

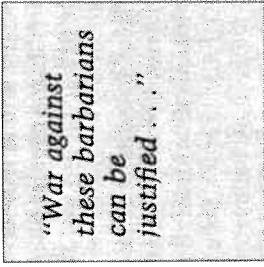
Sepúlveda

Few conquerors have argued that their right to rule over a defeated people was based simply on limitless greed, the joys of naked aggression, or the desire to exercise power for personal pleasure. Certainly, as the Spanish dominion in the New World proceeded at a rapid pace, its apologists rushed to provide more sophisticated justifications.

Juan Ginés de Sepúlveda was a distinguished scholar of the works of the ancient Greek philosopher Aristotle and a master of Latin style. He was also an ardent nationalist much impressed by his compatriots' achievements. To him, the Spanish were champions of an advanced civilization against ignorant barbarism. He sincerely believed that the aboriginal peoples of America were similar to the primitive foes of Greece or Rome—none of these "barbarians" had the quality of mind and spirit possessed by classical civilization or their European successor Christian societies.

Never having visited the territories under question, he cannot be faulted for having a personal or fiscal stake in the matter. On the other hand, he had no direct knowledge of native life or customs and relied for information on hostile or uncomprehending critics of alien ways of life. He treated the peoples in the Western Hemisphere as if they were all on a par with the least advanced of their fellows. With this bias, he followed the same line of thought as Aristotle, who believed it natural that "higher" forms of created life had domination over all "lower" forms, and that "civilized" societies had a duty to direct the destiny of "barbarians."

Sepúlveda issued his dialogue *Demócrates Alter*, of which a segment is reprinted here, during 1547, when conflicting opinions about the correctness of Spanish activities were agitating the royal court. In this dialogue, Demócrates argues with a German Lutheran who initially believes the conquest to be unjust, but is finally convinced that the king of Spain is obliged to wage war against the natives. Sepúlveda's position was popular with colonists. His proposal that natives be trained by Spanish lords in "virtuous and humane customs," in return for which "just and prudent Spaniards" should get the free use of their labor, seemed to support the controversial new *encomienda* system, which entrusted laborers to settlers who were to protect and convert them. The municipal council of Mexico City sent him a letter of congratulations and thanks.



The man rules over the woman, the adult over the child, the father over his children. That is to say, the most powerful and most perfect rule over the weakest and most imperfect. This same relationship exists among men, there being some who by nature are masters and others who by nature are slaves. Those who surpass the rest in prudence and intelligence, although not in physical strength, are by nature the masters. On the other hand, those who are dim-witted and mentally lazy, although they may be physically strong enough to fulfill all the necessary tasks, are by nature slaves. It is just and useful that it be this way. We even see it sanctioned in divine law itself, for it is written in the Book of Proverbs: "He who is stupid will serve the wise man." And so it is with the barbarous and inhumane peoples [the Indians] who have no civil life and peaceful customs. It will always be just and in conformity with natural law that such people submit to the rule of more cultured and humane princes and nations. Thanks to their virtues and the practical wisdom of their laws, the latter can destroy barbarism and educate these [inferior] people to a more humane and virtuous life. And if the latter reject such rule, it can be imposed upon them by force of arms. Such a war will be just according to natural law. . . .

One may believe as certain and undeniable, since it is affirmed by the wisest authors, that it is just and natural that prudent, upright, and humane men should rule over those who are not. On this basis the Romans established their legitimate and just rule over many nations, according to St. Augustine in several passages of his work, *The City of God*, which St. Thomas [Aquinas] collected and cited in his work, *De regimine principum*. Such being the case, you can well understand . . . if you know the customs and nature of the two peoples, that with perfect right the Spaniards rule over these barbarians of the New World and the adjacent islands, who in wisdom, intelligence, virtue, and [understanding] are as inferior to the Spaniards as infants to adults and women to men. There is as much difference between them as there is between cruel, wild peoples and the most merciful of peoples, between the most monstrously intemperate peoples and those who are temperate and moderate in their pleasures, that is to say, between apes and men.

You do not expect me to make a lengthy commemoration of the judgment and talent of the Spaniards. . . . And who can ignore the other virtues of our people, their fortitude, their humanity, their love of justice and religion? I speak only of our princes and those who by their energy and industriousness have shown that they are worthy of administering the commonwealth. I refer in general terms only to those Spaniards who have received a liberal education. If some of them are wicked and unjust, that is no reason to denigrate the glory of their race, which should be judged by the

SOURCE "Demócrates alter de justis belli causis apud Indios," pp. 47-52, from *Latin American History: Select Problems*, by Frederick B. Pike, trans. by J. L. Phelan, copyright © 1969 by Harcourt, Brace Jovanovich, Inc., reprinted by permission of the publisher.

actions of its cultivated and noble men and by its customs and public institutions, rather than by the actions of depraved persons who are similar to slaves. More than any other country, this country [Spain] hates and detests depraved individuals, even those who have certain of the virtues that are common to nearly all classes of our people, like courage and the martial spirit for which the Spanish legions have always provided examples that exceed all human credibility. . . . And I would like to emphasize the absence of gluttony and lasciviousness among the Spaniards. Is there any nation in Europe that can compare with Spain in frugality and sobriety? . . .

Now compare these natural qualities of judgment, talent, magnanimity, temperance, humanity, and religion with those of these pitiful men [the Indians], in whom you will scarcely find any vestiges of humanness. These people possess neither science nor even an alphabet, nor do they preserve any monuments of their history except for some obscure and vague reminiscences depicted in certain paintings, nor do they have written laws, but barbarian institutions and customs. In regard to their virtues, how much restraint or gentleness are you to expect of men who are devoted to all kinds of intemperate acts and abominable lewdness, including the eating of human flesh? And you must realize that prior to the arrival of the Christians, they did not live in that peaceful kingdom of Saturn [the Golden Age] that the poets imagine, but on the contrary they made war against one another continually and fiercely, with such fury that victory was of no meaning if they did not satiate their monstrous hunger with the flesh of their enemies. . . . These Indians are so cowardly and timid that they could scarcely resist the mere presence of our soldiers. Many times thousands upon thousands of them scattered, fleeing like women before a very few Spaniards, who amounted to fewer than a hundred. . . .

In regard to those [of the Aztec and other Indian civilizations] who inhabit New Spain and the province of Mexico, I have already said that they consider themselves the most civilized people [in the New World]. They boast of their political and social institutions, because they have rationally planned cities and nonhereditary kings who are elected by popular suffrage, and they carry on commerce among themselves in the manner of civilized people. But . . . I dissent from such an opinion. On the contrary, in those same institutions there is proof of the coarseness, barbarism, and innate servility of these men. Natural necessity encourages the building of houses, some rational manner of life, and some sort of commerce. Such an argument merely proves that they are neither bears nor monkeys and that they are not totally irrational.

But on the other hand, they have established their commonwealth in such a manner that no one individually owns anything, neither a house nor a field that one may dispose of or leave to his heirs in his will, because everything is controlled by their lords, who are incorrectly called kings. They live more at the mercy of their king's will than of their own. They are the slaves of his will and caprice, and they are not the masters of their fate.

The fact that this condition is not the result of coercion but is voluntary and spontaneous is a certain sign of the servile and base spirit of these barbarians. They had distributed their fields and farms in such a way that one third belonged to the king, another third belonged to the religious cult, and only a third part was reserved for the benefit of everyone; but all of this they did in such a way that they themselves cultivated the royal and religious lands. They lived as servants of the king and at his mercy, paying extremely large tributes. When a father died, all his inheritance, if the king did not decide otherwise, passed in its entirety to the oldest son, with the result that many of the younger sons would either die of starvation or subject themselves to an even more rigorous servitude. They would turn to the petty kings for help and would ask them for a field on the condition that they not only pay feudal tribute but also promise themselves as slave labor when it was necessary. And if this kind of servitude and barbaric commonwealth had not been suitable to their temperament and nature, it would have been easy for them to take advantage of the death of a king, since the monarchy was not hereditary, in order to establish a state that was freer and more favorable to their interests. Their failure to do so confirms that they were born for servitude and not for the civil and liberal life. . . .

Such are, in short, the character and customs of these barbarous, uncultivated, and inhumane little men. We know that they were thus before the coming of the Spaniards. Until now we have not mentioned their impious religion and their abominable sacrifices, in which they worship the Devil as God, to whom they thought of offering no better tribute than human hearts. . . . Interpreting their religion in an ignorant and barbarous manner, they sacrificed human victims by removing the hearts from the chests. They placed these hearts on their abominable altars. With this ritual they believed that they had appeased their gods. They also ate the flesh of the sacrificed men. . . .

How are we to doubt that these people, so uncultivated, so barbarous, and so contaminated with such impiety and lewdness, have not been justly conquered by so excellent, pious, and supremely just a king as Ferdinand the Catholic was and the Emperor Charles [V] now is, the kings of a most humane and excellent nation rich in all varieties of virtue? . . .

War against these barbarians can be justified not only on the basis of their paganism but even more so because of their abominable licentiousness, their prodigious sacrifice of human victims, the extreme harm that they inflicted on innocent persons, their horrible banquets of human flesh, and the impious cult of their idols. Since the evangelical law of the New Testament is more perfect and more gentle than the Mosaic law of the Old Testament (for the latter was a law of fear and the former is a law of grace, gentleness, and clemency), so also (since the birth of Christ) wars are now waged with more mercy and clemency. Their purpose is not so much to punish as to correct evils. What is more appropriate and beneficial for these barbarians than to become subject to the rule of those whose wisdom, virtue, and religion have converted them from barbarians into civilized men

(insofar as they are capable of becoming so), from being torpid and licentious to becoming upright and moral, from being impious servants of the Devil to becoming believers in the true God? They have already begun to receive the Christian religion, thanks to the prudent diligence of the Emperor Charles, an excellent and religious prince. They have already been provided with teachers learned in both the sciences and letters and, what is more important, with teachers of religion and good customs.

For numerous and grave reasons these barbarians are obligated to accept the rule of the Spaniards according to natural law. For them it ought to be even more advantageous than for the Spaniards, since virtue, humanity, and the true religion are more valuable than gold or silver. And if they refuse our rule, they may be compelled by force of arms to accept it. Such a war will be just according to natural law. . . . Such a war would be far more just than even the war that the Romans waged against all the nations of the world in order to force them to submit to their rule [for the following reasons]. The Christian religion is better and truer than the religion of the Romans. In addition, the genius, wisdom, humanity, fortitude, courage, and virtue of the Spaniards are as superior to those same qualities among those pitiful little men [the Indians] as were those of the Romans vis-à-vis the peoples whom they conquered. And the justice of this war becomes even more evident when you consider that the Sovereign Pontiff, who represents Christ, has authorized it.

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Las Casas

The greatest spokesman for the protection of the Amerindians was the Dominican friar Bartolomé de Las Casas. He tirelessly lobbied King Charles V and the Council of the Indies that, until the issue of the propriety of the invasions was settled, licenses of all expeditions should be revoked and no new ones issued. The council advised the king on 3 July 1549 that the dangers both to the bodies of the Amerindians and the souls of Christians was so great that a learned committee should discuss "how conquests might be conducted justly and with security of conscience."

Remarkably, Charles V, the Holy Roman Emperor who was the richest ruler in Europe, ordered in 1550 that conquests in his name cease until the Council of the Indies should meet to decide upon the justness of Spanish conduct. A committee of fourteen officials, scholars, and theologians was formed to advise the council. Juan Ginés de Sepúlveda appeared several

"poisons disguised with honey."

times before this committee, whose sessions began in 1550, then reconvened the following year for a vote. Sepúlveda reiterated the arguments from his book (Document 33) that the conquests were just, and he focused on his interpretation of the bulls of Alexander VI (Document 27), which he claimed gave Spain authority over the Indies.

The committee next heard a three-hour summary by Las Casas of his chief arguments against those positions. Starting the second day of his appearance, he read word for word from an enormous manuscript. This went on for five days, until the committee could bear to hear no more, at least according to his opponent. Las Casas wore his audience down by endlessly amplifying and constantly reiterating a few arguments. One of the committee members condensed the long argument and submitted it to Sepúlveda, who replied to each of the twelve major points made by the Dominican. The two contenders never debated face to face, which makes the confrontation somewhat less dramatic than it is sometimes portrayed.

Both Las Casas and Sepúlveda drew upon an immense store of arguments from the Bible, the writing of the Church fathers, the pagan philosophers, and records of the conquests. Sepúlveda gained his principal knowledge of Amerindian cultures from Gonzalo Fernández de Oviedo (Documents 23 and 41), whom Las Casas damned for "a preconceived attitude against the Indians because he held Indians as slaves." The proceedings proved inconclusive, since the committee never produced a final report. In a sense Las Casas "won," however, because Sepúlveda was prohibited from publishing his book.

In the last quarter of the sixteenth century, the view of the crown coincided to some extent with Las Casas because it wished to keep the incorporation of new territories peaceful and orderly. Kings and their ministers wanted clear and legal title to fend off land claims by colonizers, and to keep new subjects from becoming the slaves of the conquistadores. In 1573 the Council of the Indies drew up the *Ordenanzas sobre descubrimientos*, after reviewing Las Casas's manuscripts. The ordinances substituted the word *pacification* for *conquest* to ensure peaceful methods, although it did not entirely prohibit the use of force. By laying down strict conditions for granting new licenses for expeditions, the crown disowned the ruthless methods of the conquistadores. Although we now know from hindsight that most of the conquests were over, who then could say if rich new kingdoms might yet be found? The advocates for Las Casas struggled to right what they saw as hideous wrongs, a position that the modern observer may wish to judge not only by concrete results, but also by the passion with which the participants fought for their ideals.

Illustrious Prince [Philip II]:

It is right that matters which concern the safety and peace of the great empire placed in your keeping by the divine goodness be reported to you, for you rule Spain and that marvelous New World in the name of the great Charles [V], your father, and you strive for immortal glory, not just with the imperial power but especially with the generous spirit and with the wisdom implanted in you by Christ. Therefore I have thought it advisable to bring to the attention of Your Highness that there has come into my hands a certain brief synopsis in Spanish of a work that Ginés de Sepúlveda is reported to have written in Latin. In it he gives four reasons, each of which, in his opinion, proves beyond refutation that war against the Indians is justified, provided that it be waged properly and the laws of war be observed, just as, up to the present, the kings of Spain have commanded that it be waged and carried out.

I hear that it is this man's intention to demonstrate the title by which the Kings of Spain possess the empire of the Indies and to bolster his position with arguments and laws, so that from now on no one will be able to slander you even tacitly on this point. I have read and reread this work carefully. And it is said that Sepúlveda drives home various other points at greater length in his Latin work (which I have not yet had the chance to see). What impression it has made on others I do not know. I certainly have detected in it poisons disguised with honey. Under pretext of pleasing his prince, a man who is a theologian offers honey-coated poison. In place of bread, he offers a stone. Great Prince, unless this deadly poison is stopped by your wisdom, so that it will not become widespread, it will infect the minds of readers, deceive the unwary, and arm and incite tyrants to injustice. Believe me, that little book will bring ruin to the minds of many. . . .

First, I shall refute Sepúlveda's opinion claiming that war against the Indians is justified because they are barbarous, uncivilized, unteachable, and lacking civil government.

Second, I shall show that, to the most definite ruin of his own soul, Sepúlveda is wrong when he teaches that war against the Indians is justified as punishment for their crimes against the natural law, especially the crimes of idolatry and human sacrifice.

Third, we shall attack his third argument, on the basis of which Sepúlveda teaches that war can be waged unconditionally and indiscriminately against those peoples in order to free the innocent.

Fourth, I shall discuss how foreign to the teaching of the gospel and Christian mercy is his fourth proposition, maintaining that war against the

SOURCE: Selections from Bartolomé de Las Casas, *In Defense of the Indians. The Defense of the Most Reverend Lord, Don Fray Bartolomé de Las Casas, of the Order of Preachers, Late Bishop of Chiapa, Against the Persecution and Slanders of the Peoples of the New World Discovered Across the Sea*. Translated, edited and annotated by Stafford Poole. © 1974 by Northern Illinois University Press. Used with permission of the publisher.

Indians is justified as a means of extending the boundaries of the Christian religion and of opening the way for those who proclaim and preach the gospel. . . .

They who teach, either in word or in writing, that the natives of the New World, whom we commonly call Indians, ought to be conquered and subjugated by war before the gospel is proclaimed and preached to them so that, after they have finally been subjugated, they may be instructed and hear the word of God, make two disgraceful mistakes. First, in connection with divine and human law they abuse God's words and do violence to the Scriptures, to papal decrees, and to the teaching handed down from the holy fathers. And they go wrong again by quoting histories that are nothing but sheer fables and shameless nonsense. By means of these, men who are totally hostile to the poor Indians and who are their utterly deceitful enemies betray them. Second, they mistake the meaning of the decree or bull [Document 27] of the Supreme Pontiff Alexander VI, whose words they corrupt and twist in support of their opinions, as will be clear from all that follows. . . .

The second argument by which Sepúlveda justifies war against the Indians is as punishment for the crimes of idolatry and human sacrifice by which these people offend God. Here, as in his other arguments, Sepúlveda is completely wrong because of some mistaken suppositions and expressions.

To make the matter clearer, we have to suppose that we can punish the sins of unbelievers or that they can punish ours, either when we are their subjects or when they are ours or come under our authority. Now this can happen for four reasons. The first is dwelling or habitation; for example, if they should live among Christians. Or [second] it can be by reason of origin or by reason of a person whose case, or that of his parents, is under litigation. Third, a person is considered our subject if he is a vassal and has taken an oath of fealty [loyalty] to us according to proper form, that is, by means of some feudal right by which he owes us service. The fourth reason is a crime committed in someone's jurisdiction, either against the ruler himself or against the property or persons of his subjects. Similarly, one gains competence by reason of a contract or by reason of property, for example, if an alien acquires ownership of an apple orchard within the jurisdiction of some ruler. By reason of that property, the owner is considered to be within the ruler's competence. None of these persons are subjects properly so called but only under certain aspects: by reason of property or contract they can be summoned by the judge from whose jurisdiction they are exempt by law. . . .

Now the fact that one must refrain from war, and even tolerate the death of a few innocent persons, is proved by arguments and many authorities.

The first argument is this: According to the rule of right reason when we are confronted by two choices that are evil both as to moral guilt and punishment and we cannot avoid both of them, we ought to choose the lesser evil. For in comparison with the greater evil, the choice of the lesser evil has

the quality of a good. This is what the Philosopher [Aristotle] teaches. Now the death of a small number of innocent persons is a lesser evil than the eternal damnation of countless numbers of persons killed in the fury of war.

Again, the death of the innocent is better or less evil than the complete destruction of entire kingdoms, cities, and strongholds. For not all of them eat the flesh of the innocent but only the rulers or priests, who do the sacrificing, whereas war brings the destruction of countless innocent persons who do not deserve any such thing. Therefore if those evils cannot be removed in any other way than by waging war, one must refrain from it and evils of this kind must be tolerated.

Furthermore, it is incomparably less disastrous that a few innocent persons die than that Christ's holy name be blasphemed by unbelievers and that the Christian religion be brought into ill repute and be hated by those peoples and by others to whom word of this flies, when they hear how many women, children, and aged people of their nation have been killed by the Christians without cause, as will unavoidably happen, and indeed has happened, in the fury of war. What, I ask, will be the result, if not a perpetual barrier to their salvation, so that there will be no further hope for their conversion? Therefore when there is a question of war over a cause of this kind it is better to let a few innocent persons be oppressed or suffer an unjust death. In fact it would be a very great sin, and against the natural law [which Nature sets for all creatures], to wage war on these unbelievers for this reason. This is proved in the following way.

According to right reason, and therefore the natural law, it is evident that in every case and in every matter that concerns two evils, especially those involving moral guilt, one must choose that which is less harmful or is thought to be less harmful. Therefore to seek to free innocent persons in the case proposed, within their territories, as has been proposed, would be against the natural law and a sin, which, although not mortal, is very serious indeed. This is evident because the greater the damage sin inflicts, the more serious it is, according to St. Thomas [Aquinas]. And this is true even if that damage is not intended or foreseen, since everything that necessarily follows upon a sin belongs in some way to the very species of the sin. From such a war a countless number of innocent persons of both sexes and all ages will unavoidably perish, and the other evils that have been mentioned will necessarily follow upon that war. Therefore anyone who would try to free those who suffer evils of this type by means of war would commit a very serious mortal sin. . . .

At this point we shall refute Sepúlveda's fourth argument or cause [for war], in which he says that war can be waged against the Indians so that, once the path has been totally cleared for the preachers of the gospel, the Christian religion may be spread. Indeed, I cannot cease being astonished by Sepúlveda. For what spirit leads a theologian, mature and well versed in humane letters, to set these poisons before the world so that the far-flung Indian empires, contrary to the law of Christ, would be prey for most savage

thieves! In the same way, and to this very moment, the greed of the Spanish people has led to such crimes among those peoples as—according to history—have never been committed by any other nation, no matter how fierce it may have been. In fact, Sepúlveda tries with all his might to increase these crimes, until the last nation in that world will finally be wiped out, when the just and upright God, provoked by these actions, will perhaps pour forth the fury of his anger and lay hold of all of Spain sooner than he had decreed.

And so Sepúlveda first cites what Augustine [early Christian writer] writes in his letter to the heretic Donatus. Sepúlveda claims that Augustine teaches that peoples during the first period of the nascent Church were to be led to the faith of Christ courteously and gently, whereas later, when the powers of the Church had increased, they could be forced to enter Christ's sheepfold, as in the parable of the wedding feast. Surely Sepúlveda speaks wickedly and commits many errors to the destruction of his soul, especially on three points.

The first is that he says the decrees of the Church against heretics, published by the Pope and the Emperors, should be observed even against unbelievers [in general]. He fails to distinguish the four kinds of unbelievers. Some are unbelieving Moors and Jews who live under the rule of Christians. Others are apostates and heretics. Others are Turks and Moors who persecute us by war. Others are idolatrous unbelievers who live in very remote provinces.

The second error is that Sepúlveda gives a distorted interpretation of the parable of the wedding feast. . . . [C]ertainly that gospel parable does not in any way prove what Sepúlveda would have it prove. He tries to prove that Christ wanted the Church, once it had been strengthened by resources and rulers, to force men to embrace the truth of the gospel, not by forcibly baptizing them but by uprooting the worship of idols and crushing their power, so that they could not obstruct the preaching of the gospel. Above all, I would gladly learn from Sepúlveda why God should want force to be used on unbelievers by the Church and Christian rulers rather than by angels, by whose ministry God frequently leads unbelievers to knowledge of himself. . . .

. . . [T]he words of the Pope [Alexander VI], saying that he hoped for nothing more than to see the barbarians vanquished, referred to the Moors of Granada, who were barbarians—as I have said before—and in comparison with other barbarians were most dangerous enemies of the Christian state. Therefore those words of the bull do nothing toward strengthening Sepúlveda's wicked opinion. For how could the Roman Pontiff approve what is so far from Christ's teaching, as has been sufficiently argued above?

I have preached these things, in keeping with the measure of grace granted me, in defense of this lengthy and holy cause, bound as it is by Christian piety. As for the rest, I exhort and advise by Jesus Christ, Sepúlveda, my brother and colleague in Christ, and the other enemies of the

Indians to obey the words, to heed and respect the traditions of the holy Fathers, and to fear God, who punishes perverse undertakings.

QUESTIONS

1. What proof does Sepúlveda present to show that the Spanish should, by right, rule over the population of the New World?
2. How compelling a case does Sepúlveda make when contrasting the alleged virtues of the Spanish with the alleged vices of the natives?
3. How does Sepúlveda justify war against the native populations, and in what way does Las Casas refute him?
4. Where do both men stand regarding the controversial and alleged donation by the bull of Alexander VI (Document 27) of much of the New World to the Spanish?
5. What was the point of the arguments traded by the two contenders regarding the merit, or lack thereof, of forced conversion?
6. On which major points does Las Casas get the better of Sepúlveda, and vice versa?