

Apostasy, usurpation, and biblical genealogies: The question of sovereignty in Iberian encounters in the tropics (15th-16th centuries)

ANDREW W. DEVEREUX

University of California, San Diego

Abstract

This article examines several theaters of encounter between Iberians and non-Abrahamic Gentiles, specifically the Americas, the Canary Islands, and West Africa. Drawing on fifteenth- and sixteenth-century writings, the piece addresses early modern Iberians' disparate views on the capacity of non-Christians to hold *dominium*; on Iberians' understanding of the geographical reach of early Christianity and the implications that held for early modern political claims, and on Iberians' readings of biblical genealogies and what weight those carried in legal arguments concerning sovereignty and slavery.

Keywords: sovereignty, just war, slavery, Juan López de Palacios Rubios, Bartolomé de Las Casas, curse of Ham.

Resum

Aquest article examina diversos escenaris de trobada entre ibèrics i locals no abrahàmics, concretament a Amèrica, les Illes Canàries i l'Àfrica occidental. Basat en escrits dels segles xv i xvi, aquest treball analitza les diferents visions dels ibèrics d'època moderna sobre la capacitat dels no cristians de mantenir el *dominium*; sobre la comprensió dels ibèrics de l'abast geogràfic del cristianisme primerenc i les implicacions que té per a les reivindicacions polítiques en època moderna, i sobre les lectures dels ibèrics relatives a genealogies bíbliques i el pes que comportaven els arguments legals sobre sobirania i esclavitud.

Paraules clau: Sobirania, guerra justa, esclavitud, Juan López de Palacios Rubios, Bartolomé de Las Casas, «Maledicció de Cam».

Resumen

Este artículo examina varios escenarios de encuentro entre ibéricos y locales no abrahámicos, concretamente en América, las Islas Canarias y África occidental. Basado en escritos de los siglos xv y xvi, este trabajo analiza las diferentes visiones de los ibéricos de época moderna sobre la capacidad de los no cristianos de mantener el *dominium*; sobre la comprensión de los ibéricos del alcance geográfico del cristianismo temprano y las implicaciones que tiene para las reivindicaciones políticas en época moderna; y sobre las lecturas de los ibéricos relativas a genealogías bíblicas y el peso que conllevaban los argumentos legales sobre soberanía y esclavitud.

Palabras clave: soberanía, guerra justa, esclavitud, Juan López de Palacios Rubios, Bartolomé de las Casas, «Maldición de Cam».

In his juridical treatise *De Insulis, or On the Islands of the Ocean-Sea*, composed sometime between 1512 and 1515, the jurist and law professor Juan López de Palacios Rubios defended Castilian claims to the recently encountered islands of the Caribbean. As part of his argument, the jurist posed the question of whether Christianity had ever reached the Americas in some remote past. He concluded that either Christianity had never reached American shores or, if it had, so much time had elapsed that all vestiges of that evangelization had disappeared and it should be considered that the gospel had never been preached in the Americas.¹

1. Juan López de PALACIOS RUBIOS, *De insulis oceanis/De las islas del Mar Océano*; Fray Matías DE PAZ, *Del Dominio de los Reyes de España sobre los indios*, S. Zavala, intro., A. Millares, trad., notes and bibliography, Fondo de Cultura Económica, Mexico City, 1954, p. 13: «o porque los nacidos en estas Islas nunca han oído el nombre de Cristo, o porque el Evangelio nunca fué predicado entre ellos, ni conocidos los Sacramentos, o porque si alguna vez lo fueron, ha transcurrido tanto tiempo, que ya

Elsewhere in the same work, Palacios Rubios argued that infidels could not hold *dominium*, thus defending the papal «donation» of lands not under Christian rule to a Christian prince.² The jurist's intent here was clearly to defend Alexander VI's 1493 papal bulla *Inter caetera*, through which the pope «donated» to Ferdinand and Isabella the lands Columbus had happened upon, as well as others that might be discovered in the future. If, as Palacios Rubios suggested, popes possessed such universal dominion, including over non-Christians, then why include the excursus hypothesizing and then the ruling out of an earlier Christian presence in the Americas? Would that not be a moot point? In fact, Palacios Rubios's conclusion that Christianity had never been preached on American shores accomplished two things: it absolved the Indians of any charges that they were apostates who had fallen away from the true faith; it also affirmed that they were not usurpers who had swept into these islands, wiping out or subjugating a local Christian population. The legal doctrines stemming from the usurpation of Christian lands drew on established tenets of canon law dating back at least to Innocent IV (r. 1243-54), who argued that Muslim rule in any lands that had at one time been Christian was illicit. The charge of illicit rule in turn justified any acts of aggression that Christians might take against those Muslims and, of course, Innocent had in mind a

no queda recuerdo alguno de tal predicación, motivo por el cual dicha predicación se considera como si no hubiera existido».

2. DE PALACIOS RUBIOS, *De insulis*, p. 88: «A San Pedro se le dió como nave todo el mundo, y tuvo su residencia así en Antioquía como en Roma y en donde hubiese querido, incluso, por ejemplo, en Babilonia, pues ejerciendo pleno poder sobre toda la tierra, lo tuvo también sobre todos los hombres, porque Dios le sometió todas las criaturas y por ello pudo incluso juzgar a los infieles». *Ibidem*, pp. 110-11: «Por tanto, la Iglesia, que en virtud de un consentimiento precario permite a los infieles poseer la jurisdicción, sin que dicho consentimiento les transfiera el dominio ni la posesión (según la ley 'Quod meo' del Digesto, tít. 'De acquirenda possessione'), sino tan sólo una especie de detentación, duradera únicamente mientras perdure la aquiescencia y voluntad de aquélla ... podrá, cuando quisiere, quitarles dicho consentimiento en todo o en parte, por más que regularmente no le es lícito a un superior impedir a un subordinado el uso de la jurisdicción».

defense of the crusades to the Holy Land when he wrote this.³ In sharp contrast, Palacios Rubios's conclusion that there was no vestigial trace of Christianity in the Americas actually endowed the Indians with a form of quasi-*dominium*. Indeed, he maintained that the Indians might legitimately defend themselves *before* they were informed of the Christian faith by the Spanish. On the basis of the precepts of natural law, Palacios Rubios held that up until they were notified of the arrival of Christianity, the Indians' defense of their lands against the Spanish constituted a just war.⁴

Palacios Rubios is of course best known as the author of the notorious *Requerimiento*, a brief and confounding text composed ca. 1513 that Spanish conquistadors were supposed to read to the indigenous inhabitants of the Americas prior to committing an act of war.⁵ Against

3. For a succinct outline of Innocent IV's and his student Hostiensis's arguments on this matter, see James MULDOON, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250-1550*, Philadelphia, University of Pennsylvania Press, 1979, pp. 15-18.

4. PALACIOS RUBIOS, *De insulis*, p. 34: «éstos no habían oído antes la fé de Cristo y si en alguna ocasión llegó hasta ellos por la predicación de San Pedro y San Pablo o de aquellos secuaces que la predicaron en Occidente, y no quedaba ningún recuerdo de ella. Por tanto, durante el tiempo que los Isleños tardaron en cerciorarse del propósito e intención de los cristianos que les atacaban, *la guerra era justa por su parte, y los apresados en ella no pasaban a ser siervos de sus aprehensores*» [my emphasis]. *Ibidem*, p. 34: «Aun suponiendo que estos isleños se hubieran resistido en un principio, defendiendo su libertad y sus bienes antes de conocer a nuestra gente y de tener averiguada la causa de su venida, no por eso perdieron la libertad, *porque la defensa es cosa permitida por el derecho natural*» [my emphasis]. *Ibidem*: «Los isleños no estaban, por tanto, obligados a entregarse tan pronto como llegaron hasta ellos los Cristianos, a los que con razón consideraban enemigos, sino solo cuando conocieron y descubrieron sus intenciones, porque nadie debe confiarse al punto a sus enemigos». *Ibidem*, p. 36: «de modo que *los tales isleños podían justamente defenderse de los Cristianos que les atacaban, hasta que se les descubrió la verdad*» [my emphasis].

5. Lewis HANKE, «The 'Requerimiento' and Its Interpreters», *Revista de historia de América*, 1 (March 1938), pp. 25-34. Patricia SEED, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*, Cambridge University Press, Cambridge, 1995, pp. 69-99; and A. Devereux, ed., *Empire & Exceptionalism: The Requerimiento and Claims of Sovereignty in the Early Modern Mediterranean and Atlantic*, a special

this background, it may come as a surprise to read that he was willing to concede to the Indians even a form of quasi-*dominium*. In this line of argumentation, Palacios Rubios was in fact articulating a rather widely accepted tenet of canon law. The friar Matías de Paz, who interacted with Palacios Rubios during the months that both were present at the *junta* of Burgos held in 1512, wrote a treatise on Spanish rights of dominion over the American Indians. In this text, Paz elucidated what he perceived to be the «positive» sin of denying Christianity, of which the Jews, Saracens, Turks, and Christian heretics were guilty, and the lesser sin (if it even qualified as a sin) of ignorance of Christianity, which was the offense of the American Gentiles.⁶

The positions elaborated here by both Palacios Rubios and Paz are illustrative of a fairly common Iberian (or, perhaps, more broadly European) understanding of the Gentiles over whom Europeans had just recently claimed suzerainty. In the early sixteenth century, these included the non-Abrahamic inhabitants of the Canary Islands, the Caribbean islands, and the West African region of Guinea. In early moments of encounter, some Europeans expressed optimism concerning the possibility of winning these peoples for Christianity. An example of

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6. Matías DE PAZ, *Del dominio de los reyes de España sobre los Indios*, S. Zavala and A. Millares, eds., Fondo de Cultura Económica, Mexico City, 1954, pp. 220-221: «En tercer término hemos de explicar qué cosa sea la sobredicha nación de los indios. Para lo cual ha de advertirse que existen algunos infieles a cuya noticia ha llegado la fe verdadera de nuestro Redentor, como son los Judíos, Sarracenos, Turcos y herejes. Todos éstos tienen propiamente el pecado de infidelidad, no sólo privativamente, sino también positivamente, lo cual es el pecado mayor, según prueba Santo Tomás en su *Secunda Secundae*, cuest. 10, art. 3. Hay otros a cuyo conocimiento aun no ha llegado acaso nuestra fe, o si alguna vez llegó, no recuerdan, sin embargo, en la actualidad, la existencia de esa fe sobre el orbe de las tierras. De éstos dice Santo Tomás, en la cuestión aducida, art. 1, que tienen cuando menos una infidelidad privativamente, la cual no puede llamarse pecado, sino más bien pena de pecado [...] Mi interpretación es que no hay en los tales pecado por comisión contra la fe, y que por razón precisamente de dicha ignorancia, no tienen ningún pecado actual».

this sentiment is present in a 1503 treatise composed by the Castilian courtier, Cristóbal de Santesteban. Here, the author described the discovery of the Indies as a miracle, positing that the event would allow Ferdinand and Isabella to convert the Indians to Christianity, a process Santesteban claimed would be easily achieved since the Indians lived «without law». ⁷ According to this line of thought, the Gentiles' lack of affiliation with any of the known monotheistic faiths meant that they would be more easily converted to Christianity than would Jews or Muslims. Christopher Columbus's writings demonstrate the same mode of thought, with regard to the inhabitants of the Caribbean. As David Abulafia has demonstrated, this was a trope that certain European writers as far back as the fourteenth century had used to describe the Canary Islanders. ⁸

There were, of course, many Spaniards, including many missionaries, who were not so sanguine regarding the conversion of the American Gentiles. Many of these figures argued that the Indians lacked the rudiments of «civilization», that their lack of particular markers, including certain technologies, an alphabetical writing system, and so on, indicated that they were naturally inferior beings, and that this rendered them incapable of self-governance. Their conversion, therefore, was to be achieved more by force and coercion than through the peaceful means advocated by figures such as Bartolomé de Las Casas. ⁹

Some Spaniards even argued that the Indians were incapable of becoming good Christians because they were actually descended from Christian apostates. This extraordinary claim was the invention of Gon-

7. Biblioteca Nacional de España, R. 29905: Cristóbal DE SANTESTEBAN, *Tratado de la sucesión de los reynos de Jerusalén y de Nápoles y de Cecilia* (Zaragoza, 10 November 1503), Cap. II.

8. David ABULAFIA, *The Discovery of Mankind: Atlantic Encounters in the Age of Columbus*, Yale University Press, New Haven, 2008; see especially chapters 4, 5, 9, and 10.

9. On the positions of numerous Castilians on these matters, see Lewis HANKE, *All Mankind is One: A Study of the Disputation between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550*, University of Northern Illinois University Press, DeKalb, Illinois, 1974.

zalo Fernández de Oviedo, first royal historiographer of the Indies. In 1535, in his *General Historia*, Fernández de Oviedo asserted that Christianity had been preached in the Americas by the sixth or seventh century. The subsequent disappearance of all Christian practices proved, to the chronicler, that the Indians were incapable of becoming good Christians on their own and that they needed the firm hand of the Spanish to guide them out of their ways of error.¹⁰ It is not at all clear how seriously European readers took Fernández de Oviedo's claims, but Las Casas considered them dangerous enough that he felt compelled to refute them at length in his *Historia de las Indias*.¹¹

The «debate» between Las Casas and Juan Ginés de Sepúlveda that took place in Valladolid over the span of several months in 1550-51 represents the apogee of Spanish arguments over the status of the spiritual and intellectual capacities of the American Indians. While this is the best known of these disputes, the Valladolid sessions post-dated by decades similar discussions that took place at the *junta* of Burgos (1512) and at an earlier *junta* held in 1503 or 1504.¹² This raises an important question: why was there no similar debate over the spiritual and intellectual capacities of the African Gentiles that Iberians encountered over the course of the fifteenth and sixteenth centuries as Portuguese and Castilian ships pressed increasingly southward along Africa's Atlantic coastline? If certain jurists and theologians argued that American Gentiles should be accorded a particular status due to their lack of any prior exposure to Christianity, why was there no analogous dispute over the status of African Gentiles?

Do Iberian understandings of genealogy and the origins of the various peoples of the world explain this discrepancy? One common ex-

10. HANKE, *All Mankind is One*, pp. 40-41.

11. LAS CASAS, *Historia de las Indias*, A. Millares, ed., Fondo de Cultura Económica, Mexico City, 1951, lib. I, caps. 15-16, vol. 1, pp. 73-90.

12. Lewis HANKE, *The Spanish Struggle for Justice in the Conquest of America*, University of Pennsylvania Press, Philadelphia, 1949, pp. 17-36; Anthony PAGDEN, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*, Cambridge University Press, Cambridge, 1982, pp. 27-56.

planation for the rise of the Atlantic slave system based on African slavery is that Europeans believed that the so-called «curse of Ham» justified the enslavement of black Africans, granting this practice biblical sanction.¹³ But was this argument used in the earliest years of Iberian contact with West Africa? First of all, it is not at all clear that Iberians considered Africans to be uniformly descended from Ham. While the biblical account of the post-diluvial distribution of lands did suggest that Sem received Asia, Ham Africa, and Japheth Europe, numerous fifteenth-century Castilian universal histories posit non-Hamitic and non-Ishmaelite origins for a number of Africa's peoples.¹⁴

Biblical genealogies, including references to the curse of Ham, are not entirely absent from fifteenth- and sixteenth-century sources pertaining to Africa, but they are rare and their meaning is not always straightforward. In the 1430s and 1440s, as Portuguese caravels pushed south of Cape Bojador on Africa's Atlantic coast, the Christians entered a borderland zone between Muslim North Africa and the region of Guinea. The Portuguese chronicler Gomes Eanes de Zurara describes the Portuguese seizing hundreds of captives whom they took back to Lisbon and sold into slavery. Zurara's description of the captives, of their attire, their lack of knowledge of Arabic, and their purported demonym of Azanegue, suggests that some, at least, were Berbers. Others were likely black Africans from further south. It is debatable how many were actually Muslim. In an account roughly contemporaneous to Zurara's, written by the Venetian Alvise da Ca' da Mosto, the traveler describes the Azanegue as «not yet being firmly attached to

13. David WHITFORD, *The Curse of Ham in the Early Modern Era: The Bible and the Justifications for Slavery*, Ashgate, Farnham and Burlington, 2009. See also David M. GOLDENBERG, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam*, Princeton University Press, Princeton, 2003.

14. Two examples that suggest Gothic origins (either Japhetic or Semitic) for the Getulians of North Africa include Diego DE VALERA, *Crónica Abreviada*, Seville, 1482; and the anonymous late fifteenth-century (ca. 1492-93) Bibliothèque Nationale de France, Ms. Esp. 110: *Breve compendio de las Crónicas de los Reyes de España*.

the tenets of Muhammad, save from what they know by hearsay». ¹⁵ And yet Zurara, in his account, describes them uniformly as «Moors». In fact, even in differentiating between the various peoples he describes, Zurara is at pains to paint them all as Moors:

Here you must note that these blacks were Moors like the others, though their slaves, in accordance with ancient custom, which I believe to have been because of the curse which, after the Deluge, Noah laid upon his son Cain [*sic.*; read: Ham], cursing him in this way: that his race should be subject to all the other races of the world. And from his race these [blacks] are descended. ¹⁶

In an article on this subject, Kenneth Wolf demonstrates that the term «Moor» was incredibly unstable and flexible in the fifteenth century, and he makes a compelling case that Zurara employed the label, in part, to depict these unfortunate captives as legitimate prisoners taken in a just war against enemies of the faith. ¹⁷ On those grounds, their subsequent sale in the markets of Lisbon was licit. Zurara's reason for «Mooricizing» these non-Muslim Africans was to legitimate Portuguese actions as being in accordance with doctrines of «just war» that

15. G. R. CRONE, ed., *The Voyages of Cadamosto and Other Documents on Western Africa in the Second Half of the Fifteenth Century*, Hakluyt Society, London, 1937; reprinted by Routledge, 2016, p. 19.

16. Gomes Eanes DE ZURARA, *The Chronicle of the Discovery and Conquest of Guinea*, Hakluyt Society, London, 1896; reprinted by Cambridge University Press, 2010, vol. I, chapter 16, p. 54. Cain was, in fact, Noah's grandson, the son of Noah's son Ham. It is not clear why Zurara here refers to Cain as Noah's son, however, M. Lindsay Kaplan develops a compelling explanation for why certain medieval writers substituted Cain for Ham, positing that medieval Christian writers often ascribed Hamitic ancestry to the Jews in order to develop a justification for maintaining Jews' subordinate legal status in Christian societies. See KAPLAN, *Figuring Racism in Medieval Christianity*, Oxford University Press, Oxford, 2019, pp. 107-111. My thanks to Thomas Barton for the reference to the pertinent chapters in Kaplan's study.

17. Kenneth B. WOLF, «The 'Moors' of West Africa and the Beginnings of the Portuguese Slave Trade», *Journal of Medieval & Renaissance Studies*, 24, no. 3 (Fall 1994), pp. 449-469.

allowed for the capture and enslavement of «enemies of the faith». A similar practice of Moorizing is evident in Valencia. Debra Blumenthal's study of slavery in fifteenth-century Valencia demonstrates that the bailiff general often recorded the sale of Canary Islanders or black Africans using the term «Moor», and described them formulaically as *cattivi de bona guerra*, or captives seized in acts of just war.¹⁸ In this light, Zurara's objective in Moorizing these African captives is clear. In other words, although the chronicler does refer to the curse of Ham, he uses it primarily to explain the black Africans' status as slaves of the Azanegue. For Zurara and his Portuguese audience, it is not any biblical narrative that sanctioned the enslavement of the West African captives but rather their putative status as «enemies of the faith». Expanding the source base to include other fifteenth-century accounts of these early encounters along the West African littoral reveals a near-complete absence of references to the curse of Ham. In his 1447-letter chronicling his journey to West Africa, Antoine Malfante describes the Tuareg as Philistines.¹⁹ This, then, endows the Tuareg with a biblical genealogy. The Philistines were technically descendants of Ham, but the connection here is far too tenuous to count Malfante among those who employ the curse of Ham as a justification for enslavement. Malfante's contemporary, Alvise da Ca' da Mosto, never once in his account mentions this curse.²⁰ In his narrative, the Portuguese merchants purchase already-enslaved Africans as part of what the Venetian treats as a licit and purely commercial transaction.²¹

West Africans, Gentiles and Muslims alike, that the Portuguese encountered, could be uniformly portrayed as Moors, whatever their actual knowledge of Islam, in part due to their geographic proximity to the Muslim lands of North and West Africa. Even so, some Christian writers did raise the thorny question of whether the lands south of the

18. Debra BLUMENTHAL, *Enemies and Familiars: Slavery and Mastery in Fifteenth-Century Valencia*, Cornell University Press, Ithaca, New York, 2009, p. 41.

19. «The Letter of Antoine Malfante», in *The Voyages of Cadamosto*, p. 88.

20. *The Voyages of Cadamosto*, pp. 1-84.

21. *Ibidem*, pp. 17-18.

Sahara had ever been under Christian rule. To return to Matías de Paz's 1512 tract defending Spanish claims in the Americas, the friar is explicit on the point that the peoples inhabiting lands where there had never been a Christian presence cannot be considered guilty of any sin.²²

Las Casas is in complete agreement with Paz on this point. In the portion of his *Historia de las Indias* in which he addresses European incursions into the Canary Islands, Cape Verde, and West Africa, Las Casas asserts that the Canarians were secure in their homes, doing harm to no one, when the first invaders arrived.²³ Here Las Casas is implicitly endowing the Canary Islanders with full sovereignty and simultaneously suggesting that there were no legal or moral grounds for the Christian invasion. The Dominican goes on to stress repeatedly the pacific nature of the Canary Islanders, stating that the actions of the Portuguese there, although purportedly geared toward evangelization, were counter-productive to conversion efforts.²⁴ Las Casas then addresses the enslavement of Canary Islanders, arguing that this violated «every tenet of natural law, divine law, or human law».²⁵

Given Las Casas's view of the Gentile inhabitants of the Americas, it is no surprise that he would hold a similarly sympathetic opinion of the Canary Islanders, arguing for their salvation rather than their enslavement. But let us turn now to the episode alluded to earlier and chronicled by Gomes Eanes de Zurara, in which Portuguese raiders of the African mainland described their captives uniformly as «Moors», thereby legitimating their enslavement. Las Casas, taking Zurara at his word and assuming these captives to have all been Muslim, nevertheless excoriates the Portuguese for this practice. Las Casas writes that the Portuguese had no right to capture and enslave these Moors, because they were not the Moors of Barbary, and were therefore not the same as

22. PAZ, *Del dominio de los reyes de España sobre los Indios*, pp. 220-21. See note 6 above for the full textual passage.

23. LAS CASAS, *Historia de las Indias*, lib. I, cap. 17, vol. I, p. 92; and cap. 19, vol. I, p. 108.

24. *Ibidem*, lib. I, cap. 19, vol. I, p. 108.

25. *Ibidem*.

the Moors who did harm and damage to Christians. The key distinction here for Las Casas is the fact that the «Moors» of West Africa did not inhabit «our lands» (presumably meaning lands that had formerly been Christian). Las Casas writes that, rather than raiding, the Portuguese should have acted pacifically toward these Moors in order to draw them to Christianity.²⁶ Las Casas plaintively asks his reader, «how could these people possibly have any love for the Christian faith or desire to convert thereto, deprived of their liberty, their women, their children, and their homeland, etc., all against natural law?»²⁷ In conclusion, Las Casas writes that no one possessing the reason of a man, let alone that of a *letrado*, could doubt that these West Africans (whatever their religious identity) engaged in a fully just war against the Portuguese.²⁸ Here we detect echoes of Palacios Rubios's argument that the American Indians engaged in a just war against the Spaniards up until the moment they were informed of Christianity.

The entire eastern Atlantic section of Las Casas' *Historia de las Indias* is noteworthy, not only because of Las Casas's argument in support of the Canary Islanders' and West African Gentiles' sovereignty but even more so because of his defense of Muslim sovereignty in lands that had never been Christian. Las Casas explains that, while Christians might have cause for a just war against the Turks and Moors of the Mediterranean,²⁹ they do not have a just war against all infidels.³⁰

Indeed, while the doctrine of enslaving «enemies of the faith» taken captive in war was fully licit in Iberia, Las Casas asserts that the Portuguese enslavement of the Muslim inhabitants of West Africa is unjustified, as those lands had never been Christian; their rulers, therefore, could not be guilty of charges of usurpation:

26. *Ibidem*, lib. I, cap. 23, vol. I, p. 126.

27. *Ibidem*, lib. I, cap. 24, vol. I, pp. 132-33.

28. *Ibidem*, lib. I, cap. 25, vol. I, p. 133.

29. *Ibidem*, lib. I, cap. 25, vol. I, p. 134.

30. *Ibidem*, lib. I, cap. 25, vol. I, pp. 134-135.

... those people never injured or endangered the faith, nor did they ever even consider doing so, and they held those lands in good faith and never robbed us, nor did any of their ancestors, as they lived at such a great remove from the Moors who trouble us so in these parts, because they live near the borders with Ethiopia, and there is no written testimony or memory that the people who possess those lands ever usurped them from the Church. With what reason, then, could all this harm, all these deaths and enslavements, all these scandals and the loss of so many souls be justified? In spite of the fact that they be Muslims, under what right do the Portuguese commit these acts? This is clearly a case of willful ignorance and lack of reason.³¹

For Las Casas, at least, Muslims in lands that had never been under Christian rule had a perfectly legitimate right to exercise dominion. In this light, Palacios Rubios's aforementioned determination that the Americas had never been Christian, even in some remote past, takes on new significance.

Las Casas's defense of the Canary Islanders and Berbers extended to the black inhabitants of the regions known to Europeans as Guinea, Sierra Leone, and Kongo. In his railing against the Portuguese enslavement of the Wolofs of Guinea, Las Casas asserts that the Portuguese made no distinction between the Moors and the blacks, nor would they have made any distinction no matter where they found themselves, because they were driven solely by their own self-interest and greed, by a desire «to get rich at the cost of the suffering of others and of human

31. *Ibidem*, lib I, cap. 25, vol. I, p. 136: «... nunca injuriaron ni perjudicaron a la fe ni jamás impedirla pensaron, y aquellas tierra tenían con buena fe porque ellos nunca nos despojaron, ni quizá ninguno de sus predecesores, pues tanto distante vivían de los moros que por acá nos fatigan, porque confines son de Etiopía, y de aquellas tierra no hay escritura ni memoria que las gentes que las poseen las usurparon a la Iglesia, ¿pues con qué razón o justicia podrán justificar ni excusar tantos males y agravios, tantos muertos y captiverios, tantos escándalos y pérdida de tantas animas, como en aquellas pobres gentes aunque fuesen moros, hicieron los portugueses? ¿No más de porque eran infieles? Gran ignorancia y damnable ceguedad ciertamente fué ésta».

blood». ³² Never, however, does Las Casas mention the curse of Ham, implying that, as far as he was aware, this was not a common justification used by the Portuguese. For Las Casas, the ground on which he impugned the actions of the Portuguese was the fact that Guinea and Kongo had no history of prior Christian rule. In this respect, Las Casas argued that even if the captives the Portuguese seized were Muslims, the fact that they inhabited lands that had no prior Christian history meant that they were absolved of the charge of usurpation and, by extrapolation, that they were secure in their persons and goods. Las Casas's critique of the actions of the Portuguese in this region is grounded not in his assertion that the Portuguese had misread or misinterpreted a biblical passage and had erroneously used that to justify the enslavement of the local peoples. Rather, the local peoples, be they Muslim or Gentile, possessed full sovereignty and the Europeans had no cause to make war on them, due to the fact that these people, whatever their confessional identity, inhabited lands that had never been under Christian rule.

How representative was Las Casas in recognizing the sovereignty of the Canary Islanders and of numerous West African peoples? Substantial evidence drawn from earlier European textual sources points to similar (if less explicitly stated) viewpoints among many of the earliest writers to describe encounters between European and African polities. Alvise da Ca' da Mosto, for instance, describes Melli (Mali) as «the empire of the blacks», a tacit recognition that this polity shared certain administrative and constitutional features with a European polity that ruled over a variety of peoples. ³³ Indeed, Herman Bennett, in his study of fifteenth-century diplomatic conventions and performances between Africans and Europeans along the coastal region of West Africa, notes that Portuguese merchants time and again sought out African sovereigns from whom to purchase goods (and slaves). ³⁴

32. *Ibidem*, lib I, cap. 25, vol. I, p. 137.

33. *The Voyages of Cadamosto*, p. 31.

34. Herman BENNETT, *African Kings and Black Slaves: Sovereignty and Dispossession in the Early Modern Atlantic*, University of Pennsylvania Press, Philadelphia, 2019, p. 102.

In his *Crónica de Enrique IV*, the Castilian chronicler Alonso de Palencia recorded an incident that took place in 1476, concerning the seizure of the king of Gambia (or Guinea, in other sources) and his transport, along with a cargo of African slaves, to the port of Palos on Andalusia's Atlantic coast. Once the Africans had been disembarked in Palos, Palencia records that the Andalusians forced all of them, including the king, to march through the streets. The king resisted, saying that his suffering must be either horrible or dignified, as befitting his station, and that his captors would need to drag him through the streets with a rope or give him a horse to ride. A horse was brought, «the King mounted nimbly and, moving to the fore of the slaves, began to process with a majestic composure».³⁵

At first glance this appears to be nothing more than an interesting anecdote. But Palencia's account does a couple of things: in referring to the captive as the king of Gambia, Palencia recognizes the sovereign of an African polity. Perhaps even more significantly, the chronicler makes it clear that the king of Gambia is by his very nature a monarch. David Nirenberg notes the emergence of a «naturalizing vocabulary» in fifteenth-century Aragon and Castile, meaning that this vocabulary expressed human difference less in religious and cultural terms and more along the lines of characteristics being transmitted through blood.³⁶ Nirenberg furnishes an illustration of this process by drawing on the writings of Alfonso Martínez de Toledo. Writing around 1438, Martín-

35. ALONSO DE PALENCIA, *Crónica de Enrique IV*, A. Paz y Melia, ed., *Biblioteca de Autores Españoles*, t. 258, Atlas, Madrid, 1975, Década III, lib. 25, cap. 4, pp. 261-62: «Al arribar a Palos, los andaluces quisieron obligarle a caminar entre el rebaño de los demás esclavos; pero él se resistió, y dijo que, o le llevasen arrastrando con una soga, o a caballo, porque su desdicha había de ser o terrible o digna. Gonzalo de Estúñiga, conmovido ante esta resolución verdaderamente de ánimo real, o acaso espoleado por el ansia del futuro rescate, mandó traer un caballo. Montó en él con ligereza el Rey, adelantándose a los esclavos, empezó a caminar con majestuoso continente».

36. DAVID NIRENBERG, «Race and the Middle Ages: The Case of Spain and its Jews», in M. Greer, W. Mignolo, and M. Quilligan, eds., *Rereading the Black Legend: The Discourses of Religious and Racial Difference in the Renaissance Empires*, University of Chicago Press, Chicago, 2007, p. 80.

ez de Toledo argued that a person's character and characteristics were «natural» and inescapable. Suggesting an experiment that would prove his point, he argued that if one were to take two infants, one the son of a laborer and the other the son of a knight, and raise them on a mountaintop, removed from all familial contact and influence, each would gravitate towards the sort of work to which he was «naturally» suited—the son of the laborer to agricultural work, the scion of the knight to equestrianism and feats of arms.³⁷

Alonso de Palencia was writing sometime after 1477, or roughly four decades after Martínez de Toledo.³⁸ If, in fact, the use of a «naturalizing vocabulary» was becoming more prevalent in Castile and Aragon, then how might this affect our reading of Palencia's anecdote here? Clearly, the king of Gambia embodies by nature the qualities of a king, as is evident from the way in which he mounts the horse and then rides it, ahead of the procession of slaves, with a «majestic composure». Not only, then, does Palencia recognize an African polity as having a king, but this king is «naturally» a king, not a distorted version of a king, but a king in the ways in which a Castilian observer would expect a true king to demonstrate his royalty.

We should not make too much of this passage of Palencia's. Elsewhere in the same chapter of his chronicle he makes a clear equation between dark skin and moral failings: «They call this the territory of the Azanegue, by which name they distinguish those of citrine complexion from those of blacker complexion, and of blacker customs».³⁹ This demonstrates that, while Palencia may have recognized the potential for

37. David NIRENBERG, «Was There Race Before Modernity? The Example of 'Jewish' Blood in late medieval Spain», in M. Eliav-Feldon, B. Isaac, and J. Ziegler, eds., *The Origins of Racism in the West*, Cambridge University Press, Cambridge, 2009, p. 250.

38. Paz y Melia dates the composition of Palencia's *Crónica de Enrique IV* to shortly after 1477: *Crónica de Enrique IV*, A. PAZ Y MELIA, ed., *Biblioteca de Autores Españoles*, t. 257, Atlas, Madrid, 1975, p. 39.

39. PALENCIA, *Crónica de Enrique IV*, t. 258, Década III, lib. 25, cap. 4, p. 261: «Llámase aquel territorio de los Azanegas, con cuyo nombre se distingue a los de color cetrin de otros de color más negro y de costumbres también más negras».

Africans to possess sovereignty and to be endowed by nature with the characteristics of nobility or monarchy, he simultaneously identified dark skin with negative moral characteristics. In conveying the complexity of one chronicler's thought, this anecdote challenges the understanding that already in the late-fifteenth-century Iberian kingdoms there was a reflexive association between blackness and the legitimately unfree.

In *African Kings and Black Slaves*, Herman Bennett contests what he terms the «uniformly flattened form» that the portrayal of the African-European encounter retains, an encounter that Bennett argues is still too frequently rendered according to the «savage to slave» trajectory.⁴⁰ The evidence I bring to bear in this article is intended to inject greater complexity and dynamism into the way modern historians think about this encounter, understanding it as contingent and shaped by a variety of competing ways of perceiving, understanding, and writing about the non-Abrahamic peoples who inhabited the tropical belt of the Atlantic basin. It is clear that, at least into the 1540s, numerous competing discourses circulated within the Iberian realms concerning American as well as African Gentiles and the legal status they held. The evidence on which I am drawing here suggests that while in the Iberian world there may have been an incipient tendency to associate the figure of Ham with slavery or servitude, this was still at this time an inchoate association. Hamitic descent does not appear to have been widely used as a legal justification for the capture and enslavement of peoples. For the Portuguese, it was the transformation of these captives from black Gentiles into black «Moors» that legitimized their enslavement and subsequent sale in the markets of Lisbon. In other words, the institution of slavery in fifteenth-century Portugal (and in the other Christian polities of Iberia as well) rested on the legal foundation of an ongoing just war against Muslims that rendered captives taken in such a war licitly enslaveable. The vast majority of the Moors taken in these conflicts, of course, were Iberian and North African Muslims—not West Africans from south of the Sahara.

40. BENNETT, *African Kings and Black Slaves*, p. 45.

In studies of the European debates over the inhabitants of the tropics and doctrines of natural slavery, there is a glaring need to integrate the eastern and western Atlantic, to consider the fate of African Gentiles alongside that of their American counterparts. To do so raises a variety of questions, most notably those surrounding the development of early modern racial theory. The evidence drawn from the Portuguese, Castilian, and Italian sources, including Zurara, Ca' da Mosto, and Las Casas, points to rather uneven patterns in the ways confessional identity, somatic features, and a land's history could play varying roles in European writers' attempts to classify the peoples of the globe into a hierarchy. The trajectory from religion-as-race to more biological constructions of race was perhaps less clear-cut or linear than some scholars would have us believe. The evidence from Iberian sources suggests a rather tortuous path in the development of early modern racial theory, one that emerged from a centuries-old Mediterranean *habitus* that then crisscrossed the Atlantic and wound its way through exhaustive tracts on religious history and the rights or protections that history might offer people living in the fifteenth and sixteenth centuries.