceroy of Grenada, and Martyr's first Spanish patron. It is minimally fair to speculate that at least some version of the knowledge Martyr produced was circulating in some fashion among those present at Burgos between 1512–13. Indeed, on some accounts (Hartig, 1910; MacNutt, 1912), Martyr is said to have been conferred the position of official chronicler of the Indies for and by the Council in 1511, though it is unclear to which sources these accounts are referring in making such a claim. Others have suggested that it was 1518 that Martyr was made chronicler. In either case, however, MacNutt (1912) and Wagner (1946) have maintained that it was largely Martyr's accounts that were the primary source of information for royal officials and Spanish and Italian nobility on matters concerning the Indies prior to Cortéz's letters from New Spain.

5. This has already been discussed by Lewis Hanke (1935).

References

- Alland, D. (2009) 'L'esclave par nature d'Aristote au temps de la seconde scolastique espagnole' [Aristotle's Natural Slave at the Time of the Spanish Second Scholasticism], *Droits* 2(50): 59–88.
- Anaya, S. J. (2004) *Indigenous Peoples in International Law* (2nd ed.). Oxford: Oxford University Press.
- Andrews, K. R. (1978) *The Spanish Caribbean: Trade and Plunder, 1530–1630*. New Haven: Yale University Press.
- Anghie, A. (2007) *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press.
- Barrera-Osorio, A. (2010) *Experiencing Nature: The Spanish American Empire and the Early Scientific Revolution*. Austin: University of Texas Press.
- Bourne, E. G. (1906) 'Columbus, Ramon Pane, and the Beginnings of American Anthropology', *Proceedings of the American Antiquarian Society* 17: 310–48.
- Brading, D. A. (1996) *The First America: The Spanish Monarchy, Creole Patriots, and the Liberal State 1492–1867*. Cambridge: Cambridge University Press.
- Brett, A. S. (2010) *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton: Princeton University Press.
- Brunstetter, D. R. (2012) *Tensions of Modernity: Las Casas and His Legacy in the French Enlightenment*. London: Routledge.
- Castro, D. (2005) *Another Face of Empire: Bartolomé de Las Casas, Indigenous Rights, and Ecclesiastical Imperialism*. Durham, NC: Duke University Press.
- Cheyfitz, E. (1997) *The Poetics of Imperialism: Translation and Colonization From The Tempest to Tarzan* (Rev. ed.). Philadelphia: University of Pennsylvania Press.
- Cochrane, E. (1998) *Historians and Historiography in the Italian Renaissance*. Chicago: University of Chicago Press.
- Cook, N. D. (1993) 'Disease and the Depopulation of Hispaniola, 1492–1518', *Colonial Latin American Review* 2(1/2): 213–45.
- Crawford, N. (1994) 'A Security Regime Among Democracies: Cooperation Among Iroquois Nations', *International Organization* 48(3): 345–85.

- Crosby, A. W. (2003) *The Columbian Exchange: Biological and Cultural Consequences of 1492* (30th anniversary ed.). Westport, CT: Praeger.
- De Las Casas, B. (2002a) *Histoire des Indes: Tome 1* [History of the Indies: Vol. 1], trans. J.-M. Saint-Lu and J.-P. Clement. Paris: Seuil.
- De Las Casas, B. (2002b) *Histoire des Indes: Tome 2* [History of the Indies: Vol. 2], trans. J.-M. Saint-Lu and J.-P. Clement. Paris: Seuil.
- De Las Casas, B. (2002c) *Histoire des Indes: Tome 3* [History of the Indies: Vol. 3], trans. J.-M. Saint-Lu and J.-P. Clement. Paris: Seuil.
- De Las Casas, B. (2003[1552]) *An Account, Much Abbreviated, of the Destruction of the Indies, With Related Texts*, ed. F. W. Knight, trans. A. Hurley. Indianapolis: Hackett.
- De Palacios-Rubios, J. L. (1954[c. 1511]) *De Las Islas del Mar Océano* [The Islands of the Ocean Sea]. Mexico City: Fondo de Cultura Económica.
- De Paz, F. M. (1954[c. 1511]) *Del Dominio de los Reyes de España sobre los Indios* [The Dominion of the Spanish Crown Over the Indians]. Mexico City: Fondo de Cultura Económica.
- Elliott, J. H. (1992) *The Old World and the New, 1492–1650*. Cambridge: Cambridge University Press.
- Foucault, M. (1982) *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith. New York: Vintage.
- Foucault, M. (1994) *The Order of Things: An Archaeology of the Human Sciences*, trans. A. M. Sheridan Smith. New York: Vintage.
- Foucault, M. (2008) ‘What is Critique?’, in *The Politics of Truth*, ed. S. Lotringer, trans. L. Hochroth and C. Porter. Los Angeles: Semiotexte(e), pp. 41–81.
- Foucault, M. (2009) *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. M. Senellart, trans. G. Burchell. New York: Picador.
- Gerbi, A. (2010a[1955]) *The Dispute of the New World: The History of a Polemic, 1750–1900*, trans. J. Moyle. Pittsburgh: University of Pittsburgh Press.
- Gerbi, A. (2010b[1975]) *Nature in the New World: From Christopher Columbus to Gonzalo Fernández de Oviedo*, trans. J. Moyle. Pittsburgh: University of Pittsburgh Press.
- Grafton, A. (1995) *New Worlds, Ancient Texts: The Power of Tradition and the Shock of Discovery*. Cambridge, MA: Belknap Press.
- Green, L. C. and Dickason, O. P. (1993) *The Law of Nations and the New World*. Calgary: University of Alberta Press.
- Greenblatt, S. (1991) *Marvelous Possessions: The Wonder of the New World*. Chicago: University of Chicago Press.
- Grovogui, S. N. (1996) *Sovereigns, Quasi Sovereigns, and Africans: Race and Self-Determination in International Law*. Minneapolis: University of Minnesota Press.
- Hacking, I. (2006) *The Emergence of Probability: A Philosophical Study of Early Ideas About Probability, Induction and Statistical Inference* (2nd ed.). Cambridge: Cambridge University Press.
- Hanke, L. (1935) *The First Social Experiments in America: A Study in the Development of Spanish Indian Policy in the Sixteenth Century*. Cambridge, MA: Harvard University Press.
- Hanke, L. (1959) *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World*. London: Hollis and Carter.

- Hanke, L. (1994) *All Mankind is One: A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Religious and Intellectual Capacity of the American Indians*. DeKalb: Northern Illinois University Press.
- Hartig, O. (1910) 'Peter Martyr d'Anghiera', in *The Catholic Encyclopedia*, available at: <http://www.newadvent.org/cathen/09740a.htm>.
- Hodgen, M. T. (1971) *Early Anthropology in the Sixteenth and Seventeenth Centuries*. Philadelphia: University of Pennsylvania Press.
- Hussey, R. D. (1932) 'Text of the Laws of Burgos (1512-1513) Concerning the Treatment of Indians', *The Hispanic American Historical Review* 12(3): 301–26.
- 'The Laws of Burgos' (1984) in J. H. Parry and R. G. Keith (eds) *New Iberian World: A Documentary History of the Discovery and Settlement of Latin America to the Early 17th Century: Vol. 1. The Conquerors and the Conquered*. New York: Times Books, pp. 336–47.
- Lightfoot, S. (2016) *Global Indigenous Politics: A Subtle Revolution*. London: Routledge.
- MacNutt, F. A. (1912) 'Introduction', in P. Martyr *De Orbe Novo: The Eight Decades of Peter Martyr D'Anghera*. London: G. P. Putnam's Sons, pp. 1–48.
- Mamdani, M. (2012) *Define and Rule: Native as Political Identity*. Cambridge, MA: Harvard University Press.
- Mantena, K. (2010) *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*. Princeton: Princeton University Press.
- Martens, S. B. (2016) *The Americas in Early Modern Political Theory: States of Nature and Aboriginality*. New York: Palgrave Macmillan.
- Martyr, P. (1912[1504, 1514]) *De Orbe Novo: The Eight Decades of Peter Martyr D'Anghera*, ed. and trans. F. A. MacNutt. London: G. P. Putnam's Sons.
- Mignolo, W. D. (2003) *The Darker Side of the Renaissance: Literacy, Territoriality, and Colonization* (2nd ed.). Ann Arbor: University of Michigan Press.
- Mignolo, W. D. (2011) *The Darker Side of Western Modernity: Global Futures, Decolonial Options*. Durham, NC: Duke University Press.
- Mitchell, T. (2002) *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley: University of California Press.
- O'Gorman, E. (1961) *The Invention of America: An Inquiry Into the Historical Nature of the New World and the Meaning of Its History*. Bloomington: Indiana University Press.
- Pagden, A. (1986) *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*. Cambridge: Cambridge University Press.
- Pagden, A. (1998) *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c. 1500–c. 1800*. New Haven: Yale University Press.
- Pané, F. R. (1999[1571]) *An Account of the Antiquities of the Indians*, ed. J. J. Arrom, trans. S. C. Griswold. Durham, NC: Duke University Press.
- Ricard, R. (1966) *The Spiritual Conquest of Mexico: An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain, 1523–1572*, trans. L. Byrd Simpson Berkeley: University of California Press.
- Rouse, I. (1992) *The Tainos: Rise and Decline of the People Who Greeted Columbus*. New Haven: Yale University Press.
- Sánchez. Domingo, R. (2012) 'Les Leyes de Burgos de 1512 y la Doctrina Jurídica de la Conquista' [The 1512 Laws of Burgos and the Legal Doctrine of Conquest], *Historia del Derecho* 28: 1–55.

- Seed, P. (1995) *Ceremonies of Possession in Europe's Conquest of the New World, 1492–1640*. Cambridge: Cambridge University Press.
- Seth, V. (2010) *Europe's Indians: Producing Racial Difference, 1500–1900*. Raleigh, NC: Duke University Press.
- Shaw, K. (2008) *Indigeneity and Political Theory: Sovereignty and the Limits of the Political*. London: Routledge.
- Spivak, G. C. (1999) *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*. Cambridge, MA: Harvard University Press.
- Todorov, T. (1999) *The Conquest of America: The Question of the Other*, trans. R. Howard. Norman: University of Oklahoma Press.
- Trouillot, M.-R. (1995) *Silencing the Past: Power and the Production of History*. Boston, MA: Beacon Press.
- Trouillot, M.-R. (2003) *Global Transformations: Anthropology and the Modern World*. New York: Palgrave Macmillan.
- Tully, J. (2000) 'Indigenous Peoples' Struggles For and Of Freedom', in D. Ivison, P. Patton, and W. Sanders (eds) *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press, pp. 36–59.
- Wagner, H. (1946) 'Peter Martyr and His Works', *Proceedings of the American Antiquarian Society* 56(2): 239–88.
- Wey Gómez, N. (2007) *The Tropics of Empire: Why Columbus Sailed South to the Indies*. Cambridge, MA: MIT Press.
- Wheat, D. (2016) *Atlantic Africa and the Spanish Caribbean, 1570–1640*. Chapel Hill: University of North Carolina Press.
- Williams, R. A., Jr (1992) *The American Indian in Western Legal Thought: The Discourses of Conquest*. Oxford: Oxford University Press.
- Wolfe, P. (2006) 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8(4): 387–409.
- Wynter, S. (1984a) 'New Seville and the Conversion Experience of Bartolomé de Las Casas, Part One', *Jamaica Journal* 17(2): 25–32.
- Wynter, S. (1984b) 'New Seville and the Conversion Experience of Bartolomé de Las Casas, Part Two', *Jamaica Journal* 17(3): 46–55.
- Wynter, S. (1995) '1492: A New World View', in V. L. Hyatt and R. Nettleford (eds) *Race, Discourse and the Origin of the Americas*. Washington, DC: Smithsonian Institution Press, pp. 5–57.

Author biography

Timothy Bowers Vasko is currently Term Assistant Professor of American Studies at Barnard College of Columbia University.