

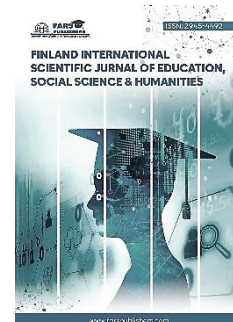
## SLAVERY AND FREEDOM OF THE NATIVES OF THE NEW WORLD AT THE BEGINNING OF THE XVI CENTURY AS A RESULT OF THE POLICY OF CONFRONTATION BETWEEN THE SPANISH CROWN AND THE "HOUSE OF COLUMBUS"

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**Abstract:** The purpose of the work is to show that the policy of enslaving the natives and/or providing them in the New World is a consequence of the political and legal battles within Spain between the "House of Columbus" and the "House of Trastamara" at the beginning of the XVI century.

The result of the work was the analysis of sources and texts of the bulls of Pope Alexander VI in 1493, letters of Catholic kings, laws prepared by the Junta of Burgos in 1512, and their additions - laws prepared by the Junta of Valladolid in 1513, which were translated from Spanish and Latin into Russian and English. The chronological frameworks were compared and considered for the filing of claims by Diego Columbus against the king Ferdinand II of Aragon and the further confrontation between the Crown of Spain and the "House of Columbus". The reasons for the struggle in 1511 in the West Indies between the Franciscan Order and the Dominican Order were investigated.

**Keywords:** Junta of Burgos 1512, laws of Valladolid 1513, Amendments of Valladolid 1513, Encomienda, encomiendero, repartimiento, Diego Columbus, Catholic kings, Testament of Isabella, aboriginal slavery, West India, Hispaniola, The House of Trastamara, Ferdinand II of Aragon, Isabella I of Castile, Antonio de Montesinos, Antonio Montesino, Pedro de Cordova, Juan Fonseca, Franciscans, Dominicans, Franciscan Order, Dominican order, The House of Columbus, Spanish crown.

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### Problem

The need to study the change in the policy of granting freedom to the aborigines of the New World by Spain during 1492-1513 was an important task right now, when the real facts about the policy of the Crown of Spain towards the local population of the New World are hushed up or distorted [1, p. 232]. The enemies of Spain - France, England and Holland for a long time in the XVI-XIX centuries created the image of the Spaniard as a cruel and inhuman conqueror. We decided to approach the problem of the policy of granting freedom to the aborigines of the New World from the point of view of the laws that the Spanish crown adopted and their implementation by the local administration, which was represented by the "House of Columbus" from 1493 to 1500 and from 1509 to 1526, but we limited time to 1513 in this article. As a result of the study, it turned out that the laws of Burgos issued in 1512 were the result of the confrontation of two politicians in the West Indies: the commercial policy of the "House of Columbus" and the policy of Christianization of the aborigines pursued by the Spanish crown in the person of the "Catholic kings" from the "House of Trastamara". Laws passed with the approval of the Crown of Spain after the meetings of theologians, jurists and members of the Royal Council in Burgos and Valladolid in 1512 and, again in 1513, were the most progressive laws and were the progenitors of modern "Human Rights" and "Labor Laws".

*Novelty:*

Consideration of the difference in approaches to the freedom of the Indians by the Spanish crown and the administration of the West Indies representing it is very rarely raised in the scientific literature and is more often considered as a whole, which did not correspond to the actual state of affairs at that time. That is, the novelty of the problem we raise lies in the fact that we showed a diametrically different approach and actions in relation to the freedom and rights of the local population and politics on the part of the Spanish crown - on the one hand and the "House of Columbus" which pursued its goals and carried out its policy in the New World, on the other hand, from 1492 to 1513.

*Research methods*

The methods of source studies, the documentary method, the chronological method and the system method were used in the work.

*The main part*

Part I. 1492 - 1503.

In middle of March 1493, two ships under the command of Columbus returned to Spain [2], which brought from a distant land of the natives along with other gifts for the kings of Spain [3].

In the bull of Pope from the of May 3, 1493 which has name "**Breve Inter Caetera**", all open lands were given for "eternal times" to Isabella I of Castile of the Trastamara family - at that time queen of Castile and León and wife of Ferdinand II of Aragon with the aim of "**...exaltation and its [Catholic faith and Christian religion - K.A.] strengthening and spreading for the salvation of souls and for the sake of humility and conversion of barbarian peoples.**" [2].

Pope Alexander VI declared the title of "**Catholic Kings Of Spain**" in the bull "*Si convenit*", on December 19, 1496 [4]. And Pope mentioned there the Christianization of the aborigines of the New World as an important moment.

Another approach to the local inhabitant of the open lands was taken by Christopher Columbus. Since he visited Guinea, he saw how the Portuguese treated Africans and also decided to act with the locals of the West Indies. In his letter we find the words that "**it is possible to sell 4,000 slaves and rescue at least 20 kuento ... slaves from these lands, if they are brought, will cost three times more than Guinean ... And even if slaves die on the way - yet not all of them face such a fate ...**" and Columbus sent ships with Indian slaves to Spain [2].

Witnessing the unloading of slaves from ships coming from America, Queen Isabella also issued a special decree on 20 June 1500, *Esclavos de Sevilla, 20 June 1500* [5, p.201-202; 6], where he says that she ordered to give freedom to the enslaved and brought to Spain aborigines: "**... Indians who were brought from India and sold... we ordered to release...**" [7, p.48, 542; 8, p.23].

The outbreak of the uprising of the Spaniards and aborigines in the West Indies led to the fact that the Spanish crown terminated the contractual relationship with Christopher Columbus in May 1499 and appointed Francisco Bobadillo in his place in the same May 1499, who in September 1499 distributed the lands for Castilians' settlers with the Indians living on them [2].

On November 25, 1500, both brothers of Columbus were brought to Spain in shackles [9]. Columbus was released, but the "*Surrender to Santa Fe*" in 1492 was canceled [10, p.167].

On September 3, 1501, Nicholas de Ovando [11] from the same Order of Alcantara was replaced due to poor management by Bobadilla and became Governor of the West Indies from 1502 to 1509 [2; 10, p. 167].

Very important is the question of the attitude to slavery of the Spanish crown, which we are considering here, and it should be noted that on March 14, 1502, in the letter of the Catholic kings, written in Valencia, there is a phrase: "... **about all that you discover, and about the peoples inhabiting the islands and the mainland that you will find. And you should not bring slaves...**" [2].

Nicolás Ovando introduced a regulation of 20 December 1503 issued in Spain by the *encomienda* (*repartimiento*) system, in which the land belonged to the state, but was given to the settlers along with the Indians who lived on them. Each of the Spaniards - *encomenderos* was given a certain fixed number of inhabitants of the local population [11; 12, p.23]. This decree, along with various other reasons, triggered a new Indian revolt.

Heavy work in gold mines and the like led to the rapid extinction of the natives from exhaustion. Black slaves were allowed by the Ovando Decree in the early 1500s, but the settlers themselves found an easier way out: rich settlers hired ships to capture Indians on neighboring islands [13, p.21-23; 14, c.162-163] to make up for the number of aborigines they had to have.

The Spanish crown constantly cared about the Indians and their Christianization, what we could see in the will of Queen Isabella I of Castile of November 23, 1504: "**Our main intention was to try to induce and convey to the peoples our Catholic faith, as well as to send ... Clerics... on the specified islands and on Tierra Firme, instruct inhabitants in the Catholic faith...**" [8, p.14; 15, p.2].

In 1508, Nicolás Ovando [11] was removed from office by the Spanish crown for cruel treatment of Indians. This is a very important fact, showing the degree and depth of the care of the Spanish crown for the locals.

## Chapter II. 1509-1513

In 1509, Christopher Columbus's son Diego Columbus was appointed governor of Hispaniola. Prior to that, Diego Columbus left his ex-woman Isabel de Gamboa with his son and married Maria Alvarez de Toledo. His new wife was the daughter of the second Duke of Alba de Toledo. This was the exit of the rejected Columbus family to the Castilian nobility, unfriendly to the king of Aragon Ferdinand II. Soon, with the support of the Castilian nobility, Diego Columbus sued the Spanish crown, and in Castile began (more precisely, the process continued) a trial ("**Los Pleitos Colombinos**") between the "**House of Columbus**" and "**House of Trastámara**" [10, p. 167; 16; 17, pp. 347-349], which lasted from 1494 to 1541.

In 1510, Dominican monks came to the West Indies. Dominican monks look attention for the problem of the situation of the local population in contrast to the Franciscans. They began to collect multiple facts of oppression of the natives [19, c. 79]. The Franciscans took the side of the settlers, as the local administration of Diego Columbus favored and helped them build churches and maintain them. And the lands on which there were Franciscan missions belonged to the Spanish settlers, and the natives also worked on them. That is, the Franciscans took care of the settlers and their needs, and the settlers took care of the maintenance of the Franciscan missions.

Not finding support from the Franciscan Order, the locals went to the Dominicans who arrived, and Dominican monks supported them. Thus, it was the Dominicans, as soon as they arrived in the West Indies, collected information about the large number of cruel treatments of the Spaniards-settlers to against the Indians and opposed the existing order.

In 1511, for two Sunday Masses attended by all high society including Diego Columbus, the Dominican friar Antonio de Montesinos condemned the rule of the

Spaniards. In two sermons, titled "**The Voice Crying in the Wilderness**" and "**I will repeat from the very beginning the reasoning and truths I expressed last Sunday, and prove that my words that so annoyed you are not false**" [19, p.82], the whole system of government and attitude towards the natives was condemned. His speech contained the words: "**...by what right, by what law have you plunged these Indians into such cruel and monstrous slavery?.. you are killing them in order to continuously mine and receive gold! How do you care to guide them in faith, that they may know our lord and creator, and be baptized, and listen to Mass, and observe Sundays and feasts?..**" .

The Franciscan Alonso del Espinal [19, c.310], supplied with letters from the "House of Columbus", was sent to the court in Spain, complaining about the incitement of rebellion among the aborigines by the Dominicans [19, c. 83-85]. The Dominicans also sent Fray Antonio de Montesinos to defend themselves before the Royal Council and the king.

At this time, there were lawsuits and proceedings between the "**House of Columbus**" in the person of Diego Columbus and King Ferdinand II of Aragon for the restoration of all rights to the land and received by Diego Columbus 1/10 of all income in New World in favor of the heirs of Columbus ("**Pleitos Colombinos**") [16; 17]. Castilian aristocrats supported Columbus by being related to him through his new wife. Columbus was reinstated by Castilian trial. This was a strong blow to king Ferdinand and the treasury.

The subtle politician Ferdinand accepted the Dominican Frey Montesinos [10, p. 168] and used his accusations of the atrocities of the administration of Diego Columbus in his favor to show the inadequacy of the administration of the House of Columbus in the new territories and re-select the rights through the courts, as was already done with Christopher Columbus in 1499-1500.

It is important to understand the fact that only the Kingdom of Castile and Leon were given the lands of the New World by the Papal Bull of 1493, and not the Kingdom of Aragon. Nominally, the ruler of the Kingdom of Castile and Leon since 1508 was the Aragonese Ferdinand II of Aragon - the husband of the deceased Queen Isabella I of Castile. However, he was only the regent of his crazy daughter Juana I of Castile, who ruled "de jure" in the kingdom of Castile and Leon, so in order not to give a reason to condemn the administration of Columbus on his own behalf, King Ferdinand II of Aragon assembled a Junta (Assembly), held in the Dominican Cathedral in Burgos in 1512, from respected people-theologians, lawyers, monks, members of the Royal Council, who were supposed to discuss the situation of the Indians and show the inconsistency of the policy "**Houses of Columbus**" [8, p.14; 9, p. 355].

As a result of two dozen meetings of the "**Junta of Burgos**", the "**Burgos Laws**" or "**Laws of Burgos**" ("**Las Leyes de Burgos**") or in another way - "Royal Laws for the Good Administration and Treatment of Indians" ("**Ordenanzas Reales para el buen regimiento de los Indios**") regulation of relations between from XXXV (thirty-five) paragraphs [20, p.16], which contained many provisions on the freedom of the aborigines and the regulation of relations between Indians and Spaniards, were adopted.

But even this did not suit the Dominican friars and Pedro de Córdoba - the head of the Dominicans in the West Indies personally arrived from Espanola and insisted that **Junta (Assembly) in Valladolid** took this question in 1513, which led to the additions to the "**Laws of Burgos**" of 1512, and this was known as the "**Laws of Valladolid**" of 1513 or "**Amendments of Valladolid of 1513 to the Laws of Burgos of 1512**", which consisted of IV paragraphs [8, p.20].

### **Conclusion**

The struggle of interests between the Spanish crown and the Columbus family continued since 1500, when the rights of Christopher Columbus to all the lands discovered by him, their lifelong management and a tenth of the income promised to him by the "**Capitulation of Santa Fe**" in 1492 were annulled. Christopher Columbus initiated a lawsuit with Crown, but he died in 1506.

As we can see, the rights to own the lands discovered by Columbus were granted to the Crown of Castile and Leon in 1493 by the Pope. This permission obliged administration to help convert Indians to Catholic Christianity and was an important part of granting these rights, and this is confirmed in all the bulls of 1493 and other documents. However, the evangelization of the local inhabitants was not carried out by Christopher Columbus. On the contrary, Christopher Columbus and his administration practiced the Aboriginal slave trade for profit. The Indian slave trade in Spain was carried out even under the threat of violating the orders of the Queen of Castile and Leon – Isabella I of Castile. Queen Isabella demanded to prohibit the trade of Indians as slaves.

Diego Columbus, the son of Christopher Columbus, opposed the Spanish crown in a court in Seville in Castile and initiated a lawsuit in 1509. The Court of Castile, which consisted of Castilians, opposed King Ferdinand of Aragon. In May 1511, the court restored many of the rights of Diego Columbus. The litigation itself lasted between the House of Columbus and the Spanish Crown from 1492 to 1541 and included 3,500 pages of documents [16; 17]. This litigation led to a political and legal confrontation between the kings of Spain and the heirs of Columbus, which allowed the adoption of laws aimed at pointing out the poor management of the lands of the West Indies by Diego Columbus. This political confrontation also led to the fact that the rights of the Indians and Castilians as vassals of the Spanish crown were equalized.

The "**Laws of Burgos**" of 1512, consisting of 35 provisions and their additions, the "**Laws of Valladolid**" of 1513, consisting of 4 additions, became the prototype of modern "**Human Rights**" [6, p. 1-2; 20; 21, p. 46] and modern "**Labor Laws**", which impose many restrictions on the work of aborigines when they work for Spanish settlers.

These laws were the most humane laws of that time in relation to the natives, although they were the result of a political confrontation between the "**House of Columbus**" and the "**House of Trastamara**", which was represented by Ferdinand II of Aragon.

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