


## Article

# Esclavos Indios and the School of Salamanca after the New Laws of 1542

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**Abstract:** In 1542, with the promulgation of the New Laws, Spanish authorities made a greater effort to eliminate indigenous slavery in America, after the doubts expressed by various missionaries about the treatment given to the indigenous people by Spanish settlers. However, legally sanctioned slavery among indigenous people continued in the border regions of the Spanish Empire. My interest is to demonstrate that the persistence of this practice did not result in a legal contradiction, but rather was a means of sanctioning rebellious indigenous groups, using arguments of Francisco de Vitoria and other School of Salamanca scholars, especially in places where control of sovereignty was in question. Methodologically, I will use original texts from various sources, such as the minutes of the Cabildo of the Audiencia of Guadalajara, as well as reports on the Chichimeca War by various clerics and jurists who witnessed the conflict, such as Guillermo de Santa María, Jean Focher, and Fulgencia Vique. Temporally, I will focus on the discussion of war and slavery against the nomadic peoples of northern New Spain, known as the Chichimecas. The result was that, for many New Spanish clerics, slavery would serve to punish the supposed crimes of these peoples against peace, and also to change their archaic customs and teach them sedentary and civil life. Finally, I argue that the establishment of indigenous slavery in the northern frontier of New Spain demonstrates the limitations of the Spanish Empire in maintaining its most remote borders, especially when faced with peoples who did not have a civil political life with definable centers and hierarchies.

**Keywords:** 1542 Spain's Leyes Nuevas; indigenous slavery; Chichimecas



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## 1. Introduction

The enslavement of Native Americans as a result of their encounter with the Spanish ignited a contentious debate between the Catholic clergy and Spanish authorities. These discussions often ran counter to the economic interests of Spanish settlers. Notably, since Christopher Columbus's colonization of the Caribbean, the trafficking of indigenous slaves emerged as a primary means of exploiting the riches of the Indies. As documented by scholars like Zavala (1991); Mira Caballos (2008); Van Deusen (2015); and Resendez (2019), there are historical records of Native Americans being sold in slave markets in Seville and other Mediterranean ports. Moreover, slave trading was a prevalent practice in local markets in peripheral regions of New Spain and the Kingdom of Peru.

In the early phases of Castile's colonization, the enslavement of American indigenous people seemed a logical way of providing labor for economic endeavors initiated by the Spanish. In 1494, Christopher Columbus, in his letter to Juanotto Berardi dated April 19, refers to 26 indigenous people of various language groups who he brought back with him on the return voyage. Some of these individuals were enslaved under accusations of cannibalism. A year later, half a thousand natives were transported by caravel from Santo Domingo to Seville, facing accusations of killing ten Spaniards, and sold as slaves (Olachea Labayen 1998, pp. 137–38). While the Catholic Monarchs authorized the sale of slaves in America in 1495, this order was soon challenged. The Crown sought to determine whether "Indian slaves" could be sold "in good conscience", prompting an examination of the

legality of the practice (Olacea Labayen 1998, p. 139). The burgeoning trade between the Antilles and the markets in Seville from 1495 to 1500, coupled with the legal recognition of Native American freedom, sparked theological debate, as Adorno (2007, p. 100) notes. This debate centered on the rights, nature, and subsequent treatment of this population. The enslavement of American indigenous people faced scrutiny from both civil and ecclesiastical Spanish authorities, who blamed the accelerated demographic decline to this practice. At this point, in 1500, Queen Isabel the Catholic ordered the immediate liberation of Indian slaves, an act which marked the beginning of a contentious debate on the legality of these practices (Van Deusen 2015, p. 2). For example, the Dominican friar and polemicist Fray Bartolomé de las Casas vehemently denounced the practice, emphasizing its devastating impact on indigenous communities.<sup>1</sup>

Isabel the Catholic's Instruction of 1493 recognized indigenous peoples as free vassals. This recognition was subsequently confirmed in the royal decree of 20 June 1500, which proclaimed the liberation and return of all natives brought to Castile by Columbus (Olacea Labayen 1998, p. 149). However, this policy proved inconsistent, as evidenced by a later royal decree in August of 1503 permitting the capture and enslavement of "cannibals on the Caribbean islands and at Cartagena" (Adorno 2007, p. 101). This decree was confirmed to the governor of Hispaniola, Nicolás de Ovando, in 1505 (Adorno 2007, p. 101). This led to the convening of theologians and jurists by Fernando II of Aragon in 1512 to determine the legal status of Native Americans. In their deliberations, scholars, both in the Iberian Peninsula and later in the Americas, delved into the complexities of Castile's right of discovery, the legitimacy of conquest wars against indigenous people, the natural rights of non-Christian populations, and, most notably, the arbitrary removal of political power and dominium (ownership) from conquered pagan peoples.

While discussions on the rights and powers of indigenous people in Iberian theological faculties are well documented, disputes over the justice of war, slavery, and the forced relocation of war-affected Indians to the frontiers of Spanish vicerealties have received less scholarly attention. A notable case is the legal and theological discourse that unfolded in New Spain from 1550 to 1600 during the conquest of what would become the northern territories of New Spain. This paper will focus on three key aspects of this discourse: (1) the legitimization of indigenous slavery; (2) the theological justifications put forward for enslaving indigenous populations, particularly those rooted in the teachings of Francisco de Vitoria and his disciples on bellicose Chichimeca nations in northern New Spain; (3) further critiques of the Spanish conquest of their northern borderlands, particularly those espoused by Dominican friars, who consistently denounced the abuses and injustices perpetrated during the conquest process.

Among the sources, Francisco de Vitoria's *Relectios* on the American Indians will be reviewed. However, greater emphasis will be placed on theologians who had direct experience of New Spain's realities, such as the Augustinian Alonso de la Veracruz and his *De dominio infidelium et iusto bello*, along with some opinions and judgments from the Third Mexican Provincial Council of 1585. Special attention will be given to Dominican reports, which consistently condemned the abuses of conquest. These reports will be contrasted with the justifications offered by settlers, found in Cabildo letters and reports to the Audiencia de Guadalajara, sourced from the *Archivo General de Indias*. These petitions were submitted to viceroy Antonio de Mendoza on 23 December 1572, coinciding with the height of the Chichimeca War. Finally, the dissenting theses of prominent Dominicans, such as Bartolomé de las Casas, will be presented, criticizing the enslavement of these populations and advocating for their humane treatment.

## **2. Francisco de Vitoria and Alonso de la Veracruz: Paganism, Natural Rights, Sovereignty, and Lack of Dominion of American Indigenous Nomadic Peoples**

In Tzvetan Todorov's influential work, *The Conquest of America*, he highlights the paradoxical nature of the Spanish encounter with indigenous peoples: on the one hand, the Spaniards sought signs of civilization and humanity among the native inhabitants,

yet on the other hand, they failed to fully recognize them as legitimate interlocutors (Todorov 2007, p. 143). This contradiction resulted in a complex and often contentious debate over the conquest rights of a Christian superpower and the status of native pagan populations, a debate that unfolded within the confines of the Spanish Empire, affecting its juridical and ideological structures.

The roots of this debate can be traced back to the Spanish conquest of the Canary Islands and the Antilles (Zavala 1991; Pagden 1990; Muldoon 1979; Birr and Egío 2018, p. 11). In the early 16th century, King Fernando II of Aragon convened a council (*junta*) in Burgos to deliberate on the natural rights of Native Americans, involving theologians Matías de Paz and Juan López de Palacios Rubio.<sup>2</sup> As Matsumori (2018) observes, the expansion of the Spanish commonwealth into the Indies was preceded by ongoing debates regarding the proper conduct of relations between Christians and those living beyond the confines of the known Christian world.

This debate centered on the supposed ontological inferiority of Native Americans. While some scholars argued for their inherent humanity, others maintained that their cultural practices, such as human sacrifice and cannibalism, indicated a lack of rationality and moral standing. This perspective, largely confined to academic circles within Spain and its colonies, effectively denied Native Americans political rights and, in extreme cases, questioned their capacity to form a legitimate political society.

As Pastor (2021, pp. 14–15) has noted, the construction of this image of the Amerindian was deeply influenced by the theoretical training of European observers. Based on the reports of chroniclers returning from the Indies, Spanish theologians constructed an image of the American indigenous people, aligning it with the theses of Aristotle and Thomas Aquinas, among other sources (Pastor 2021, p. 15). Armed with this theoretical framework, European missionaries could not only judge indigenous communities from an axiological perspective but also condemn practices they considered sinful or against nature.

Several notable theologians who engaged with the issue of indigenous ontology and slavery, such as Francisco de Vitoria and Bartolomé de Las Casas, were well versed in the realities of the New World, which they combined with their experience with Thomistic political thought (Aspe 2021, p. 297). This suggests that the transmission of knowledge between Europe and the Americas was not a unidirectional process, and that Salamancan theories on the origin of the community found practical application in the context of colonial encounters.<sup>3</sup>

The Spanish and Portuguese theologians inquired into the ontological nature of American indigenous people in order to test their rationality and, in some cases, their very status as human beings (Tierney 1997, p. 255). This exploration aimed to demonstrate their alleged incapacity to manage their domestic lives independently, due to their perceived inability to follow the mandates of natural law (Méndez Alonzo 2022, p. 97). In their everyday life, the Spaniard theologians held the belief that American indigenous nations have normalized behaviors that would be considered crimes against nature by a rational mind, such as cannibalism and human sacrifice (Tosi 2021, p. 182).

Undoubtedly, the foremost authority on the rights of pagan American indigenous peoples was Francisco de Vitoria (1483–1546), despite his never having set foot in America. Drawing upon the works of Thomas Aquinas, Vitoria explored possible justifications for the Spanish conquest of Native Americans. Vitoria's *Relectiones*, a collection of legal opinions and consultations on natural and international law, were primarily composed between 1528 and 1533. To establish a common frame of reference, according to Castilla Urbano (1992, p. 251), Vitoria posited the existence of a set of rules apprehended rationally, enabling humans to discern between good and evil. These rules, identified with the laws of nature, were considered a divine instrument to reveal justice to men, knowledge of which is acquired through rational capacity rather than revelation (Castilla Urbano 2014, p. 42). In cases of transgressions against natural law, such as incest, human sacrifice, and cannibalism, the state, according to Schäfer (2020, 206ss), would be obliged to intervene, even using force.

The doubts raised by these theologians regarding the legitimacy of the Spanish conquest aligned with restrictions on indigenous slavery, from the promulgation of the Laws of Burgos in 1512 to their repeal in 1542 with the New Laws (Mira Caballos 2008, 139ss).

For Spanish theologians, the principles defining the good governance of life were rooted in a presumption of the existence of a moral world outside of Christianity, based on an understanding of the principles of natural law. Vitoria made this explicit, recognizing, following Aristotle, a natural sociability in humans, incapable of recognizing the common good independently of religion or nationality, distinguishing them from animals.<sup>4</sup> Here lies the crux of the matter: individual perfection depended on transcending the principles of natural law into a moral realm that shapes social life, distinct from what one would experience in a state of freedom but exposed to nature.<sup>5</sup>

The underlying principles of sociability are transmitted through language and codified through writing, conditions rarely found among nomadic groups who live at the mercy of nature. As a result, Vitoria acknowledges that moral perfection is only achievable within complex, sedentary societies that possess writing, agriculture, and robust political institutions.<sup>6</sup>

This conceptualization of society aligned with the advanced urban societies in the Andes and Mesoamerica. For instance, as Vitoria observed, the indigenous peoples within the Inca, Aztec, and Purépecha empires, as well as the Maya city-states, exhibited intricate political structures and social stratification that governed moral life, demonstrating their ability to administer and transfer *dominium*. Moreover, prior to the arrival of the Spaniards, indigenous peoples appeared to be in peaceful possession of their *dominium*.<sup>7</sup> As Vitoria acknowledged:

The proof of this is that they are not in point of fact madmen, but have judgment like other men. This is self-evident, because they have some order (*ordo*) in their affairs: they have properly organized cities, proper marriages, magistrates and overlords (*domini*), laws, industries, and commerce, all of which require the use of reason. They likewise have a form (*species*) of religion, and they correctly apprehend things which are evident to other men, which indicates the use of reason (Vitoria 2010, p. 250).

For Vitoria, the principles governing the relationship between indigenous peoples and Spaniards, once their humanity and rationality had been established, were to be based on the principles of *ius gentium* (law of nations), as neither the Pope nor the Spanish emperor held jurisdiction or dominion over pagans in America.<sup>8</sup> However, in the event of discovering that indigenous peoples, despite supposed lifestyle deficiencies, possessed reasoning capabilities, they were considered entitled to enjoy their natural freedom until proven otherwise. Therefore, they were deemed capable of exercising dominion over themselves and their properties.<sup>9</sup> This perspective aligned with the advanced civilizations that thrived in Mesoamerica and the Andes. With these populations, it was anticipated that, through persuasion, they could be encouraged to adopt the lifestyle proposed by the Spaniards and convert to Christianity through gentle means.

As the Spaniards expanded their dominions, they encountered human groups that appeared to live in an archaic manner, leading a nomadic life and displaying hostility or indifference to the Christian message. This is exemplified by the indigenous factions of the northern regions of New Spain, collectively known as Chichimecas. The indigenous peoples of the northern regions of New Spain had a non-sedentary lifestyle, many of them being gatherers and hunters, distinct from the indigenous peoples of the Mexican highlands. However, their military resistance capabilities were surprisingly formidable, enabling them to even mount offensive actions against the Spaniards. The resistance to a sedentary life and the Christian religion gave rise to derogatory discourses about the intellectual capacities of these peoples. While their social life was not organized around private property, social lineage hierarchies, or organized religion, they were portrayed as lawless barbarians who failed to utilize their land, existing like beasts and being incapable of peaceful assimilation.

The conversion of peoples like the Chichimecas necessarily involved imposing an urban lifestyle as understood by the Spaniards.

In New Spain, one of the most significant theologians was the Augustinian friar Fray Alonso de la Veracruz (1507–1584). Following the footsteps of Vitoria, the Augustinian put forth a theory of natural rights with universal implications, encompassing Native Americans and protecting them from the abuses of Spanish colonists. He regarded them as equals to the Spaniards, capable of distinguishing between right and wrong and managing *dominium* (Doyle 2014, p. 253). Scholars like Burrus (1963, p. 225) and Aspe (2021, 315ss) argue that his theological and philosophical knowledge, coupled with his direct experience of the issues in the Indies (having been a student of Vitoria), enabled him to make more well-founded condemnations against the abuses of Spanish colonists than his colleagues in Salamanca.

Alonso de la Veracruz (1) believed that communities of Native Americans could be considered authentic political entities that clearly emerged *primo et principaliter est in ipso populo*. Drawing from Vitoria<sup>10</sup>, Alonso recognized in American indigenous communities elements that established them as commonwealths capable of political life. Consequently, he affirmed that the communities formed by Native Americans were made up of rational human beings seeking the common good.<sup>11</sup> Therefore, according to natural law, their leaders (referred to generically by the Augustinian as *caciques*) should have had their political rights acknowledged.<sup>12</sup>

Alonso de la Veracruz followed Vitoria's tenets in his belief that the association and formation of first communities naturally arise in groups of any rational creature. To govern themselves better and thus preserve themselves, humans in association relinquish their original freedom and transfer *potestas* to a ruler, choosing the type of government while also having the faculty to change it if it does not fulfill its primary function: preserving the common good.<sup>13</sup> Veracruz argued that the Spanish conquest of different realms in Mexico did not align with these principles, as there was never a conscious and free process in which Native Americans, without armed threat, could choose their leaders or be convinced of the virtues of living under the sovereignty of the Spanish emperor. Instead, they were subjected to plundering by Spanish *encomenderos*, who, following Veracruz's criteria, should be removed from the governance of the indigenous people, allowing them to choose their own leaders.<sup>14</sup>

Nevertheless, Veracruz maintained that these principles did not apply to groups leading an itinerant life, as they lacked the rules or institutions that define civil life. In other words, individuals who seemingly had not formed a sedentary community making "rational use" of their lands were not considered legitimate political interlocutors. These groups, explicitly called Chichimecas by Veracruz, were viewed as nomadic people who roamed the lands and survived off them, akin to animals. From a legal standpoint, they had not made a lawful occupation of these lands, making them legally considered *terra nullius*.

Veracruz drew the following as a corollary: those who possess pastures in the territories they call Chichimecas, as such lands were either unowned or abandoned, and as there are no inhabitants or towns with defined boundaries, rightfully possess them. Especially when apparently these nomadic Chichimecas live in the manner of beasts and do not cultivate the land, no injustice is done to them by allowing the herds and beasts of the Spaniards to graze on their land (Veracruz 2003, p. 33).

Despite Veracruz's ardent defense of Native Americans, he therefore acknowledged significant distinctions between nomadic groups living in an itinerant manner and the more politically organized sedentary peoples of the highlands. According to Aspe (2021, p. 316), this implied an alignment with the theses of José de Acosta, a Spanish Jesuit missionary who recognized the existence of hierarchies among Native Americans and proposed differentiated rights based on their level of civilization. In specific cases, without explicitly mentioning the Chichimecas, Veracruz accepted the possibility of coercive evangelization, particularly for individuals who had violently resisted the missionary efforts of Spanish priests. Veracruz went so far as to consider separating parents from children to achieve the



indoctrination of new generations of Chichimeca groups deemed irreducible to Christian teachings (Aspe 2021, p. 318).<sup>15</sup> To justify his position, Veracruz invoked a principle of natural law: one cannot prevent the free preaching of religion in any other way than by punishing the aggressors and disposing of their temporal goods *potest eos punire et de bonis temporabilibus eorum disponere* (Veracruz 2003, p. 121). The Augustinian recommended that *homines armatae militiae vel praecedant vel comitentur praedicatores evangelii* but advised avoiding, as much as possible, that unbelievers be deprived of their lands and fields *sine hoc quod priventur suis Terris et agris* (Veracruz 2003, pp. 123–24). Alonso de la Veracruz's opinions can be explained by the context of military conflict and the death of missionaries assigned to the northern frontier.

The war against the *Chichimecas* can be traced back to the incursions into the regions that would form New Galicia. The first significant encounter was the Mixtón War of 1542, in which viceroy Antonio de Mendoza led a significant military force composed of Spaniards and thousands of allies from central Mexico against the sedentary peoples in what would become the Mexican states of Querétaro, Colima, Jalisco, and Nayarit, and the northern regions of Michoacán and Jalisco (Powell 1977, pp. 20–21). According to Powell (1977, p. 71), the conflict against the *Chichimeca* factions spanned the period from 1550 to 1600, encompassing the states of Aguascalientes and San Luis Potosí, parts of Coahuila, and Zacatecas. As the conflict became more costly and less favorable for the Spanish, positions against these peoples became more radicalized. Among the viceroys who stood out for their more bellicose positions were Martín Enríquez de Almansa (1568–1580) and Pedro Moya (1584–1585), according to Powell. Positions of negotiation and peace through gifts were proposed by viceroys Álvaro Manrique de Zúñiga (1585–1590), Luis Velasco y Castilla (1590–1595), and Gaspar de Zúñiga y Acevedo (1595–1603).<sup>16</sup>

Compelled by the existence of legislation protecting indigenous peoples, the viceroys of New Spain had to convene theologians and jurists to discuss the just titles for undertaking a just war, understood as defensive, and forcibly settling the *Chichimecas*. These debates focused on the alleged crimes and disruptions to peace caused by the *Chichimecas* (Poole 1965, pp. 119–20). Yet, the abuses of the Spaniards were also recognized, who were often responsible for arousing animosity among the natives. The political authorities of New Spain convened experts in theology and canon law to elucidate the justice of the war against the nomads and justify the colonization policies of the northern region (Poole 1965, pp. 116–17). The decrees<sup>17</sup> that emerged from this council reflected the desire to boost evangelization among pagans within the Tridentine reforms (Moutin 2016, pp. 19, 24). The goal was to strengthen the dominion of the king of Spain in “already conquered land”, increase the number of believers by constructing more churches, and provide better training for the secular clergy to missionary work with still pagan Indians (Pérez Puente 2014, pp. 48–49). The cause of this change in perspective was mainly due to a political context that was not favorable to colonization, with peoples capable of resisting the Spanish military advances and even carrying out offensive actions in the territory of New Spain, which resulted in the murder of friars and local native allies.

### 3. Justifying Chichimeca Slavery Using Francisco de Vitoria's theology by New Spain Clergy

Van Deusen's (2015, 2023) research has revealed that the trade and use of indigenous slaves were far more prevalent than previously acknowledged. The author estimates that up to 650,000 indigenous people were enslaved, many of them captured in border wars against hostile nomadic factions. Van Deusen rightly demonstrates that most Hispanic clergy and jurists did not subscribe to the notion of natural servitude for Native Americans, nor did they find any theological basis for it. Instead, the subjugation of these peoples was justified by portraying them as hostile aggressors who violated the law of nations, providing a pretext for waging a just war (Van Deusen 2015, p. 3). As mentioned at the beginning of this work, this practice continued to be in force after the implementation of the New Laws in 1542.<sup>18</sup> From a legal perspective, the justification for Indian slavery was

through opinions and reports addressed to the Council of the Indies or to the different Audiencias in the Spanish vicerealties in America (Van Deusen 2023, p. 400). A panel of experts would discuss the relevance of maintaining a state of submission in very specific cases. This, in Van Deusen's (2023, p. 403) opinion, would only happen in exceptional cases, within specific moments, in compliance with laws that prohibit slavery. The experts would analyze the crimes of these Indians, as aggressors or violators of the law of nations. In these cases, slavery was deemed comparable to a punishment exercised against the crimes of a particular people, under regulated circumstances and within a specific period of time (Van Deusen 2023, p. 420).

From the perspective of canon law, Nicholas V in the bull *Romanus pontifex* granted the *facultas* to punish and enslave the enemies of the Christian faith, such as Saracens and other pagans (Muldoon 1979, p. 134; Russell-Wood 1978, p. 27). In the face of the threat of unconquered indigenous groups apparently hostile to the Christian message, such as the Chichimecas, New Spain theologians repeated the accusations of apostasy, rebellion against the king, and attacks on innocent Christian Indians to the point of comparing the Chichimecas with the Moors (Gradie 1994, p. 14). Moreover, accusations of witchcraft and idolatry to the devil were included (Powell 1945, pp. 330–31). The war waged against this enemy was juridically defined as *just*, as there was an intention to avenge their aggressions against the Spaniards and their Indian allies.<sup>19</sup>

Nonetheless, the Spanish conquest of the Chichimecas in New Spain remained a complex and controversial issue. To justify this event, the regular and secular clergy had to resort to a variety of theological and legal opinions, including those of Francisco de Vitoria and Domingo de Soto. They attempted to portray these indigenous nations as violators of natural law, akin to highwaymen.<sup>20</sup> The Spanish also argued that since the nomadic Indians of their northern border had no property that could serve as just pecuniary reparation, the only option left was to turn them into slaves.<sup>21</sup> For this, a formula for permanent servitude was proposed, in which they would be taught useful trades along with the fundamentals of the gospel. For example, the Mexican jurist Hernando Ortiz de Hinojosa in 1585 argued that attempts to reform these nomadic peoples through temporary slavery had proven futile, as they quickly returned to their marauding with even greater fury.<sup>22</sup>

The decision to use the theology of Vitoria, considered by most scholarship critical of the Spanish conquest, to justify war against the Chichimeca nations and their enslavement might appear peculiar. However, as I have shown in a previous study (Méndez Alonzo 2023), resorting to the School of Salamanca was congruent for three reasons: (1) there is an exegesis of natural law that provides universal ethical criteria for judging the behavior of pagan peoples; (2) these theses are applicable in complex practical situations between pagans and Christians; (3) they defined the rights of the affected populations and possible *casus bellum* between the Spanish authorities and the Chichimeca nations. Furthermore, in different time periods, chroniclers such as Antonio Herrera y Tordesillas in 1596 and Matías de la Mota Padilla in 1742, as well as sixteenth century ecclesiastical authorities such as Guillermo de Santa María in 1575, and Juan de Torquemada in 1612 ventured to give an ethnographic description of these peoples in their works to justify their armed conquest (Powell 1945, pp. 318–19).

The term *Chichimeca* was used to generalize the nomadic bands of the deserts of Aridoamerica and later proved useful for stigmatizing some ethnicities as non-political and barbaric (Van Deusen 2023, p. 412). For Powell (1945, pp. 318–19), the term derives from the Nahuatl words *chichi* (dog) *mécatl* (noose), literally meaning dog without a leash but also conceivably meaning arrogant dogs. According to the UNAM Gran Diccionario Nahuatl (UNAM 2024), the term *chichimecatl* has various meanings, ranging from those who “chupan o maman” to rough people, valued for their strength, hunting abilities, and martial prowess. By offering their services as mercenaries in other peoples' wars, the Chichimeca earned renown, ultimately achieving respect and political influence. This term, once derogatory, transformed into a badge of honor, with various Nahuatl-speaking groups claiming Chichimeca ancestry. Subsequently, this term encompassed all groups, regardless of their

customs and language, that still led a nomadic life. Among the most numerous groups were the Zacatecos, Guamares, Guachichiles, and Cazcanes, among others. Their way of life is largely explained by complicated geographical conditions, where an impenetrable terrain and lack of water (and thus the absence of large-scale agriculture) are constants. This also explains the absence of political centers that could accommodate massive populations. Since the livelihood of these peoples depended largely on hunting, the Chichimecas were recognized as accomplished archers, becoming formidable enemies against the military and religious advances of the Spanish. Also, due to their tribal organization, the majority of these peoples were not subject to a central political authority (Powell 1945, p. 322).

For most of the New Spanish chroniclers, the main challenge in evangelizing these peoples was their nomadic lifestyle.<sup>23</sup> For instance, Friar Toribio de Benavente Motolinía states about the Chichimecas, “it has not been more than eight hundred years since they have been inhabitants of this land, although it is considered certain that they are much older, but they did not have a way of writing and figuring, as they were barbaric people who lived like savages” (de Benavente 2007, p. 3). According to the Jesuit José de Acosta (2002, p. 381), the Chichimecas “had no chief, nor did they recognize one, nor did they worship any gods or have rites or any religion whatsoever”, making it very difficult for them to submit to the Spaniards.<sup>24</sup> According to the Franciscan Juan Focher (1960, p. 348), their so-called barbaric customs are explained by the fact that “they do not work but live off hunting, nor do they worship God or idols”. The wild life (as the Chichimecas seemed to have) implied living under the “cruel tyranny” of nature and the rule of their own desires. “Due to their itinerant lifestyle, nomadic Indians resorted to raiding roads to survive or obtain the goods they desire”.<sup>25</sup> To stop this cycle of violence, it was argued that they should be forced to live a sedentary life.<sup>26</sup> This was the opinion of the magistrate Juan de Salmerón, who described the Chichimecas as a plague that moves as freely as deer, and argued that military actions should be taken against them to secure the roads.<sup>27</sup> This opinion was echoed by Guillermo de Santa María who considered that the irreducibility of these peoples was due to the fact that they did not have cities or political authorities that would make them live civilly.

And thus, since these Chichimecas do not have cities enclosed with walls to level or fortresses to be torn down or new ones to be built for them, so that, with garrisons of people, they may be kept peaceful and secure, which are the means commonly used to punish and keep kingdoms and provinces in peace, there are other means, albeit contrary to these (Santa María 2003, p. 238).

The arguments presented above suggest an ethnographic categorization of Native Americans, similar to that made by Alonso de la Veracruz, who distinguishes between peoples who have not exercised *dominium* over their land, such as the Chichimecas, and apparently political peoples such as the Incas or Aztecs. This categorization arises because, as suggested by Gibson (1978, p. 35), the Spaniards established a hierarchy between what represented a settled community and tribal organizations. They had a set of urbanistic and ideological categories to define a community that lived politically. Peoples that lacked a settled existence and political authority, described by Alonso de la Veracruz (33) as *brutos*, an argument later repeated by José de Acosta<sup>28</sup>, were hardly amenable to the authorities of the viceroyalty as a whole.

These accusations were corroborated by the prominent prelate and archbishop Pedro Moya de Contreras (born in 1527 until his death in 1591), who recounted in 1574 the “great damages and thefts caused by these peoples, especially affecting the mining industry”.<sup>29</sup> The complaints of the ranchers align with the grievances of the miners, who have been unable to exploit the silver deposits in Zacatecas since 1550 due to Chichimeca attacks (Powell 1977, p. 32). The solution, in this case, would be “to enslave these peoples in order to settle them and compel them to engage in productive activities”.<sup>30</sup> Thus, Moya’s arguments align with the reports to the Audiencia by Licenciado Santiago de Riego from the Audiencia de Guadalajara in 1576, detailing the robberies and murders committed by the Chichimecas against Spanish ranchers in Michoacán.<sup>31</sup> The foregoing was supported in



1572 by the members of the Cabildo of Guadalajara, who described crimes against peace and the lack of security on the roads caused by Chichimeca raids.<sup>32</sup> Before the king, the Cabildo lamented the insecurity on the roads that “hinders the exploitation of the mining wealth of the region due to the conflict with the native nomadic peoples”.<sup>33</sup> These reports were commissioned by ranchers, miners, and merchants affected by the disruption of trade between Nueva Galicia and Mexico. These reports were consistent with the arguments of Salamanca theology, portraying the Chichimecas as the initial aggressors, justifying the Spanish response as self-defense against a dangerous and pagan enemy. Despite being dictated by expert theologians, these reports often aligned with the public policy pursued by viceregal political authorities, while also theoretically supporting the complaints and requests of settlers on the Novohispanic frontiers. Therefore, they recommended the solution implemented by viceroy Antonio de Mendoza in the Mixtón War: enslaving thousands of rebellious Indians.

... and for these Indians and troublemakers, it is necessary to do the same with a large number of allies and from many sides, along with the necessary provisions. In a short span of time, God willing, they would be overcome, given to them as slaves because they deserve it for being so harmful to people, as they showed during the good Viceroy's time. Your Majesty should know that the soldiers in this land, if they don't see the interest very clearly, as they don't receive any other salary, they don't move, because everyone who comes here is looking for something to eat, with great thirst and greed for silver and gold.

And for a business like this, which has been going on for so long and is getting worse every day, it is necessary to provide what is needed at once because this land is in a critical situation. Every day we cannot report to Your Majesty about what is necessary, and receive the will of these loyal subjects. Our desire is for success, for these bad Indians to be punished, and the land to be secure. The evils they do are great, and if they see that they are not consumed and eradicated, the other Indians of this land and New Spain might decide to join them and rebel together (AGI, Cartas de los cabildos seculares de 23 de diciembre de 1572, Colección Guadalajara-México, 30, N.14).

The Cabildo of Guadalajara's report, rife with bellicose language, reflects the intensity of the conflict between Chichimeca *parcialidades* and viceregal authorities, a period known as the “guerra a sangre y fuego” (Powell 1977, pp. 112–13). The solution to eliminate the Chichimeca threat, while also fulfilling the obligation to evangelize the pagans in the Indies, consisted of forcibly reducing the most conflictive indigenous groups.<sup>34</sup> This solution was proposed in a letter to viceroy Antonio de Mendoza in 1582 by the settlers of Nueva Galicia. Therefore, it was requested that they be punished with penalties of perpetual slavery to control their movements. Captain Francisco de Urdiñola shared the same opinion, proposing a solution that was not only military but also religious: they should be taught not only doctrine but also how to live as “Christians”.<sup>35</sup>

On an ideological level, it is noteworthy that the more bellicose theologians of New Spain turn to Vitoria and his disciples. However, it should not be forgotten that Vitoria's argumentation, despite his doubts about how the Spaniards obtained sovereignty over the Indians, recognizes justifications for declaring war against the Indians, such as their violations of *ius gentium* and *ius communicationis*, impeding the free movement of travelers and their economic activities<sup>36</sup>, or preventing the propagation of the Christian faith.<sup>37</sup> These violations were good reasons for launching a war of conquest and their enslavement.<sup>38</sup> In other words, Vitoria's writings are used to defend both the temporary and permanent enslavement of the Chichimeca groups.

The recognition of the full humanity of Native Americans by Vitoria did not prevent him from suggesting that they would be better under Spanish guardianship. He argued that the behavior of the Indians towards Spanish rule did not reflect an ontological defect but a failure to adhere to the dictates of natural law. As Pagden (1999, p. 80) has asserted, the

society the Indians had created did not fulfill its function of protecting the common good, “because they so obviously failed to perform the function that all true laws must perform”. In other words, if the lives of Native Americans were mismanaged at the domestic level, a society governed by such individuals would not have operated in accordance with natural law. In the case of the Chichimecas, who lived in groups without magistrates or established religion, following the mandates of their desires, without moral capacity to distinguish between good and bad, it was argued that they would be better under the guardianship of a political community, such as the Spaniards, until they learn to live “Christianly” without any tutelage.<sup>39</sup>

These theses were followed by the Augustinian Guillermo de Santa María in 1575<sup>40</sup>, as well as the legal experts Hernando Ortiz de Hinojosa<sup>41</sup> and Fulgencio Vique<sup>42</sup>, in their opinions for the Third Mexican Provincial Council in 1585. They justified the perpetual enslavement of the Chichimecas as a response to aggressions against the Spaniards and their allies that prevented the circulation on roads, as well as the exploitation of mines and cultivation of the land, and in order to avoid their stirring up of the peaceful Indians.

The most extreme opinions in this context were expressed by the Franciscan clerics Jean Focher in 1570, Juan de Salmerón in 1583, and Hernando de Robles in 1585. Robles recounted the life of the Chichimecas, affirming that they lived barbarically in caves and settlements, diabolically rejecting efforts to become Christians, committing endless crimes against nature like cannibalism.<sup>43</sup> All of this, he affirmed, warranted a war of blood and fire, as well as their perpetual enslavement.<sup>44</sup> Salmerón, on the other hand, called for the vigorous protection of the roads to safeguard the Spaniards engaged in trade, missionaries, and newly Christianized Indians. He referred to the Chichimecas as “cursed and cruel people”, justifying the title of a just war against them.<sup>45</sup> For Focher, the Chichimecas are defined as people who do not cultivate the land and live solely by hunting, making them a formidable enemy, obstructing the free passage of roads, tyrannizing other Indians, and murdering missionaries seeking to evangelize them to steal from them.<sup>46</sup> To address this, based on Escoto<sup>47</sup>, he not only recommended war against these peoples but also taking away their children to be educated as Christians.<sup>48</sup>

Not all opinions were as extreme as those of Focher, Robles, and Salmerón. Captain Gabriel Ortiz de Fuenmayor in 1603, protector and chief justice of the Chichimecas and Guachichiles, believed that to subdue the most violent factions, more presidios should be built on the northern frontier of New Spain.<sup>49</sup> In these fortresses, Hispanic colonists would be protected, pagans would be acculturated, and justice would be administered.<sup>50</sup> Ortiz de Fuenmayor prided himself on waging war with great vigor (*mucho vigor*) against the most rebellious Chichimeca nations, but also on attracting their leaders through gifts and negotiation.<sup>51</sup>

To achieve peace, the Spaniards had to build spaces *ex nihilo* to create institutions that would make nomadic Indians live sedentarily. According to Powell (1982, p. 126), these were often built on the sacred sites of the Indians (Hausberger 1997, p. 54). In these areas, negotiations would take place between Hispanic colonists and the Chichimecas, and they would be evangelized, taught Spanish, and encouraged to hide their nudity and engage in agriculture, with the aim of settling the aggressive Chichimeca factions. This would be carried out not only through persuasion but also through gifts and negotiation. For Powell (1982, p. 126), the two institutions created to represent viceregal authority in the northern frontier of New Spain, where there were hardly any worthy cities, were the presidios and missions. In these places, due to their distance from the Audiencia of Guadalajara and the New Spanish court, Spanish captains did not face a vigorous bureaucratic apparatus, and Hispanic colonists lived with much greater personal freedom without the social constructions that defined colonial Spanish society (Ruiz Guadalajara 2010, 31ss).

Finally, for a majority of New Spain’s theologians, nomadic societies like the Chichimecas, lacking the notion of private property, were not only incapable of meeting their physical needs but also of developing the relationships and institutions that would allow individuals

as a whole to live as a society and pursue their ends (Pagden 1990, p. 28). In this way, their groupings would not distinguish them from the herds of animals that roamed freely in nature. For the Spanish *intelligentsia*, regimes of both temporary and permanent slavery would have the following advantages: (1) forcing the Chichimecas to settle and live according to Spanish customs; (2) teaching them the value of labor and utilizing their workforce in mining, agriculture, livestock, and domestic work. As demonstrated in practice by Valdés (2017), Valenzuela (2023), Resendez (2019), and Goicovich (2019), all these provisions had the effect of increasing the slave trade of Native Americans in war-torn lands.

Although Chichimecas were initially recognized as free people in their own legal and theological texts, Spanish colonists resorted to enslaving them from the very outset of their encounters. This practice was justified by accusations that the Chichimeca had initiated hostilities against the Spanish, thereby violating the *ius communicationis*. Moreover, the enslavement also served more practical purposes, having functioned as a means of paying soldiers, establishing alliances with local leaders, and addressing labor shortages in outlying regions distant from the central Mexican highlands.

#### 4. The Dominican Coherence: The Critiques of the Spanish “unjust” war against the Chichimecas

In the early phase of colonization, Friar Antón de Montesinos’s sermon on December 26, 1511, stands as a pivotal moment in the defense of indigenous rights, exposing the abuses committed by the Spaniards against American indigenous peoples in the Antilles. Montesinos condemned the Spanish colonists, stating that they were “all in mortal sin” for subjecting the natives to “such cruel and horrible servitude” (de Montesinos 1982, p. 150). According to Seed (1993, p. 634), Montesinos’s sermon initiated a serious discussion on the humanity of the indigenous peoples by denouncing the exploitation that the Spaniards subjected them to, in violation of the Alexandrian bulls. In the view of Lewis Hanke (1949, p. 18), this event began the first struggle for justice in the New World. Furthermore, this sermon created unrest among the Spanish colonists and sparked debates on how to govern relations between Native Americans. King Ferdinand was so shocked by Montesino’s discourse that he summoned a Junta in Burgos with theologians, officials, and jurists to draft principles for the proper treatment of the American indigenous people (Gómez Isa 2017, p. 95). Carro (35–36) argues that Montesinos’s expressions bear the mark of Thomism and Dominican thought, significantly influencing the Laws of the Indies in 1512 and subsequently shaping the reflections of Vitoria and De Soto.

It is widely acknowledged that the ongoing discussion on the rights of the indigenous peoples in Spanish universities served to recognize their humanity and rationality (DiSalvo 1993, pp. 89–90). This inspired future legislation aimed at protecting the Native American population from strict enslavement and the worst abuses by the Spaniards, framing “the first comprehensive code of Indian legislation known as the Laws of Burgos, which were promulgated 27 December 1512” (Hanke 1949, p. 24). Within this context, one of the most influential figures was Bartolomé de las Casas. The Dominican, a controversial figure in his time and beyond, garnered both critics and admirers. His ideas were heterogeneous, evolving throughout his fruitful and lengthy life, and his writings lack a consistent theoretical framework. Nevertheless, Las Casas engaged in significant discussions concerning the relationships between Native Americans and Spaniards, including his writings on the initial skirmishes with the Chichimecas.

As noted by Carrillo Cázares (2000, pp. 95–96), Bartolomé de las Casas condemned the Mixtón War in the northern part of New Spain in the pamphlet *Sobre el hacer esclavos en la segunda conquista de Jalisco que mandó hacer don Antonio de Mendoza, virrey de la Nueva España, año de 1541*, although there is also mention of the lost work *De bello Xalisquino*. In these works, he maintains argumentative consistency with his Opus, asserting the injustice of wars against the indigenous peoples and, consequently, the slavery imposed upon them. Therefore, he insisted that the king of the Spaniards was obligated to liberate all indigenous slaves (Carrillo Cázares 2000, p. 96). In a similar vein, he wrote the “Petition to His Holiness

Pius V on the Affairs of the Indies" (*Petición a su Santidad Pío V sobre los negocios de las Indias*) (Bellini 1995, p. 569), where the Dominican requests from the Pope "a decree declaring excommunicated and anathematized anyone who says that war waged against the infidels solely because of idolatry is just" (Cfr. Las Casas in Bellini 1995, p. 569).

Within this context, the defense of lost privileges presented by the Cazcan chief Don Francisco Tenamaztle before the Audiencia of Valladolid emerges. Tenamaztle was one of the key leaders who challenged Spanish domination in New Galicia (León Portilla 1995; Altman 2019)<sup>52</sup>. In "Ciertas peticiones e informaciones hechas a pedimento de Francisco Tenamaztle", received by the Consejo de Indias in 1555, Tenamaztle vehemently denounced the injustices inflicted upon the Cazcan people at the hands of the Spanish *encomenderos* (Sánchez Godoy 2022, p. 87). Bartolome de Las Casas's style is evident in the indigenous leader's defense of his rights in this text, justifying his rebellion as a result of Spanish abuses, reclaiming their lost privileges as rulers after the Spanish conquest. More significantly, the "peticiones" described the Cazcan peoples as a political community, thereby establishing Tenamaztle's legitimate political authority under natural law, which was unjustly usurped by the Spaniards. In this text, Tenamaztle denounces the irreparable harm inflicted on his subjects and family by the Spanish conquerors. He stated that, as the king of the Cazcans, he welcomed the Spaniards hospitably, making any allegations of violations of *the ius gentium* on his part unjustifiable. Instead, it was the Spaniards who, abusing this hospitality, committed extensive robberies and murders in Jalisco.<sup>53</sup> Similarly, he accuses the conquistador Nuño de Guzmán of distributing Tenamaztle and his people as slaves with no reason:

... in the customary harsh captivity and servitude that the Spaniards called *encomiendas*, distributing to each Spaniard the towns and inhabitants thereof, as if we were beasts of the field, those which he and his captains saw fit to distribute (Tenamaztle 2000, pp. 514–15).

Tenamaztle also wants to refute the violations of *ius communicationis*, as he claims to have received in good faith the teachings of Christ, converting himself along with his family and many others.<sup>54</sup> Despite this, he accuses the Spaniards of continuing to carry out slave raids among those in his realm. Similarly, he accuses other famous Spanish explorers such as Juan de Oñate (namesake of the conqueror of New Mexico), Cristóbal de Oñate (governor of Nueva Galicia), and Miguel de Ibarra of abuses and thefts. Furthermore, he emphasizes that their servitude went against natural law, as they were free people, an argument presented by Vitoria and de Soto.<sup>55</sup>

In this way, Tenamaztle's rebellion, through Las Casas's pen, is articulated as having two points, both justified by the law of nature: (1) to demonstrate that he was illegitimately deprived of his *dominium*, and (2) as a legitimate defense against the robberies that the Spaniards committed against him and his people.<sup>56</sup> Finally, in his petition, Tenamaztle requests the release of all prisoners and his restoration as the legitimate sovereign, as there was no just cause for him to be stripped of the power of his mandate while remaining a vassal of the Crown of Castile.<sup>57</sup> Thus, he rejected the accusations of apostasy used to justify temporary or permanent slavery against the Chichimecas.

The above-mentioned position was consistent with the stance taken by the Dominican Order in theological meetings to discuss the war of "sangre y fuego" against the Chichimecas. As noted by Carrillo Cázares (2000, p. 352), they considered, before continuing with any costly and bloody war in New Spain frontiers, the complaints of both the Spaniards and the indigenous people. The Dominicans argued that the Spaniards were accused by the indigenous people of being the first to cause them many grievances. While acknowledging the need to use all resources to pacify the northern territories, they disapproved of the reasons for the war. However, this pro-peace stance was not embraced by all members of the Dominican Order, especially during the peak conflict period in the years from 1569 to 1585, giving a hypothetical approval to total war, but only if the reports about the crimes of the Chichimeca are true (Poole 1965, pp. 128–29).



In the opinion presented by the Dominicans at the Third Provincial Council of Mexico in 1585, they considered it essential to understand the rights that the Spaniards held over those nations. This entailed discerning whether the Spaniards entered those lands with authorization or through violence.<sup>58</sup> The main accusation revolves around determining whether the Spanish settlers, in their pursuit of the leaders of the rebellions, had taken innocent individuals, such as women and children, as prisoners and sold them as slaves to satisfy their greed.<sup>59</sup> To achieve this, they requested to hear from witnesses on the ground who had observed and interacted with the indigenous people of those lands over thirty years. Lastly, recalling the principles of Thomistic political thought, they emphasized that the purpose of governance is the well-being of the population and not the exploitation of their resources solely for the benefit of the Kingdom of Spain.

The Dominican stance on the Chichimeca War focuses on specific cases and does not extensively delve into explicit theological arguments. There is no mention of Vitoria or any of his disciples in this short document. Certainly, the Thomistic theory of the origin of civil power is acknowledged, asserting that the government's objective should be the preservation of individuals comprising a community (Skinner 2011, 163ss), such as the inhabitants of the region known as Gran Chichimeca. However, the text tacitly acknowledges that the conflict was provoked by the ambition of the Spaniards themselves. Despite recognizing this, the document cannot provide a positive resolution to the conflict, calling for an end to the tyrannical rule exercised against these group of natives. As a result, the following conclusion is drawn:

And thus, until a solution to this matter is found, we are unable to provide a definitive response as directed. Our only assertion and plea is that, for the sake of God's reverence, it must be acknowledged that the governance of this realm should not be oriented solely towards the utility and profit of the kingdoms of Spain. Instead, it should primarily serve its own welfare. Those in positions of authority, if they fail to seek this and do not have it as the ultimate purpose of their governance, find themselves in a state of eternal condemnation. Consequently, there exists an obligation to allocate all royal revenues, even if they originate from the fifths of the mines, if such expenditure is deemed necessary for pacifying the land. It is imperative to employ the means that, according to God and conscience, are essential for its pacification. This is because the just and legitimate government fundamentally differs from the tyrannical; the tyrannical is primarily pursued for the benefit of the ruler, whereas the legitimate government is principally organized for the welfare of the republic (*Parecer de la Orden de Santo Domingo* 2000, p. 700).

The Augustinian Order reached the same conclusion, recognizing that the fierce war against the Chichimecas had produced few results and brought about much harm; thus, they declared their support for continuing the war against the Chichimecas.<sup>60</sup> Despite the initial supportive opinions favoring a war of "sangre y fuego" by the Augustinians, Jesuits, and secular clergy, when the final verdict was issued, the belligerent stance of the early years of the war against the Chichimecas was questioned by viceroys such as Manríquez de Zúñiga and Luis de Velasco y Castilla, who initiated a peace-seeking strategy through gifts.<sup>61</sup>

Ultimately, there was an acknowledgment, even from apologists of the war like Fulgencio Vique, that due to the frequent hostilities, the indigenous people suffered worse treatment from the Spaniards and were less inclined to receive missionaries responsible for their evangelization without resistance.<sup>62</sup> It cannot be overlooked that many of the theologians of New Spain, excepting the Dominicans, changed their opinion due to the shift in policy towards the Chichimecas. Thus, the coherence of the Dominican Order should be recognized, because even in the most heated moments of the war against the Chichimecas, they tried to expose the aggressions suffered by these peoples by the Spanish colonizers and their allies, seeking a peaceful solution to the conflict and a voluntary evangelization, through good works.

## 5. Conclusions

The Chichimeca War constrained the Spanish ability to assert their sovereignty in border regions distant from colonial centers such as Mexico or Lima. Their dominion relied, to a significant extent, not on subjugating local indigenous groups but on cultivating alliances with groups that, reciprocally, perceived advantages in aligning with the Spanish to promote their own interests (Gerhard 1996, p. 19). Theoretical discussions about the rights of irreducible nomadic peoples on their borders were framed by previous debates concerning the rights of American Indians in the aftermath of the appropriation of American lands post 1492.

The justification for enslaving the Chichimecas, beyond practical considerations, closely followed the theses of Vitoria and his followers regarding the just causes for declaring war. Within this rationale, the territories inhabited by these populations were declared depopulated. Ultimately, New Spanish theologians, grounded in an ethnocentric analysis, concluded that only a regime of servitude and disciplinary control could transform these “barbarians” into civilized subjects. This entailed settling them in one location, instructing them in trades that the Spaniards deemed useful, teaching them Spanish, compelling them to wear clothing, and even imposing a concept of time based on segments and schedules (work time, rest time, prayer time) to prevent “idleness”. This disciplinary control would be overseen by one of the religious orders responsible for the education of these peoples.

The challenge of maintaining tight institutional control on the northern borders, coupled with the growing difficulty of restraining increasingly militant indigenous factions, led to a disconnection between the actual sovereignty wielded by viceregal authorities and the legally established jurisdiction. Spanish power was only exerted from enclaves within a territorial expanse over which it nominally held sway over.

The harsh lessons learned in confronting various Chichimeca nations were replicated in negotiations with other indigenous factions as the Spanish sought to expand their empire in North America. With few variations, the Spanish found the theological discussions on the rights of American Indians, primarily conducted by the School of Salamanca, to be instrumental. They provided a theoretical framework for axiological judgment and defined the nature of the relationship with the indigenous factions encountered as they advanced into more remote regions.

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## Notes

- <sup>1</sup> A poignant example of this discourse is found in the writings of Bartolomé de las Casas, particularly his highly publicized work, *Brevisima relación de la destrucción de las Indias* (1552), where he establishes a stark connection between the atrocities committed by Spanish colonizers and the near extinction of American indigenous populations in the Americas. Leaving aside the factual accuracy of Las Casas’s most renowned work, we can affirm that the *Breve relación* presents a compelling narrative that resonated with Spanish officials who opposed the subjugation of Native Americans and the disregard of the instructions enshrined in papal bulls. Las Casas’s vivid portrayal of the suffering and decimation of indigenous communities, often characterized by graphic and disturbing descriptions, fueled public outrage and sparked a debate within Spanish society about the morality of the conquest and the treatment of Native Americans. His work served as a powerful indictment of the Spanish colonial enterprise and resonated among those who sought to uphold the principles of justice and humanity towards indigenous populations.
- <sup>2</sup> Palacios Rubio inspired the drafting of the legal document known as the *requerimiento*, in which indigenous people were informed in Spanish of the just titles through which the Crown of Castile took possession of a specific territory or population, drawing upon references from the Alexandrian bulls. This text, recited before a military action, served as a warning, asserting that the military actions undertaken against the indigenous people are a punishment for disobedience to the Spanish monarch and their church. The purpose of this text was effectively nullified due to abuses, as it was read to populations unfamiliar with Spanish or the Spanish legal system, by Spanish colonizers against the indigenous people, serving as a policy of *fait accompli* in territorial

conquest (Méndez Sánchez 2021). On these issues, Matías de Paz published *Dominium regum Hispaniae indos* in 1512, and López de Palacios Rubio published *Libellus de insulis oceanis*, in what J. L. Egió (2018, p. 237) has referred to as the “Hispanic Thomism before Vitoria”.

3 According to Getino (1930, 197ss), we can assume that in many expeditions to the New World, there was a circulation of texts from the works of Vitoria, as well as those of several of his prominent students (among them, the friars of San Esteban, and notably, Domingo de Soto).

4 “But to mankind Nature gave ‘only reason and virtue’, leaving him otherwise frail, weak, helpless, and vulnerable, destitute of all defense and lacking in all things, and brought him forth . . . So it was that, in order to make up for these natural deficiencies, mankind was obliged to give up the solitary nomadic life of animals, and to live life in partnerships (*societates*), each supporting the other” (Vitoria 2010, p. 7).

5 “To answer this, we must first consider the fact that although man excels the other animals by his possession of reason, wisdom, and speech, guiding Providence has nevertheless denied to ‘eternal, immortal, and wise mankind’ many things which she has bestowed upon the rest of the animals. In the first place, in order to ensure the safety and defense of animals” (Vitoria 2010, p. 6).

6 “For since it is agreed that the soul is composed of two parts, understanding and will . . . And these cannot be gained by living in isolation from our fellows . . . Aristotle also declares that language is the messenger of understanding, and was given to man solely for this purpose, so that in this one respect he excels or surpasses all other animals. Now language could not exist outside human partnership” (Vitoria 2010, p. 8).

7 Traditionally, *dominium* is understood as the right to use a certain thing in accordance with right reason (Brett 2003, p. 119). For example, Gerson saw *dominium* as a faculty, or power, to take things under one’s control for a lawful and sustained use that is not only supported by a legal framework, but also approved by reason (Tierney 1997, p. 242). In contrast, for Summenhart, *dominium* is the disposition of an owner to be able to make or not make changes to something; from this faculty, the existence of *potestas* and *facultas* is tacitly derived.

8 “. . . that even if the barbarians refuse to recognize any dominion (*dominium*) of the pope’s, war cannot on that account be declared on them, nor their goods seized. This is obvious, because the pope has no such dominion. And the proof is quite clear, for, as I shall show below and as our adversaries admit, even if the barbarians refuse to receive Christ as their lord, they cannot for that reason be attacked or harmed in any way” (Vitoria 2010, p. 263).

9 “. . . the barbarians possessed true public and private dominion. The law of nations, on the other hand, expressly states that goods which belong to no owner pass to the occupier” (Vitoria 2010, p. 264).

10 Like Vitoria, Alonso de la Veracruz did not publish any texts under his own name; however, his ideas are assembled from the lectures he delivered at the Royal and Pontifical University of Mexico. These lectures cover a range of topics, including the rights of the Indians, marriage, and logic. Noteworthy among his lectures are titles such as *Recognitio summularum*, *De dominium infidelium et iustum bello*, *Speculum coniugiorum*, *De decimis*, etc. (Tellkamp 2023, pp. 571–72).

11 “Et secundo negandum quod isti incolae sint tam insensati et fatui ut aliqui existimant; immo, quamvis barbari, suum tamem modum habent gubernandi et suas consuetudines quibus vivunt. Habent et ore tenus a suis maioribus leges per quas iudicant, discurrunt, ratiocinantur, inquirunt, consultant: quae sunt non fatuorum aut insanorum sed prudentum . . . Et sic ante adventum Hispanorum pacifice in sua politia degebant, quod stare non posset si tam essent infantes et imprudentes” (Veracruz 2003, p. 153).

12 “. . . quod illi qui in isti partibus habent populum, vel totum vel partem, sine alicuius concessionem, quod tales iniuste possident, cum constet esse contra voluntatem ipsi populi et contra voluntatem gubernatoris, quem vocam *cazique*, et per vim et violentiam tales possidere” (Veracruz 2003, p. 8).

13 “Por solutione breviter notandum primo quod dominium populi primo et principaliter est ipso populo; non enim per legem naturalem neque per divinam aliquis est qui sit dominus verus in temporalibus, cui alii teneantur tributa dare . . . Oportet ergo quod, si qui iustum dominium habeant, hoc sit per voluntatem ipsius communitatis transferentis dominium in alios, ut est in principatu aristocratico vel democrático” (Veracruz 2003, p. 1).

14 Alonso de la Veracruz goes so far as to demand the restitution of the encomenderos’ dominion to the Native Americans. He argues that anyone who receives or demands something belonging to another against the owner’s will is like a thief and, therefore, must return the unjustly received or enjoyed property: “quia quicumque exigit alienum contra voluntatem domini, iniuste recipit, et restituere tener . . . Sed hic vel est imperator, ut supponimus, vel est ipsorum gubernator et antiquus dominus, ut existimamus, et non Hispanus qui fustibus et armis occupavit eorum dominium” (Veracruz 2003, p. 4).

15 “filii infidelum invitibus parentibus, possunt baptizari, quia contra inferiorem potest quis agere in favorem superiorem” (Veracruz 2003, p. 161).

16 According to Powell (1977), the conflict with Chichimeca groups can be segmented into four distinct stages: (1) a period of genesis (1550–1560), (2) a decade of indecision (1560–1570), (3) the peak of hostilities (1570–1585), and (4) a phase of pacification (1585–1600). Theological debates surrounding the war’s justification and critique emerged during assemblies convened by the viceroys, culminating at the Third Mexican Provincial Council in 1585. However, as early as New Galicia’s colonization efforts, Franciscan friar Juan de Arrellanes in 1554 proposed pacification strategies to the emperor. These included establishing an inquisition to address Spanish misconduct, appointing a resident patriarch in the Indies, selecting upright governors for New Galicia, and founding settlements with Spanish colonists (Carrillo Cázares 2000, pp. 195–96).

- 17 The reform and strategy around the secular and temporal government of the Indies, as [González González \(2010\)](#), p. 144) has pointed out, was a constant concern since the reign of Philip II. In 1568, in the so-called *Junta Magna*, secular and ecclesiastical leaders met to reform and give coherence to the *política indiana*.
- 18 On the ethnic composition of slaves in Medieval Spain, see *L'esclavage dans le monde ibérique médiéval* de [Verlinden \(1934\)](#).
- 19 It is worth noting that the doctrine of just war finds its foundations in significant theologians such as Augustine of Hippo, Isidore of Seville, Yves de Chartres, and Thomas Aquinas, as well as in canon law, such as in the *Decretum* of Gratian ([Brière 1949](#), pp. 25–36, 39). Just war is intended to punish offenses against the law of nations attributable to an aggressor, although this does not exclude that this activity follows a just cause and requires the observance of moral and theological virtues to punish stubborn violations of justice that are attributable ([Brière 1949](#), pp. 48, 54–55, 84).
- 20 “El grande daño se hace a la república y la injuria reçebida, y el estoruo a los caminos y comertio, justifica la guerra; y los dichos chichimecas an hecho y hazen grandísimos danos e incomparables injurias a este reino de la Nueva España, y les uedan el pasaje v prohíben sus comercios, luego la guerra que se le haze es justa” ([Parecer del doctor Hernando Ortiz Hinojosa 2000](#), p. 707).
- 21 “Pues está claro que no se puede hazer recompensa por las injurias grandes reçebidas, en bienes muebles ni en rraíces de los dichos chichimecas. porque no los tienen, y, aunque los ruuieran son de poco momento. se debe y puede hazer en sus personas haziendolos esclaus perpetuos” ([Parecer del doctor Hernando Ortiz Hinojosa 2000](#), p. 708).
- 22 See Note 21 above.
- 23 The foundation of this belief is inspired by a Ciceronian postulate, revived by Humanism, which links idleness with vice. Human perfection is only achieved through the exercise of virtues in the context of activity, understood as *officia* (Cicero, I, XIX). While virtues are enhanced through industry, idleness is a breeding ground for vices, religious inconstancy, and, subsequently, violence ([Méndez Alonzo 2011](#), p. 368) ([Skinner 2011](#), p. 218).
- 24 “Even today there are people of this sort in New Spain, who make a living with their bows and arrows, and they are very dangerous because they band together to do evil and launch attacks; and the Spaniards have been unable to reduce them to civilized behavior and obedience either by fair means or foul, by wiles or by force. For, because they have neither towns nor fixed abodes, fighting with them is exactly like hunting beasts, for they scatter and hide in the roughest and most thickly wooded parts of the mountains” ([de Acosta 2002](#), p. 381).
- 25 “Quoniam quae a Deu sunt, ordinata sunt, hinc est quod post reductionem horum barbarorum, quos Chichimecas vocamus, ne, ut solebant, tyrannice vivant, opere pretium erit illis normam vivendi taxare, ut tam domini, quam vasalli sciant quomodo habere debeant circa tributa” ([Focher 1960](#), p. 363).
- 26 It is important to clarify that the actions of the Chichimecas could have constituted a form of resistance against the dispossession of and pressure on natural resources exerted by the Spaniards in the northern territories of New Spain ([Ruiz Guadalajara 2010](#), p. 28).
- 27 “Unos indios que acá llaman chichimecos, a los cuales se juntan otros de otras naciones, que todos quedaron por conquistar, y andan alzados y rebelados al servicio de Dios y de S.M. ha sido una plaga que ha dado bien en que entender a este reino, porque estos habitan en la tierra más larga y fragosa que hay en él, por lo cual entiendo que si para castigarlos se juntasen todos los españoles que hay acá, no bastarían; porque como ellos nunca tienen asiento ni lugar cierto donde los puedan hallar, sino que con sus arcos y flechas, que son las armas que usan, andan de una parte a otra, y como venados sustentándose de solo yerbas, raíces y polvos de animales que traen en unas calabazas, saben bien hurtar el cuerpo a los que suelen buscarlos; y cuando los españoles piensan dar sobre ellos, están bien lejos de allí, y ellos tienen mil astucias para buscarlos y hallar los españoles, hasta hallarlos emboscados en pasos forzosos y caminos; y así ban hecho y hacen por ordinario robos y muertes en ellos con crueldades increíbles; y aunque para remediarlo se ha hecho siempre lo que se ha podido por mí y por las Audiencias Reales de aquí y de Guatemala comunicando algunos medios con personas graves y religiosos, y diferenciando diligencias y gastando mucho dinero, así de S.M. como de personas interesadas que tienen por allí haciendas, y aún harto también de la mía, nunca ha sido remedio bastante, ni creo ha de bastar ninguno, si S.M. no se determina a mandar que sean asolados a fuego y a sangre, y no dudo sino que ha de ser de ello servido, cuando se satisfaga de lo que ha pasado; y así V.S. podrá hacer en el entretanto lo que todos hemos hecho. que es ir asegurando los caminos con soldados, para que los desafíos no sean tantos, y castigar los salteadores que pudieren ser habidos, que al orden para todo hallara V.S. entre los demás papeles” (Carta de Fray Juan de Salmerón a Felipe II 2000, p. 648).
- 28 “The first and ancient inhabitants of the provinces that we call New Spain were very savage forest-dwelling men who lived solely from hunting, and for this reason were called Chichimecas. They did not sow or cultivate the land, nor did they live in groups, for their whole occupation and life was hunting, and in this they were very expert. They dwelt among the crags and the roughest places of the mountains, living like beasts without any form of government, and totally naked” ([de Acosta 2002](#), p. 380).
- 29 “Cada día llegan a esta ciudad nuevas de daños que hacen los indios chichimecas en la comarca de las minas de Zacatecas, San Martín y Sombrerete y en otras partes de la Nueva Galicia. matando españoles y indios y llevándose bueyes y ovejas y haciendo otros muchos daños que serían largos de contar . . . hasta entrar en las minas del Sombrerete y del Fresnillo y llevarse las mulas con que traen y muelen los metales de que se siguen grandísimos inconvenientes demás de las muertes y robos que hacen” ([Carta del doctor Moya de Contreras al Consejo 2000](#), p. 632).
- 30 “He entendido de personas de aquella tierra que con solo darlos a estos indios por esclavos por los días de su vida los prenderán a todos porque por el interés habrá muchos que se juntaran en camaradas y compañías y lo harán, pero como no quieren que lo



sea sino aquel o aquellos que por proceso pareciere culpado, y por tiempo limitado . . . Podría darse orden en que no se llegase allí ni se hiciesen las entradas ni prisiones, sino en los que ya son conocidos por salteadores y homicidios, prendiendo así mismo las mujeres y niños, porque de otra manera sería proceder en infinito, y hasta buena obra se les haría en sacarlos de vida tan inhumana y traerlos al gremio de la Santa Madre Iglesia y a mejor tratamiento que ellos tienen en sus tierras, que, aunque esto no se podrá hacer sin algunas muertes. menos inconveniente es que mueran algunos pocos indios, pues justamente lo merecen” (*Carta del doctor Moya de Contreras al Consejo 2000*, p. 633).

31 “Aunque en la que escribió a V.M. la Audiencia decía, entre otras, que la salida de un oidor a la visita era muy necesaria pero que parecía imposible hacerse por las dificultades que en ella se referían, después de escrita y partida la flota, fueron tantas las desventuras de que tuvimos nueva en la Audiencia de daños que hacían chichimecos y tanta la desenvoltura de los indios de paz, en especial de los que residían en Zacatecas y su comarca...y eran las muertes de indios tantas que me certifican padres benditos de San Francisco de estas minas y real de Panuco, y la sospecha que se tenía de indios de paz hacían los saltos y daños” (*Carta del oidor Santiago Riego 2000*, p. 634).

32 Lo que tenemos de decir para el remedio desto por la ynspiriençia que tenemos dello que emos visto en las conquistas y alçamientos y rebeliones desta tierra en especial en este reyno que an sido las más y mayores que otra parte y siempre que no çesan que vuestra magestad debe mandar proveer que de una vez se echase esto aparte como hiço el buen vicerrey Don Antonio de Mendoça difunto que quando este reyno se rebeló todo y ovo grandes trabaxos y muertes vino y salió dela Nueva España con ochoçientos y más españoles y de beyntemil indios amigos de la Nueva España y entra por todas partes y asuelalo todo (*Cartas de Cabildos Seculares de 23 de diciembre de 1572, AGI, Colección Guadalajara-México, 30, N.14*).

33 “Ya no ay ombre que quiera ir ni hazer entrada y los males destos creçen cada día que no hay quien ose andar por los caminos y todo anda alborotado y desasosegado y es en lo más preñçipal y que más haze al caso para toda esta tierra y Castilla porque es donde se saca la plata y en el riñón y partido de todas las mynas deste reyno y acude a ellas toda la tierra y el día questas faltaren en esta tierra es todo acabado y a vuestra magestad leva sus reales cuentas” (*Carta de los cabildos seculares de 23 de diciembre de 1572, AGI, Colección Guadalajara, 30, N.14*).

34 “Lo uno por quanto la guerra contra los dichos indios chichimecas salteadores está justificada por sus grandes excesos, e por las muchas informaciones que contra ellos se han hecho están convencidos de sus culpas y delitos y haber sido tantas veces reducidos al gremio de la iglesia e justicia traídos de paz poblándolos y congregándolos en las partes e lugares que han elegido e pedido y han sido regalados con ropa y bastimentos y dejándoles vivir en su libertad sin ningún reconocimiento ni sujeción e tenido a su voluntad todos los ganados de las haciendas y de su mala inclinación sin ser incitados ni ocasionados con malos tratamientos ni otras causas tantas cuantas veces han pedido la gracia y se les ha concedido otras tantas se han revelado y alzado e por experiencia se ha visto que nunca la piden e procuran si no es para ejecutar a sobre della sus crueldades sea vuestra excelencia servido que se les haga la guerra a fuego y a sangre. publicándolos por enemigos y haciéndolos esclavos perpetuos” (*Carta de los criadores de ganado de las chichimecas acerca de los daños que los indios chichimecas hacen 2000*, p. 645).

35 “. . . ahora falta gran numero que bautizar, y bajar de la sierra muchos huesos secos y desamparados por estos picachos y juntarlos y darles sepultura debida y esto más se hará sin voz ni lengua, pues los bautizados podemos decir que no tienen carne ni aun pies tampoco, sino que están en los puros huesos; y plegue al señor que estén todavía vivos con el sagrado bautismo. *Ahora es el enseñarlos a ser cristianos y vestir de piel*” (*Urdiñola 1987*, p. 231).

36 “. . . if the Spaniards were not allowed to travel amongst them, this would be either by natural, divine, or human law. But they are certainly allowed to do so by divine and natural law. But if there were a human enactment (*lex*) which barred them without any foundation in divine or natural law, it would be inhumane and unreasonable, and therefore without the force of law” (*Vitoria 2010*, p. 279).

37 “. . . if the barbarians, either in the person of their masters or as a multitude, obstruct the Spaniards in their free propagation of the Gospel, the Spaniards, after first reasoning with them to remove any cause of provocation, may preach and work for the conversion of that people even against their will, and may if necessary take up arms and declare war on them, insofar as this provides the safety and opportunity needed to preach the Gospel” (*Vitoria 2010*, p. 285).

38 “. . . once the Spaniards have demonstrated diligently both in word and deed that for their own part they have every intention of letting the barbarians carry on in peaceful and undisturbed enjoyment of their property, if the barbarians nevertheless persist in their wickedness and strive to destroy the Spaniards, they may then treat them no longer as innocent enemies, but as treacherous foes against whom all rights of war can be exercised, including plunder, enslavement, deposition of their former masters, and the institution of new ones” (*Vitoria 2010*, p. 283).

39 “They feed on food no more civilized and little better than that of beasts. On these grounds, they might be handed over to wiser men to govern. And an apparent confirmation of this argument is if some mischance were to carry off all the adult barbarians, leaving alive only the children and adolescents enjoying to some degree the use of reason but still in the age of boyhood and puberty, it is clear that princes could certainly take them into their care and govern them for as long as they remained children” (*Vitoria 2010*, p. 291).

40 “Las demás causas de guerra ofensiva son: por castigarlos como apóstatas rebeldes . . . contra sacrílegos, que han muerto frailes, clérigos y herido muchas personas eclesiásticas . . . contra ladrones salteadores en los caminos . . . contra abigeos robadores de ganado, que esto ha sido general en todos ellos, y se mantienen y han mantenido de ellos” (*Santa María 2003*, 41ss).

- 41 “Y así digo que no ay duda sino que omnia tam mobilia quam inmobilia fiunt capientium y la razon es porque todas, hasta que se satisfaga la injuria de los rrobos hechos, y de matancas y muertes por los enemigos. y aún de los grandes gastos y costas que se hazen en la guerra . . . Pues está claro que no se puede hazer recompensa por las injurias grandes recibidas, en bienes muebles ni en rraizes de los dichos chichimecas. porque no los tienen, y, aunque los tuuieran son de poco momento. se debe y puede hazer en sus personas haziendolos esclauos perpetuos” ([Parecer del doctor Hernando Ortiz Hinojosa 2000](#), pp. 707–8).
- 42 “Y llegando a las causas esenciales . . . la una es para pueda nación española bivar en paz y defenderse y conservarse contra tantas muertes, rrovos y danos, y propulsar esta gente infiel y bárbara que no alteren y levanten a los demas indios de paz, en gran peligro y daño . . . o lo que trae Fr. Francisco Victoria en este propósito super illud Mathei, docete omnes gentes, el qual aun dize, que si adhuc contenderent ad perditionem hispanorum tanquam cum perfidis hostibus agere possunt et omnia belli jura in illos prosequi, et spoliare illos et in captivitatem ducere pro qualitate rei, et injuriarum” ([Parecer del Doctor Fulgencio Vique 2000](#), p. 714).
- 43 “. . . hizieron los más extraños estragos que se an oydo ni visto, porque desde el dicho tiempo hasta el ano de ochenta y uno y dos se averiguo por informaciones auténticas que mataron entre yndios de paz v españoles. negros, mulatos y mestizos, más de mil personas, hombres, mujeres y niños haziendo en ellos las más crueles muertes que se an oydo, leydo ni visto, porque a los hombres les sacauan el coracon viuos y se los comían y les cortavan todos los miembros, y a las mujeres preñadas abrian y con la criatura del vientre les daban por los ojos y luego se la comían” (Relación del doctor Hernando de Robles 2000, p. 692).
- 44 “Y se rresueluen todos que no abra rremedio en tan desordenada barbarie si no es mandandoles hazer guerra a fuego y a sangre y dando facultad a los que los siguieren y uvieren a las manos viuos que los tengan por sus esclauos perpetuos porque con esto abra muchos que con el interese particular que se les sigue, sin sueldo ni costa de su magestad los infesten, sigan y [88v] y persigan hasta matarlos y prenderlos y arredrarlos de aquellas prouincias” (Relación del doctor Hernando de Robles 2000, p. 696).
- 45 “. . . una de las mayores y principales que los emperadores y reyes tienen, amparar y defender sus súbditos de los enemigos, y asegurar los caminos, en especial los que van a tierras de comercio y contratación, de donde se interesa derechos Reales y no en pequeña cantidad, y tales son estos. He entendido que se deja de remediar por no haberse atrevido . . . contra aquella maldita y cruel gente [que lo son sobremanera] en lugar de destruirlos les añade mayor osadía, mayor coraje y atrevimiento y destreza” (Carta de Fray Juan de Salmerón a Felipe II 2000, p. 670).
- 46 “A nonnullis dubitatum est, an licitum sit bellum in chichimecas qui non solun viam impediunt publicam et multos occidunt fideles per eam gradientes et ambulantes, et in alios crudelem exercent tyranidem, tum eorum excoriando capita, tum eos sagittis vulnerado, tum denique eorum depredando bona. Ita ut vix tutum sit via ingredi publica et regia” (Focher 2000, p. 585).
- 47 Filosóficamente, los pensadores franciscanos (como lo era Jean Focher) tenían como referencia principal a Duns Scoto, pero también los cuatro libros de las *Sentencias* de Pedro Lombardo y la *Suma* de Alejandro de Hales, así como el estudio de la lógica, física, metafísica y teología. A ello se podría añadir a los grandes maestros de la Orden de San Francisco: Francisco de Mayrone, Ricardo de Mediavilla y San Buenaventura ([Lazaro Pulido 2012](#), pp. 172–74).
- 48 “Addit Scotus ubi supra quod princeps infidelium fidelis potest, immo debet, auferre a parentibus infidelibus suos infantes: quos volunt educare contra cultum Dei: et eos per baptismum divino applicare cultui. et postea apud fideles educentur” (Tratado de Juan Focher sobre la guerra chichimeca 2000, pp. 589–90).
- 49 “Sabed: Que por algunas cosas de mucha consideración convenientes y de importancia al servicio de su majestad es necesario saber y averiguar con claridad y distinción la forma y modo en que desde su principio y después que se asentó la paz con los chichimecas se fundaron y han administrado los presidios [. . .] hasta hoy están fundados (los presidios) y que es lo que su majestad gasta en cada uno de ellos y que doctrinas tienen y que cantidad de gente está asentada y reducida y los efectos que se han conseguido en cada presidio en aumento de la dicha paz y conservación y como se distribuye de cada frontera el socorro que su majestad les manda hacer cada año para ayuda del sustento y vestuario” ([Ortiz Fuenmayor 1987](#), pp. 123–24).
- 50 “Preguntado por la segunda pregunta, dijo que este testigo sabe que desde el tiempo que lo conoce y tiene el dicho cargo, le ha visto acudir con mucho cuidado a la visita y visitas de estas fronteras, acudiendo a las cosas necesarias del servicio de su majestad, asiento y conservación de los dichos indios y al castigo de los que inobedientes han sido, castigándolos conforme sus delitos” ([Ortiz Fuenmayor 1987](#), p. 127).
- 51 “[. . .] por su orden se an echo muchas poblaciones y reduciéndolos a que muchos salgan y que hagan sus milpas y sementeras, y desde que murió el capitán Caldera, an estado los dichos indios de dicho capitán Ortiz gobernándolos a satisfacción a todos, y por castigo que hace en ello, le tienen temor, y amor por las buenas que de él reciben . . . y después se asentaron . . . an estado muy quietos y pacíficos, y sean excusado, muertes, hurtos y vejaciones que cada día recibían” (Reporte chichimecas capitán Miguel Caldera, AGI, Patronato, 83, N.4, R.2).
- 52 Francisco Tenamaztle emerged as a prominent leader among the Cazcan people, staunchly resisting Spanish incursions into their territory, now encompassing the present-day Mexican states of Jalisco and Zacatecas. During the Mixtón War (1540–1542), Tenamaztle spearheaded his factions, succumbing to defeat in 1542, following the capture of his strongholds in Noxistlán by viceroy Antonio de Mendoza in 1542. Following his capture and deportation to Spain in 1552, he was received by Bartolome de las Casas in Valladolid who signed his legal defense ([Sánchez Godoy 2022](#), pp. 94–95). Las Casas emphasized that Tenamaztle had originally accepted baptism, and his rebellion was caused by the injustices suffered by his people, portrayed as peaceful, due to the abuses of the encomenderos and conquistadors ([Sánchez Godoy 2022](#), p. 88). He probably died in Spain after 1556.

- 53 "... no quise sino salir de paz, mandando a mis gentes que rescibiesen a los españoles. benigna y amigablemente y les diesen los bastimentos que oviesen menester en abundancia y les hiziesen todo buen acogimiento, sin deverselo más de por una natural y demasiada piedad, poniéndome en el peligro que me puse de los males y danos muy grandes que después a mí y a todas mis gentes y tierras hizo" (Tenamaztle 2000, p. 514).
- 54 "En este tiempo yo tui uno de los primeros que, por la predicación y persuasión de los dichos religiosos (franciscanos), me convertí y recibí el santo sacramento del bautismo, con otros muchos señores y gentes populares" (Tenamaztle 2000, p. 515).
- 55 "... si la dicha servidumbre, contraria a toda natural justicia, como es ser encomendados a españoles, siendo gente libre, como lo somos" (Tenamaztle 2000, p. 515).
- 56 "Este huir, y esta natural defensa, muy poderosos señores. llaman y an llamado siempre los españoles, usando mal de la propiedad de los vocablos, en todas las Indias, contra el Rey levantarse. Juzgue Vuestra Alteza, como espero que juzgara justa y catholicamente, como jueces rectísimos de las naciones aunque carezcan de Fe de Christo, ni de otra ley divina ni humana, sino enseñada por sola razón natural" (Tenamaztle 2000, p. 516).
- 57 "Vuestra Alteza tenga por bien de mandar poner en libertad los vezinos y moradores que ovieren vivos del dicho pueblo de Nuchistlan y Mizquitutla y sus subjectos, mandando que yo sea restituido en el señorío dellos, como cosa propia mía y que me dejaron mis padres del qual e sido despojado; y a mí y a todos ellos Vuestra Alteza incorpore en la Corona Real de Castilla, en cuya devoción y servicio yo quiero siempre vivir" (Tenamaztle 2000, p. 517).
- 58 "... no basta entender lo que en esta relación se propone, que es alegar el derecho que nuestra nación española dicen que tiene contra ellos. Era y es necesario examinar también el que ellos tienen contra nosotros...y ver si los españoles entraron al principio en sus tierras y las poseen agora con labranzas y minas y estancias de ganado contra su voluntad y por consiguiente con violencia e injusticia" (Parecer de la Orden de Santo Domingo 2000, p. 699).
- 59 "También se ha de ver y examinar lo que muchos dicen, si los españoles comenzaron primero a irritar a los indios, y si es así como se dice que les an hecho muchos agravios y desafueros, y que, en lugar de prender culpados, an dado sobre pueblos o rancherías de ynnocentes. captivando los niños y mugeres para tener más ganancia" (Parecer de la Orden de Santo Domingo 2000, p. 700).
- 60 "... se han hecho muchas entradas y muchas presas de los inocentes. que venidos vna vez a manos de los soldados, de más de los muertos, sabrán dar orden como justificar su hecho y quedarse con los vivos, y visto por otra parte el gran daño que padesce esta república, que pide poderoso remedio, confessamos llanamente que no hallamos modo ni como resolernos dando nuestro parecer en lo propuesto" (Parecer de la Orden de San Agustín 2000, p. 703).
- 61 "... provea que la comida que los indios dan en muchas partes al ministro la den generalmente con moderación para reparar el [depravado] estilo que se tiene que es amilanar al ministro no les corrija sus excesos o el que del quiere emularle inducen a los indios pidan la comida y a ello vuestros oidores los copelen y quitan los salaries y los molestan, de que nasce vivir amilanados ni que los ministros osen apretar en su obligación, antes disimulen sus queiebras" (Sobre el poblamiento de los indios 2000, p. 720).
- 62 "De que somos avisados por memoriales de las órdenes de S. Domingo, S. Francisco. S. Agustín y la Compañía, y algunos clérigos doctos y exemplares, que públicamente dizen que en tiempo de su gentilidad no fueran tan maltratados y vexados como lo son oy dia, que no sin lagrimas sentimos la auaricia, interese, fomite oprobio y aborrecimiento del euangelio, y sea, como es, aviso a todos los infieles cincunvezinos que están por conuertir, huyan de venir al sancto baptismo, por no ser tratados como oyen, veen y sienten los que dellos an viuido en minas, que huidos" (Carta al Rey: Cosas que se avisan y suplican 2000, p. 719).

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