

SLAVERY AND DEFENSIVE WAR BY LUIS DE VALDIVIA (1561-1642): CONTEXT, IDEAS AND POSSIBLE SOURCES

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RESUMEN

Este trabajo intenta presentar las ideas políticas de Luis de Valdivia, padre jesuita, que luchó en defensa de la libertad indígena en la América en comienzo del siglo diecisiete. Dividimos el texto en tres partes: en lo primero intentaremos (i) establecer algunos eventos históricos que conectados con las ideas políticas de Valdivia; (ii) presentar a posición del Padre Jesuita sobre la esclavitud y la guerra defensiva; por último, (iii) procurar resaltar algunas fuentes teóricas que podría influenciar directa o indirectamente sus ideas. En lo final de ese trabajo, intentará quedarse claro como Valdivia procuró resolver un conflicto armado apelando principios teóricos que estaban disponibles en su tiempo.

Palabras clave: Luis de Valdivia; slavery; defensive war.

ABSTRACT

This study aims to present the political ideas of Luis de Valdivia; Jesuit priest, who fought in defense of the Indians' freedom in America in the early seventeenth century. We divide the following presentation in three parts, namely: (i) to establish some historical events that led to Valdivia's political ideas; (ii) to present the position of the Jesuit priest regarding slavery (indigenous) and defensive war; and (iii) to seek to highlight some theoretical sources that could directly or indirectly influence his ideas. At the end of this paper we shall be able to say that Valdivia sought to resolve an armed conflict by applying theoretical principles that were widespread in his time.

Keywords: Luis de Valdivia; esclavitud; guerra defensiva.

FIRST CONSIDERATIONS

The discovery of new overseas lands by Europeans at the end of the 15th century developed discussions about the American residents and the relationship between both continents. The Hispanic Empire during the fifteenth and seventeenth centuries enjoyed status of economic power within European nations and also assigned the role of spokesman for Christian evangelization; consequently the actions of royalty were not only seen and judged as an economic-military enterprise, but also moral. It is not a coincidence that in this period numerous written works were produced, certainly encouraged by the Spanish Crown to justify their actions. This may be noted in three major topics at least: (i) slavery – mostly about the Aboriginal people; (ii) the justification of just war; and (iii) the economic theories of market – especially on the issue of fair price.

These practical topics were widely debated by the Spanish theorists who were not limited to only defend the royal actions, but also to report actual abuse and criticize them. It is precisely this critical position that makes the Spanish colonization distinct from other forms of colonization, especially when compared to forms used by the British and Portuguese. With regard to indigenous slavery, in particular, Francisco De Vitoria's *relectiones* on the Indians¹ are notoriously well known; as well as the theoretical debate² between Bartholomew De Las Casas (1484-1566) and Juan Ginés De Sepúlveda (ca. 1490-1573). The discussion raised by these authors echoed during the XVI and XVII centuries, where Spanish domain was already a fact, but never stopped being debated. To illustrate this, we will explore the political ideas of Luis de Valdivia; a Jesuit priest who fought for freedom of the Indians in the early seventeenth century, in Chile. We will divide the following text into three parts, as follows: (i) to estab-

1 I refer to *De indis recenter inventis relectio prior* (1538-1539) and *De iure belli* ou *De indis recenter inventis relectio posterior* (1539); works in which Vitoria addresses issues related to colonization and the relationship with indigenous people, the first under the bias of natural right and the second on the subject of just war; topics that are directly related to slavery. For more on the subject look at: R. H. PICH, “*Dominium e ius*: sobre a fundamentação dos Direitos Humanos segundo Francisco de Vitoria (1483-1546)”, en *Teocomunicação*, 42 (2012), 376-401. On the topic of natural slavery in Vitoria also read: F. MONTES D’OCA – M. O. COUTO, “Francisco de Vitoria: negócios ibéricos, poder papal e direitos dos índios americanos”, en *Seara Filosófica*, 6 (2013), 85-105.

2 In general Juan Ginés de Sepúlveda defended the idea that higher civilizations should govern the lower, the argument which basically legitimized the Spanish action (military) in America. In contrast, the bishop of Chiapas, Bartolomé de Las Casas condemned the Spanish action by denouncing the atrocities committed in the Indies. One interesting thing about the debate between the authors’ source can be viewed at: M. BEUCHOT, “La conquista según Ginés de Sepúlveda, Motolinía y Las Casas”, en *Revista Universidad de Guadalajara*, número especial 500 años (1992), 36-40. See also: F. FERNÁNDEZ, “La controversia entre Ginés de Sepúlveda y Bartolomé de las Casas: una revisión”, en *Boletín Americanista*, 42-43 (1992), 301-347. More references on the life and work of the authors can be found on the interesting website of Jacob Schmutz, namely: <http://www.scholasticon.fr/index_fr.php>.

lish some historical events that led Valdivia to his political ideas; (ii) to present the position of the Jesuit priest about slavery (indigenous) and defensive war; (iii) to seek to highlight some theoretical sources that could directly or indirectly influence the ideas of Valdivia. At the end of this paper we shall be able to say that Valdivia sought to solve a real conflict by applying theoretical principles that were widespread and accepted in his time.

I. HISTORICAL CONTEXT: THE ROLE OF VALDIVIA IN CHILE AND THE ARAUCO CONFLICT

Luis de Valdivia arrived in Lima, Peru, on November 29th, in 1589, and there he remained for three years after which he headed to Chile, integrating the Jesuit delegation under Priest Baltasar Piñas's guidance, with the mission to evangelize and establish a religious order in Chile. It was not long until the mission obtained the first results; the order settled down and began to lecture and teach the Catholic Doctrine to the local population, the colonial elite and the indigenous people.

During the first years that Valdivia was in Chile, he acted directly with the local people, learning the culture and the native language and seeking to teach through dialogue the Christian doctrine³. The mission of evangelization employed by the Jesuits had a dual purpose: first, it was necessary to deconstruct local values; in order to be able to build a new culture based on the Christian religion⁴. An extract from the sermon of Valdivia⁵, that mentions sin, makes this point clear:

3 Lázaro notes that this period of work with the Indians is important for the development of their pro-Indians ideas. Cf. C. LÁZARO, "La Transformación Sociopolítica de los Araucanos (siglo XVII)". *Tese de doutorado*. Departamento de Antropología de España y América. Universidad Complutense de Madrid. Madrid, 2002, 97.

4 To achieve this, the Indians had to abandon the rites of their culture that included, among other things, the public festivals. Such parties, whom the Jesuits called "borracheras" due to abuse of drinks and hallucinogenic substances, outside an obstacle and put at risk the evangelizing mission. In the words of J. M. Díaz: "el verdadero fin al que deseaban contribuir era la destrucción de las costumbres y creencias del Chile prehispánico y la creación alternativa de una única sociedad radicalmente mixta, pero vertebrada y homogeneizada por un sistema de valores predominantemente occidental en el que la religión cristiana constituyese tanto el corolario como la argamasa" (J. M. DÍAZ, *Razón de Estado y Buen Gobierno. La guerra defensiva y el imperialismo español en tiempos de Felipe III*, Sevilla, Universidad de Sevilla, 2010,53). For more on the subject look at: S. GRUZINSKI, *La occidentalización de lo imaginario: sociedades indígenas y occidentalización en el México español*, México, Fondo de Cultura Económica, 1993.

5 *The Sermon em lengva de chile, de los misterios de nuestra santa fe catholica, para precarla a los indios infieles del reyno de chile, dividido em nueve parte pequeñas, acomodadas a su capacidad* was published only at 1621. The other Luis de Valdivia's works: *El Arte y Gramática General de la lengua que corre en todo el Reino de Chile con un Vocabulario y Confesionario* (1606); *La Doctrina cristiana y catecismo en la lengua allentiac que corre en la ciudad de San Juan de la Frontera, con un*

All your bad is sin, if you want to know what is sin: listen and you will know. Do you not obey God's mind and follow only your want, this is sin. To do your want and not do God's, neither accomplish what is His order, this is sin. Steal, adulterate, swear false testimony, praise *Pillan* and the *Huecuvoe*, do damage to others, this is sin⁶.

With the return of Priest Piñas to Lima in 1595, Valdivia assumed the leadership's position among Chilean Jesuits – such an occurrence, as mentioned by J. M. Díaz Blanco, resulted more by intelligence than by Jesuit imperial order⁷. It was under his guidance that the Jesuit's residence became the *Colegio de San Miguel*, of which he was the first director⁸. Since then, the Chilean Jesuits' expedition prospered as no other religious order. From an economic point, the Jesuits relied on generous donations from people who came from the highest levels of Chilean colonial society – among them slaves were used as workforce. Besides the institution's economic management, Luis de Valdivia's administration also sought to consolidate intellectually, by requesting several books for the library, including: the complete work of Thomas Aquinas and some writings of Francisco Suarez and Aristotle.

The peaceful relationship found in the region of Santiago was not shared by southern colonial Chile, where the Spanish found several barriers to settle. It is likely that geography⁹ contributed to one of the largest indigenous resist-

confesionario, arte y vocabulario breves; and the *Doctrina cristiana y catecismo en la lengua millcavac Que corre en la ciudad de Mendoza. con un confesionario, arte y vocabulario breves*; both 1607. The publication of works in indigenous languages would agree with the politics of the time, as outlined J. M. DÍAZ: “[ellas] son un fiel reflejo de la nueva política lingüística que había adoptado la corona española a finales del siglo XVI de catequizar a los indígenas de América en su idioma natal” (J. M. DÍAZ, *Razón de Estado y Buen Gobierno, o. c.*, 97).

6 Cf. *Sermon en lengua...* 2, §3, p.7: “Todo vuestro mal es el pecado, si querereys saber qué cosa es pecado: oyd, y lo sabreys. No obedecer lo que Dios manda, y seguir solo nuestro gusto, esto es pecado. Hazer vuestra voluntad, y no la de Dios, ni cumplir lo que manda esto es pecado. Hurtar, adulterar, jurar falso, adorar al *Pillan* y al *Huecuvoe*, hazer daño a otro, eso es pecado” [Our highlights]. *Pillan* and *Huecuvoe* were like spiritual leader of people indigenous.

7 Cf. J. M. DÍAZ, *Razón de Estado y Buen Gobierno, o. c.*, 63.

8 For more read: C. J. LARRAÍN, “Del primer colegio de los jesuitas al Instituto Nacional”, in *Boletín de la Academia Chilena de la Historia*, 68 (1963), 110-136.

9 LÁZARO emphasizes that the geographical area of the region facilitated the local resistance. In his own words: “Hemos de resaltar que el entorno geográfico desempeñó un importante papel, tanto en la ocupación humana prehispánica de la Araucanía como en los acontecimientos producidos durante la conquista y colonización por parte de los españoles. La feracidad del terreno, origen de la gran densidad de población que hallaron los conquistadores en el territorio comprendido entre los ríos Itata e Imperial, unida a los yacimientos auríferos que habían sido explotados anteriormente por los incas, fueron las causas que movieron a los primeros conquistadores y a los colonos hispanocriollos a establecer numerosos enclaves de población al sur del Biobío, en lugares donde los incas ni siquiera habían llegado. [...] Por otro lado, el entorno geográfico de la Araucanía también debe ser considerado como un factor que condujo al establecimiento de las relaciones fronterizas entre hispanocriollos e

ance known in the colonial period, namely the conflict of Arauco¹⁰. However, it stands out that colonial government in Chile showed little interest since the beginning in this region over which they had no control¹¹.

The Arauco war was initiated by Governor Martín García De Loyola's death, nephew of the Jesuit order's founder, in a night trap in the *Curalaba* valley, south Chile. This event was considered the landmark for the Indians' rebellion and the end of Spanish "dominion" over the territories that extended across the river Bío-Bío and archipelago of Chiloé. The Spanish armed response failed¹² and the conflict spread on for decades. This episode triggered a wave of anger, particularly in Santiago, where many people began to evoke the princi-

indígenas. Antes de la gran sublevación de 1598, momento en el que los españoles se vieron obligados a abandonar las poblaciones situadas más allá del Biobío, las campañas bélicas sólo se llevaban a cabo en el periodo estival, dado que durante la primavera y el invierno, las crecidas de los cursos fluviales impedían acceder al territorio indígena, todo lo cual impidió el hecho de que se llevara a cabo una campaña continuada a lo largo del año. [...] La impenetrable muralla boscosa situada al sur del río Biobío no facilitó la penetración y la dominación de los naturales del país; los tupidos bosques de la cordillera costera facilitaron las escaramuzas y emboscadas que los araucanos tendieron a los españoles durante su avance. La caballería y las armas de fuego, dos de los pilares básicos de la milicia española en América, se mostraron totalmente inadecuados en un terreno áspero, de vegetación cerrada en el que la permanente humedad inutilizaba la pólvora de los arcabuces y enmohecia las armas" (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos*, o. c., 6ss).

10 For further information look at: G. IZQUIERDO, *Historia de Chile*, Tomo I, Santiago de Chile, Editorial Andres Bello, 1989, 77-88.

11 In LÁZARO's words: "[...] la administración colonial chilena empezó a mostrar un progresivo desinterés por el territorio meridional que culminaría en un paulatino abandono del control de la Araucanía en favor de la explotación de las fructíferas estancias agrícolas y ganaderas de los pacíficos valles septentrionales, que comenzaban a abastecer las crecientes demandas del virreinato peruano. Al principio, la progresiva renuncia a colonizar los territorios situados al sur del río Biobío convirtió a la Araucanía en un «territorio de guerra» en el que los españoles, ante la falta de apoyo de la administración, recurrieron a la esclavitud de los «indios de guerra» para conseguir aquellos medios de financiación que la incapacidad de asentarse en la tierra les negaba" (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos*, o. c., 62ss.). For more about the *mapuche* Indians from the southern region it is appropriate to consult the text: Ricardo H. HERRERA, where he points out that the Spanish conquest that began with Pedro de Valdivia in 1540 and was consolidated only in 1883 when the *mapuche* lost control of his territory. Also according to the author, the Spanish chroniclers make references to the military organization of the Indians, an explanation for the long period of conflict ("La Construcción Histórica de la Araucanía: desde la historiografía oficial a las imágenes culturales y dominación política", in *Revista Austral de Ciencias Sociales*, 7 (2003), 31). It is also convenient to see the pages on the topic in the study by Sergio VILLALOBOS, *Historia del Pueblo chileno. Tomo IV, Siglo XVII*, Santiago de Chile, Editorial Universitaria, 2000, 67-70.

12 J. M. DÍAZ remembers that the response of the Spanish crown was limited by material resources: "[...] las enormes distancias que separaban la Corte del lugar de los hechos, cubiertas con lentitud exasperante por los deficientes medios de comunicación de la época. El virrey don Luis de Velasco supo lo que había sucedido el 13 de febrero de 1599, un mes y medio después del desarrollo de los acontecimientos. [...] Velasco tardó una semana en firmar la carta por la que la noticia debería llegar a oídos del Rey [...] ésta tardó nada menos que cinco meses en cruzar el Atlántico y llegar a manos del Consejo de Indias, que no pudo informar del tema hasta el mes de julio. Cuando el rey de España,

ple of just war against the insurgents¹³. Apart from the royal documents, some works have emerged that defended the practicality of offensive war and indigenous slavery, mainly the Indians were considered prisoners of war. An example of this can be found in the text *Tratado de la importancia y utilidad que hay en dar por esclavos los indios rebeldes de Chile*, by Melchor Calderón, general vicar of the Cathedral of Santiago, 1601, and became a work with a great repercussion¹⁴.

The Arauco's revolt was seen by the Spanish Government as a bad example to other regions in the colonial regions and could threaten the Hispanic domain. Furthermore, other factors that contributed to the Spanish crown wanting to end the conflict in the region¹⁵, were the incursions of Dutch ships in the South Sea (Pacific Ocean) and the conflicts of Spain with other kingdoms in Europe, especially with the kingdom of *Flandes*. It has become imperative for the Spanish Government to end these circumstances. The answer given by the court was to establish an army in Chilean lands, financed by the Viceroyalty of Peru. The Chilean army had a poor performance due to the lack of structure and human contingent, even the military forces sent by king Philip III, from Portugal, coordinated by Martinez De Leiva, did not change the situation in the region.

In the meantime, with the continuous conflict and the insufficient armaments to try to resolve it, some political ideas based on morality gained force, mainly with the reign of Philip III (1598-1621). Trying to sweep the reputation of cruelty carried by Spain since the work of Bartolomeu De Las Casas¹⁶, widely disseminated throughout Europe; the king¹⁷ took decisions that condemned

quizás con cierto nerviosismo, pudo escribir 'quedo advertido de esto de esto [sic]', había pasado más de medio año desde el estallido de la crisis" (*Razón de Estado y Buen Gobierno*, o. c., 80).

13 The *Cabildo's* text in Santiago, 1602, exposes the calamity of the described situation: "La guerra que de 46 años a esta parte en este dicho reino se ha seguido contra los indio rebeldes a la real Corona y los daños universales que en repugnancia de la Fe católica y servicio de Su Majestad han hecho con asolamiento y robo de tantas ciudades, iglesias y monasterios sirviéndose de los instrumentos delicados al culto y veneración divina en cosas de su gentilidad y vicios, matando a todo género de cristianos con extrema crueldad y aborrecimiento [...] El enemigo rebelándose contra el real servicio y apostando contra nuestra santa Fe y religión cristiana, profanando los templos, matando los sacerdotes y martirizando niños inocentes, quitándose entre sí el nombre cristiano por bandos públicos y con terribles leyes y castigos inviolables contra los indios". Text with drawn from J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 69.

14 For more about this subject look at: N. MEZA, *La consciencia política chilena durante la Monarquía*, Santiago de Chile, Universidad de Chile, 1958, 48ss.

15 J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 81-84.

16 Mainly with the publication of *Brevíssima relação da destruição das Índias*, in 1547.

17 J. M. DÍAZ states that: "La España de Felipe III glorificó el valor de la justicia. En un momento en que los arbitristas elevaban una cantidad de memoriales que no tenía precedentes y el pensa-

the mistreatment of aboriginal people¹⁸. Works that valued the idea that a true republic is based both on the basic principles of natural law such as the Catholic doctrine also emerged. Some examples are: *Tratado de la Religion y virtudes que debe tener el Principe Christiano para gobernar y conservar sus Estados. Contra lo que Maquiavelo y los políticos de este tiempo enseñan* (1595) by Pedro De Ribadeneira; *De rege et regis institutione* (1599) by Juan De Mariana; *República mixta* (1602) by Juan Fernández De Medrano; and, *Política española* written by Juan de Salazar and published in 1619. These publications have created an atmosphere favorable to the supporters of theories against indigenous slavery.

II. SLAVERY OF THE INDIGENOUS PEOPLE AND THE DEFENSIVE WAR

1. THE INDIGENOUS SLAVERY

It's important to highlight that since the beginning of the Spanish colonization in American territory, indigenous slavery has always been questioned: sometimes by enemies of the Spanish crown but mostly by Spanish theorists themselves. In contrast, supporters of colonization mentioned initially two arguments to justify its action, namely: (i) the Alexandrian papal bull's contribution through leaflets and (ii) the natural argument of Span's superiority supported by Aristotelian thought¹⁹.

miento político florecía, era normal que circularan bastantes escritos que ponderasen las virtudes de los estados que vivían armoniosamente articulados en torno a ella" (J. M. Díaz, *Razón de Estado y Buen Gobierno*, o. c., 101).

18 See, for example, the actual ballot addressed the Earl of Monterrey: "[...] entendido lo mucho que conviene para la conservación de él y composición de las cosas que causan su ruina y la de los naturales atajar las codicias y contrataciones que andan entre los sacerdotes, doctrinantes y los corregidores, anteponiendo esto al bien común y ejecución de los ordenanzas y de los sinodales por donde les está tan prohibido y atendiendo sólo a sus aprovechamientos con medios de mal ejemplo para los indios y grandes molestias que reciben con que andan afligidos y apurados" (*apud* J. M. Díaz, *Razón de Estado y Buen Gobierno*, o. c., 103).

19 In general, according to J. M. Díaz: "Esta teoría pretendía vincularse y ejemplificar lo que Aristóteles había escrito acerca de la servidumbre natural de algunos pueblos hacia otros supuestamente superiores. Al parecer, el primero en desempolvarla fue Juan López de Palacios Rubios en 1512 y, pese a enfrentarse en las siguientes décadas a contradictores tan destacados como los dominicos fray Francisco de Vitoria e fray Bartolomé de Las Casas, en la segunda mitad del siglo XVI se había convertido ya en una doctrina muy popular entre los españoles vinculados a América. A comienzos del siglo XVII, durante el reinado de Felipe III, se había erigido en un verdadero credo social profundamente interiorizado incluso por los más bienintencionados defensores de los derechos indígenas". J. M. Díaz, *Razón de Estado y Buen Gobierno*, o. c., 94 [our highlights].

Although such arguments were strongly criticized during the fifteenth and sixteenth century, mostly about the natural slavery theory²⁰, the idea of superiority still figured in discussions in the late sixteenth and early seventeenth century. This was linked to another principle: “the worst should be governed by the best”, and those should be responsible for the guidance of the others towards the correct path. The hierarchy among “best” and “worst” existent in the social layers, some dedicated to the liberal arts and the other to mechanical and servile, turning the society in to one self-contained organism, where all produce some kind of product for the benefit of all. In theory, society was composed of classes according to the natural condition of each other, which was common in Spain and was also being applied in the colonial context²¹.

Moreover, one of the strategies used by the Spanish crown to reward military and economic services during the colonization was assigning ownership titles to certain portions of land that became known as *encomiendas*²² and *repartimientos*. Each owner would earn an amount of land they could exploit; however,

20 The quoted passage from Aristotle to justify the natural servitude is found in *Política I* 1254b26ss.: “[...]all men who differ between each other for worse in the same degree that the soul differs from the body and the human being differs from a lower animal (and this is the condition of those whose function is to use the body and nothing can be done better) are naturally slaves and for them it is better to be subject to a lord, as much as it is for the beings already mentioned [wildlife animals and women]. It is by nature a slave who is likely to belong to someone, and participates of the reason only to the point of apprehending this participation, but does not use it beyond this point (the other animals are not even capable of this apprehension, obeying only their instincts). The issue of natural slavery was based on the ability of social organization; this sense, the words of Pich are important: “The central idea consists of affirm that is nature Lord who, because of their intellectual capacity, is able to organize your life with deliberation, lacking this ability in the slave due to a deficiency of nature [A ideia central consiste em afirmar que é senhor por natureza quem, devido à sua capacidade intelectual, é capaz de organizar com deliberação a sua vida, faltando ao servo por natureza justamente essa capacidade em função de uma deficiência de natureza]” (R. H. PICH, “*Dominium e ius*”, *o. c.*, 397). More information about the theory of natural slavery in Aristotle look at: G. TOSI, “Aristóteles e a Escravidão Natural”, en *Boletim do CPA*, 15 (2003), 71-99.

21 In J. M. DÍAZ’s words: “la sociedad del siglo XVII encarnaba esta lógica teórica. Las desigualdades individuales y estamentales de la Europa de los siglos XVI y XVII podían extenderse con facilidad a colectivos más amplios en el ámbito colonial” (J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, *o. c.*, 95).

22 The legitimacy of *encomendas* and *repartimientos* was discussed at an audience convoked by the Spanish King in the year 1512, where the cleric Bernardo de Mesa and the licensed Gil Gregorio argued in favor, basing his arguments in Aristotle’s Politics. The first argued that the Indians were free, but advised the *repartimientos* to instruction them; in turn Gregorio argued that *repartimiento* or commission had the right to punish infidels. More information on this topic see: Giussepe TOSI, “Aristóteles e os índios: a recepção da teoria aristotélica da escravidão natural entre tarda Idade Média e primeira Idade Moderna”. Artículo disponible en: <http://www.dhnet.org.br/direitos/militantes/tosi/tosi_aristoteles_indios.pdf> Accedió en 08/04/2014. On the implementation and functioning of the systems in American territory consult the great work of S. A. ZAVALA. *La Encomenda Indiana*. México, Edital Porrúa, 31992. About the Chile system see the pages 969-971. It is also appropriate see the work of G. IZQUIERDO, *Historia de Chile*, *o. c.*, 89-94.

er, they should also employ local people and provide protection and education for them and in exchange had to pay them a tribute. In the seventeenth century it was already established that the only type of labor not remunerated was black slavery and indigenous prisoners of war²³.

Chile did not possess the same wealth compared to the kingdom of Peru. The *encomiendas de servicio* were authorized but instead of paying a tribute the owners of *encomiendas* used the indigenous population as a labor workforce. In practice, the Indians were turned into a workforce with low costs. Theoretically the American Indians were not slaves – because American Indians were the vassals of the King of Spain and, therefore, every subject was free, otherwise the king would be a tyrant – but in practice Indians and whites did not enjoy the same reputation and the idea that the Spanish were superior to local people of America was not rare²⁴, reflecting the Government's actions over the Indians.

In 1590 the monk Juan Ramírez De Arellano argued in the presence of an Indian court the cessation of personal services. His effort has revived the debate about the mistreatment of indigenous populations. Eleven years later, in 1601, Philip III came to condemn the *repartimientos* in Indian territory. The real aspiration was to redesign the existing work system in America. But across the Atlantic, the viceroy of Peru, Luis De Velasco, fearing the collapse of his reign – the end of the Indians' personal services could lead to a collapse, because they were effectively the manpower of the kingdom – opted to defend the system and not to finish off the process, instead pledged to punish the *encomendadores* who sinned by excess.

23 The work on American viceroyalties can be summarized this way: “En sus orígenes, la compulsión laboral estuvo vinculada al concepto de encomienda. Sin embargo, desde las Leyes Nuevas de 1542 y la real cédula de Valladolid de 1549, la llamada ‘encomienda de servicio’ quedó definitivamente abolida en la legislación indiana, por lo que los encomenderos deberían limitarse a exigir a los indios que tenían a su cargo la paga de un tributo que los recompensase por su labor defensiva y evangelizadora. A partir de ese momento, una segunda institución, la mita, monopolizó el plano de la prestación laboral obligatoria. Su cumplimiento obligaba a tandas de indios a salir sucesivamente de sus pueblos para trabajar en los campos, las ciudades y las minas durante un tiempo estipulado, tras el cual podrían volver (si así lo deseaban) a su lugar de origen. Dicho trabajo estaba remunerado, porque sólo los esclavos trabajaban gratuitamente para sus amos” (J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 98).

24 It is not an accident, in the year of 1600 Miguel de Agia's *Servidumbres personales de indios*, states: “los indios son siervos de los españoles [...] por la doctrina de Aristóteles, lib. 1, Política, que dice que los que han menester ser gobernados por otros pueden ser llamados siervos de aquéllos [...] y por esto la naturaleza hizo proporcionados los cuerpos de los indios, con fuerzas bastantes para el trabajo del servicio personal; y de los españoles, por el contrario, delicados y derechos y hábiles para tratar la policía y urbanidad” (p.96). More information about this subject look at: J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 95ss.

At this time, Luis de Valdivia experienced all this discussion when he arrived in Lima, in the year of 1602. And it did not take long to associate it with the conflict of Arauco and began to defend that the indigenous cause was just, because they fought against oppressive government practices. It is possible that Valdivia's argument could be explained as follows:

The real work to be done in Chile is to remove the tyranny of personal service and at the end the cause of the uprising of the Indians, they would lay down their arms, become peaceful and create adequate space for evangelization²⁵.

The Indians were rebelling against the tyrannical government practices which enslaved their people. But not serving by protecting the common good neither for evangelization²⁶. As a consequence, there was an indigenous revolt and it was totally legitimate. According to the report by the chronicler Diego de Rosales, the meeting with Valdivia and the Indians of Arauco, reinforces this point:

And this Lord will come to judge all men (explaining to them the purpose and with great alacrity what will happen on that day), and that He will punish those who do not show pity to the poor, *and abuse of the Indians, oppressing unfair work with personal service*, and becoming rich at the expense of their blood?²⁷.

To resolve the conflict of Arauco, the Spanish court should rethink its political actions and Valdivia saw in defensive war the perfect way to resolve the impasse.

25 Cf. J. M. DÍAZ, *Razón de Estado y Buen Gobierno, o. c.*, 127: "La verdadera labor que había que realizar en Chile consistiría en eliminar la tiranía del servicio personal y, al finalizar la causa del levantamiento de los indios, éstos depondrían las armas, llegaría la paz y se crearía un adecuado espacio de evangelización" [our translation].

26 In J. M. DÍAZ's words: "[Valdivia] pasaría entonces a considerar el servicio personal como una conversión en trabajo del tributo que los indios debían pagar a sus encomenderos, llegando a la conclusión de que la rebelión de los araucanos era una respuesta legítima a estas prácticas tiránicas que no acabaría mientras los españoles no garantizaran un estado de justicia" (J. M. DÍAZ, *Razón de Estado y Buen Gobierno, o. c.*, 126). ZAPATER also noted that Valdivia was the forerunner of the principle of evangelizing the culture (H. ZAPATER. "El padre Luis de Valdivia y la guerra defensiva", en *Mensaje*, 420 (1993), 222); now, this task demands certain conditions, such as free time, which would not transpire if they were under a regime of hard work.

27 Cf. Diego de ROSALES: ¿Y que este Señor há de venir a juzgar a todos los hombres (explicándoles muy de propósito y con grande viveza lo que pasará en aquel día), y que ha de castigar a los que no usan de piedad con los pobres, *y maltratan a los indios, oprimiéndolos con trabajos injustos de servicio personal*, y enriqueciendo a costa de su sangre? [Our translation and highlights]. D. DE ROSALES, *Historia General de el Reino de Chile, Flandes Indiano*, Santiago de Chile, Editorial Universitaria, 1969.

2. THE DEFENSIVE WAR

Luis De Velasco left his post held in Lima, in the year 1605, when he became the Count of Monterrey. The new leader made Valdivia his principal advisor to resolve the conflict of Arauco. The Jesuit priest joined Juan Villela, auditor of Lima, in the speech to end the oppression of indigenous people and restore peace in the region²⁸.

J. M. Díaz asserted that Valdivia defended the following in a meeting with the governor:

The only effective means to conclude the war in Chile quickly and result in peace, which the conscience force to charity, justice and prudence, is to start undoing the wrongs and injustices which oppress the Indians and restore peace in Chile²⁹.

Moreover, he has proposed measures such as:

[...] the *encomienda* Indians should not be served directly with their work to *encomenderos*, whose lands could only be worked by *mitayos*, *yanaconas* and black slaves. Wisely, he opted for a gradual reform of the Chilean labor system, granting a period of two years to make the conversion. [...] When the term was consumed, the *encomenderos* received from their Indian a tribute and should only get labor of a standardized system of *repartimientos*, free contracting and African slavery. Of course, any person could not submit any Indian to slavery³⁰.

28 According to LÁZARO: “La propuesta de Villela partía de las discusiones que se estaban llevando a cabo en Lima y Chile sobre la mejor manera de pacificar a los araucanos, y las cuantiosas pérdidas en vidas humanas y dinero que provocaba la guerra de Arauco. Las conversaciones que se realizaban en estos grupos también compartían como denominador común los inconvenientes que tenía el sistema de encomienda vigente en dicha colonia y el mal trato que recibían los indios por parte de los españoles, tesis a las que se adherían fervorosamente los jesuitas de Chile. Los resultados de estas conversaciones convergían en torno a la idea de establecer en Chile, al igual que en otras regiones de América, el tributo personal el cual permitía al indígena trabajar libremente y le aliviaba de la presión y sujeción al encomendero” (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos*, o. c., 90) .

29 J. M. DÍAZ: “El medio único eficaz para concluir brevemente la guerra de Chile y reducirlo a paz, al cual en conciencia obligan la caridad, la justicia y la prudencia, es comenzar deshaciendo los agravios e injusticias con que están oprimidos los indios de paz que hay en Chile” (J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 129).

30 J. M. DÍAZ: “[...] los indios de encomienda no debían servir directamente con su trabajo a los encomenderos, cuyas tierras sólo podrían ser trabajadas por mitayos, yanaconas y esclavos negros. Prudentemente, se optaba por una reforma gradual del régimen laboral chileno, concediéndose un plazo de dos años para realizar la conversión. [...] Cuando se consumiese el plazo, los encomenderos recibirían de sus indios exclusivamente el tributo y deberían conseguir la mano de obra de un sistema ya normalizado de repartimientos, contrataciones libres y esclavitud africana. Por supuesto, no se podría someter ningún indio a esclavitud” (J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 130).

With these ideas, Valdivia believed that it was posible to (re)establish peace in the region of Arauco. When Marques Montesclaros took over as the new Viceroy of Lima (1607-1615) he found out of the conflict, and the ideas proposed by Villeda and Valdivia regarding the treaty of peace with the Indians. He assumed his position by supporting this treaty, mostly due to its benefits to the reign as this would increase the economization of resources and also because this system was already successful in other regions. The Jesuit priest then travelled to Spain to defend the application of defensive war, and an approval was obtained from the royal court in Madrid in the year of 1609. Upon his return³¹ he successfully put into practice the political system that lasted between the years of 1612-1626³².

The defensive war would ensure that the Spanish would not trespass the southern border, but admitted that the Indians could join the Spanish territory, mainly to hear religious sermons. Also it put an end to slavery and abuse imposed on Indians, the main cause of the conflict³³. In 1615 Valdivia sent a letter to the King which reports the peaceful situation within the region:

31 According to the chronicler Diego de Rosales, the dialogue where Luis de Valdivia communicated the decisions made to the Indians of Arauco was as follows: “Todo esto, hijos míos, he predicado yo a los españoles en vuestra defensa, porque es la verdad y el Evangelio; pero no me bastó. Y así me fui al Virrey de Lima y se lo conté y me dio una carta para que *se remediasen todos vuestros trabajos y se moderase el servir los indios que diesen la paz*, y así lo mandó y os truje la carta que vistes muchos de los que estáis presentes. Y viendo que para vuestro buen tratamiento era más eficaz media traer cartas y provisiones de el gran Rey, fui a España y tardé un año en el camino; y allá delante de sus Consejos le representé vuestros trabajos y que el oprimiros a servir, *siendo libres, era la causa de que cada día os alzásedes, y que con la guerra nunca quietariades, que antes la guerra os endurecía y os hacía más bravos, irritando más vuestros alentados corazones*. Y que si el Rey mandaba que cesase la guerra y no sirviédeses a ninguno, sino que os estuviédeses vosotros en vuestras tierras y los españoles en las suyas, sin pasar los unos a las tierras de los otros, os quietariades y recibiríades a los padres y la palabra de Dios y el santo bautismo, que es lo que el Rey quiere y desea de vosotros para que se salven vuestras almas”. Cfr. D. DE ROSALES, *Historia General de el Reino de Chile, o. c.*, 98 [our highlights]. Hardly the climate between the indigenous leaders and the Spanish had been so friendly such as Diego de Rosales reports: “Acabó de hablar, y fue tan grande el contento y el alegría de todos, que por un grande rato estuvieran entre sí hablando con grandes muestras de placer y con tanto gusto que les saltaban los corazones de contento y le mostraban en las palabras” (D. DE ROSALES, *Historia General de el Reino de Chile, o. c.*, 102).

32 According to LÁZARO: “Después de catorce meses de defensa ardorosa, Luis de Valdivia obtuvo la aprobación del proyecto de la Guerra Defensiva; en 1611 Valdivia llegó al Perú investido de plenos poderes para implantar su plan y acumulando una serie de cargos (visitador, comisario de la Inquisición y aspirante directo al obispado de la Imperial) que pronto despertaron recelos en Chile” (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos, o. c.*, 94).

33 According to Diego de ROSALES, an Indian chief had commented to Valdivia at the end of a meeting: “era este nombre de paz tan odioso entre nosotros que hasta aquí matábamos al que nos venía a tratar de paz, por ver que quien lo trataba era enemigo de la patria, pues no nos traía con ella sino la guerra; y aunque en todas las naciones ordenan la guerra para la paz y el fin de la guerra es conseguir paz, en la nuestra ha sido al contrario: que para tener paz, en la nuestra ha sido al contrario: que para tener paz y vivir en paz hemos hecho siempre la guerra, porque nunca hemos tenido paz con la paz de

Every day I can see more clearly the wisdom behind the decision which was made regarding the resolution of creating a *Raya* [boundary] in this war, and it has only been defensive. Because the enemy that came in a *Junta gruesa* by April this year, did not dare facing the boundaries which we have warned them, and so turned around without doing anything ... it was very important for what it is intended that they came and come other times to prove how benefits are their comes and added to this which has been ordered by Marquis of Montesclaros on behalf of V.M. that the Spanish people did not enter in the enemy [lands] (which has not been seen these past two years) the enemy had experienced how well they have stayed on their land, if they are still there, because there is anyone to enter to disturb them³⁴.

The enforced political position was in line with the new political directives of the Spanish crown³⁵ and brought a lot of advantages³⁶ in both legal and economic terms: (i) enabled the reductions of economic resources by the Crown, primarily in military spending; (ii) abolished personal services allowing the Indians to work properly with a paid service. The establishment of peace led to the continuation of evangelical missions showing that the crown would still be committed to the religious implementation. Another relevant issue is the strategic value of the region where the Spanish could maintain communication with the island of Chilóe, this being the paramount importance for the defense of foreign invasions.

However, the benefits were also accompanied by certain fears: (i) the society saw the crown sending less resources to maintain the army's border; (ii) saw the *encomendadores* reduce their profits by lack of indigenous labor and due to the Indians being taken as prisoners of war. Therefore, the system of defensive

los españoles, ni alcanzado la verdadera paz sino cuando hemos hecho la guerra, de su servidumbre, sus opresiones, sus agravios y malos tratamientos, los cuales ninguno nos hace entre nosotros mismos estándonos de guerra" (D. DE ROSALES, *Historia General de el Reino de Chile, o. c.*, 103).

34 I recognize the difficulty to translate the original text Valdivia here. Thus, the version presented in the text does not have the same richness of the original version. Cf. *Carta de 1615 de Valdivia ao Rei da Espanha*, f.1: "Cada día veo más claramente el acierto que tuvo la resolución de poner Raya a esta guerra, y que sólo sea defensiva. Porque el enemigo en una Junta gruesa que vino por Abril de este año, no se atrevió a enfrentar de la raya adentro viéndonos advertidos, y así se volvió sin hacer nada..... ye era muy importante para lo que se pretende que el haya venido y que venga otras veces para que pruebe cuan sin provecho son sus venidos..... y si a esto se añadiese lo que tiene ordenado el Marqués de Montesclaros en nombre de V. M. que no se hagan entradas de gente española al enemigo (lo cual no se ha guardado estos dos años pasados) hubiera el enemigo experimentado juntamente cuan bien le va estándose quedo en su tierra, si en ella se quieta, pues allá no le entra nadie a molestar".

35 According to LÁZARO: "las propuestas del padre Luis de Valdivia se encuadraban en el marco de unas nuevas directrices político-administrativas y religiosas que vieron la luz a finales del siglos XVI y principios del XVII" (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos, o. c.*, 89).

36 The effects following the proposal made C. LÁZARO, *La Transformación Sociopolítica de los Araucanos, o. c.*, 95s.

war resisted with complaints and offensive attack from the pro-war supporters, generally military³⁷.

The defensive war could not resist to the change of guidelines put into practice by the new summit of the Jesuits, who decided to move away from the effective action in the region due to severe criticism that the institution had been suffering for their involvement in direct conflict. Valdivia came back to Spain in 1619 to convince his superiors of the effects and risks of this new direction, but was not successful. He was transferred to a convent in Valladolid, where he remained until his death in 1642. After his departure from Chile's system, the defensive war fell apart when Governor Pedro Ozores Ulloa recommended the return of offensive War, which was fully implemented by 1626.

III. POSSIBLE SOURCES OF VALDIVIA'S THEORETICAL ARGUMENTS

The task of reassembling the intellectual bibliography of an author is itself complex. In the case of Luis de Valdivia, we must also add the fact that on the issues presented above there isn't exactly a written work from the author, but only a few letters and reports from the official historiography. Thus, the following words can be considered "fragile" and does not end the question regarding the sources of the thought of the Jesuit priest.

Based on the presentation made so far, we can list two central arguments of Valdivia on the subject:

1. The Arauco war was legitimate because the Indians were claiming the right to resistance, that is, would be rebelling against an oppressive government;
2. The practice of the government, through the *encomiendas* services strategies that were enslaving Indians and did not assist in the task of evangelization.

37 LÁZARO remembers the position Valdivia arrives with: "[...] la postura de los franciscanos, quienes eran partidarios de los bautismos masivos y apoyaban la opción bélica como única manera de pacificarlos y reducir a los indígenas a la fe, Valdivia y sus correligionarios eran partidarios de una opción evangelizadora. [...] Así, los principales obstáculos de los misioneros se hallaban en la esclavitud y servicio personal del araucano que le hacía rebelarse y presentar batalla al español. En este sentido, Valdivia con sus propuestas de Guerra Defensiva choca frontalmente con los franciscanos en lo que al sistema de evangelización se refiere, a la vez que, con sus peticiones de abolición de la esclavitud y servicio personal, ponía en peligro los intereses económicos de los grupos esclavistas (C. LÁZARO, *La Transformación Sociopolítica de los Araucanos*, o. c., 98). For more information about the Valdivia position look at: J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 123-209.

The two arguments mentioned above touch on topics widely circulated by the Spanish theorists of that time, namely: the right of resistance, indigenous slavery and pastoral motivation. Although being considered inaccurate sources, his arguments can make some conjecture and point to at least two directions.

(i) The first one can be found within the very Jesuit order in at least three authors: Juan De Mariana, Francisco Suarez and José Acosta. It is known that Valdivia was aware of the work of Suarez and Acosta, but we lack information to clarify whether he knew or not the work of Mariana, it is likely that the contact was indirect, since the work *De rege et regis institutione* of Mariana gained a great impact³⁸ upon its publication in 1599. In this paper the Jesuit clearly defends the right of popular resistance against the tyrant governor, being lawful to take away life. The tyrant is one who does not seek the common good, but only its pleasures; is one that imposes a burden of too much work and high taxes to his people, treating them as if they were slaves and depriving them of any freedom³⁹. Accordingly, the governor ceases to be legitimate and becomes a public enemy, with a popular legitimate armed revolt against the government:

It is a public enemy that causes all sorts of evils to their homeland and truly deserves the name of tyrant, and can not only be dethroned, but can also do it by any means, even with the same violence in which he snatched power⁴⁰.

The same approach is based on the thought of Francisco Suarez. In the work *Defensio fidei catholicae adversus anglicae sectae errores*⁴¹, 1613, the Jesuit believes that it is legitimate for people to protect themselves against one king who acts unfairly, because it is a legitimate behavior based on natural law: the protection of life itself⁴².

38 Four editions of *De rege* were published in less than 50 years. It is known that Juan de Mariana produced a second edition in Manguncia (Mainz, imprenta de Baltasar Lippi), in 1605. In 1611 the book went back to print; associated with the theme of tyrannicide the work quickly sold out, and another edition was available in 1640.

39 J. DE MARIANA. *De rege et regis institutione libri III*, Toledo, Pedro Rodriguez, 1599 (ed. facsimil: Aalen, Scientia Verlag, 1969). Look at book I, c.V.

40 J. DE MARIANA, *De rege* I, c.VI: “[...] malisque omnibus patriae opprimat, vereque et proprie tyranni nomen et ingenium induat: amoueat quacumque ratione, exuatque quam violenter occupavit potestatem” [our translation].

41 The publication year is subsequent to the actions of Valdivia for the implementation of the defensive war system in Arauco, which leads us to believe that Valdivia did not contact with it, at least not in the early years of defending their ideas.

42 F. SUÁREZ. *Selección de Defensio Fidei y otras obras*, estudio, selección y traducción por L. PEREÑA, Buenos Aires, Ediciones Deplam, 1966, 47: “Por esta misma razón podría el pueblo hacer uso del derecho natural a la propia defensa, si el rey cambiara en tiranía su legítimo poder, abusando de él para ruina manifiesta del Estado”.

Moreover, Suárez understands that sometimes a defensive war is necessary against an unjust aggressor:

Because if is legal to do in defense of own life, much more in defense of common wellbeing. Second, because también la misma ciudad el State hace una entonces defensive war against el unfair agresor, aunque sea el rey propio⁴³.

Another Jesuit who may have influenced the ideas of Valdivia was the Priest José de Acosta (1540-1600). He was a founding member of the first Jesuits' center in Peru, in 1578, where they planned methods of missionary work in the indigenous world. His main work *Historia Natural y Moral de las Indias* was published in 1590, in which it reports indigenous customs, the description of the flora and fauna of the colonial territory, mainly from New Spain (Mexico) and Peru. The fifth book of his History is dedicated to the indigenous religion: from the gods worshipped, through the holy cities, even their rites of worship. It is particularly interesting to note that he did not consider that the Indians had no religious habits, but they approached it in the wrong way because they ignored the Christian doctrine. Moreover, he believed that Aboriginal people were able to grasp and therefore “evolve” as a civilization. He says:

[...] when they lived in their law, even they had a lot of Barbaros's features and without foundation, nevertheless they had many other admirable things, for which it is left well comprehend, that they *have a natural ability to be well taught*, and even if in large part do lead to many of our Republics⁴⁴.

This idea is fundamental for Valdivia: the Indians are able to learn new knowledge that can be transmitted through dialogue; justifying the evangelical mission⁴⁵. Moreover, J. M. Díaz draws other points⁴⁶ in common between

43 F. SUÁREZ, *Defensio fidei*, 416: “Porque si es lícito hacerlo en defensa de la propia vida, mucho más en defensa del bien común. Segundo, también porque la ciudad misma o el Estado hace entonces una guerra defensiva contra el agresor injusto, aunque sea el propio rey” (F. SUÁREZ, *Selección de Defensio Fidei y otras obras*, o. c., 416).

44 Cf. J. DE ACOSTA: “[...] cuando vivían en su ley, en la qual aunque tenían muchas cosas de Barbaros, y sin fundamento, pero avia tambien otras muchas dignas de admiración, por las quales se dexa bien comprehender, que tienen natural capacidad para ser bien enseñados, y aun en gran parte hacen ventaja a muchas de nuestras Republicas” (J. DE ACOSTA, *Historia Natural y Moral de las Indias*, Sevilla, casa de Juan de Leon, 1590, 396) [Our highlights].

45 The chronicler Diego de ROSALES mentions Valdivia's ability to communicate with local people: “Hablóles el padre con la elocuencia y retórica que le había dado Dios, tan grande en persuadir, que, como otro Orfeo que se llevaba tras sí con la dulzura de su cítara a cuantos le oían, hasta las piedras y los animales se llevaba con dulzura de sus palabras, y con la fuerza de sus razones a cuantos le oían, arrastrando tras sí los corazones de las fieras y de los más endurecidos que las piedras” (D. DE ROSALES, *Historia General de el Reino de Chile*, o. c., 97).

46 Cf. J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o. c., 47. Also according to the author two more features could be added, namely: 1 – Acceptance of the application of force in certain circumstances, to Christianize the Indians; 2 – The absolute fidelity as the real cause and *modus operandi* of

Valdivia and Acosta, of these two stands out: (a) the recognition of the political organization of the Indians⁴⁷; and (b) the exaltation of the priestly ministry among the infidels, which required the intellectual training and learning of local languages⁴⁸. Such points are apparent in the work of Jesuit Acosta and make one of the most reliable intellectual sources within the the Company of Jesus, since Luis de Valdivia had contact with the intellectual legacy of Priest José de Acosta when he first arrived in Lima⁴⁹.

(ii) Another direction that can be highlighted regarding the issue of the sources is the development of the Dominican order's thought, especially in the Thomistic philosophy from the works of Francisco De Vitoria. It is known that, when Luis de Valdivia returned to Lima, he assisted some theology classes which enabled him to restart the reading of Thomas Aquinas, mainly *Summa Theologiae* (= *Sth*). In the mentioned work Thomas addressed slavery on several occasions the slavery and the right of resistance issues. The first theme appears in issue 57 of IIA-IIAE *Sth*, where Thomas discussed the law of nations and natural law; and the second theme arises from the conflict as to whether slavery belongs to the natural law (Aristotle) or belongs to the law of the nations (Isidore). Thomas denies that there is natural slavery in absolute terms, but admits the rights of the people, that is, the institution due to the utility or to the customs of men post-originating state of grace⁵⁰.

With regard to the right of resistance we found at least two passages, both in the IIA-IIAE da *Summa*. In Article 2, the question 42, Thomas talks about

Empire, especially regarding the *mita* e a *encomenda* (J. M. DÍAZ, *Razón de Estado y Buen Gobierno*, o.c., 47-48). Although this last point is debated. According ZAPATER, Valdivia share the position of Bartholomew de Las Casas "La oposición del padre Valdivia al servicio personal rememora la acerba crítica de Bartolomé de las Casas a la institución de la encomienda. Ambos opinaban que el indígena debía desarrollar su vida plenamente. Estimaban, como ya se ha señalado, que el vínculo entre nativos y europeos residiría en ser vasallos de un mismo Rey" (H. ZAPATER, "El padre Luis de Valdivia", o. c., 223).

47 Further information look at: J. DE ACOSTA, *Historia Natural y Moral de las Indias*, o. c., 414-449.

48 In the sixth book, *Historia*, Acosta devoted ten chapters on the subject of language in new territories; on them the Jesuit priest mentions the absence of a written language, but highlights the wealth of symbols used by Aboriginal people. Cf. J. DE ACOSTA, *Historia Natural y Moral de las Indias*, o. c., 395-413.

49 Horacio ZAPATER highlights this point and also assigns an important role of Acosta in Valdivia's ideas (H. ZAPATER, *La Busqueda de la Paz en la Guerra de Arauco: padre Luis de Valdivia*, Santiago de Chile, Editorial Andres Bello, 1992, 42-44).

50 Cf. in *Summa theologiae*, IIA-IIAE, q.57, a.3, ad. 2: "Ad secundum dicendum quod hunc hominem esse servum, absolute considerando, magis quam alium, non habet rationem naturalem, sed solum secundum aliquam utilitatem consequentem, in quantum utile est huic quod regatur a sapientiori, et illi quod ab hoc iuветur, ut dicitur in I Polit. Et ideo servitus pertinens ad ius gentium est naturalis secundo modo, sed non primo" [our highlights] (T. DE AQUINO. *Summa Theologiae. Prima pars; Prima secundade; Secunda secundae*, Textum Leoninum Romae, 1891, editum ac automato translatum a Roberto Busa SJ in taenias magnéticas denuo recognovit Enrique Alarcón atque instruxit).

rebellion against a tyrant, seeking to specify whether or not it is evil. The conclusion reached by Thomas Aquinas is that even being perceived as a mortal sin – it goes against justice and the common good – it only occurs in those who promote sin, in this particular case the governor who rules in a tyrannical manner⁵¹.

The question 64 addressed the homicide as a type of action contrary to justice. Thomas admitted that it is lawful to kill a man who is dangerous to society or that threatens the common good⁵²; but such action should not be taken by private persons, only by the responsible for public administration⁵³. However, he admitted that killing another in self-defense is a legitimate act⁵⁴; the principle associated with ideas of Suarez and Valdivia.

Reflections of Thomas exposed on the *Summa* were assumed as reference by the Spanish theorists from the fifteenth century; and we can observe that in Francisco De Vitoria's works where he corroborated with Valdivia's ideas. It is known that the theologian of Salamanca faced the question regarding the legitimacy or not about the colonization act in *Relectio Prior (De Indis)*. Before answering this question it is needed to know if the Indians had *dominium* on goods, that is, whether publicly owned rights were recognized⁵⁵. This topic filled the first chapter in the first part, and after an argumentative construction⁵⁶ – which refutes issues like infidelity and natural slavery of Indians – will end with the positive response on this domain, and therefore the recognition of rights public and private.

51 Cf. *Summa Theologiae*, IIa-IIae, q. 42, a.2, ad.3: “Magis autem tyrannus seditiosus est, qui in populo sibi subiecto discordias et seditiones nutrit, ut tutius dominari possit. Hoc enim tyrannicum est, cum sit ordinatum ad bonum proprium praesidentis cum multitudinis nocumento”.

52 Cf. *Summa Theologiae*, IIa-IIae, q.64, a.2, co.: “Et ideo si aliquis homo sit periculosus communitati et corruptivus ipsius propter aliquod peccatum, laudabiliter et salubriter occiditur, ut bonum commune conservetur, modicum enim fermentum totam massam corrumpit, ut dicitur I ad Cor. V”.

53 Cf. *Summa Theologiae*, IIa-IIae, q.64, a.3, co.: “occidere malefactorem licitum est in quantum ordinatur ad salutem totius communitatis. Et ideo ad illum solum pertinet cui committitur cura communitatis conservandae, sicut ad medicum pertinet praecidere membrum putridum quando ei commissa fuerit cura salutis totius corporis”.

54 Cf. *Summa Theologiae*, IIa-IIae, q. 64, a.7, co.: “Sed quia occidere hominem non licet nisi publica auctoritate propter bonum commune, ut ex supradictis patet; illicitum est quod homo intendat occidere hominem ut seipsum defendat, nisi ei qui habet publicam auctoritatem, qui, intendens hominem occidere ad sui defensionem, refert hoc ad publicum bonum, ut patet in milite pugnante contra hostes, et in ministro iudicis pugnante contra latrones”.

55 Cf. F. DE VITORIA, *De Indis*, I, I, 1: “redeundo ergo ad quaestionem, ut ex ordine procedamus, quaeritur primo, *utrum barbari <isti> essent veri domini ante adventum hispanorum, et privatim et publice, id est, utrum essent veri domini privatarum rerum et possessionum et utrum essent inter eos aliqui veria principes et domini aliorum*” [grifos do original]. F. DE VITORIA, *Relectio de Indis o libertad de los Indios*, ed. critica bilingüe por L. PEREÑA – J. M. PEREZ PRENDES, Madrid, Consejo Superior de Investigaciones Científicas, 1967.

56 Cf. F. DE VITORIA, *Relectio de Indis o libertad de los Indios*, I, I, 1-16. See also: R. H. PICH, “*Dominium e ius*”, o. c., 376-401.

And thus, even if supposed these barbarians are inept and gross as they say, why not be denied that they have real power, and that are to be included in the category of civil servants. [...] It is therefore this certain conclusion: before the Spanish arrived, they were true owner, publicly and privately⁵⁷.

Being Indians the possessors of publicly acknowledged rights, one war against the aboriginal people can only be started in a serious case. In the third part, Vitoria explained that by the natural communication right's is it legitimate that the Spanish passage through other people⁵⁸ to establish trade among them, being illegal for local people who are denied these rights. Furthermore, if people, known as "barbarians", denied this right, so, the Spanish are legitimate to use arms for to defend themselves⁵⁹.

This element of power to make war against the enemy who commits severe injustices, is important in Valdivia's speech. Moreover, the idea of free circulation and communication between people is also reflected in his discourse, he saw in the dialogue the way for the constitution of peace and the implementation of religious mission.

Nevertheless, Francisco De Vitoria endorsed the opinion of Thomas on the right of resistance in *Relectio de iure belli*. The Salamanca theologian argued in *quaestio secunda*, that it is lawful to repel force with force to defend themselves⁶⁰; in a republic setting it is lawful to defend against the enemies or injuries committed against their own people⁶¹. In *relectio dubium de tyranno* Vitoria condemns a particular person who takes the life of a tyrannical ruler⁶², by his own initiative. Although he believes that the republic can make war to defend it, and

57 Cf. F. DE VITORIA, *De indis*, I, I, 16, 30: "Et sic, dato quod isti barbari sint ita inepti et hebetes, ut dicitur, non ideo negandum est habere verum dominium, nec sunt in numero servorum <civilium> habendi. [...] Restat ergo conclusio certa quod, antequam hispani ad illos venissent, illi erant veri domini, et publice et privatim".

58 Cf. F. DE VITORIA, *De indis*, I 3, 1.

59 Cf. F. DE VITORIA, *De indis*, I 3, 5, 15: "Se prueba. Porque causa de guerra justa es sólo repeler y vengar la injusticia, como queda dicho siguiendo a Santo Tomás. Ahora bien, los bárbaros, al impedir el derecho de gentes a los españoles, les hacen injusticia; luego si es necesaria la guerra para mantener su derecho, pueden lícitamente hacerla".

60 Cf. *De iure belli*, II, 1: "Haec patet, nam vim vi repellere licet. Unde hoc bellum quilibet potest gerere sine auctoritate cuiuscumque alterius, non solum pro defensione propriae personae sed etiam bonorum suorum". F. DE VITORIA, *Relectio de Iure Belli o Paz Dinámica*, ed. L. PEREÑA – V. ABRIL – C. BACIERO – A. GARCIA – F. MASEDA, Madrid, Consejo Superior de Investigaciones Científicas, 1981.

61 Cf. F. DE VITORIA, *De iure belli*, II, 2, 16: "sed respublica habet auctoritatem non solum defendendi se sed etiam vindicandi se et suos. Et probatur quia ut Aristoteles tradit (3 *Politicorum*), respublica debet esse sibi sufficiens. Sed non posset sufficienter servare bonum publicum, si non posset vindicare iniuriam et animadvertere in hostes".

62 Cf. F. DE VITORIA, *De tyranno*, 2. F. DE VITORIA, *Relectio de Iure Belli o Paz Dinámica*, o.c.

in this particular situation any private person may kill the tyrannical ruler once this action is supported by the public authority⁶³. And, once again the right of defense of life itself is evoked to justify a revolt.

The importance attributed to Thomas Aquinas in Spain places him as a major intellectual source to Luis de Valdivia, as well as monk Dominican Bartolomé De las Casas. This last personality is known in the debates regarding indigenous peoples, especially after the dispute with Juan Ginés De Sepúlveda, the Bishop of Chiapas. In a short manifesto published in 1552 he condemns the practice known as *encomiendas*, because they were characterized as a practice of slavery. Proceeding from the idea that what is not spontaneously accepted is imposed therefore: “si no sale de su espontánea e libre y no forzada voluntad de los mismos hombres libres aceptar y consentir cualquiera perjuicio a la dicha su libertad, todo es fuerza e violento, injusto e perverso y, según derecho natural, de ningún valor y entidad⁶⁴”. Las Casas believes that the order of subjection of Aboriginal people to some Spanish lacks legal validity, and deprives them of their liberty⁶⁵.

The *encomendas* or *repartimientos* not only enslaved the Indians's body, but hurt their soul, thus depriving them of receiving the precepts of the Christian Religion:

And the more we say, that because such subjection and alienation is not against with the reason only and natural law and justice, and against Charity, being onerous, unjust, tyrannical and terrible against God and His law, and opprobium and infamy and clenching and oppression their holy faith, which is clogged and prevents not grow as those people would grow up, and that the promulgation of the evangelical law did not realize⁶⁶.

63 Cf. F. DE VITORIA, *De tyranno*, 3: “Patet, quia respublica potest gerere bellum contra tyrannum ut defendat se ab illo. Sed iam habet bellum cum illo et nodum est finitum. Ergo durante illo bello licet cuicumque privato homini occidere illum. Nec occidit illum auctoritate privata sed publica, quia bellum non est finitum. Item, licet interficere ipsum pro defensione reipublicae”.

64 Cf. B. DE LAS CASAS, “Condenación de las encomiendas”, en B. DE LAS CASAS, *De regia potestate*, ed. crítica bilingüe L. PEREÑA – J. M. PÉREZ-PRENDES – V. ABRIL – J. AZCARRAGA, Madrid, Consejo Superior de Investigaciones Científicas, 1984, 128.

65 Cf. *ib.*, 131: “Pues en el propósito nuestro, como dar los a los españoles en *encomienda*, o por vasallos, o de otra manera, sea servidumbre tan prejudicial, tan excesiva y tan extraña y horrible, que no solamente los deteriore y apoque y abata o derrueque de estado de libres hombres y pueblos llenos, a pueblos destruidos y hombres siervos abyectísimos, pero a estado de puras bestias”.

66 Cf. “Condenación de las encomiendas”, en *De rege potestate*, 131: “Y más decimos, que porque la tal subjeción y enajenamiento no solamente es contra razón y ley natural y justicia, y contra charidad, por ser onerosa, injusta, tiránica y horrible contra Dios y su Ley, y en opprobio e infamia y apretamiento y opresión de su sancta fe, que se estorba e impide que no crezca como en aquellas gentes crecería, y que la promulgación de la evangélica ley no se cumpla”. In other work of Las Casas, he says that *encomienda* is the worst especie of tyranny: “por esta *encomienda* o *repartimiento*, que fue la más cruel especie de tiranía y más digna de fuego infernal que pudo ser imaginada, todas aquellas

The arguments used for Las Casas serves the purposes of Valdivia, both in the fight against personal services as well as the evangelizing mission.

FINAL CONSIDERATIONS

The historical value of Valdivia's feats are unquestionable, widely recognized in historiography as a defender of the indigenous cause. An example of his relevance was in the role as mediator in the conflict of Arauco. He was always attentive to the events of his time, not merely monitoring the distance that occurred in the southern kingdom, but actively participating in the search for a solution that would enable the promotion of peace and promote mutual coexistence between the Spanish and the Indians successfully. He saw in the political system known as defensive war a system that not only could re-establish peace between the parties but which would favour the teaching of Christian doctrine.

It is true to say that the political system of defensive war was not only implemented due to the economic benefits towards the Government's coffers but also due to his continuous commitment to end the slavery of Aboriginal peoples. Thus, the Jesuit did not need to seek new arguments, he simply used those already in circulation at that time. These existent arguments allowed him to understand that the Indian rebellion was fair, and he managed to give them freedom from the shackles imposed by the Spanish Government; because the politics of personal service did not protect neither liberty nor the common good of the local population, only subjected them to servitude; thus, the fight against the Government was legitimized by the right of resistance, a common idea among both Authors being a Jesuit order or a Dominican order.

Also, the agreement allowed both people the right of transit throughout the region, guaranteeing the right to humanity as part of an international community like Vitoria said, enabling both trading and religious missions in this region. Certainly, Valdivia was more interested in the latter aspect, believing that the priest Acosta said that the Indians lacked the knowledge of the Christian religion.

Finally, we highlight two interesting aspects that emerged from Luis de Valdivia's proposals. The first is that clearly Valdivia accepted that the Indians had as many rights as other people subjected to the crown of Spain, and therefore

gentes son impedidas de rescebir la fe y religión cristiana por ocupallos noches y días los españoles, sus infelices tiranos comenderos, en las minas y trabajos personales y tributos increíbles [...]". Cf. B. DE LAS CASAS, "La invención del repartimento y encomiendas de aquellas gentes", *o. c.*, 155.

had the right of freedom; although they lacked a moral elevation that would come with Christian doctrinal knowledge. Secondly, unfortunately the ideas of Valdivia were only confined to Indian slavery, and the black population working in abusive conditions in American realms was not included.