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Edward C. Lorenz, Dana E. Aspinall and J. Michael Raley (eds.), *Montesinos' Legacy: Defining and Defending Human Rights for Five Hundred Years* (Lanham, MD: Lexington Books, 2014), pp. xv + 260, £57.95, hb

*Montesinos' Legacy: Defining and Defending Human Rights for Five Hundred Years* is an intriguing and sprawling book. The genesis of the chapters assembled in the book is a 2011 conference organised to mark the 500<sup>th</sup> anniversary of a sermon given by Antonio de Montesinos that has become known as an early critique of the Spanish Empire's colonial project in the Americas. The result of the conference proceedings presented in *Montesinos' Legacy* is a collection of essays loosely related to the life and work of Montesinos, a Dominican friar who is often thought of, at least from a contemporary perspective, as an early human rights defender who denounced the abuses of Spanish settlers against Native Americans, and who questioned the practice of forced labour that defined the colonisation of the 'New World'. As a consequence, although not necessarily directly, he questioned the right of the Spanish Crown to the wealth and lands of the new colonies.

The nineteen essays included in the book are divided into five parts that each seeks to address a common theme. The first set of essays discusses the origins of human rights, while the second part focuses on rights of indigenous peoples. The third part is concerned with the role of the contemporary Catholic Church with regards to human rights. The fourth part looks at human rights in Latin America, and the concluding set of chapters addresses a broad cluster of themes concerning public policies, non-governmental organisations, and the intersection between theory and practice of human rights. Several of the contributions offer useful overviews of the terms of political and ideological debates at the crucial historical conjuncture in the Americas at the time of Montesinos' 1511 sermon. Beyond the inherent interest of these debates for historians of the region, they have indeed had significant legacies for the development of citizenship and human rights in the Americas when considering, for example, the commonly observed gap between law and practice in Latin America, the potential and limitations of the law in bringing about social change, the often surprisingly powerful discourse of human rights as the language of the oppressed, and the fundamental role of human rights activists speaking 'truth to power'. The volume contains some interesting reflections on a range of topics of special interest to JLAS readers, including the environment and human rights in Brazil, constitutional incorporation of international human rights treaties in Mexico, delayed transitional justice in Mexico, as well as the lack of accountability for the role of the United Nations in Haiti's recent cholera outbreak.

The book suffers, nonetheless, from some common ailments of publications with their roots in conference proceedings. The book's various contributions are fairly short, and they often read as a series of reflections on a topic, rather than a conventional scholarly chapter. Although the essays in the book are all loosely related to Montesinos and his perceived legacies, the contributors are not consistently assiduous in clearly identifying those links. This makes it difficult to identify how the different bits and pieces discussed in the book add up to a greater whole. A succinct account of what Montesinos' legacy actually consists of, in the combined assessment of the contributors, would have been useful as a way of pulling together the various strands discussed in the book.

More substantively, given the book's stated aim to reflect on 500 years of development of human rights, the implicit attempt to attribute contemporary conceptions of rights to historical political and ideological debates would have required careful conceptual treatment. After all, during the period of colonial rule in the Americas debates about 'rights' centred on the rights and obligations, to the

Spanish Crown, of conquerors and of those colonised. The 'rights culture' of the colonial period was embedded into a corporatist model of state-society relations. People belonged to social groups or corporations; whether castes, guilds, indigenous communities, the Catholic Church, or the military. Rights or entitlements pertained to groups, and not to the individuals who made up those groups. This was not a system whereby individuals related directly to the Crown, as in the liberal (democratic) model of citizenship in which rights and obligations structure relationships between individual citizens and the state. True, corporatism as a model of state-society relations has proven resilient in most parts of the Americas as manifested in enduring systems of clientalism and forms of patronage. But both on paper and in practice competing liberal conceptions of individual rights have marked historical struggles for citizenship since the wars of independence in the region. The main point here is that understanding the historical developments of 'human rights' in the Americas since the era of Montesinos requires a recognition of such conflicts that is generally missing from the book's contributions.

Similarly, a somewhat more rounded discussion of the historical role of the Catholic Church might also have been warranted. For example, the relationship between the Catholic Church and the Spanish Crown was critical in the debates at the time of Montesinos about what constituted legitimate rule in the Spanish Americas. Because of its evangelising mission (one of the major justifications of colonisation), the Church was indeed, as highlighted in several of the chapters in *Montesinos' Legacy*, a central participant in early debates on rights. The colonising power needed some form of moral authority to justify not only the labour exploitation of the indigenous population, but also taking over their land and mineral resources. Much of the debate centred on the question of the degree of humanity of the colonised population. In as much as they could be converted to Christianity and away from barbarism, the argument went, they were effectively potential subjects of the Crown. If the indigenous population were potentially converts to Christianity, this meant that they had souls, and could not be deprived of their natural rights. Although this was primarily a debate centred on the legitimacy of colonial government, we can see parallels here with more secular debates about the inalienability of rights. Some members of the Church therefore came to play important roles in criticising the abuses of the colonisers against indigenous people. Yet, it is also relevant to note that differences between religious orders on the questions of the sources of legitimate rule and the rights of colonised peoples reflected inter-Church rivalries for influence in the Americas. As such, more earthly concerns influenced debates, rather than humanitarian impulses or concern for the welfare of indigenous communities. After all, the Church had significant vested interests, and it was a major holder of forced labour. In short, any discussion of human rights and the Catholic Church in the Americas is necessarily incomplete without directly addressing what is for many its central role as a violator of rights, both historically and contemporaneously: consider, e.g. in relation to a wide range of gender rights in the region today.

Nonetheless, whatever one's view of the Catholic Church and its members – past, present, and future – *Montesinos' Legacy* has something for all those of us concerned with both historical and contemporary human rights in the Americas.