THE HISTORY AND THEORY OF INTERNATIONAL LAW


Aquí se contiene
vna disputa, o controuersia: entre el
Obispo don fray Bartholome de las
Casas, o Casaus, Obispo que fue de la
Ciudad Real de Chiapa que es en
las Indias, parte de la nueua Espa-
ña, y el doctor Gines de Sepulueda
Coronista del Emperador nuestro Se
ñor, sobre si el doctor cõtendia, que las
conquistas de las Indias contra los
Indios eran licitas, y el Obispo por
el contrario defendio y affirmo auer si
do y ser imposible no serlo: tyranicas
injustas y iniquas. La qual question
se ventilo y disputo en presẽcia de mu-
chos letrados theologos y juristas,
en vna congregacion que mãdo jun-
gestad juntar el año de mil y quinientos
y cincuenta en la villa de Vallad. Año.
1552.

SEPÚLVEDA ON THE SPANISH INVASION OF THE AMERICAS

DEFENDING EMPIRE, DEBATING LAS CASAS

Edited and translated by
Luke Glanville, David Lupher, and Maya Feile Tomes

OXFORD

THE HISTORY AND THEORY OF INTERNATIONAL LAW

Sepúlveda on the Spanish Invasion of the Americas

THE HISTORY AND THEORY OF INTERNATIONAL LAW

General Editors

NEHAL BHUTA
Chair in International Law, University of Edinburgh

ANTHONY PAGDEN
Distinguished Professor, University of California Los Angeles

BENJAMIN STRAUMANN
ERC Professor of History, University of Zurich

In the past few decades the understanding of the relationship between nations has undergone a radical transformation. The role of the traditional nation-state is diminishing, along with many of the traditional vocabularies which were once used to describe what has been called, ever since Jeremy Bentham coined the phrase in 1780, 'international law'. The older boundaries between states are growing ever more fluid, new conceptions and new languages have emerged which are slowly coming to replace the image of a world of sovereign independent nation states which has dominated the study of international relations since the early nineteenth century. This redefinition of the international arena demands a new understanding of classical and contemporary questions in international and legal theory. It is the editors' conviction that the best way to achieve this is by bridging the traditional divide between international legal theory, intellectual history, and legal and political history. The aim of the series, therefore, is to provide a forum for historical studies, from classical antiquity to the twenty-first century, that are theoretically-informed and for philosophical work that is historically conscious, in the hope that a new vision of the rapidly evolving international world, its past and its possible future, may emerge.

PREVIOUSLY PUBLISHED IN THIS SERIES

The World Bank's Lawyers
The Life of International Law as Institutional Practice
Dimitri Van Den Meerssche

Preparing for War
The Making of the 1949 Geneva Conventions
Boyd van Dijk

Sepúlveda on the Spanish Invasion of the Americas

Defending Empire, Debating Las Casas

Edited and translated by

LUKE GLANVILLE

Associate Professor of International Relations
Australian National University

DAVID LUPHER

Professor of Classics, Emeritus, University of Puget Sound

MAYA FEILE TOMES

Lorna Close Lecturer in Spanish, Murray Edwards College,
University of Cambridge

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

First Edition published in 2023

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data

Data available

Library of Congress Control Number: 2022951828

ISBN 978–0–19–886382–3

DOI: 10.1093/oso/9780198863823.001.0001

Printed and bound in the UK by
TJ Books Limited

Series Editors' Preface

The famous "debate" between the Dominican, Bartolomé de Las Casas, Bishop of Chiapas, and official, "Defender of the Indians", and the humanist historian, self-styled theologian, honorary royal chaplain, and translator of Aristotle, Juan Ginés de Sepúlveda, held in the Colegio de San Gregorio in Valladolid in 1550-1, has become legendary. It has been described as the "first morality debate about European colonization"—which it most certainly was not. It was seen in the nineteenth century as part of a largely imaginary heroic struggle of the Dominican order against the Castilian crown. "These excellent monks" as Sir Travers Twiss, former Queen's Advocate General, salaried champion of Leopold II's occupation of the Congo and one of the founders of the highly influential *Institut de droit international*, wrote in 1856, had been "impelled to vindicate the right of the oppressed against the authority of the Church, the ambitions of the Crown, the avarice and pride of their countrymen, and the prejudices of their own Order". They were, he concluded, "the early streaks of dawn the earnest of the coming day". In the twentieth century the "debate" acquired a hallowed, if largely spectral, place in what the North-American historian Lewis Hanke famously and misleadingly described as the "Spanish Struggle for Justice the New Word". By 1949, the "debate" itself, all that was claimed to have preceded it, and all that was believed to have emanated from it, had become, as Carl Schmitt observed sourly "transformed into a journalistic myth."

The "real" Valladolid Debate in fact, as Luke Glanville, David A. Lupher, & Maya Feile Tomes demonstrate in their brilliantly painstaking historical reconstruction of the whole affair was quite unlike what it has subsequently become in the modern political imagination. In the first place although routinely described as a "debate"—although such a thing would have been barely conceivable in the universities of sixteenth-century Spain—it was in effect a traditional *Junta* of the kind the Castilian crown convoked on repeated occasions, in order to resolve complex moral issues. It consisted of a group of judges—in this case there were fourteen—selected from among the recognized areas of expertise: theology, and canon and civil law. Their task was to decide whether Sepúlveda's inflammatory tract *Democrates secundus* (which was indeed written as "debate"—or at least as a dialogue), widely considered to be the most extreme attempt to defend the Spanish conquests of the Americas, and already denied a license to be printed after long acrimonious debate by the University of Salamanca, in 1548 should now be given royal approval. Sepúlveda, of course, claimed that it should. Las Casas argued that it should not. The terms of the subsequent conflict between the two men, went, however, far beyond questions of royal and ecclesiastical censorship.

Sepúlveda and Las Casas were called to present their arguments to the judges of the *Junta* on separate days. Each phase of these cumbersome events was presided over, and commentate upon, at some length, by Domingo de Soto—Francisco de Vitoria's successor in the Prime Chair of Theology at Salamanca and possibly the most radical and influential of the so-called "School of Salamanca", who had as early a 1535, as the editors point out, asked in a public lecture (*relectio*) the question : "By what right, then, do we retain the overseas empire that has just been discovered? The fact is, I don't know."

From Soto's wry account of the events, the whole affair was something of a shambles. Sepúlveda, as requested, provided only a summary of his arguments and kept pretty much to the question under consideration. Las Casas, however, went on at very great length in an attempt to respond, as Soto put it, "to everything which the doctor has ever committed to paper and all the objections which one can offer to his opinion." Between them, however, both Las Casas and Sepúlveda in their different ways had, as Soto made clear, hijacked a meeting whose original purpose had been to discover, "by what manner and under what laws our Holy Catholic Faith could be preached and promulgated" and how the Indians might be "subjected to the majesty of the Emperor our lord, without harming the royal conscience in conformity with the Bulls of Alexander". In other words the issue at stake had been intended to be the true meaning of the famous "Bulls of Donation" of 1493 and the various theological, and scriptural problems that they raised. It had also been one which had studiously attempted to avoid any consideration of the still highly contentious issue of the legal status of the Spanish occupation of the Americas. Instead, remarked Soto,

> The fact of the matter … is that the two gentlemen arguing the case have not approached the task in this way, in general terms and as a formal recommendation; rather, they have addressed themselves to and debated the following specific issue, namely whether it is lawful for His Majesty to wage war on those Indians and render them subject to his empire prior to preaching the faith to them so that, once they have been subjugated, they may more easily and conveniently be instructed in and enlightened by the teachings of the gospel as to the errors of their ways and the Christian truth.

Sepúlveda argued that "war of this sort is not only lawful but expedient". Las Casas, of course, maintained the contrary. Not only was war in these circumstances, not lawful, it was also "wicked and antithetical to our Christian religion". It is important to remember, however, that neither man questioned the legitimacy of the Spanish presence in the Americas as such nor of the lasting validity of the Alexandrine donation. It was on this, Las Casas insisted, and on this alone, that the "juridical and fundamental basis" of the Castilian title to the Indies was based. Las Casas' prime concern was not with the legitimacy of the occupation, about

which, as he said again and again, and even reiterated in the preamble to his will, he was never in any doubt, but with the *behaviour* of the occupiers. What was at stake was the legitimacy of the *means* by which the Amerindians had been, as Las Casas expressed it elsewhere, "brought into history", so as to become, as both the pope and God had intended, Christians and subjects of the Spanish crown. On Las Casas' reading of history, sacred and profane, America was unique, a true donation, not only of Pope Alexander VI, to Their Catholic Majesties but of God to humankind. For Las Casas, no less than, over two centuries later, for Edmund Burke, true empire was a "sacred trust"—which, in Las Casas' view, the Castilian crown had repeatedly failed to honour. It is little wonder that Soto, so obviously chaffing at the limits his commission had imposed upon him, not "to express or otherwise insinuate my own opinion here … but rather faithfully to convey the essence of their views and the gist of their arguments", protested vehemently that he might otherwise, "insofar as my meagre intellect permits, have been able to impart a sheen of a different order to this synopsis".

Las Casas, however, had another reason for insisting on the validity of the Bulls. For if Francisco de Vitoria—whom he rarely mentions by name- had been right in his refutations of the pope's claims to universal jurisdiction then the only rights which the Castilian Crown could claim in America would have to have been acquired as the outcome of a just war, or, as Las Casas phrased it, they would have to have been grounded "in arms and in power". And if that were the case, then in his view, the Kingdoms of the Indies could only have been founded, "as that great Alexander and the Romans and all those who were famous tyrants, as today the Turk harries and oppresses Christendom" had founded their empires. And that would have been a blatant denial of Las Casas' image of the Spanish empire as the means of fulfilling God's not-so-hidden plans for mankind.

Las Casas' objective throughout all of his voluminous writings on the subject was to demonstrate that while the Spanish occupation of the Americas was fully justified by the Donation it served only one end: namely the conversion of the Indians. The wars of conquest, which he denounced at every turn, were an aberration brought about by the rapacious, unprincipled and un-Christian behaviour of the Spanish settlers. Since the Indians were, on his account, docile and rational beings, and Christianity was a docile and rational faith, the conquests should never have taken place at all. For this same reason Las Casas replied, to Sepúlveda's use of a version of Vitoria's "defence of the innocent" as grounds for depriving the Indians of their sovereignty and their goods, under the *ius gentium*, by arguing that while the protection of the subjects of a state from the tyranny of its ruler was clearly a moral obligation, and that the papacy was bound to defend the innocent even if they were pagans, "because they belong potentially (*in potentia*) to the Church", this could not be achieved through conquest. If war were the only means available then, "it would be better to relinquish that protection" for when compared with all the evils of warfare, even human sacrifice was the lesser of the

two. (To this Sepúlveda retorted that "our good sir has got his sums quite wrong: for in New Spain … more than twenty thousand people were sacrificed each year; and if one multiplies this figure across the thirty years that have elapsed since New Spain was annexed and this form of sacrifice abolished, this would amount to six hundred thousand people already, whereas I doubt that in the course of the conquest of the entire region more people were killed than victims formerly sacrificed by them in a single year".)

To the claim which Sepúlveda had made repeatedly that the Indians were incapable of self-government, and the dependence of this—discussed here at length by the editors—on Aristotle's famously contentious and widely misunderstood, theory of natural slavery Las Casas replied that this, and anything which might possibly be deduced from it, could not be applied to the peoples of the Americas. (Notoriously—although he later abandoned his position—he took a verry different view on Africans.) The Amerindians, he argued, were as advanced, as sophisticated and as civil as any of the societies—including the ancestors of the modern Spaniards—to be found the pre or non-Christian world, and he wrote a massive rambling tome, the *Apologética historia sumaria*, in an attempt to demonstrate this point empirically. True the Indians still "suffer from many and great defects in their societies", an inescapable consequence, as he understood it, of their paganism, which would be remedied once they had all been converted to the true faith—and that was something which, in his view, would require a radical reform of the present colonial administration. Vitoria, had taken a similar position. Although the Indians were certainly not "natural slaves" (in any case in his view a false category), they did nevertheless "seem to us insensate and slow-witted". This, however, was something that was due "mainly to their evil and barbarous education". Once exposed to Christianity and the civilizing ways of the Spanish, they would eventually be transformed into true civil beings. For those who, like Las Casas, accepted the validity of the papal bulls, the ultimate objective of this civilizing process could only be full incorporation into the Spanish monarchy. If the Americas had indeed been ceded legitimately to the Spanish crown by the papacy, the fully-civilized Indians would never be in a position to claim anything resembling a right to "self-determination". On the other hand, neither could there be any grounds for treating them any differently from any of the other subjects of the Spanish monarchy.

For Las Casas, and on this point he was fully in agreement with Sepúlveda, the polities which had existed prior to the arrival of the Spanish had been dissolved by papal decree in 1493, and a new entity which this act had created, the "Kingdoms of the Indies" had been incorporated into the Crown of Castile by royal decree in 1519. The "Spanish Monarchy" was a God-ordained, papally-sanctioned state which would continue in its present course until the end of time.

In the end the *Junta* of Valladolid never arrived at any decision, and *Democrates secundus*, despite Sepúlveda's many subsequent attempts to acquire an *imprimatur* remained unpublished until 1892.

This book offers the best most complete translation of all the major texts which were written in the course, and in the context, of the Valladolid *Junta*. For the first time, scholars of the history of the European colonization of the Americas, of the prolonged struggle to establish a legal, theological and moral justification for warfare, and of the history more broadly, of the evolution of modern international law, have a collection of scrupulously edited texts on which to draw. In addition, Luke Glanville, David A. Lupher, & Maya Feile Tomes, introduction, provides the most exhaustive most detailed account of the complex history of the "debate" itself, together with an analysis of the arguments of the major participants, many of which have still lingering implications for the evolution of modern international law. It is, in itself, a work of outstanding scholarship.

Anthony Pagden
Los Angeles October 2022

Editors' Preface and Acknowledgements

This volume offers annotated translations of four central documents that precipitated, recorded, and reacted to the debate convoked by the Spanish Crown in Valladolid in 1550–51 to assess the merits of the defence of the Spanish invasion of the Americas composed by the prominent Aristotelian scholar and royal chronicler, Juan Ginés de Sepúlveda, *contra* Bartolomé de las Casas. Despite many Anglophone scholars' vivid awareness of this climactic event of the so-called 'controversy of the Indies' and their extensive familiarity with Sepúlveda's ideas, this familiarity is perforce mostly at second hand, for none of these key Sepúlvedan documents has hitherto been made available in English translation.

While all three editors share responsibility for the finished work, the primary division of labour was as follows. In addition to acting as principal editor and taskmaster, Luke Glanville is the author of the general introduction. David Lupher provided the translations of the Latin-language material—Sepúlveda's *Democrates secundus* and *Apologia*—and prepared the reference notes and prefaces thereto. Maya Feile Tomes produced the translations of the Spanish-language pieces—*Aquí se contiene una disputa o controversia* (combining pieces by Domingo de Soto and Las Casas as well as Sepúlveda) and the Sepúlvedan *Proposiciones temerarias* (*PT*), along with their respective shorter companion pieces, the *Postreros apuntamientos* and *Declaración*—and penned the respective prefaces. She also (re)located manuscripts *S* and *C* of the *PT*. David almost single-handedly produced the majority of notes for the aforementioned works too, tackled many of their thornier Latin passages, and generated working collations (not printed in this volume) of the manuscripts of both *Aquí se contiene* and the *PT*. He also authored the epilogue. Throughout this process, each of the three editors continually fed back on the work of the other two, and our near-constant communications, conducted in the period 2018–22 from three continents across three time zones and interrupted three times by our respective brushes with COVID-19 (and, for Maya, three job changes in as many years), were lively, substantive, sometimes intense, but always amicable—in sharp and refreshing contrast to the vituperative debate around which the works in this volume centre.

Luke is grateful to Benjamin Straumann, who suggested David as an ideal companion on this project and who generously provided support and advice as series editor alongside Nehal Bhuta and Anthony Pagden, as well as to all the members of the International Law editorial team at OUP—Merel Alstein, Robert Cavooris, Eleanor Hanger, Jack McNichol, and John Smallman—whose lot it has been to shepherd us along the way. Thanks are also owed to David, for wisely

recommending Maya as an indispensable addition to the team. Daniel Schwartz and Daniel Brunstetter both provided invaluable advice in the early stages of the project. Liane Hartnett, David Lantigua, Nicolas Lémay-Hebert, Alana Moore, and Cian O'Driscoll each provided thoughtful feedback on the general introduction. David Lantigua and Jörg Tellkamp both graciously provided pre-publication copies of excellent volumes on the intellectual history of Spanish imperialism that are now in print—Lantigua's *Infidels and Empires in a New World Order* and Tellkamp's *Companion to Early Modern Spanish Imperial Political and Social Thought*. An Australian Research Council grant made possible numerous aspects of this project, including a visit to Whitman College in 2016, where Luke and David first mapped it out in the delightful company of Elizabeth Vandiver, Clare Glanville, and baby Arthur.

David is pleased to see this volume appear in a series co-edited by Anthony Pagden, for some three decades ago Pagden's groundbreaking book *The Fall of Natural Man* was not only his first proper introduction to Sepúlveda, but also served as a stimulus to his 2003 *Romans in a New World*. He also wishes to record his gratitude to James J. O'Donnell, especially for assistance with references to Augustine and other church fathers. Anders Winroth of the University of Oslo gave vital help with references to Gratian and canon law. Series editor, former Alberico Gentili collaborator, and friend Benjamin Straumann provided crucial assistance with questions of Roman law and also offered welcome encouragement throughout. Elise Bartosik-Vélez was a frequent source of assistance and encouragement. Thanks are also owed to David Butterfield of Cambridge University for his excellent preliminary version of certain key passages of the *Democrates secundus*. Finally, Elizabeth Vandiver has been a constant source of wise scholarly judgement, encouragement, and companionship throughout his work on this project.

Maya is grateful to Christ's College, Cambridge, for the Junior Research Fellowship, which first afforded her the latitude to countenance embarking upon this project, to Murray Edwards College for welcoming her into her new post in a way that still allowed her to finish it, and to the Spanish & Portuguese Section of the Modern and Medieval Languages Faculty for the funding which enabled her to seek the services of a research assistant for a brief spell in the middle. That R.A. was Rachel Dryden, who painstakingly waded her way through an unwieldy document in pursuit of many scriptural references. Natalia K. Denisova kindly supplied a digital copy of her own edition of the *Proposiciones temerarias* at a time when in the depths of the pandemic it was difficult to come by the hard copy. Pablo Andrés Escapa of the Real Biblioteca in Madrid, and Óscar Lilao Franca, of the Biblioteca General Histórica at the University of Salamanca, were instrumental in helping to relocate the second known manuscript (*C*) of the *Proposiciones temerarias*, and the latter kindly fielded a number of further queries about it. José María Burrieza Mateos and Silvia Soto Fernández of the Archivo General de Simancas

were in turn invaluable in tracking down the long-lost third manuscript (*S*). José Antonio Bellido Díaz, Alejandro Coroleu, Juan Carlos Galende Díaz, Miguel Herrero de Jáuregui, Asunción Miralles de Imperial y Pasqual del Pobil, Antonio Sánchez de Mora, Alessio Santoro, Ángel Sanz Tapia, Julián Solana Pujalte, and David Woodman generously corresponded on points of detail. Hannah Skrinar (in Brussels), Rasmus Sevelsted (in Cambridge), and Oliver Francis (in general) all kindly coexisted with this project in various invaluable ways. Above all, she is grateful to her fellow editors for their friendly intellectual fellowship, and especially to David, whose *Romans in a New World* has been a beacon since her own student days and with whom she would never have thought that she would one day be collaborating.

Contents

Introduction

As Juan Ginés de Sepúlveda himself tells it, it was the backlash from Spanish colonists against Emperor Charles V's New Laws (1542) that generated renewed controversy within the royal court about the justice of Spain's subjugation of the Amerindians. And this in turn prompted the president of the Council of the Indies to ask Sepúlveda to write something about the matter.[1] The book that he produced, *Democrates secundus*, a learned and impassioned defence of Spain's wars that deftly combined the resources of Renaissance humanism, Aristotelian philosophy, and Christian theology, only amplified the controversy. The Dominican friar Bartolomé de las Casas schemed to ensure that Sepúlveda was denied a licence to print his manuscript. Sepúlveda returned the favour, seeking royal condemnation of one of Las Casas's own manuscripts, written against the subjugation and mistreatment of Amerindians. Tensions were so heightened and consciences so unsettled that the emperor called a halt to further wars pending the outcome of a meeting of prominent theologians and jurists to be held at Valladolid. Here, in 1550–51, Sepúlveda and Las Casas debated bitterly, albeit it seems without ever being in the same room as each other. When Las Casas printed without licence a summary of the opening session of the Valladolid deliberations and the protagonists' respective responses, and introduced this text with a narrative of events that denigrated his rival, Sepúlveda retaliated by penning a furious response that accused Las Casas of an array of heresies and strove to have Las Casas's text publicly banned by the Inquisition.

This volume presents translations of four key texts of this bitter dispute: Sepúlveda's *Democrates secundus* (composed around 1544); his *Apologia* (1550), which defended that text; the composite record of the Valladolid Junta that Las Casas published (1552); and Sepúlveda's enraged riposte (around 1553). The Valladolid Junta was the climactic event in the controversy within Spain about its wars in the Americas. It was also a foundational moment in the history of international legal thought as Sepúlveda and Las Casas argued over fundamental matters of empire and colonial rule; natural law and cultural difference; the jurisdiction of the church, the responsibilities of Christian rulers, and the rights of infidel peoples; the just reasons for war and just grounds for resistance; and the right

[1] Sepúlveda, *Proposiciones temerarias*, §2.

Sepúlveda on the Spanish Invasion of the Americas. Luke Glanville, David Lupher and Maya Feile Tomes, Oxford University Press.
DOI: 10.1093/oso/9780198863823.003.0001

to punish idolatry, protect innocents from tyranny, and subjugate unbelievers for the purpose of spreading the Christian faith.[2]

We tend to know the arguments of Las Casas quite well in the Anglophone world, not least because we have for several decades enjoyed easy access to English translations of several of his treatises condemning the subjugation and coerced conversion of the Amerindians.[3] Sepúlveda's ideas tend to be less well known. His defences of Spain's activities in the Americas have been available only in Latin, Spanish, and, quite recently, Italian and German.[4] As a result, while not discounting the contributions of scholars such as Lewis Hanke and Anthony Pagden, who have done much to bring Sepúlveda's ideas to an Anglophone audience,[5] received wisdom about Sepúlveda's claims has been shaped to a significant degree by the summaries and allegations offered by his opponent, Las Casas. Some readers of this volume may find that Sepúlveda's arguments turn out to be quite different from what they expect. He does not endorse the enslavement of the Amerindians, for example. Nor does he support their forced conversion to the Christian faith. He does apply Aristotle's doctrine of natural slavery to the Amerindians in order to establish their inferior status and thus justify their subjugation to the rule of natural masters for their own benefit. But he moderates this argument over time and ultimately, it seems, abandons the controversial language of natural slavery altogether. It is at least in part due to the dominance of Las Casas's version of his dispute with Sepúlveda that certain misunderstandings of Sepúlveda's position have crept into the narrative. It is vital, then, that we hear Sepúlveda's side of the story.

It is not our intention, though, to rehabilitate Sepúlveda. Not at all. His arguments are nuanced and carefully made, yet no less problematic for this fact; they are often brilliantly constructed, yet still frequently repulsive, as the brutal subjugation of the Amerindians is justified with terms and claims that dehumanize them, excuse their suffering on the basis of abstracted calculations, and silence their appeals for justice via myopic appeals to church doctrine and papal jurisdiction. But

[2] For a valuable recent examination of Valladolid as a founding moment, see David M. Lantigua, *Infidels and Empires in a New World Order: Early Modern Spanish Contributions to International Legal Thought* (Cambridge: Cambridge University Press, 2020).

[3] English translations include Bartolomé de las Casas, *History of the Indies*, translated and abridged by Andrée M. Collard (New York: Harper & Row, 1971); George Sanderlin, *Bartolomé de las Casas: A Selection of His Writings* (New York: Knopf, 1971); Bartolomé de Las Casas, *The Only Way*, edited by Helen Rand Parish and translated by Francis Patrick Sullivan (New York: Paulist Press, 1992); Bartolomé de Las Casas, *A Short Account of the Destruction of the Indies*, edited and translated by Nigel Griffin with an introduction by Anthony Pagden (London: Penguin, 1992); David Thomas Orique, O.P., *To Heaven or To Hell: Bartolomé de las Casas's* Confesionario (University Park, PA: Pennsylvania State University Press, 2018); Bartolomé de Las Casas, *In Defense of the Indians*, edited and translated by Stafford Poole (DeKalb, IL: Northern Illinois University Press, 1992). Note that the title, *In Defense of the Indians*, is the concoction of its editor and translator, Poole. The work in question is Las Casas's Latin *Apologia*, a reworking of part of the text that he delivered at the Valladolid Junta, discussed below.

[4] We detail these non-English editions of Sepúlveda's writings in the translator prefaces.

[5] Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (Chicago: Henry Regnery, 1959); Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge: Cambridge University Press, 1982; rev. 1986).

it is worth reading and understanding his arguments rightly. If anything, it is more disturbing, rather than less, to discover that Sepúlveda is not so much the cartoonish villain as he is sometimes presented. He is not some absurd figure whose arguments Las Casas and others could quickly and easily dismiss. He was a learned and agile thinker who embraced or at least adopted the theological, moral, and legal frameworks of his critics and made careful use of the same authorities that these critics so cherished—especially biblical examples and exegesis and the writings of the church fathers and medieval theologians and canonists—while putting them to entirely different ends. His finely-grained arguments, moreover, spoke to grand and enduring themes that are recognizable to us today. Accordingly, his ideas not only proved challenging in his day to Las Casas and other critics of Spain's invasion of the Americas, but may also offer challenges to us today since, when we look beyond the contextual specificities and view his arguments in full, we might be disturbed to find that his thinking about the just reasons for war is in important ways not so far different from our own.

This introduction narrates the story of the four translated texts. It is a complex story that takes some telling, not least in order to understand how and why Sepúlveda modified his arguments across the four texts in response to the criticisms and machinations of Las Casas and certain Dominican theologians who worked to ensure that Sepúlveda was not granted a licence to print his *Democrates secundus*. The introduction concludes by reflecting on some of the disturbing reverberations of Sepúlveda's ideas that continue to be felt today in the theories and practices of war.

Sepúlveda: Theologian, philosopher, or humanist?

We begin by examining Sepúlveda's intellectual and vocational development leading up to his engagement with debates about Spain's activities in the Americas. This will help us to understand not only why he was asked to write the text that he would title *Democrates secundus*, but also what kind of thinker he was, how he would have been viewed by others within Spain, and why a manuscript composed by him would have been regarded as weighty enough and potentially persuasive or dangerous enough to have occasioned the extraordinary meeting at Valladolid in 1550–51.

Born in Pozoblanco, near Córdoba, around 1490, Sepúlveda studied philosophy at the University of Alcalá de Henares and theology at the University of Sigüenza before leaving Spain in 1515 to take up a scholarship at the Colegio de San Clemente, the Spanish college in Bologna.[6] Sepúlveda seems not to have completed

[6] For an English-language overview of Sepúlveda's life and career, see Aubrey F. G. Bell, *Juan Ginés de Sepúlveda* (Oxford: Oxford University Press, 1925). See also Teodoro Andrés Marcos, *Los imperialismos de Juan Ginés de Sepúlveda en su Democrates Alter* (Madrid: Instituto de Estudios Políticos, 1947); Ángel

the theological studies he began at Bologna, and so he may not have been fully entitled to the title of 'doctor' when he left there and was removed from the register of students in 1523. Nevertheless, from that year onwards, with the printing of his translation of Aristotle's *On Generation and Decay* (*De ortu et interitu*) in Bologna, he developed a habit of styling himself 'doctor of arts and theology' (artium et theologiae doctor) on the title-pages of his publications.[7] Others addressed him the same way. Las Casas identified his opponent as 'el doctor' on the title-page and in subsequent passages in the composite account of the Valladolid debate that he printed in 1552. The Dominican theologian Domingo de Soto used the same title for Sepúlveda in his summary of the disputants' remarks before the judges at Valladolid, which Las Casas included in that printed account. Perhaps there was a tinge of irony in Las Casas's use of the title, perhaps Soto used it out of courtesy, or perhaps neither was aware of Sepúlveda's apparent resumé inflation.[8]

Nevertheless, even if he was not fully credentialed as a doctor of theology, Sepúlveda's theological training at both Sigüenza and Bologna is not in dispute. He displayed this training proudly, most notably in a 1526 treatise against Luther, *On Fate and Free Will* (*De fato et libero aribitrio*), and in his involvement in the question of Henry VIII's attempt to secure papal approval of his divorce from Catherine of Aragon (his treatise *On the Marriage Ceremony and Dispensation* (*De ritu nuptiarum et dispensatione*) in three books was published in London in 1553, early in the reign of Mary I). Nor should we underestimate the mastery of the church fathers and medieval theology and canon law that, as we will see, he subtly demonstrated in his *Democrates secundus* before putting it on somewhat ostentatious display in his *Apologia* as not only a defence of the former text, but also a counterweight to its humanist format and style. Thus, there is much to be said for Katie Benjamin's thesis that, while Sepúlveda's credentials as a theologian may have been

Losada, *Juan Ginés de Sepúlveda: a través de su "Epistolario" y nuevos documentos* (Madrid: Consejo Superior de Investigaciones Científicas, 1949; repr. 1973); Francisco Castilla Urbano, *El pensamiento de Juan Ginés de Sepúlveda: Vida activa, humanismo y guerra en el Renacimiento* (Madrid: Centro de Estudios Políticos y Constitucionales, 2013); Marco Geuna (ed.), *Guerra giusta e schiavitù naturale: Juan Ginés de Sepúlveda e il dibattito sulla Conquista* (Milan: Edizioni Biblioteca Francescana, 2014).

[7] Sepúveda's right to the title has been disputed since at least 1780. See the introduction to his works published that year by the Real Academía de Historia, vol. 1, iv. While Losada (*Juan Ginés de Sepúlveda,* 38–39) indignantly rejected these doubts, basing himself largely on the 1523 Bologna title-page, Antonio Pérez Martín's magisterial study of the records of the Spanish College at Bologna has given support to these doubts: *Proles Aegidiana* (Bologna: Publicaciones del Real Colegio de España, 1979), vol. 2, 604–06, cited in Katie Marie Benjamin, *A Semipelagian in King Charles's Court: Juan Ginés de Sepúlveda on Nature, Grace, and the Conquest of the Americas* (Th.D. diss., Duke University Divinity School, 2017), 196.

[8] Incidentally, it is often forgotten or overlooked that Sepúlveda was in fact officially a secular priest. He was ordained back in 1510, when matriculating at Alcalá. But his being in minor orders would have had no necessary impact on his identity as a theologian. See Benjamin, *A Semipelagian in King Charles's Court*, 90.

lacking (or at least inflated), his theological pretensions and contentions need to be taken seriously.[9]

Sepúlveda's years of study at Bologna proved decisive for his future career, achievements, and identity. It was at Bologna that he became the pupil and protegé of the great Italian Aristotelian Pietro Pomponazzi, who had come to Bologna after years of teaching at Padua.[10] Pomponazzi was a product of a tradition of Italian Aristotelianism, often referred to as 'Paduan Averroism', but which the great scholar of Renaissance thought Paul Oskar Kristeller preferred to call 'secular Aristotelianism'.[11] While Pomponazzi knew no Greek, he 'eagerly seized upon the new source material made available by his humanist contemporaries', and he showed in his writings 'the impact of the broad humanist movement of his time'.[12]

It was during Sepúlveda's second year at Bologna, 1516, that Pomponazzi published his most celebrated—and excoriated—work: *On the Immortality of the Soul* (*De immortalitate animae*), a justification of controversial views that Pomponazzi had been teaching for some time by that point.[13] Indeed, Pomponazzi's teachings on the immortality of the soul had received implicit condemnation at the Fifth Lateran Council and in the resulting papal bull *Apostolici regiminis* (1513).[14] In his 1516 treatise, Pomponazzi combined a scholastic style with a quasi-humanist determination to understand Aristotle on his own terms, not as filtered through medieval scholastic theology. Equally importantly, he stoutly defended the autonomy of both philosophy and theology, resisting any attempt to confuse their claims, procedures, and domains. On the question of the immortality of the soul, Pomponazzi maintained that philosophy, above all as represented by texts of Aristotle accessed as directly as possible, pointed unambiguously to the soul's mortality, while theology—and Christian revelation—no less unambiguously declared its immortality. Though Pomponazzi concluded by accepting on faith the

[9] Benjamin insists upon this even while dubbing Sepúlveda 'semi-Pelagian', which is to say, *inter alia*, semi-heretical. Benjamin, *A Semipelagian in King Charles's Court*.

[10] For a lucid account of Pomponazzi's life, ideas, and importance, see the chapter devoted to him in Paul Oskar Kristeller, *Eight Philosophers of the Italian Renaissance* (Stanford: Stanford University Press, 1964), 72–90.

[11] See the discussion of medieval vs Renaissance Aristoteliansim in Paul Oskar Kristeller, *Renaissance Thought: The Classic, Scholastic, and Humanist Strains* (New York: Harper Torchbooks, 1961), ch. 2 ('The Aristotelian Tradition'); and for the term 'secular Aristotelianism', see Kristeller, *Eight Philosophers,* 75. We should add that in our use of the term 'humanist' we are following Italian student slang for a teacher or student of the *studia humanitatis,* defined by Kristeller as 'a clearly defined cycle of scholarly disciplines, namely grammar, rhetoric, history, poetry, and moral philosophy, and the study of each of these subjects was understood to include the reading and interpretation of its standard ancient writers in Latin and, to a lesser extent, in Greek' (*Renaissance Thought,* 10). As the sixteenth century advanced, a knowledge of Greek became ever more characteristic of the genuine 'humanist'.

[12] Quoted words are from Kristeller, *Renaissance Thought,* 42, and *Eight Philosophers,* 75.

[13] For an English translation, see Pietro Pomponazzi, 'On the Immortality of the Soul', translated by William Henry Hay II, revised by John Herman Randall Jr, with an introduction by John Herman Randall Jr and annotations by Paul Oskar Kristeller, in *The Renaissance Philosophy of Man*, edited by Ernst Cassirer, Paul Oskar Kristeller, and John Herman Randall Jr, 257–381 (Chicago: University of Chicago Press, 1948).

[14] Benjamin, *A Semipelagian in King Charles's Court,* 200–211.

theological position, his so-called 'double truth' was bound to make theologians uncomfortable.[15]

Pomponazzi's teaching was inspirational to Sepúlveda. Above all, Pomponazzi was Sepúlveda's introduction to Greek philosophy as a subject of immense value in its own right, and not only as a welcome pre-Christian ancillary to Christian theology (as it had been for Thomas Aquinas and many other medieval theologians). Though Sepúlveda was not the first to apply Aristotle's doctrine of natural slavery to the Amerindians when he did so in his *Democrates secundus*, we can perhaps blame Pomponazzi for inspiring his Spanish pupil with a reverence for the Greek philosopher that made virtually inevitable Sepúlveda's infamous appeal to Aristotle's doctrine. But Sepúlveda surpassed his teacher in a vital respect. Sepúlveda was able to read Aristotle in the original Greek, and he no doubt saw the series of Aristotelian translations that he produced from 1522 to 1548 as a means of offering to the Greekless more accurate Latin translations than those that Pomponazzi had been obliged to use. Also, Pomponazzi was quick to make use of the Aristotelian commentaries by Alexander of Aphrodisias (late second, early third century CE) that began to appear around the turn of the sixteenth century, and he passed this enthusiasm on to Sepúlveda, whose translation of Alexander's commentary on Aristotle's *Metaphysics* was printed in Rome in 1527. Thus, if in his attempt to approach Greek philosophy as directly as possible Pomponazzi revealed himself as a quasi-humanist, his student Sepúlveda was able to enter more fully into the Renaissance humanist project of pushing boldly *ad fontes* and experiencing Aristotle and his great ancient commentator in their own words.

Sepúlveda sought not only to emulate and even to surpass Pomponazzi in the quest for direct access to the texts of Greek philosophy, but also to push the claims of philosophy further than had his teacher.[16] He came to believe that his teacher was mistaken in demarcating philosophy and theology so sharply as autonomous realms, and thus he rejected Pomponazzi's controversial notion of a 'double truth'. But he also rejected the argument of theologians that the value of philosophy (and, above all, Aristotelian philosophy) was ancillary to theology. Instead, it became Sepúlveda's settled belief that natural reason, if properly followed, should suffice to take one deep into the territory that most theologians reserved for divine revelation. Hence his famous contention, which would be repeatedly evident in his engagement with the Amerindian question, that there is fundamentally no sharp distinction between natural law and divine law.

In breaking down the wall within his teacher's 'double truth', Sepúlveda not only implicitly exalted philosophy over theology (or at least seemed in danger of doing

[15] The 'double truth' emerges most clearly in ch. 15, the final chapter of Pomponazzi's treatise. See also Kristeller, *Eight Philosophers*, 81–84.

[16] We are indebted in what follows to the analysis in Benjamin, *A Semipelagian in King Charles's Court*, 199–200, 210–11.

so), he also manufactured a handy justification for the coercive subjugation of the Amerindians even before peaceful conversion was attempted. Given the powers he ascribed to natural reason, quite unaccompanied by divine revelation, the Amerindians had no excuse for human sacrifice, cannibalism, and other egregious violations of natural law. Indeed, Sepúlveda's exaltation of the powers of human reason meant that the Amerindians had no excuse for not following natural law all the way to a close approximation of Christian truth. Or, rather, they did have one excuse: they were less advanced humans who were not fully capable of grasping natural (and hence divine) law on their own and thus it was for their benefit that they be made subject to the rule of civilized, Christian Spaniards. Thus, Sepúlveda extended the claims of his teacher's own field of philosophy and at the same time made a case for philosophy's contribution to a practical dispute involving a newly expanded world undreamed of by Aristotle.

We will see that Las Casas and his supporters—most notably the Dominican theologian Melchor Cano—sought to neutralize Sepúlveda's claims to be taken seriously by theologians by framing him as a mere Aristotelian, a proponent of Italian humanism, a lightweight man of letters. In recent years there has been a similar tendency to pigeonhole him as a humanist, even when the categorization is intended as laudatory. For instance, Alejandro Coroleu Lletget, the noted Spanish scholar of classical receptions—and editor of the *Democrates secundus* in the Pozoblanco *Obras completas*—has declared Sepúlveda 'one of the most distinguished representatives of Spanish humanism, alongside Juan Luis Vives and Antonio Agustín'.[17] More productive, perhaps, is the approach of other scholars who have acknowledged the elusive complexity of Sepúlveda's intellectual composition. Thus, Joaquín J. Sánchez Gásquez, while labelling Sepúlveda 'un humanista' in the subtitle of an article, is alert to the inadequacy of that label, even going so far at one point as to call Sepúlveda 'a Scholastic theologian', and concluding that 'Sepúlveda, in addition to being a theologian, never neglected the *studia humanitatis* and to cultivate his humanist side.' He compares him to Luther's associate, Philip Melanchthon, 'also a theologian, but also a humanist'.[18]

Sepúlveda's development was further shaped by another mentor whom he met at Bologna: Alberto Pio, prince of Carpi, who was nephew of the great humanist philosopher Pico della Mirandola and a patron of the Colegio de San Clemente. Pio selected Sepúlveda to be a part of the rich intellectual environment that was his court at Carpi. Pomponazzi had had a stay there himself, prior to his move to

[17] Alejandro Coroleu Lletget, 'The *Fortuna* of Juan Ginés de Sepúlveda's Translations of Aristotle and of Alexander of Aphrodisias', *Journal of the Warburg and Courtauld Institutes* 59 (1996): 325–32. See similarly Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), 43–44; Matthias Vollet, 'Sepúlveda: Traductor y comentarista de Aristóteles, *Política I*', *Ideas y Valores* 119, 2002: 137–43.

[18] Joaquín J. Sánchez Gásquez, 'La *Pro Alberto Pio Carpensi, Antapologia in Erasmum Roterodamum* de Juan Ginés de Sepúlveda: Testimonio de una singular asímilación cultural y retrato de un humanista', *Humanistica Lovaniensia* 47 (1998): 75–99, quoted words on 98–99.

Bologna. Sepúlveda spent much of the period between 1522 and 1525 there. Pio was at that time engaged in an increasingly bitter dispute with Desiderius Erasmus, accusing him of sharing some of Martin Luther's heretical opinions and paving the way for the Reformation.[19] Pio involved Sepúlveda in this quarrel to the point that Erasmus claimed that much of Pio's final attack against him, published posthumously in 1531, was actually written by Sepúlveda. When Erasmus countered this tract with a lengthy and bitter *Apology*, Sepúlveda took it upon himself to compose a defence of his deceased patron (*Antapologia pro Alberto Pio, Comite Carpensi, in Erasmum Roterodamum*).

Sepúlveda's involvement in this theological dispute may have influenced his antagonism to some of Erasmus's pacifist claims. While at Carpi, Sepúlveda composed a dialogue, *Gonzalo—A Dialogue in Defence of the Pursuit of Glory* (*Dialogus de appetenda gloria, qui inscribitur Gonsalus*), a forthright riposte to the pacifist arguments of Erasmus and his Spanish humanist associate Juan Luis Vives, which was printed in Rome in 1523.[20] In addition to displaying Sepúlveda's early ideas about war, the *Gonzalo* reveals that, in a departure from Pomponazzi's rather scholastic style, Sepúlveda had begun to cultivate the art of presenting his ideas in the form of classical philosophical dialogues. Though he would describe his *Democrates secundus* as a Platonic dialogue, both that dialogue and those that preceded it owed more to the kind of Ciceronian dialogue practised by Renaissance humanists (the *Ciceronianus* of Erasmus springs to mind) than they did to actual Platonic dialogues.[21]

While at Bologna, Sepúlveda had also met Giulio de' Medici, the future Pope Clement VII. In 1526, Sepúlveda accompanied Pio to Rome and joined Clement VII's papal court, where he based himself—with some eventful exceptions—for much of the next decade. While under the pope's patronage, Sepúlveda not only published his anti-Lutheran tract *On Fate and Free Will* and his translation of Alexander of Aphrodisias, he also found himself on familiar terms with the great Dominican theologian and Thomist scholar Tommaso de Vio (Cajetan), who can be said to have sown the seeds of the Valladolid debate.[22] As Master General of the Dominican Order in 1510, Cajetan had sent a contingent of Dominican friars to Española, one of whom, Antonio de Montesinos, delivered in December of 1511 the fiery Advent sermon denouncing Spanish maltreatment of the Amerindians

[19] See Desiderius Erasmus, *Collected Works of Erasmus: Volume 84: Controversies with Albert Pio*, edited by Nelson H. Minnich (Toronto: University of Toronto Press, 2005).

[20] For discussion, see Luna Nájera, 'Masculinity, War, and Pursuit of Glory in Sepúlveda's *Gonzalo*', *Hispanic Review* 80/3 (2012): 391–412. On the development of Sepúlveda's ideas in relation to those of Erasmus and Vives, see J. A. Fernández-Santamaría, *The State, War, and Peace: Spanish Political Thought in the Renaissance 1516–1559* (Cambridge: Cambridge University Press, 1977), 163–95.

[21] Sepúlveda claimed in the preface of his *Democrates secundus* that he had written the text 'in the Socratic format'.

[22] See Sepúlveda's note to this effect in the appendix of passages from earlier drafts of *Democrates secundus* (I.14.4). As Losada (*Juan Ginés de Sepúlveda*, 61n7) noted, this draft passage is our only evidence that Sepúlveda associated with Cajetan in Rome in 1526–27, before the Sack of Rome.

that ignited the broader controversy about Spain's activities in the Americas.[23] When Cajetan received reports from the friars he had sent, his shock led him to ask a returned friar, 'Do you doubt that your king is in hell?'—or so, at least, Las Casas claimed.[24] Cajetan's indignation subsequently drove him to incorporate into his commentary on Aquinas's *Summa theologica* a declaration that non-believers who had never been subjected to the dominion of Christian rulers 'are not to be dispossessed of their political jurisdiction on account of their unbelief, since *dominium* is from positive law, and unbelief is from divine law, which does not take away positive law'.[25]

The story of the connection between Cajetan and Sepúlveda further complicates our appreciation of the complex role that the latter played in the intellectual life of his time. When Rome was sacked by imperial forces and Lutheran Landsknechte in 1527, Sepúlveda took refuge in the Castel Sant' Angelo along with the pope, Cajetan, and others, but he was soon expelled by Cardinal Orsini as a suspect Spaniard. He fled to Naples, while Cajetan, after ransoming himself and his household, withdrew to his native Gaeta, on the coast between Rome and Naples. Sepúlveda records that he was facing the hardships of the impending siege of Naples when Cajetan 'summoned me so that I might collaborate with him on his labours. He was working on a commentary on the New Testament and wished that I would resolve certain difficulties and help him out with my knowledge of Greek.'[26] (Like Pomponazzi, Cajetan had no Greek.) Two decades later, Sepúlveda would find himself in the uncomfortable position of countering his (by now deceased) rescuer's influential rejection of the idea that unbelief constituted just grounds for subjugation by Christian rulers when advancing his defence of Spain's invasion of the Americas.

In 1529, Sepúlveda was sent by Clement VII to greet Charles V upon his landing at Genoa and to accompany Charles to Bologna, where the pope crowned him emperor. To mark the occasion, Sepúlveda composed an *Exhortation to Charles V to Make War upon the Turks* (*Cohortatio ad Carolum V ut bellum suscipiat in Turcas*), which was printed in Bologna at the end of that year. A few years later he composed another dialogue, *Democrates primus*. According to the prologue addressed to the Duke of Alba, Sepúlveda had found that many young Spanish noblemen serving as knights in the train of Charles V were tormented by their awareness of 'certain views according to which the profession of a noble warrior … did not fit well with

[23] Note that Lewis Hanke's pioneering study, *The Spanish Struggle for Justice in the Conquest of America* (American Historical Association, 1949), began with a chapter, 'The Sermons of Friar Antonio de Montesinos'.

[24] Las Casas, *Historia de las Indias, in Obras completas*, vols. 3–5, edited by Miguel Ángel Medina, with introductory material by Jesús Angel Barreda and Isacio Pérez Fernández (Madrid: Alianza, 1994), Bk. 3, ch. 38.

[25] See Lantigua, *Infidels and Empires in a New World Order,* 85–92; quoted passage on 87.

[26] Sepúlveda, a passage from his *Chronicle of Charles V*, quoted in Losada, *Juan Ginés de Sepúlveda*, 61 (our translation).

the mandates of Christian philosophy'.[27] Alarmed by such claims, particularly given Spain's ongoing wars with the Turks, Sepúlveda made the case in the dialogue that Christians were not prohibited from undertaking wars waged for just reasons. In so doing, he demonstrated an impressive aptitude for bringing together theological, Aristotelian, and Italian humanist reasoning and directing them towards a common end. Sepúlveda published the dialogue in Rome in 1535.[28]

Charles V arrived in Rome that same year and offered him the post of official chronicler, with an additional honorary title of 'chaplain'. Sepúlveda, whose papal patron Clement VII had recently died, gladly accepted. Thus, in 1536, having spent two decades immersed in Italian intellectual culture, Sepúlveda returned to Spain. He was by now a remarkably protean intellectual: theologically-trained opponent of both Luther and Erasmus, distinguished translator of and commentator upon the works of Aristotle, author of dialogues in the elegant Latin of a Renaissance humanist, and newly appointed royal chronicler and chaplain. Given the impressive multiplicity of his identities and areas of plausible competence, we may perhaps have sufficient reason to see why he would be at once a formidable and elusive antagonist for Las Casas and his supporters.

Democrates secundus

Debate within Spain about the justice of royal policies regarding the wars in the Americas and the treatment of indigenous peoples subjugated by the Spaniards had by now been raging for several decades. Soon after Sepúlveda arrived on the scene, questions that had sometimes been raised about the humanity and rationality of the Amerindians were settled by Clement's successor, Pope Paul III, in his 1537 bull *Sublimis Deus*. Prompted by the testimonies of Dominicans who had witnessed the mistreatment of Amerindians, Paul condemned those Spaniards who asserted that the Amerindians should be reduced to slavery and made to serve them like brute animals. His bull proclaimed that the peoples of the Americas were fully human and capable of receiving the Christian faith, that the faith should be preached to them peacefully, and that even those who remain outside the faith should not be deprived of their liberty and possessions or be in any other way enslaved.[29]

[27] Numerous scholars have repeated the mistaken claim of Losada (*Juan Ginés de Sepúlveda,* 148) that the young Spanish noblemen were students who Sepúlveda encountered during a visit to the Colegio de San Clemente in Bologna in the entourage of Clement VII. Castilla Urbano (*El pensamiento de Juan Ginés de Sepúlveda*, 95–96) has shown, however, that Sepúlveda made clear that they were knights accompanying Charles V. One of the characters in the dialogue, Democrates, indicated that he consorted with them in the encampment of the emperor in Hungary.

[28] For discussion of *Democrates primus*, see Fernández-Santamaría, *The State, War, and Peace*, 172–88.

[29] On the influence of the Dominicans on *Sublimis Deus*, see Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, NY: Orbis, 1993), 302–08. For the text of the bull, see Lawrence A.

But while the bull *Sublimis Deus* prohibited the enslavement of Amerindians, it did not address the system of the *encomienda*, by which groups of Amerindians were allotted to individual Spanish colonists (*encomenderos*) and compelled to provide their labour and tribute to them while supposedly remaining free as a matter of law. This institution served the colonists as a morally palatable alternative to formal enslavement. However, not only did it impose destructive burdens on many Amerindians, but its feudal nature was increasingly perceived to undercut the authority of the Spanish Crown.

In 1540, Las Casas, a Dominican friar who had been led by his conscience to renounce his own *encomienda* in Cuba in 1514 and had spent most of the intervening years in the Americas, ministering, preaching, and writing for the protection of the Amerindians, returned to Spain. He quickly set about seeking to persuade the emperor to enact legislation to abolish the *encomiendas* and prohibit further conquests.[30] On 20 November 1542, after Las Casas had spent several months tirelessly arguing his case before a special council meeting established by the emperor in Valladolid, Charles V passed the New Laws.[31] These radical reforms aimed to ensure the preservation and good governance of Amerindians via provisions that both drastically limited the power of colonial elites and forcefully asserted the direct authority of the Spanish Crown in the Americas. The laws prohibited the enslavement of any Amerindians, including those who rebelled against Spanish rule, prohibited royal and ecclesiastical officials from holding Amerindians in *encomiendas*, and stipulated that abusive *encomenderos* be deprived of their *encomiendas* and their Amerindians placed under the direct authority of the Crown. Most significantly, the laws ordered that no new *encomiendas* be granted to anyone and that, upon the death of the present holders of *encomiendas*, their Amerindians not pass to their descendants but revert to the Crown.[32]

Not satisfied with the New Laws, Las Casas and another Dominican friar, Rodrigo de Ladrada, petitioned the emperor for additional reforms, urging him in 1543 to explicitly prohibit further conquests on the basis that they were unjust, destructive to the Amerindians, and scandalous to the Christian faith.[33] But the New Laws alone proved more than sufficient to provoke uproar in Spain and fierce resistance from colonists in the Americas. In Peru, widespread rebellion culminated in the revolt of Gonzalo Pizarro and the military defeat and decapitation of

Clayton and David M. Lantigua (eds), *Bartolomé de las Casas and the Defense of Amerindian Rights: A Brief History with Documents* (Tuscaloosa: University of Alabama Press, 2020), 86–87.

[30] For English-language overviews of Las Casas's life and career, see Henry Raup Wagner with the collaboration of Helen Rand Parish, *The Life and Writings of Bartolomé de las Casas* (Albuquerque: University of New Mexico Press, 1967); Gutiérrez, *Las Casas*; Lawrence A. Clayton, *Bartolomé de las Casas: A Biography* (Cambridge: Cambridge University Press, 2012).

[31] Clayton, *Bartolomé de las Casas*, 270–84.

[32] Clayton and Lantigua, *Bartolomé de las Casas and the Defense of Amerindian Rights*, 56–59.

[33] Lantigua, *Infidels and Empires in a New World Order*, 150.

the viceroy Blasco Núñez Vela in 1546. In Mexico, passionate opposition to the New Laws prompted provincials of the religious orders and representatives of the council of Mexico City to set off for Spain to lodge their protests.

As Sepúlveda tells it, the delegation's arrival gave rise to a lot of discussion at court regarding the justice of the conquest of the Indies.[34] A Spanish translation of Sepúlveda's dialogue examining the just reasons for war, *Democrates primus*, had been printed in Seville in 1541, and he had been going around claiming that he could provide proof of the justice of Spain's conquest of the Indies. Having heard this claim, Francisco García de Loaysa, the archbishop of Seville and president of the Council of the Indies, asked him to commit his thoughts to paper. And so Sepúlveda composed a book, *Democrates secundus*, 'in a matter of just a few days'.[35]

He addressed the justice of Spain's subjugation of the Amerindians by way of a dialogue between the characters of Leopoldus, a German influenced by the errors of Lutheranism, and Democrates, a Greek who served as the mouthpiece of Sepúlveda. Leopoldus and Democrates had been introduced in the earlier dialogue, *Democrates primus*, in which they had discussed with Alphonsus, an old Spanish soldier, whether war was prohibited to Christians. That dialogue was set at the Vatican. They now met in the gardens at Sepúlveda's place in Valladolid, on the banks of the Pisuerga.[36]

Democrates secundus begins with a recapitulation of the earlier account of the just reasons for waging war, an account grounded in the authority of natural law. The three just reasons for war are said to be self-defence, the recovery of things wrongly seized, and the punishment of injuries received.[37] Sepúlveda then suggested an additional reason for war—a reason less widely acknowledged and arising less often, but no less just: to reduce to subjection those whose natural condition is that they should be ruled by others. This was the first of four justifications that he proceeded to offer for the Spanish wars in the Americas.

Natural slavery

This first justification rested on Aristotle's claim, found in the first book of his *Politics*, that some people are 'slaves by nature' (*natura servi*). Sepúlveda's unabashed

[34] Sepúlveda, *Proposiciones temerarias*, §2.

[35] Sepúlveda, *Proposiciones temerarias*, §2. Note that one early manuscript, known as the P (Santander) manuscript, gives the title of Sepúlveda's book as *Democrates alter*. The four other known manuscripts are entitled *Democrates secundus*. Alejandro Coroleu Lletget, 'Introducción filológica', in Juan Ginés de Sepúlveda, *Obras completas, vol. 3: Demócrates Segundo*, edited by Alejandro Coroleu Lletget, and *Apología en favor del libro sobre las justas causas de la guerra*, edited by Antonio Moreno Hernández, xxxi–xxxvi (Pozoblanco: Ayuntamiento de Pozoblanco, 1997), xxxi.

[36] On Sepúlveda's lengthy residency in Valladolid, see Marcos, *Los imperialismos de Juan Ginés de Sepúlveda*, 27–28.

[37] Sepúlveda, *Democrates secundus*, I.1–4.

application of this doctrine to justify Spain's wars has since become the primary source of his notoriety. As noted earlier, he was not the first to make use of the doctrine. John Mair, the Scottish theologian at the University of Paris, had applied it to peoples of the Americas in his commentary on the second book of Peter Lombard's *Sentences*, published in 1510.[38] The *licenciado* Gregorio introduced it into Spanish debates about the Americas two years later.[39] Numerous others had repeated it in the years since.[40] But few had invoked it and applied it to the Amerindians with such apparent conviction and enthusiasm as Sepúlveda now did.

Compare the 'intelligence, ingenuity, magnanimity, temperance, humanity, and religion' of the Spaniards with those 'lesser humans' (*homunculi*) in the Americas among whom one scarcely finds any vestiges of humanity, he urged. These barbarians have no learning, no writing, and surely little virtue given that they used to feast upon human flesh. Add to their uncivilized nature and customs their idolatry and their monstrous rite of human sacrifice and it could not be clearer that they are slaves by nature.[41] They are surpassed by the Spaniards in every respect, 'as children are by adults, as women are by men, as savage and fierce people are by the most gentle people', and, as he put it in an early version of the text, 'I might also say: as apes are by human beings'.[42] It is not only just but also beneficial for such people to be subjected to the rule of civilized, Christian Spaniards.

And what benefits the barbarians have gained! In exchange for their gold and silver, which hold little value for them anyway, these people, who were once 'contaminated by heinous sacrifices and impious rites', have received the pious and just rule of the kings and people of Spain, their laws, customs, and alphabetic writing system, and the knowledge of the true God and the Christian religion. Those who have accepted the rule of the magistrates and priests assigned to them differ from their earlier selves 'almost as much as human beings from beasts'.[43]

It is instructive to compare Sepúlveda's argument about the implications of the natural condition of the barbarians with that offered by the Dominican theologian Francisco de Vitoria in his famous relection on the Indies delivered at the University of Salamanca in 1539.[44] Vitoria cautiously affirmed Aristotle's claim that

[38] John Mair, *In secundum Sententiarum* (Paris: Jodocus Badius (Ascensius) and Jean Petit, 1510), dist. 44, q. 3, quoted and discussed in Las Casas, *In Defense of the Indians*, ch. 56, pp. 339–40.

[39] Las Casas, *Historia de las Indias*, 3.12.

[40] See Pagden, *The Fall of Natural Man*, 27–56.

[41] Sepúlveda, *Democrates secundus*, I.10.1, I.11.1.

[42] Sepúlveda, *Democrates secundus*, I.9.1. Note that, just as Sepúlveda removed the mention of apes from the later S (Salamanca) manuscript, which was completed in or after 1547, so too did he moderate his tone by removing all but one of the uses of the word *homunculi* found in earlier versions of the dialogue. Christian Schäfer, 'Einleitung', in Juan Ginés de Sepúlveda, *Democrates secundus / Zweiter Demokrates*, edited, translated, and introduced by Christian Schäfer, xiii–lxxiv (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2018), lxv.

[43] Sepúlveda, *Democrates secundus*, I.11.1, I.19.3.

[44] Anthony Pagden and Jeremy Lawrance explain that a relection was a 'rereading' of a problem—commonly a problem 'of some immediate political or social significance'—which had been raised during that year's lectures. Relections at Salamanca were typically more formal than a lecture, up to two hours long, and delivered prior to Midsummer's Eve. Anthony Pagden and Jeremy Lawrance,

some people are slaves by nature and that it is better for them to be ruled by natural masters. He insisted, however, that Aristotle should not be read as arguing that those who are in a condition of natural slavery lack true dominion over their own bodies and possessions or that others can rightly arrogate to themselves power over them on the mere ground of their natural condition. Therefore, Vitoria claimed, the barbarians of the Indies possess true dominion regardless of their natural inferiority, and so they cannot rightly be subjugated to Spanish rule without just reason.[45]

Sepúlveda similarly accepted that the barbarians possessed true dominion. However, he claimed that their condition of natural slavery *itself* constituted just reason to subjugate them through war, should they fail to submit themselves willingly to the rule of natural masters.[46] Composing *Democrates secundus* at the same time as he was at work translating Aristotle's *Politics* into Latin (printed in Paris in 1548), Sepúlveda had no trouble finding a suitable passage: 'for the art of hunting is a part of warfare which it is fitting to use sometimes against beasts, and sometimes against those humans who, though they have been born to obey, reject rule'.[47] Wary, perhaps, of being perceived to be embracing a controversial claim of thirteenth-century canonist Hostiensis, or indeed a supposed heresy associated with Lutherans of his own day, Sepúlveda clarified awkwardly that he did not deny that the barbarians rightfully governed themselves prior to the promulgation of Alexander VI's 1493 papal bull, *Inter caetera*, and the arrival of the Spaniards. The regions of the New World had indeed belonged to the Amerindians, he insisted. But it was nevertheless right for them to be subjected to Spanish rule, by force if necessary, for the plain reason that those regions were not ruled by civilized Christians.[48]

'Introduction' and 'Glossary', in Vitoria, *Political Writings*, edited and translated by Anthony Pagden and Jeremy Lawrance xiii–xxviii, 380 (Cambridge: Cambridge University Press, 1991), xvii.

[45] Francisco de Vitoria, 'On the American Indians', in *Political Writings*, q. 1, conclusion.

[46] Vitoria, it should be said, contemplated a similar argument at the end of his relection, though he insisted that he mentioned it 'for the sake of the argument, though certainly not asserted with confidence', and that he did 'not dare to affirm or condemn it out of hand'. Vitoria, 'On the American Indians', q. 3, art. 8.

[47] Aristotle, *Politics*, 1.3.8 (1256b23–27), quoted in Sepúlveda, *Democrates secundus*, I.5.4. Vitoria had cited this same Aristotelian passage in his relection. However, he mentioned only the part about the right to hunt beasts, and he did so in order to contrast these beasts' apparent lack of dominion with the natural condition of rational men such as the barbarians of the Indies. He completely ignored Aristotle's clear statement here that war is also sometimes rightly waged against natural slaves. Vitoria, 'On the American Indians', q. 1, art. 4.

[48] Sepúlveda, *Democrates secundus*, I.20.5–6. Las Casas would accuse Sepúlveda of this Lutheran heresy at Valladolid. Bartolomé de las Casas, 'Replies', in *Aquí se contiene una disputa o controversia . . .* , Twelfth Reply, §11. For discussion of Hostiensis's argument that infidels could not legitimately possess dominion, expressed in his commentary on the decretal of Pope Innocent III, *Quod super his*, and how this opinion became tainted by its association with the supposed heresies of John Wycliffe and Jan Hus in the fourteenth and fifteenth centuries and then Martin Luther in Sepúlveda's time, see James Muldoon, *Popes, Lawyers, and Infidels* (Philadelphia: University of Pennsylvania Press, 1979), 15–18, 107–19; Xavier Tubau, 'Canon Law in Juan Ginés de Sepúlveda's *Democrates secundus*', *Bibliothèque d'Humanisme et Renaissance* 73/2 (2011): 265–77, at 274–75.

Sepúlveda does not appear to have hesitated in founding this first justification for war on Aristotle's doctrine of natural slavery. He supplemented the doctrine with conventional humanist appeals to the bravery of the Spaniards, the cowardice of the barbarians, and the glory of conquest (reprising a theme he had developed in his *Gonzalo* and repeated in book two of his *Democrates primus*).[49] We will see, however, that he would abandon his reliance on Aristotle's doctrine as well as his enthusiastic invocations of humanist virtue in subsequent iterations of his argument as he came to understand how they provoked the ire of Dominican theologians who were called to inspect *Democrates secundus*.[50] It is worth noting, moreover, that the centrality of Aristotle for Sepúlveda's argument even in *Democrates secundus* has at times been overstated. This unfortunate feature of Anglophone scholarship can be traced in large part to Lewis Hanke's influential and in many ways excellent mid-twentieth-century study, *Aristotle and the American Indians*.[51] In reality, in Sepúlveda's three remaining justifications for conquest in the Americas, and even at certain points when defending his first justification, he leant more heavily on the authority of Scripture and of Augustine, among other theologians.

Punishing violations of natural law

Sepúlveda's second justification for war to subjugate the barbarians was that it was just punishment for their violations of natural law, specifically those laws prohibiting idol worship and human sacrifices. The impious and wicked crimes of the Amerindians, he claimed, violate not only divine law, but also natural law, which applies to all peoples. It was for such crimes that God meted out the punishment of war not only against the Israelites, at the hands of the Assyrians and Babylonians, but also the pagan peoples inhabiting the Promised Land, at the hands of the Israelites, before the coming of Christ.[52] Christ, in turn, commanded his Apostles not only to preach the Christian faith to all peoples, but also to teach them to observe the laws of nature as contained in the Decalogue and the love of one's neighbour. And since all people are subject to these laws and can be taught and persuaded to obey them, it is most just that violators be punished by Christian princes on the authority of the church.[53]

[49] Sepúlveda, *Democrates secundus*, I.8.4, I.10.1–2.

[50] On Sepúlveda's misrepresentation of Augustine's understanding of glory at I.8.4, which may well have exacerbated the disapproval of the Dominican theologians, see David A. Lupher, *Romans in a New World: Classical Models in Sixteenth-Century Spanish America* (Ann Arbor: University of Michigan Press, 2003), 115–17. On Sepúlveda's revised description of the Amerindians as a noble and brave people in later writings, see Rolena Adorno, *The Polemics of Possession in Spanish American Narrative* (New Haven: Yale University Press, 2007), 126–32.

[51] Hanke, *Aristotle and the American Indians*.

[52] Sepúlveda, *Democrates secundus*, I.11.3–4.

[53] Sepúlveda, *Democrates secundus*, I.12.3.

Certainly, Sepúlveda acknowledged, Augustine had defined just wars as 'those which avenge injuries received', and the barbarians had not injured the Spaniards (or at least not prior to resisting the Spaniards' just wars against them). However, the worship of idols injures God, and Christians justly wage holy war (*bellum sacrum*) to avenge wrongs done to God.[54] How kind and merciful the kings of Spain have been to the barbarians, therefore, in refraining from punishing them to the fullest extent. Instead of justly depriving them of their possessions and lives, they have reduced them to Christian rule and pursued their correction and salvation.[55]

Sceptical of this second justification for war, at this point in the discussion Leopoldus introduced Paul's words in 1 Corinthians 5:12: 'What business is it of mine judge those outside the church?' Vitoria had invoked this verse to show that the church had neither spiritual nor temporal jurisdiction over the infidel barbarians.[56] Sepúlveda had Democrates interpret it very differently: Paul meant merely that the church should not spend time passing judgment futilely on the unbelief of pagans, since it is unable to force people to believe against their will. And yet, while the church should not strive in vain to compel belief, the church is authorized, and indeed obliged, to do all it can to bring about the conversion of unbelievers, including, where possible, by punishing and correcting those who violate the law of nature.[57] As Augustine had declared in a letter to the Donatist bishop, Vincentius, 'The church corrects those whom it can and tolerates those whom it does not have the power to correct.'[58] And where violations of natural law are not merely perpetrated by individuals, as in many societies, but a whole people allows these sins to go unpunished and does not even think that they merit punishment, as in the Americas, Christians justly punish and correct such a people through war.[59]

Protecting innocents

Sepúlveda supplemented this argument for punitive war with a third justification for war against the barbarians, claiming that war to avenge injuries done to God is especially warranted if it also serves to ward off injuries to innocent people. This was certainly the case with respect to the wars in the Americas, he claimed. Prior to the arrival of the Spaniards, the inhabitants of New Spain had been in the habit of sacrificing over 20,000 people each year.[60] Far fewer lives were lost in the course of

[54] Sepúlveda, *Democrates secundus*, I.15.7.
[55] Sepúlveda, *Democrates secundus*, I.11.6.
[56] Vitoria, 'On the American Indians', q. 2, art. 2 and art. 5.
[57] Sepúlveda, *Democrates secundus*, I.12.2–3, I.15.5.
[58] Augustine, Letter 93.9.34, quoted in Sepúlveda, *Democrates secundus*, I.12.2–3.
[59] Sepúlveda, *Democrates secundus*, I.15.1–5.
[60] This figure of 20,000 had been widely invoked at least since the first bishop of Mexico, Juan de Zumárraga, had asserted it in 1532. Luis N. Rivera, *A Violent Evangelism: The Political and Religious Conquest of the Americas* (Louisville, KY: Westminster/John Knox, 1992), 261.

reducing all of New Spain to Spanish rule, with the exception of the city of Mexico/Tenochtitlan where obstinate resistance led to more substantial loss of life. He appealed to well-known scriptural and theological proof-texts for support, from the parable of the good Samaritan, to Psalms and Proverbs endorsing the rescue of the poor and the guiltless, to the writings of Ambrose, Augustine, and Jerome.[61] But he then quickly moved on.

When Sepúlveda was defending his previous justification for Spain's wars he repeatedly acknowledged that unbelief alone does not provide just reason for war. Only when unbelief is accompanied by violations of natural law are Christian princes justified in taking up arms. This claim mirrored that which had been offered by the thirteenth-century canonist-pope Innocent IV in his influential commentary on Pope Innocent III's decretal, *Quod super his*. Noting that a 'very learned man' (identified only in a marginal gloss as Cajetan) had argued that unbelief alone is not a just reason for war, Sepúlveda insisted that the notion that the natural law violations of unbelievers provided just cause for war was supported by the opinions of 'very learned men'.[62] But he did not name Innocent IV.[63] This was perhaps because Sepúlveda knew that he himself at times collapsed the distinction between the crimes of unbelievers and their mere unbelief, pushing his argument beyond the limits of what Innocent IV had been willing to permit. In certain passages, the absence of Christian faith alone seemed to provide grounds for war. He suggested that if there was discovered in the Americas a civilized and humane people who, despite not possessing faith in Christ, obeyed the law of nature and worshipped the true God according to nature, Christian princes could not justly wage war against them on account of their infidelity.[64] But this was a rather circumscribed category of hypothetical infidels.[65] And as he further developed the case for punitive war, the possibility of war against even these infidels began to emerge: it is lawful to subject unbelievers to the rule of Christians, he declared, 'especially' if they violate the law of nature, such as by failing to 'acknowledge and worship the one, eternal, highest, greatest God'.[66] Such an argument was closer to the controversial position of Hostiensis, Innocent IV's student, whose claim that unbelievers lack dominion,

[61] Sepúlveda, *Democrates secundus*, I.15.8–9.

[62] Sepúlveda, *Democrates secundus*, I.12.1 and 3.

[63] At some point, perhaps in the course of writing his *Apologia*—in which he did explicitly invoke the authority of Innocent IV as well as Hostiensis, Joannes Andreas, and Panormitanus in support of this justification for war—Sepúlveda added a marginal note beside this passage in *Democrates secundus* referring to the commentaries of these four canonists on Innocent III's decretal: 'Super cap. quod super his de voto'.

[64] Sepúlveda, *Democrates secundus*, I.12.2.

[65] For evidence of the possibility of such people, Sepúlveda pointed to Paul's remarks in Romans 2:14, about Gentiles doing by nature that which is required by the law, and also to examples of Greek philosophers who recognized that there is only one god (*Democrates secundus*, I.12–14).

[66] Sepúlveda, *Democrates secundus*, I.12.3.

expressed in his own commentary on *Quod super his*, Sepúlveda had tried to mark his distance from.[67]

Sepúlveda's suggestion that failure to worship the true God itself constitutes a violation of natural law and is justly punished on the authority of the church wherever it occurs, paved the way for his fourth justification for war. He pivoted to this justification, turning from punishment and the protection of bodies to correction and the conversion of souls, thus:

> For not unbelief by itself, but the monstrous sacrifices made with human victims, the extreme wrongs done to innocent peoples, the horrible feasts upon human bodies, the impious worship of idols—these constitute the justifications for war against those most unjust barbarians. Nonetheless, unbelief in itself would offer sufficient justification not for punishing but for correcting and for converting from the false religion to the true one—which is the ultimate goal of this war.[68]

Spreading the Christian faith

This fourth justification, Sepúlveda claimed, is also the most just: war is rightly waged against the barbarians in order to guide them by the shortest and most direct path to the truth of the gospel.[69] Were it not for the fact that the will cannot be forced, he admitted, he would argue that pagans should be compelled to belief. But while it is ineffectual to baptize unwilling pagans, Christians are nevertheless obliged at least to pull them back from the precipice, even against their will, and to lead them towards the true path through gospel preaching, so long as they can do so at no harm to themselves. This was made clear by Christ's command to 'do unto others as you would have them do unto you' (Matthew 7:12). The Spaniards should lead even unwilling barbarians towards the true faith, since the Spaniards would wish this to be done for themselves if they were to go dangerously astray. 'What sane man would not?', he asked. And such efforts to spread the Christian faith in the Americas, he declared, can only be safely done and will only bear fruit if the barbarians are first brought under Spanish rule.[70]

Sepúlveda was not alone in defending the subjugation and pacification of the barbarians by the Spaniards in the interests of getting them to hear and receive the Christian faith. John Mair had argued as much in his commentary on the second book of the *Sentences*, and Alexander VI's bull, *Inter caetera*, was widely interpreted

[67] On the contrasting positions of Innocent IV and Hostiensis and the preference of later canonists for Innocent's position, see Muldoon, *Popes, Lawyers, and Infidels*, 3–28; Lantigua, *Infidels and Empires in a New World Order*, 33–45.

[68] Sepúlveda, *Democrates secundus*, I.15.9.

[69] Sepúlveda, *Democrates secundus*, I.15.11.

[70] Sepúlveda, *Democrates secundus*, I.15.13, I.16.

as commending and authorizing the same.[71] However, several theologians, including Vitoria, had recently rejected both the justice of subjugating the barbarians for this purpose as well as the pope's power to authorize it. In this they echoed the revered opinion of Cajetan, who in his commentary on Aquinas's *Summa* had declared that Christ sent his Apostles into the world not to crush, despoil, and subjugate unbelievers, but to preach the gospel to them peacefully; not as armed soldiers, but as sheep among wolves.[72] To support his argument, Sepúlveda turned again to the weighty authority of Augustine, and specifically two of Augustine's letters endorsing measures to lead heretical Donatists back to the true faith by force.

Among the numerous passages from these letters that proved useful to Sepúlveda was a creative interpretation of Christ's parable of the banquet that Augustine had advanced to explain why the fourth- and fifth-century church was right to use compulsion to lead people towards the faith even though the first apostles did not. The fact that the host of the banquet had his slave first invite and then compel people to come to the banquet, Augustine explained, was meant to symbolize the fact that, whereas the early church, lacking the power to do more, merely invited outsiders into the faith, now that the church's power was fortified by the power of Christian rulers, it was right to 'compel them to come in'.[73] It was for this reason, Sepúlveda reported, that Augustine, and Ambrose before him, approved of the Roman imperial law (which was taken by Sepúlveda and others at his time to be an edict of Constantine) that prohibited offensive sacrifices by pagan subjects and provided for the punishment not only of perpetrators, but also of provincial governors who allowed these crimes. Likewise, Pope Gregory I endorsed wars waged by Christians against pagans for the sole purpose of bringing them under Christian rule, so as to enable Christian teaching, and Gregory praised Gennadius, the exarch of Africa, for waging such wars. Add to this that the Israelites were instructed in Deuteronomy 20 as to how to wage war against people of a different religion, should they refuse to serve under tribute, and it is plain that 'there is sufficient justification in the matter of religion why unbelievers may be reduced to rule by believers', so that they may be led by the teachings and examples of pious men to worship God.[74]

And he did not stop there. Departing still further from the opinions of Cajetan and Vitoria, Sepúlveda argued that the barbarians of the Indies should be reduced to Spanish rule not only so that they could be forced to listen to preachers, but also to remove their fears of their own priests and rulers and to inspire in them fear of

[71] Mair, *In secundum Sententiarum,* dist. 44, q. 3, quoted and discussed in Las Casas, *Defense of the Indians*, ch. 53, pp. 326–29.

[72] Vitoria, 'On the American Indians', q. 2, art. 2; Cajetan (Tommaso de Vio Gaetano), 'Commentary on Aquinas's *Summa theologica*', in *Sancti Thomae Aquinatis … Opera Omnia Iussu Impensaque Leonis XIII P.M. Edita*, vols. 8 and 9 (Rome: Typographia Polyglotta, 1895 and 1897), II-II, q. 66, art. 8.

[73] Sepúlveda, *Democrates secundus*, I.17.1–2, citing Augustine, Letter 173.10, and Luke 14:15–24.

[74] Sepúlveda, *Democrates secundus*, I.17.3.

the Christians instead—a fear that would encourage them to accept the true faith. He again found support in Augustine's writings on the Donatists. It is not that a person can become good against their will, Augustine had claimed. But rather, 'in the process of fearing what he does not want to suffer he either gives up a hostility that stood in the way or is forced to acknowledge a truth of which he had been unaware … and now willingly embraces that which he had not been willing to embrace'. When Christian teaching is accompanied by 'useful terror', Augustine maintained, not only do rational arguments and divine testimonies persuade listeners, but 'the power of fear would break the bonds of evil custom', leading to the salvation of many. Sepúlveda insisted that this was confirmed both by the experiences of Augustine with the Donatist communities in North Africa and of the Spaniards with barbarians in the Indies.[75]

As for the pope's power to authorize the Spanish wars for these ends, Sepúlveda acknowledged that the power granted by Christ to his vicar is properly exercised in matters of the spirit, such as the salvation of souls. And yet, the pope also necessarily has authority over temporal affairs with a bearing on such spiritual matters, and the subjugation of the barbarians is such an example, directed as it is towards the teaching of natural law and gospel truth.[76] It was therefore with just reasons and right authority, Sepúlveda declared at the end of Book I, that Pope Alexander VI had entrusted to the rulers of Castile the task of reducing the barbarians to their rule and not merely inviting, but compelling them into the Christian faith.[77]

Ruling justly

Having expounded his four just reasons for subjugating the Amerindians, Sepúlveda addressed, in what became in the final version the much shorter second book of *Democrates secundus*, how they ought to be ruled. It was to prove a source of frustration to him that some who read his manuscript took him to be arguing that the barbarians ought to be enslaved by the Spaniards. He had sought to head off such confusion as he appealed to Aristotle's doctrine of natural slavery in Book I, explaining that the philosophical concept of natural slavery is different to the legal or civil condition of enslavement.[78] Now, at the beginning of Book II, he

[75] Sepúlveda, *Democrates Secundus* I.18.3–4, quoting Augustine, Letter 93.5.16, 93.1.3. For an illuminating discussion of Augustine's claims, see P. R. L. Brown, 'St. Augustine's Attitude to Religious Coercion', *Journal of Roman Studies* 54/1–2 (1964), 107–16. For a detailed history of the Donatist controversy, see Brent D. Shaw, *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine* (Cambridge: Cambridge University Press, 2011). For more on Sepúlveda's use of Augustine, see Lantigua, *Infidels and Empires in a New World Order*, 169–73.

[76] Sepúlveda, *Democrates secundus*, I.16.2.

[77] Sepúlveda, *Democrates secundus*, I.20.

[78] Sepúlveda, *Democrates secundus*, I.5.2. Some commentators in recent decades have pondered whether, in claiming that the barbarians were *natura servi*, Sepúlveda had in mind the serfdom of some medieval Spanish peasants or a form of chattel slavery. As he tried to make clear, however, he was

bluntly rejected the 'childish belief' that barbarians, by virtue of being slaves by nature, possessed no liberty or property of their own.[79] Vitoria had said much the same in 1539.[80] Sepúlveda argued that if the barbarians willingly subject themselves to Spanish rule, they cannot be justly enslaved and deprived of their possessions. Rather, they should be made 'subject to taxation and tribute in accord with their nature and condition'.[81] As for those who stubbornly resist subjugation and therefore need to be defeated through war, they should in most instances be subjected to the same treatment. However, he took a circuitous route towards that conclusion, first justifying and then rejecting the defeated barbarians' enslavement along the way.[82] If some readers mistakenly read him as defending Amerindian slavery, it was not entirely their fault.

In any case, while he declared that the pacified barbarians should retain their liberty and possessions, Sepúlveda insisted that they ought not to enjoy legal equality with the Spanish Christian subjects of the kings of Spain, nor should they be subject to the same methods of rule—or at least not at first. The barbarians, slaves by nature as they are, are properly subjected to 'an almost masterly rule', or perhaps 'a certain mixture of masterly and paternal power', rather than the 'royal or civil rule' administered to Spaniards.[83] He did not consider the nature and condition of the barbarians to be immutable, however. He believed that people who are by nature slaves are capable of being made more civilized (*humanus*) over time.[84] And so, as time passes and the barbarians become more civilized and Christianized, such that they are more like free men in their nature and condition, they ought to be treated as such. The precepts of Aristotle can aid the kings of Spain in seeking the right balance, he suggested: barbarians should not be oppressed nor subjected to forms of servitude that prompt them to rebel, but nor should they be indulged and given such freedom that they are inspired to reembrace their earlier condition and customs.[85]

Thus, Sepúlveda concluded, it is right that wise, just Spaniards exercise rule over barbarians in their cities and regions, instructing them in civilization and initiating them into the Christian religion and, in exchange for their labour and riches, ensuring that their basic needs are met—as was incumbent upon them under the *encomienda* system. But those Spaniards who have not only failed to look after those

concerned when making this claim not with the barbarians' legal or civil condition under Spanish rule, but solely with their natural condition, which justified merely their subjugation to Spanish rule. For further discussion, see the Preface to the translation of *Democrates secundus*.

[79] Sepúlveda, *Democrates secundus*, II.1.1.
[80] Vitoria, 'On the American Indians', q. 1, Conclusion.
[81] Sepúlveda, *Democrates secundus*, II.7.5.
[82] Sepúlveda, *Democrates secundus*, II.2–7. For further discussion, see the Preface to the translation of *Democrates secundus* at pp. 83–85..
[83] Sepúlveda, *Democrates secundus*, II.8.1.
[84] Sepúlveda, *Democrates secundus*, I.11.1, I.15.10.
[85] Sepúlveda, *Democrates secundus*, II.8.1–2.

entrusted to them, but also tortured and even killed them by subjecting them to unconscionable servitude and unbearable labours are wicked and detestable. The king of Spain must put an end to such crimes for the sake of his reputation and salvation, for the sake of those Spaniards who treat the barbarians well and deserve their just rewards, and for the sake of the barbarians themselves, who should be ruled with justice, gentleness, and humanity.[86]

Seeking a licence to print

Sepúlveda and Las Casas provide contrasting reports of what happened next. As Las Casas tells it, Sepúlveda first presented his book to the Council of the Indies. The Council's members 'ascertained the evil of the work and its very deadly poison' and refused to permit its printing. Sepúlveda then contrived to have it considered by the Royal Council of Castile, 'where they were not abreast of the goings-on in the Indies' and, thus, where the book stood a better chance of being endorsed.[87] Sepúlveda begins his own account by claiming that, upon writing his book and finding that it was approved by all who read it at the royal court, he presented it to the Council of Castile, requesting a licence to have it printed. The Council soon submitted the book for examination to one of the royal councillors and then to two Dominican monks, one of whom was Vitoria's brother, Diego de Vitoria. Each examiner endorsed the book. It was at this moment, Sepúlveda reports, that 'certain figures of authority staged an intervention, saying that, excellent though the book might be, it was not a suitable moment for it to be printed'.[88] He wrote to Emperor Charles V, asking what was going on. The emperor responded by ordering the Council of Castile to examine the book again and, unless they found a reason to decide otherwise, to grant a licence for it to be printed. And so it was passed again to the *licenciado* Francisco de Montalvo, who declared his approval of the book.[89]

At this point, however, in mid-1547, Las Casas returned from the Americas where he had been serving as bishop of Chiapa. As he himself puts it, upon learning that Sepúlveda's book was being assessed by the Council of Castile, being apprised of its contents, and fearing the 'irreparable damage' to which it could give rise, he quickly set about opposing it 'with all his might'.[90] He engineered to have it undergo examination all over again. The Council of Castile requested that it be inspected

[86] Sepúlveda, *Democrates secundus*, II.8.3–4.

[87] Las Casas, *Defense of the Indians*, ch. 57, p. 342; Bartolomé de las Casas, 'The Subject of This Work', in *Aquí se contiene una disputa o controversia* . . . . Las Casas claims that Sepúlveda also sent the book to the Council of Trent around this time, 'but, after having read it thoroughly and seeing that the material was scarcely Christian, some of the Council fathers refused to discuss the matter'. Las Casas, *Defense of the Indians*, ch. 57, p. 342.

[88] Sepúlveda, *Proposiciones temerarias,* §2.

[89] Sepúlveda, *Proposiciones temerarias,* §2.

[90] Las Casas, 'The Subject of This Work'.

by the universities of Alcalá and Salamanca. And rightly so, Las Casas claimed, since the book's subject matter was 'above all theological in nature'.[91] Sepúlveda contends that Las Casas then, 'by means of machinations, fabrications, and favour-mongering', worked to ensure that the universities ruled against the book. Those from Alcalá judged that it ought not to be printed, but gave no reason for their decision. Those from Salamanca reached the same conclusion, giving reasons that Sepúlveda claims the Council of Castile found 'frivolous and insubstantial'.[92]

One of eight members of the tribunal at Salamanca that considered the book and issued the university's judgment in mid-1548 was Melchor Cano, who two years later would be appointed as one of the judges at the Valladolid Junta. Cano had moved from Alcalá to succeed Vitoria as Prima Professor of Theology upon the latter's death in 1546.[93] Towards the end of 1548, Sepúlveda sent Cano a letter complaining both about the tribunal's judgment and also some rumours that had since emerged. Sepúlveda accused Cano of mocking him in the presence of students at Salamanca and boasting of his leading role in ensuring that the tribunal rejected the book. Sepúlveda had also heard that Cano was accusing him of blasphemy for his characterization in *Democrates secundus* of the Apostle Paul's angry response to being struck on the mouth.[94] Maybe, Sepúlveda suggested, Cano was issuing the charge of blasphemy in order to suppress the sound arguments for war contained in the book. He then turned to what he suspected to be a fundamental reason underlying the decision on the part of Cano and the rest of the tribunal to oppose the book: their belief that his arguments relied on displays of humanist eloquence rather than serious theological learning. One can be both eloquent and learned, Sepúlveda insisted. He was an expert on Aristotle and was appreciated by intellectuals in Italy, and also by Erasmus, he claimed.[95] He had devoted himself to serious theological study and had impressed Pope Clement with his debating skills. But you, Cano, have responded to the book not by treating its arguments seriously but by issuing lies and threats.[96]

[91] Las Casas, 'The Subject of This Work'.

[92] Sepúlveda, *Proposiciones temerarias,* §3.

[93] Also among the eight committee members at Salamanca was Diego de Covarrubias, professor of canon law, who delivered his own relection on the justice of war against the Amerindians in 1547–48. Diego de Covarrubias, 'De iustitia belli adversus indos', in *Corpus Hispanorum de Pace,* vol. 6, edited and translated by Luciano Pereña et al., 343–63 (Madrid: Consejo Superior de Investigaciones Científicas, 1981). For the full list of committee members, see Francisco Castilla Urbano, 'The Debate of Valladolid (1550–1551): Background, Discussions, and Results of the Debate between Juan Ginés de Sepúlveda and Bartolomé de las Casas', in *A Companion to Early Modern Spanish Imperial Political and Social Thought*, edited by Jörg Alejandro Tellkamp, 222–51 (Leiden: Brill, 2020), 224.

[94] The passage is from Sepúlveda, *Democrates secundus*, I.2.2, referring to Acts 23:3.

[95] In the aftermath of Sepúlveda's involvement in Pio's quarrel with Erasmus, Sepúlveda and Erasmus developed and sustained an amicable correspondence, usually on matters of Greek philology, until the latter's death in 1536. Lupher, *Romans in a New World*, 106.

[96] Letter 74, from Sepúlveda to Melchor Cano, 26 December 1548, in Juan Ginés de Sepúlveda, *Obras completas, vol. 9.1: Epistolario*, edited by Ignacio J. García Pinilla and Julián Solana Pujalte (Pozoblanco: Ayuntamiento de Pozoblanco, 1997), 189–203.

Cano replied some months later, insisting that, while he may have criticized the book, he had never maligned Sepúlveda nor accused him of blasphemy. As for the judgment of the tribunal appointed at Salamanca, Cano insisted that he was not the leader of the tribunal, but he was not sorry that he was a member, nor was he about to change his mind about the book. Nor, for that matter, was he inspired by personal motives to take the position that he had. Sepúlveda had intimated that Cano opposed the book because it went against arguments Cano had presented in a relection on the dominion of the Amerindians (*Relectio de dominio Indorum*), delivered at Alcalá in 1546. Cano had indeed taken quite a firm stance against the justice of Spain's wars in this relection, ruling out wars waged on grounds of the natural condition of the barbarians, or with a view to punishing idolatry or other sins, or on the mere authority of the pope or the emperor, and expressing more caution than Vitoria had about the resort to force to protect innocents.[97] In his letter to Sepúlveda, however, he claimed that he had long since forgotten what he had written for the relection. Instead, the fact that Sepúlveda's arguments were contrary to those presented by Vitoria, 'a learned man neither undistinguished nor worthy of being despised', in his famous 1539 relection was enough to convince everyone that 'your view might not seem so certain and indubitable, but rather could most justly and for the best of reasons be called into question'.[98] Even if Cano had forgotten much of his own relection, he surely remembered that he had come out more plainly against the justice of Spain's wars than Vitoria, and he likely recalled that he had at one point criticized an unnamed Vitoria for offering 'certain frivolous arguments' in favour of using force against the barbarians for their own good.[99] The fact that Sepúlveda's arguments were contradicted even by Vitoria's relatively gentle critique of Spain's wars, then, would have been sufficient for Cano to oppose the book.

Cano then turned the knife. Responding to Sepúlveda's allusions to the praise he received for his ideas and eloquence in Italy, he remarked:

> Those wonderful Italians, to whom you show a kindness similar to their own, will render a decision about your book in accord with your hopes. But I, a Spaniard, from the most distant regions of the earth, who has scarcely had the opportunity to see Italy once, what am I to do? I don't know how to lie. If a book is bad, I cannot praise or express an interest in it. But now it annoys and disgusts you to have been

[97] Melchor Cano, 'De dominio Indorum', in *Corpus Hispanorum de Pace,* vol. 9, edited by Luciano Pereña (Madrid: Consejo Superior de Investigaciones Científicas, 1982), 555–81.

[98] Letter 81, from Melchor Cano to Sepúlveda, undated, in Juan Ginés de Sepúlveda, *Obras completas, vol. 9.2: Epistolario*, edited by Ignacio J. García Pinilla and Julián Solana Pujalte (Pozoblanco: Ayuntamiento de Pozoblanco, 1997), 214–25, at §19, p. 222 (our translation).

[99] Cano, 'De dominio Indorum', 561 (our translation). On why it was Vitoria whom Cano had in mind here, as opposed to Sepúlveda as Luciano Pereña suggests, see Lupher, *Romans in a New World*, 86–87.

> born in Spain, and you come close to disowning our native country because it is stingy in its praise of your genius.[100]

As for Sepúlveda's objection that his book had been approved by the three theologians tasked by the Royal Council of Castile with examining it (an objection that he would not tire of repeating), Cano noted that, while he admired those theologians, Sepúlveda was presumptuous to cast them as the leading experts and to denigrate as 'lesser ones' the universities' theologians who, when asked for an opinion by the same council, voted against the book.[101] Leaving no doubt that he did not take seriously Sepúlveda's pretensions to contribute meaningfully to a controversy that was essentially a matter of theology, Cano concluded by noting condescendingly that he would refrain from responding to other points that Sepúlveda had raised since he did not wish provoke a reply and spark a quarrel that would 'give extra trouble to a man who is enjoying his leisure in the field of literature'.[102]

Nevertheless, Sepúlveda did soon reply. His letter to Cano, written in mid-1549, provides a clear sense of his interpretation of the reasons for which the theologians at the universities had rejected his book. The first was their refusal to treat his theological arguments seriously, despite the fact that it was his position—not theirs—that was theologically sound.

> Instead of the gospel, you offer us the sophistries of old heretics twisting the gospel and the example of Christ to fit their own meaning; but we are [i.e. I am] adducing for you the gospel, as it has been interpreted by the holy doctors and by the church itself in actions and in pronouncements. You make mention of Cajetan and Francisco Vitoria, whom my book very clearly shows to have been partly on my side and partly in error. Against them I name Augustine, Ambrose, and Gregory, Aquinas, Duns Scotus, Nicholas of Lyra, not to mention other more recent theologians, and everyone who is most important and experienced in pontifical law. You offer Salamancans and those of Alcalá—that is, the opinion of a few men speaking in the name of the university; to these men, we oppose all the rest of Spain.[103]

The second reason for which the universities' theologians had decided against his book, he had come to realize, was their opposition to his use of Aristotle's doctrine of natural slavery. He recalled that when he had invoked the doctrine in a meeting at Salamanca, Cano had responded that Aristotle had offered the doctrine to gratify Alexander the Great, who was at that time waging war against barbarians.

[100] Letter 81, from Melchor Cano to Sepúlveda, §22, p. 223 (our translation).
[101] Letter 81, from Melchor Cano to Sepúlveda, §20, p. 222 (our translation).
[102] Letter 81, from Melchor Cano to Sepúlveda, §25, p. 223 (our translation).
[103] Letter 82, from Sepúlveda to Melchor Cano, 15 July 1549, in Sepúlveda, *Obras completas, vol. 9.2: Epistolario*, 226–47, at §29, p. 244 (our translation).

And when Sepúlveda had attempted to impress upon him the importance and authority of Aristotle, Cano had replied, 'Oh no, he was wicked and flawed'.[104]

The third reason for which the theologians judged as they did, Sepúlveda contended, was that they had fallen victim to the machinations of an unnamed individual whose efforts were 'contrary and persistent'. This was clearly a reference to Las Casas. Sepúlveda explained that he did not mean to charge the theologians with 'avarice or corruption'. But they admit that they were pressured by 'entreaties, letters, and clever rhetoric'—so much so that some of them voted contrary to their inclinations.[105] The universities' decisions, he concluded, were tainted.[106]

Sepúlveda countered Las Casas's manoeuvres against his book by seeking the condemnation of the latter's own book, the *Confessionary* (*Confesionario*).[107] This book of twelve rules for confessors sought to utilize the sacrament of confession as a means of motivating Spaniards in the Indies to stop opposing and violating the New Laws. It stipulated that confessors should only grant confession and absolution to conquistadors, *encomenderos*, miners, ranchers, slave-owners, and other Spaniards who had mistreated or exploited Amerindians on the condition that those seeking confession first pledged to restore what they had taken unjustly from Amerindians and to make restitution for the spiritual and physical harms done to them. In the process of explaining the guilt of the Spaniards in Rule Seven, Las Casas condemned unambiguously everything that they had done in the Indies:

> Everything that has been done throughout all the Indies both during the Spaniards' invasion of each of its provinces and in the course of the subjugation and servitude that they have imposed upon these people, together with all the means and ends and everything else they have employed in their dealings with them and in matters pertaining to them, has been against all natural law and the law of nations and also against divine law and is, consequently, all completely unjust, iniquitous, tyrannical, and deserving of all eternal fire and, as such, null, void, and without any value or weight in law.[108]

Las Casas submitted his *Confesionario* for examination to six theologians at Salamanca in February 1548 and he soon received their approval. (Among the six were Cano and Bartolomé de Carranza, both of whom would be appointed judges at the Valladolid Junta.[109]) However, in November that year, the Council of the

[104] Letter 82, from Sepúlveda to Melchor Cano, §24, p. 239 (our translation).

[105] Letter 82, from Sepúlveda to Melchor Cano, §23, pp. 238–39 (our translation). See similarly Sepúlveda, *Proposiciones temerarias,* §§3, 16; Letter 72, from Sepúlveda to Martín Oliván, 1 November 1548, in Sepúlveda, *Obras completas, vol. 9.1: Epistolario*, 184–86, at §1, p. 184.

[106] Letter 82, from Sepúlveda to Melchor Cano, §24, p. 239.

[107] For an English translation of this text, see Orique, *To Heaven or To Hell*.

[108] Bartolomé de las Casas, 'Aquí se contienen unos avisos y reglas para los confesores', edited by Lorenzo Galmés, in *Bartolomé de las Casas, Obras completas, vol. 10: Tratados de 1552*, edited by Ramón Hernández O.P. and Lorenzo Galmés O.P., 367–88 (Madrid: Alianza, 1992), 375 (our translation).

[109] Orique, *To Heaven or To Hell*, 42n30, 75.

Indies issued a decree (*cédula*) ordering that the book be confiscated from monasteries in the Indies and sent to the council. Sepúlveda would later recall this event with no small amount of satisfaction, noting that, while the council never issued a ruling against his own book, it deemed Las Casas's 'false, scandalous, and outrageous'.[110] Las Casas was subsequently hauled before the council on the charge that Rule Seven implied that the rulers of Castile had no lawful entitlement to the Indies.[111] He quickly prepared a text, *Thirty Most Juridical Propositions* (*Treinta proposiciones muy jurídicas*), affirming the Spanish title to dominion in the Indies on the basis of Alexander VI's donation and injunction to the Spaniards to pursue the peaceful conversion of the people in those lands, but denying the right of Spaniards to wage war against them for that purpose, or to enslave them or distribute them among themselves in *encomiendas*. He promised to present a fuller account of this argument to the council soon.[112]

Despite the Council's order for the confiscation of copies of the *Confesionario* from the Indies, Sepúlveda pushed for still further action to be taken. In a letter penned to Prince Philip in September 1549, he reported that the council had referred the 'scandalous and diabolical *Confesionario*' to the king, whose response he now awaited. Noting that the book went against what he argued in his own book, he reminded the prince of his duty 'to support the cause of justice and not permit brazen men to obscure the truth with their fictions and wiles, especially in a business that so greatly affects the public good and the reputation and conscience of your fathers and grandfathers'. He beseeched him to command Doctors Escudero and Figueroa, who were apparently examining both the *Confesionario* and *Democrates secundus*, to do so carefully and to communicate their findings to the king. And he expressed his hope that, once the king issued a decision against the *Confesionario*, he might be granted a licence to print his *Democrates secundus*.[113]

While he engaged in these machinations against Las Casas, Sepúlveda responded to what he believed to be the university theologians' first and second reasons for opposing *Democrates secundus*—their dismissal of his competence in theology and their unease over his use of Aristotle—by writing and circulating several defences of his book.[114] One such defence, the *Apologia pro libro de justis belli causis* (*Defence on Behalf of the Book* On the Just Reasons for War), was printed in Rome on 1 May 1550. He reported that it was printed after having been approved

[110] Sepúlveda, *Proposiciones temerarias,* §16.

[111] Orique, *To Heaven or To Hell*, 42–45; Wagner and Parish, *Life and Writings*, 171–73; Bartolomé de las Casas, 'Aquí se contienen treinta proposiciones muy jurídicas', in *Tratados de Fray Bartolomé de las Casas,* vol. 1, transcribed by Juan Pérez de Tudela Bueso (Buenos Aires, 1965, repr. Mexico City: Fondo de Cultura Económica, 1974 and 1997), prologue; Sepúlveda, *Proposiciones temerarias,* §16.

[112] Las Casas, *Aquí se contienen treinta proposiciones muy jurídicas*, prologue and §§17–18, 30.

[113] Letter 86, from Sepúlveda to Prince Philip, 23 September 1549, in Sepúlveda, *Obras completas*, vol. 9.2: *Epistolario*, 251–53, at §§3–4, pp. 252–53 (our translation).

[114] Sepúlveda indicated in his September 1549 letter to Prince Philip that he had written and distributed copies of three such *apologiae* that year, as well as a 'summary of my Indies book of which I told Your Highness'. Letter 86, from Sepúlveda to Prince Philip, §3, p. 252.

by the deputy of the Pope, the *maestro* of the Holy Palace, and an adjudicator of the Rota, and praised by many other learned men in the Roman Court.[115] Las Casas sneered that Sepúlveda sent his *Apologia* to Rome 'in open contempt for the judgment of the universities and of both Royal Councils' since he knew that 'there was no one there of a contrary mind who would fling back his poisoned darts'.[116]

Apologia

Perceiving that a primary cause of the antagonism towards *Democrates secundus* from the theologians at Salamanca and Alcalá was his use of humanist methods to advance an argument about matters of a theological nature, Sepúlveda pursued a markedly different approach in his *Apologia*. In place of a dialogue, he now defended his claims 'in the scholastic manner', outlining seven objections that had been made against his book, presenting his argument, and then responding to the seven objections in turn.[117] Hoping to leave no grounds for rebuttal, he largely eschewed recourse to humanist literature and references to Greco-Roman authors. Much muted were the rhetorical flourishes, the allusions to the barbarians' lesser-humanity, and the humanist appeals to the glory of conquest. Instead, he built his case almost entirely on the claims of authorities whom the theologians most revered and could not dismiss, foremost among them the Bible, Augustine, and Aquinas. Sepúlveda had already relied heavily upon these authorities in *Democrates secundus*. But they were now more deliberately placed at the centre of discussion, supplemented, where convenient, with the conclusions of medieval canonists. Thus, rather than taking Cano's hints and ceding the theological ground to the theologians, Sepúlveda sought to demonstrate that he was capable of playing on their terms and beating them at their own game.

Before proceeding to his argument, Sepúlveda began the *Apologia* by explaining that the purpose of *Democrates secundus* had been misconstrued. He had not, as some were claiming, set out to justify depriving the barbarians of their dominions and possessions, reducing them to slavery, and killing those that resist. His book clearly condemned such unjust and impious behaviour. Rather, his argument was merely that the barbarians should be subjected to the rule of Christians so that obstacles to their reception of the faith could be removed and so that they might obtain the benefits of true religion and civilization.[118] It seems, though, that Sepúlveda was aware that he had not expressed this as plainly in the book as he might have. In his *Apologia*, therefore, he avoided repeating the suggestion that the barbarians

[115] Juan Ginés de Sepúlveda, 'Objections', in *Aquí se contiene una disputa o controversia …*, Twelfth Objection, §7; Sepúlveda, *Proposiciones temerarias*, §16.
[116] Las Casas, *Defense of the Indians*, ch. 57, p. 343.
[117] Sepúlveda, *Apologia*, I.5.
[118] Sepúlveda, *Apologia*, I.7–9.