

Empire and Exceptionalism: The Requerimiento and Claims of Sovereignty in the Early Modern Mediterranean and Atlantic

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Introduction

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BARTOLOMÉ DE LAS CASAS, in his *Brief Account of the Destruction of the Indies*, describes a party of Spanish conquistadors tramping through the Isthmus of Panama at night, coming upon a village, and, at half a league's distance, pausing to read out a document called the *Requerimiento*. Las Casas describes the "requirement," "summons," or "demand" as a text proclaiming that there is one God, one pope, and one king of Castile, to whom the villagers are obliged to do obedience. Following the reading of the *Requerimiento*, and still before day-break, the Spaniards attacked the village, burning the houses made of straw while the innocent women and children slept inside.¹ The proclamation of the *Requerimiento* seems a bizarre ritual in which to engage prior to razing a village and killing or enslaving its inhabitants. Indeed, Las Casas considered the inscrutability of the doctrines contained in the *Requerimiento* so absurd that he famously wrote that he did not know whether to laugh or cry over the matter.²

Las Casas was not subtle about his agenda, and some scholars have questioned the accuracy of his depictions of Spanish atrocities in the Americas. Perhaps the *Requerimiento* was not always read to sleeping auditors in a language they did not understand. But if Las Casas sometimes exaggerated the circumstances of its performance, he did not invent the perplexing demands of the

¹ Bartolomé de Las Casas, *Brevísima relación de la destrucción de las Indias* (Paris: Sociedad de Ediciones Louis-Michaud, 1913), 43–44: "ibanse de noche los tristes españoles salteadores hasta media legua del pueblo, y allí aquella noche entre sí mismos apregonaban ó leían el dicho requerimiento diciendo: 'Caciques é indios de esta tierra firme, de tal pueblo, hacemos os saber que hay un Dios, y un papa, y un rey de Castilla que es señor de estas tierras, venid luego á le dar la obediencia etc., y si no, sabed que os haremos guerra, y mataremos y cautivaremos, etc.' Y al cuarto de alba, estando los inocentes durmiendo con sus mujeres é hijos, daban en el pueblo, poniendo fuego á las casas, que comunmente eran de paja, y quemaban vivos los niños y mujeres."

² Bartolomé de Las Casas, *Historia de las Indias*, ed. Agustín Millares Carlo, with preliminary study by Lewis Hanke, Biblioteca Americana (Mexico City: Fondo de Cultura Económica, 1951), bk. 3, chap. 58, 3:31: "y cosa es de reir o de llorar."



Requerimiento. The text was commissioned by King Ferdinand of Aragon (r. 1479–1516) following a *junta* held in the Spanish city of Burgos in 1512 to discuss the treatment of the indigenous peoples of the Caribbean Islands. The eminent jurist and legal scholar Juan López de Palacios Rubios codified the document, and it was given to those in the party led by Pedrarias Dávila as the latter embarked to conquer the Darién region of Central America in 1513, to be read to the peoples the expedition encountered.

The *Requerimiento* contained a number of bewildering and seemingly contradictory demands (obligating the voluntary conversion to Christianity being one example), and Las Casas was but the most vocal of its many critics. Nearly overnight, the *Requerimiento* became a sort of “shorthand” for the evils and hypocrisies of Spanish colonialism. Other Europeans—often engaged in their own expansionist ventures in the New World—cited the *Requerimiento* as an example of Spain’s unyielding religious zeal and denounced Spain’s exceptional greed and violence in the Americas as being unlike anything perpetrated by other European powers. These accusations, of course, were a central component of the “Black Legend,” which cast Spain as exceptional, and its early modern empire as a reflection of that exceptionalism. Thus, the *Requerimiento* has been portrayed as a peculiarly Spanish practice, emblematic of all that was abhorrent about the early modern Spanish Empire.

For such a pithy text (it runs approximately one thousand words), the *Requerimiento* has been the subject of a great deal of attention, in the sixteenth century as well as in modern scholarship. But how best should we understand the *Requerimiento*? Was it a text? A performance? A speech act? A legal ritual signifying a transfer of sovereignty? The ambiguities inherent in the document suggest that it was, perhaps, all of these. Above all, however, it was a legal document. Even if it was cynical and absurd, what legal traditions did it draw on? What type of legal work did it do? How did the doctrines espoused in the *Requerimiento* compare with other European states’ rationales for imperial ventures?

This special forum and the conference that inspired it address these questions with the objective of elucidating the historical, legal, and cultural context that underlay not only the production of the *Requerimiento* but also the justifications for empire that several of the early modern European polities articulated in defense of their overseas claims. As a collection, these essays explore the relationship between Mediterranean interconfessional dynamics and imperial ideology and call into question the degree to which Spanish justifications for empire stood in distinction to those voiced by Spain’s imperial rivals. Indeed, what the collection of essays reveals is a high degree of intellectual and legal exchange among early modern European powers and a striking interpenetration of imperial ideologies that these powers appealed to in asserting their claims to non-European lands.

One of the questions that has most animated recent scholarship on the *Requerimiento* has to do with the legal traditions out of which the text’s apparently bizarre doctrines developed. In 1970 Annie Lemistre first advanced the theory that the *Requerimiento* grew out of medieval Islamic jurisprudence governing protocols of conquest and treatment of non-Muslim peoples.³ This is an argument Patricia Seed explored in her book *Ceremonies of Possession*.⁴ Under what circumstances, though, would the transmission of such legal practices have occurred? Would

³ Annie Lemistre, “Les origines du *Requerimiento*,” *Mélanges de la Casa de Velázquez* 6 (1970): 161–209.

⁴ Patricia Seed, *Ceremonies of Possession in Europe’s Conquest of the New World, 1492–1640* (Cambridge: Cambridge University Press, 1995), in particular chap. 3, “The Requirement: A Protocol for Conquest,” 69–99.

Iberian Christian jurists have had access to Maliki legal doctrines on conquest, either orally or in textual form in translation? In his contribution to this forum, Camilo Gómez-Rivas explores a crucial century and a half (1085–1248 CE) that witnessed a dramatic realignment of power in the Iberian Peninsula and, more broadly, in the western Mediterranean. This period was characterized by intensive interaction and exchange between Muslims and Christians and, simultaneously, the construction of increasingly stark markers of difference between these two groups. It is in these circumstances that Gómez-Rivas locates the origins of “Spanish imperial forms and patterns.” Gómez-Rivas uses three case studies to develop a complex model of the ways in which the various legal cultures of the late medieval Iberian Peninsula and the Maghrib interacted and informed one another in ways that defy the neat labels scholars have traditionally used (Islamic/Christian; Spanish/North African). By moving away from the essentializing force of these categories, Gómez-Rivas builds a case for a western Mediterranean legal culture predicated on mutual intelligibility; in doing so, however, the author suggests that any “Islamic” influence on Palacios Rubios’s codification of the *Requerimiento* would have occurred, not through a simple borrowing of doctrine, but rather through the dynamic process he elucidates in his case studies, in which influence and borrowing cannot be understood solely as one culture’s adoption of another culture’s legal protocols of conquest. As Gómez-Rivas indicates, the influence here would have been “both borrowed and synthesized.” This is a productively complicating approach to the paths legal doctrines in the premodern western Mediterranean would have followed.

As Gómez-Rivas explores what precedent Old World legal practices might have held for Spanish actions in the Americas, I too examine the Mediterranean historical context to arrive at a clearer understanding of the confounding doctrines contained in the *Requerimiento*. The varying ways of approaching conquered peoples were determined in part by the confessional identity of the conquered. In this regard, the Mediterranean experience of warfare between Christians and Muslims was extremely influential, even as that precedent broke down in the face of the obvious differences that separated the Abrahamic peoples of the Mediterranean from the “gentiles” of the Americas. Thus, the doctrines of just war upon which Palacios Rubios drew in codifying the *Requerimiento* emerged from centuries-long debates over the rights of infidels, even as those doctrines were awkwardly adapted to the novel circumstances presented by the Americas.

Recognizing that the *Requerimiento* makes little sense unless viewed in the context of the Alexandrine bulls of donation, Anthony Pagden analyzes sixteenth-century debates over papal plenitude of power and the implications those debates held, not only for the *Requerimiento*, but also for the very foundation of Spanish claims in the Americas. To what extent were the bulls of donation a “concession” and to what extent could they be interpreted as a “grant”? If the bulls of donation did nothing more than entrust Spain with the task of evangelizing the Americas, what did that mean for the legitimacy of the Spanish colonial enterprise?

These debates over the justice of Spanish claims in the Americas were not solely of domestic concern; indeed, they held implications for other European states as well as for polities in the Islamic Mediterranean. Seth Kimmel traces flows of legal doctrines around the Mediterranean, demonstrating how ideas concerning conquest and the treatment of vanquished peoples regularly transgressed religious boundaries. In doing so, he develops a new contextual background against which to interpret the doctrines of the *Requerimiento*, one rooted not in centuries-old legal schools of thought but rather in the fraught geopolitical climate of the sixteenth-century Mediterranean. In this strikingly novel line of interpretation, Kimmel presents an Arabophone

interpretation of Spanish conquest in the Americas that operated as a critique of Spanish behavior in the Mediterranean. In this respect, New World models gain Old World relevance, as they are applied to the early modern Ottoman-Habsburg imperial rivalry. Along these lines, Kimmel suggests that, in the sixteenth century, “legal precedents traveled eastward as well as westward.” Kimmel’s intervention here posits an inversion of the ideological flows that scholars have conventionally imagined: rather than Old World precedents informing New World policy, Kimmel points to the possibility that European experiences in the early sixteenth-century Americas could have influenced practice in the Old World.

And how could they not? Emily Weissbourd examines English engagement with early modern Spanish imperial claims, suggesting that the English may have feared the *Requerimiento*’s ramifications in Europe as well as in the Americas. Weissbourd analyzes the English translation of Las Casas’s *Brevísima relación*, noting the ways in which the translation gives prominence to the aspect of a lack of audience (a theme that Gómez-Rivas explores in his contribution). In this regard, Weissbourd’s piece examines the failure of the *Requerimiento* as an instrument of communication. A separate text, the memorial on Guiana, which urged English colonization of the Orinoco River valley, offered a rebuttal of the arguments of the *Requerimiento* but employed a structure and a logic that mimicked those of the Spanish text. Weissbourd thus notes the profound effect the *Requerimiento* had on early modern English rationales for empire.

William S. Goldman’s article further expands our perspective, comparing Spanish justifications for conquest based on a purported evangelizing mission to similar justifications for colonial enterprises as propagated by France and England. Noting a recurring theme of European derision of Spanish claims that could be traced to papal injunctions to evangelize, Goldman elucidates that France (in Canada) and England (particularly in the Massachusetts Bay Colony) both justified their efforts at colonization according to a “civilizing mission” that, in fact, shared a great deal with the doctrines of the *Requerimiento*. Weissbourd and Goldman both conclude that, while France and England might have cited the *Requerimiento* by way of critiquing Spanish colonial enterprises, this does not indicate that Spain was necessarily exceptional. Indeed, Spain’s imperial rivals employed rationales for empire that bore striking resemblances to those deployed by Spain.

Andrew Laird’s piece examines the reception of the *Requerimiento* on the ground in Mexico, analyzing the “interlingual and interethnic communication and contact” that a document such as the *Requerimiento* would have entailed. Laird looks at native reactions to the *Requerimiento*, preserved (or, rather, constructed) in three testimonies from the first half of the sixteenth century. These accounts are highly embellished and conditioned by humanist tropes. Laird’s article reveals the employment of classical texts as models for accounts of native-Spanish encounters, taken up and deployed by natives and Spaniards alike who had humanist educations. Laird demonstrates the difficulty of discerning actual native voices that recount these moments of contact, which has broad implications for our understanding of intercultural encounters generally.

The essays in this special forum emerge from a variety of fields, spanning legal history, literature, and political thought. Moreover, they move beyond “national” schools of historiography. While the focus here is principally on the Iberian world (medieval and early modern, Mediterranean and Atlantic), this collection also addresses topics traditionally treated by scholars of the Arabophone Mediterranean, of France, or of England. The result is not a forum devoted solely to the *Requerimiento*. Rather, the contributors engage with that document to greater or

lesser extents and use it as a point of departure to explore some of the most pressing questions concerning the origins of European colonialism by examining Mediterranean and Atlantic processes in conjunction with one another. The essays presented here take a comparative approach to the foundation of empires in the Old World and the New, developing a nuanced understanding of the relationship between Mediterranean traditions and Atlantic expansion. To justify and rationalize their expansion, early modern powers often drew on shared traditions. Their claims, while obviously oppositional, were in constant dialogue with one another. How did this dialogue transpire, and how did the processes of negotiation occur? How disparate, ultimately, were the various imperial projects, and how significant were those distinctions? When read as a collective, these essays point to a wide array of intellectual networks, some formal, others less so, that served as conduits for ideas about legal and moral arguments over the conquest of lands and peoples. As the contributors make clear, these networks linked writers and thinkers of different linguistic backgrounds, of different confessional identities, and who hailed from states that were ostensibly enemies, thereby transcending national, imperial, and confessional boundaries. One theme that runs through many of the essays is the degree to which conflictual relationships and criticism (explicit or implicit) played such a prominent role in the dissemination of theories of empire in the early modern world.

This collection seeks to develop a broader, more textured contextual background for our interpretation and understanding of the legal and moral arguments surrounding the foundation of the early modern overseas empires. In bringing together the Mediterranean and the Atlantic, the French and the English, as well as the Iberian angles of this story, the articles in this forum offer important interventions and make significant contributions to our understanding of the intellectual, religious, and legal doctrines that underpinned the earliest stages of European overseas expansion. As we continue to grapple with the legacies of early modern European imperialism, in the Americas as in the Mediterranean, these justifications and their long-term consequences remain of vital importance. A

DEDICATION

This special forum of *Republics of Letters* is dedicated to the memory of William “Bill” S. Goldman (1979–2017). Bill was “present at the creation,” so to speak, of the ideas that generated this forum. While an Ahmanson-Getty Postdoctoral Fellow at UCLA’s William Andrews Clark Memorial Library, Bill was part of a lively discussion about Spanish protocols of conquest. The topics covered in that seminar led directly to the conference, *Empire and Exceptionalism: The Requerimiento at Five-Hundred*, held at the Clark Library in March 2015.

Bill presented an early version of his article in this forum at the conference held at the Clark in March, 2015. As always, he was a lively interlocutor and a generous colleague, ever-ready to inject some much-needed levity when the conversation got too dry.

Bill’s life was tragically cut short soon after the articles in this forum had gone through the final proofs. We dedicate this publication to Bill—Hispanist, colleague, and friend.