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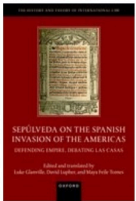
## Sepúlveda on the Spanish Invasion of the Americas: Defending Empire, Debating Las Casas

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### Abstract

This volume presents translations of four key texts from the dispute between Juan Ginés de Sepúlveda and Bartolomé de las Casas regarding the justice of Spain's invasion of the Americas, culminating in their famous debate in Valladolid in 1550–51. Sepúlveda's *Democrates secundus* (composed around 1544), an impassioned defence of the invasion, amplified the controversy within Spain about the justice of its activities in the Americas. When Las Casas schemed to block publication of Sepúlveda's manuscript, Sepúlveda wrote an *Apologia* (1550) in its defence. Tensions were so heightened that Emperor Charles V called a temporary halt to undertakings in the Americas and convoked a meeting of theologians and jurists in Valladolid to address the matter. Here, Sepúlveda and Las Casas debated bitterly. Las Casas subsequently printed a composite record of the Valladolid deliberations (Aquí se contiene una disputa o controversia, 1552). Sepúlveda retaliated by penning a furious response (*Proposiciones temerarias y de mala doctrina*, around 1553–54) and strove to have Las Casas's text banned by the Inquisition. Complete English translations of these texts are here published for the first time. The debate between Sepúlveda and Las Casas was a pivotal moment in the history of international legal thought. They argued over fundamental matters of empire and colonial rule; natural law and cultural difference; the jurisdiction of the Church, responsibilities of Christian rulers, and rights of infidel peoples; the just reasons for war and grounds for resistance; and the right to punish idolatry, protect innocents from tyranny, and subjugate unbelievers for the purpose of spreading the Christian faith.



**Sepúlveda on the Spanish Invasion of the Americas: Defending Empire, Debating Las Casas**

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# Contained Herein Is a Debate or Disputation

*(Aquí se contiene una disputa o controversia)*

Preface to the translations of *Aquí se contiene una disputa o controversia* and *Postreros apuntamientos*

The texts

This is the first complete translation into English of the collection of materials which, in the wake of the Valladolid sessions of 1550–51, Bartolomé de las Casas arranged to have published in September 1552 in Seville, at the print shop of Sebastián Trujillo, under the heading: *Aquí se contiene una disputa o controversia . . . (Contained herein is a debate or disputation . . .)*. This volume comprised four documents:

- 1) A brief prefatory statement introducing the context and subject of the material to follow—*Argumento de la presente obra*—which is anonymous but which, in light of the tenor of the piece, is clearly the work of Las Casas himself. This statement of subject must have been composed already sometime in 1551, for he refers in it to the first session at Valladolid as ‘last year’. Clearly, then, Las Casas was making ready to publish these works from 1551 onwards.
- 2) Fray Domingo de Soto’s *Sumario (Summary)* of the arguments presented by both parties at the first session of the Valladolid Junta in 1550, at which Sepúlveda had spoken first and Las Casas (whose over-long contribution to proceedings Soto was primarily charged with abridging) second. Soto prepared this summary in Autumn 1550 before the first session of the junta was formally adjourned.
- 3) Sepúlveda’s subsequent written responses to twelve objections which had been raised by Las Casas in the course of his lengthy anti-Sepúlvedan deposition before the junta. Sepúlveda prepared these rejoinders upon reading Soto’s précis of Las Casas’s arguments as schematized in the *Sumario*: the

Muñoz manuscript, on which more below, attests to the feverish annotations which he penned in so doing. (Sepúlveda had, of course, not heard Las Casas deliver his disquisition in person.) Counterintuitively, these Sepúlvedan rebuttals of Las Casas's objections are themselves known as the *Objections*. Whenever this designation is used, then, it must be borne in mind that these are not in fact Sepúlveda's own objections but rather his effort to defend his viewpoint against those which had been levelled against it by Las Casas himself.

- 4) The twelve *Replies* in turn composed by Las Casas to refute Sepúlveda's responses to the objections he had himself put to the latter.<sup>1</sup> These replies, which were composed after the junta had adjourned for 1550 and before it reconvened in April 1551, are generally much lengthier than the Sepúlvedan answers to which Las Casas was notionally merely 'responding'.

The main documents in Las Casas's *Aquí se contiene* volume thus orbit around the junta's first session of August–September 1550 and span the lead-up to the second session of April–May 1551. Soto himself produced his summary around September 1550, and Sepúlveda likewise prepared his (answers to Las Casas's) *Objections* at that time and had them distributed to the members of the assembly before the first session was adjourned.<sup>2</sup> He may even have dared to imagine that that was the end of that. But when Sepúlveda returned to Valladolid in April 1551, it was only to discover—as he himself recalls in section 4 of his subsequent account, the *Proposiciones temerarias* (*PT*)—that Las Casas had gone on to produce twelve *Replies* to Sepúlveda's so-called *Objections* and submitted them in readiness for the meeting of the second session. Sepúlveda was later in turn to deliver his own re-sounding 'riposte' to these subsequent Lascasian *Replies* when, upon learning that Las Casas had had the aforementioned materials sent to press in his Seville volume of 1552, he prepared an emphatic rejoinder in the form of his *PT* (1553–54), which he submitted to the Inquisition by way of formal denunciation: see the general introduction, above, and our preface to the *PT*, below, for further discussion of this point.

But while still in Valladolid during the second meeting of the junta in April 1551, Sepúlveda sought permission to address the assembly in person once more. The petition he submitted, which offers an outline of the points he proposed to deliver more fully in oral form, is dated 12 April 1551 and has come to be known as

<sup>1</sup> Further indications of the arguments presented by Las Casas at Valladolid can be derived from two other documents which he produced after the 'debate': his Latin *Apologia* (familiar to Anglophone readers under the title of Stafford Poole's 1974 translation, *In Defense of the Indians*) and, to a lesser extent, the massive Spanish *Apologética historia sumaria* (a proto-ethnological work never translated into English). The *Apologia* in particular often casts instructive light on the more abbreviated account of his views presented in Soto's *Summary* and even on occasion serves to flesh out the picture painted by the *Replies*, prolix though they already are.

<sup>2</sup> As recounted by Sepúlveda himself in *PT* §4.

the ‘*Postreros apuntamientos que dio Sepúlveda en la congregación*’ (‘Final points of argument presented to the congregation by Sepúlveda’).<sup>3</sup> The arguments offered in this short document are primarily devoted to the subject of the bull of Alexander VI—or rather to taking issue with Las Casas’s (ab)use of it in the course of his own argumentation. Traditionally there has been some uncertainty as to whether or not Sepúlveda was indeed afforded the opportunity to air these points at the second session or whether this document is our only record of his final set of intended remarks. However, by Sepúlveda’s own account in the *Proposiciones temerarias* (§5), he was indeed granted an audience at the second session and seems to have used it as an opportunity to discuss his interpretation of the bull of Alexander VI—as well as that of Paul III—with the junta’s theologians.<sup>4</sup> His final oral intervention in the Valladolid Debate in April 1551 will thus presumably have borne some kind of resemblance to the content of the *Postreros apuntamientos*, of which we are offering a translation here by way of appendix.

### The editions

In preparing our translations of these documents, the following materials have been used. For the text of *Aquí se contiene* we have largely followed the Lascasian *editio princeps*, published at the print shop of Sebastián Trujillo in Seville in 1552.<sup>5</sup> (From time to time, however, we do depart from this version of the text—and therefore also from most modern transcriptions of *Aquí se contiene*—in instances where the 1552 *editio princeps* exhibits certain questionable features: on those occasions we have sought to arrive at—and, in turn, offer translation of—an emended version of the text on the basis of consultation of two *Aquí se contiene* manuscripts, on which more in the next section.) Various copies of the 1552 *editio princeps* survive and are held today in libraries and private collections around the world.<sup>6</sup> For ease of access, however, we have in practice worked primarily from the facsimilar copy of it reproduced in *Bartolomé de las Casas—Tratados I*,

<sup>3</sup> On the date of 12 April, see n. 469 in our translation of the *Postreros apuntamientos*. The Spanish term ‘*apuntamientos*’ can simply mean ‘notes’ or ‘written observations’—though it can also have a more technical sense, pertaining to official accounts of, or indeed formal objections lodged at, legal proceedings. (See Covarrubias on ‘*apuntamiento*’, under ‘*apuntar*’; and, for the technical sense in the modern context, see RAE entry 2 on ‘*apuntamiento*’.)

<sup>4</sup> For the best study of the second session of the junta, see Vidal Abril-Castelló, ‘La bipolarización Sepúlveda-Las Casas y sus consecuencias: La revolución de la duodécima replica’, in *La ética en la conquista de América*, edited by Demetrio Ramos et al., 229–88 (Madrid: Consejo Superior de Investigaciones Científicas, 1984).

<sup>5</sup> On the reception of the *Aquí se contiene*, including how a ‘pirated’ edition appears to have already been in circulation by the end of 1552, see our postscript to this volume.

<sup>6</sup> For an earlier catalogue of extant editions, see Isacio Pérez Fernández O.P., *Inventario documentado de los escritos de Fray Bartolomé de las Casas*, revised by Helen Rand Parish (Bayamón, PR: Centro de Estudios de los Dominicos del Caribe, 1981), 596–601.

## Bartolomé de las Casas's 'Twelve Replies'

These are the replies offered by the bishop of Chiapa to counter the solutions to the twelve objections which Dr Sepúlveda prepared in response to the foregoing *Summary* of the bishop's *Apología*<sup>291</sup>

### The bishop of Chiapa's prologue to the esteemed members of the assembly

Most illustrious and eminent sirs, most reverend and learned fathers: so far, in the material I have read out and submitted in written form to this august assembly, I have inveighed against the adversaries of the Indians of our Indies of the Ocean Sea as a collective, without singling out any one by name, although I could certainly point to a few who toil away and devote their every waking hour to composing treatises in the service of their principal objective, which is to say the justification and defence of the lawfulness of the wars—source of so much devastation and destruction, downfall of so many kingdoms of such magnitude, vast populations, and an infinitude of souls—which have been and could be waged upon them and of the idea that waging such wars against them in order first to subjugate them before they have so much as heard Jesus Christ's name through the preaching of the faith can be endured under Christian law.

Now it strikes me that the most reverend and distinguished Dr Sepúlveda has revealed and declared himself to be the arch-proponent and champion of these wars in the course of his response to the lines of reasoning, proof-texts, and counterarguments which I compiled in my *Apología*—part of which I read out before your excellencies and lordships—in the interests of exposing and repudiating the wickedness and tyrannical injustice of the aforementioned warfare, which also goes by the name of 'conquest'. And since he has seen fit to unmask himself and did not shrink from being deemed the aider and abettor of such abominable impieties

<sup>291</sup> At the end of the Caracas manuscript (fol. 228r), this appears as 'And these are the responses of the bishop of Chiapa against the solutions which Dr Sepúlveda gave to the objections which he noted in the summary that Master Friar Domingo de Soto drew from the said bishop's "Defence".'

which bring such disgrace upon the faith, dishonour to the name of Christianity, and spiritual and temporal ruin to the greater part of the human race, it seems to me only right to impugn him openly and oppose him outright if the poisonous cancer which he wishes to spread throughout those realms to their detriment and destruction is to be stemmed.

I therefore beg of you, illustrious lordships, mercies, and worships, to consider this momentous, perilous business not as a matter in which I have any vested interest—for my only interest here is to defend it in my capacity as a Christian—but rather as a matter bearing on God and his honour, faith and the universal church, as well as on the spiritual and temporal well-being of the sovereigns of Castile, who will be answerable for the perdition of so many souls of all those who have perished and stand to do so hereafter unless the door to the disastrous course of war-mongering advocated by Dr Sepúlveda is slammed shut. And this excellent assembly must not brook the fallacious reasoning of which he avails himself so as to camouflage and gild his deleterious, vicious viewpoint as he affects to strive for, champion, or defend so-called apostolic authority and the right to dominion over those Indies on the part of the monarchs of Castile and León.

For no Christian can in good conscience lawfully champion and defend apostolic authority or the dominion of a Christian monarch by means of unjust wars, mountains and fields awash with innocent human blood, and the defamation and desecration of Christ and his faith. Rather, in accord with Dr Sepúlveda's fabricated argument, the Apostolic See is defamed and robbed of its authority, the true God is dishonoured, and the true title and sovereignty of the king is—as any right-thinking Christian will easily perceive—obliterated and wrecked. This title and sovereignty cannot be established on the basis of invading those lands and populations and robbing, killing, and terrorizing them under the pretence of preaching the faith—which is precisely how those tyrants who have laid waste to that world by killing such a vast multitude of innocent people in such a cruel and indiscriminate fashion have behaved in the course of their invasions—but rather by means of peacefully, sweetly, and lovingly preaching the gospel so as to introduce, establish, and genuinely institute the faith and kingdom of Jesus Christ in a morally upstanding fashion.

Anyone seeking to grant our sovereigns, the monarchs, the right to supreme jurisdiction over those Indies on any other basis is mightily blind, hateful to God, disloyal to his king, and an enemy of the Spanish populace, whom he is guilty of deceiving most contemptibly, since in actual fact such a person wishes to swell the ranks of hell with souls. And so as to prevent such masses from ending up in that most accursed condition, it would behove your lordships, mercies, and worships (as befits such learned Christian individuals as yourselves) to quash so deleterious and evil a stance.

And though I am convinced that I have already at length in my *Apología* addressed and responded to all conceivable arguments adducible in support of that viewpoint, nonetheless, seeing as the doctor has reprised the points which he believes support his cause by extracting twelve objections from the summary of my *Apología*, it is only right that I should reply to him, demonstrating that each and every one of his solutions is trifling, ineffectual, and worthless.

### First reply

(1) With regard to what the reverend Dr Sepúlveda says in response to what I said about there being many other peoples besides those of the Promised Land who were also idolatrous yet whom God did not order to be destroyed and so forth, the doctor presupposes that this is tantamount to saying that the inhabitants of the Promised Land were therefore not destroyed on account of idolatry either, etc. To this I would answer that the doctor is jumping to conclusions and putting words into my mouth, for it is not my view that they were not destroyed on account of their idolatry and the other great sins of which they were guilty, nor solely on account of the promise which God made to Abraham, since God gives both reasons as grounds for these matters (Deuteronomy 9),<sup>292</sup> but rather that God commanded that they alone should be destroyed and not the others who did not dwell within those bounds—although they too were idolaters and sinners—and that that commandment was reserved for the former peoples in particular for the pair of reasons offered by St Thomas in 4, distinction 39, article 1, ad 1,<sup>293</sup> while St Augustine in Sermon 105 of his sermons *On the Liturgical Season* offers a compelling further explanation for singling them out in this way.<sup>294</sup> For when the commandment is limited to a specific group, the general law stands in opposition to it.<sup>295</sup> The reverend doctor is therefore wrong to reason that, just because God ordered those

<sup>292</sup> Deuteronomy 9:4–5.

<sup>293</sup> Aquinas, *Scriptum super libros Sententiarum Magistri Petri Lombardi*, Bk. 4, dist. 39, art. 1, ad 1. This was Aquinas's commentary on Peter Lombard's *Sententiae*.

<sup>294</sup> The sermon to which Las Casas refers here as Sermon 105 of the *Sermones de tempore* (on the seasonal celebrations of the liturgical year) is not, in fact, to be found within Augustine's *De tempore* sermons. This is, rather, a pseudo-Augustinian work which can be found at Pseudo-Augustine, *Sermones supposititii* 34 (in the numbering of the Appendix to vol. 5 of the 1683 Maurist edition; see *PL* 39, cols. 1811–13), '*alias* de tempore 105'. The sermon is now commonly attributed to Caesarius of Arles and assigned the number 114. See the edition by Germain Morin (1937–42) and the translation by Sister Mary Madeleine Mueller in the second volume of Caesarius's sermons, vol. 47 of the *Fathers of the Church* series (Washington, DC: Catholic University of America Press, 1964), 161–66. We thank James J. O'Donnell for his help in tracking this down.

<sup>295</sup> 'The general law' here renders 'el derecho común', which in turn renders the Latin *ius commune*, a term from Roman law dating back to the jurist Gaius and defined by Adolf Berger as 'the general law, common to all, the law binding on all peoples or all Roman citizens' (*Encyclopedic Dictionary of Roman*



peoples to be destroyed, it follows from this that war waged to subjugate the Indians before they have had the chance to hear any preaching is lawful in that it rids them of idolatry.

(2) And another thing: what underlying rationale did the doctor perceive in the fact of God having ordered the destruction of the aforementioned seven tribes of Canaan in view of their sins and idolatry and everything else combined on account of the promise made to Abraham in the Old Testament—an era of such intransigence towards gentile populations the world over, whereas under the present era of grace and love Christ commanded that they should all without exception be preached to, entreated, invited, and brought to God by means of blandishments, thereby inducing them to give up their rites and idolatry—such that he was led to conclude that the Indians ought by means of warfare to be brought into the fold (it would be more appropriate to say ‘driven away’ and ‘scared off’) as the means of inducing them to forswear their idolatry and all other hindrances to preaching. It is obvious that the reverend doctor is availing himself of specious logic here.

(3) And for another thing: if he claims that he is not proposing that the war to be waged against the Indians is to be undertaken so as to destroy and kill them but rather with a view to subjugating them, it would be instructive to be enlightened on his views as to whether war can be waged without killing anyone or whether the soldiers will kill, rob, capture, traumatize, torment, and drive away at least some proportion of people in the course of these wars, or, alternatively, just how many of them exactly the doctor would have killed, captured, robbed, tormented, traumatized, and driven into the mountains to be fodder for tigers, and where exactly he would draw the line?

(4) And another: how does he reconcile what he says about those other peoples who dwelt outside the Promised Land, whose impieties were (in his view) not so thoroughgoing, being subjugable to the faithful Jewish people through war on account of their heathenism and idolatry, with what it says in Deuteronomy Chapter 23, namely, ‘*You shall not abhor an Edomite, for he is your brother, nor an Egyptian, for you were a stranger in his land?*’<sup>296</sup> For where was there more idolatry than in Egypt, source of all idolatry?

(5) And another: how would the doctor account for the distinction drawn by God in the example he adduces from Deuteronomy 20,<sup>297</sup> in which he commanded

*Law: Transactions of the American Philosophical Society*, v. 45, pt. 2, 527, Philadelphia: 1953). In English, the Latin term is often translated ‘the common law’, but this can be confusing, given the separate development of the English ‘common law’.

<sup>296</sup> Deuteronomy 23:7.

<sup>297</sup> Deuteronomy 20:10, 15–17.



that whenever they went forth to wage war against any city from among those that were 'far away' and distant—which is to say, those that lay outside the Promised Land—the first thing they should do was to offer peace to them, yet when it came to the inhabitants of the Promised Land they were not to offer them peace but rather put them all, young and old alike, to death by the sword? For the interpretations advanced by St Thomas, St Augustine, Nicholas [of Gorran], and El Tostado do not seem to satisfy the doctor. 'When you approach a city to fight against it', he says, 'you shall first offer it terms of peace',<sup>298</sup> and, further along: 'So you shall do to all the cities that are very far away from you and . . . which do not number among the cities of which you are to take possession. But in the cities which are to be given to you, you shall not leave anything alive, but deal death to it with the blade of the sword',<sup>299</sup> etc.

Therefore there must indeed have been some difference between the seven Canaanite nations and those peoples not of the Promised Land, albeit not the distinction which the doctor wishes to draw (namely that the sins of those outside the Promised Land were not inveterate, on account of which the faithful were apparently not to kill them but rather to subjugate them by means of warfare), but rather the one drawn by the venerable exegetes of the Holy Scripture, namely the commandment which the Israelites had received from God instructing them to exterminate the former [i.e. the Canaanites] and broker peace and live in harmony with all the rest, as the Master of Histories [Peter Comestor] remarks with regard to the passage in question in Chapter 11 of his history of Deuteronomy, saying: 'but with neighbouring peoples they should be as peaceful as possible and make covenants with them'.<sup>300</sup> So says the Master [of Histories], from which it seems clear that the Jews were never permitted to wage war against any other people outside the Promised Land on account of idolatry and heathenism unless they had endured some additional form of harm or abuse at their hands, as Nicholas [of Lyra] also notes in that connection,<sup>301</sup> as do both El Tostado—in Question 1 [of his discussion of Deuteronomy 20] and in his commentary on the second book of Chronicles, Chapter 8, Question 5<sup>302</sup>—and Cajetan.<sup>303</sup>

<sup>298</sup> Deuteronomy 20:10.

<sup>299</sup> Deuteronomy 20:15–17.

<sup>300</sup> Peter Comestor, *Historia scholastica*, in ch. 11 of the chapters devoted to Deuteronomy. In the edition published in Lyon in 1543 (publisher unnamed), this passage is on fol. 79v.

<sup>301</sup> This passage rehearses Las Casas's refutation of Sepúlveda's views on Deuteronomy in ch. 13 of the *Apologia* (67v; Poole, 105), where he likewise cites Nicholas of Lyra, El Tostado, and Cajetan.

<sup>302</sup> See n. 51 above. Again, for his discussion of Deuteronomy, *Quaestio* 2 is actually of more relevance than the *Quaestio* 1 here adduced.

<sup>303</sup> The reference is to Tommaso de Vio (Gaetano) in his commentary on Aquinas, *ST* II-II, q. 66, art. 8, available in *Sancti Thomae Aquinatis Opera Omnia Iussu Impensaue Leonis XIII P.M. Edita*, vol. 9 (Rome: Typographia Polyglotta, 1897), 94. Las Casas refers to this passage again in ch. 41 of his *Apologia* (182v; Poole, 263), as does Sepúlveda in the conclusion to his own *Apologia* (V.2).

(6) Furthermore: why is there no mention in the entire Old Testament of the faithful Jewish people waging war against any group outside the Promised Land on account of idolatry and heathenism alone? It goes without saying that, if they had ever waged such a war on those grounds, there would be a record of it in one of the books of the Holy Scripture. As it is, of all the wars which the Jews waged against any peoples who dwelt outside the Promised Land, there is not a single instance—from the Book of Exodus all the way to the tale of the Maccabees—in which the cause was idolatry or heathenism as opposed to offences and abuses suffered at their hands. And if there were such a case, why did the doctor not allude to it?

This proves the utter falsehood of what the doctor maintains about the inter-linear gloss on the words ‘*so you shall do to all the cities that are very far away from you*’, where ‘*far away*’ is taken to mean ‘*of different religion*’.<sup>304</sup> The reverend doctor would use this gloss to prove that the Jews were permitted to wage war against infidels on grounds of religious difference alone, and that we Christians today may do likewise. Just how contrary this is to the gospel of Christ, who said, ‘*Go forth and teach all the nations, baptizing them in the name of the Father, the Son and the Holy Spirit, teaching them to observe all the commandments I have given you*’,<sup>305</sup> and to the words ‘*He who believes will be saved, but he who does not believe will be condemned*’,<sup>306</sup> and how contrary to the entire doctrine and deeds of the Apostles and practice of the universal church, let any learned Christian be the judge.

(7) But for clearer evidence still of just how back-to-front the doctor has got things, let the selfsame gloss he adduces speak for itself. For at the very same point in that gloss in the words immediately preceding, which he passed over in silence as they did not serve his purposes, the whole of Deuteronomy 20 is expounded in an allegorical and moral sense. And seeing as this interpretation is not supposed to be open to debate, as Dionysius and St Augustine both state,<sup>307</sup> yet nonetheless the doctor adduces the gloss in his favour, he must by the same token suffer it to be used against him.

The gloss on that passage says that ‘*to fight against a city*’<sup>308</sup> is a reference to ‘*the conclaves of the heretics or the outside world or any outsider, who opposes*

<sup>304</sup> See n. 205 above.

<sup>305</sup> Matthew 28:19–20.

<sup>306</sup> Mark 16:16.

<sup>307</sup> Augustine and Dionysius (in reality, pseudo-Dionysius the Areopagite) seem to be adduced here in support of taking biblical teachings—here, specifically that of Deuteronomy 20—in an allegorical sense as opposed to in the more literal form which Sepúlveda champions. Augustine’s discussion of the interpretation(s) of Deuteronomy 20 can be found in the *Glossa Ordinaria* (fol. 353r–353v in the 1545 Trechsel edition). Pseudo-Dionysius does not discuss Deuteronomy 20 specifically but does advocate non-literalist interpretation of the Old Testament at, for instance, *Divine Names*, ch. 4, §11; and see also his ninth letter, to *Titus the Hierarch*, discussing biblical language about God that is confusing when taken literally but needs proper mystical explanation; as well as the Pseudo-Dionysian *Celestial Hierarchy* (9.3) also cited in ch. 42 of Las Casas’s *Apologia*, in which he argues against action against idolaters on the grounds that, according to Dionysius, the angels accomplish that task among the nations without violence. Perhaps, then, this is what he was thinking about here, as an alternative to violent human action to spread the gospel.

<sup>308</sup> Deuteronomy 20:10.

the spirit'. And on the phrase, 'you shall first offer it terms of peace',<sup>309</sup> the same gloss says that by proclaiming 'peace to this house' [you shall offer] 'Christ, who is our peace, who makes both sides into one.' And on the words, 'However, if it does not make a covenant with you, then you shall attack it',<sup>310</sup> the gloss says: 'On the authority of Scripture.' And on the words, 'You shall smite it with the blade of the sword', the gloss clarifies: 'which is the Word of God.' And then, further along, on the words, 'Thus you shall do to all the cities that are very far away from you',<sup>311</sup> the gloss offers the words which the doctor draws upon to his own detriment: 'of a different religion'.

For if, according to this very gloss, the cities and communities of the heretics are first to be offered Christ himself, who embodies true peace, through preaching as opposed to armed means, and, in the event that they prove unwilling to receive him by means of the faith, that we should engage them in combat in which our weapons are the authorities of the Scripture and of truth, smiting them with the sword that is the Word of God, and if God further stipulates that this is how we should deal with all cities and confederacies far away from us (which is to say: that are outside the church on account of their heathenism), then it follows that to all heretics—and most especially to those others who have never received the faith nor caused any offence to the church—we should first offer peace, proclaiming and bringing them tidings and knowledge of Christ himself, son of God, who is the truth. And the fight waged against them must be by means of the authorities of the Scripture, and wounds inflicted with the sword of the gospel by means of harmless, sweet preaching performed with meekness and humility.

(8) And that our implacability towards and fight against the infidels should be by means of the sword of the Word of God (as the gloss says) and that it is with that that we are to slay them<sup>312</sup> wherever they refuse to receive us is demonstrated in Isaiah 11, on the subject of the coming of Christ and of precisely this most gentle manner of preaching of the gospel: '*Then a rod will spring from the stem of Jesse*',<sup>313</sup> and, shortly afterwards, '*And he will strike the earth with the rod of his mouth, and slay the wicked with the breath of his lips*',<sup>314</sup> etc. This is a very different type of war and death indeed from the one envisioned by Dr Sepúlveda.

(9) And so, how does the doctor find support in this gloss—just because it says '*of different religion*'—for the notion that infidels who have never received the faith should first have war waged upon them for no other reason than their idolatry and

<sup>309</sup> Deuteronomy 20:10.

<sup>310</sup> Deuteronomy 20:12. The word here translated as 'covenant' is '*foedus*' in the Latin—or *fedus*, as it is spelled in the 1552 text. In the Tudela Bueso *Tratados* edition this is mistranscribed as '*sedus*' (seat).

<sup>311</sup> Deuteronomy 20:15.

<sup>312</sup> We follow the spacing of the manuscripts here (CR, 207r; MR, 233r): 'y con él los ayamos de matar' (where *él* = *el cuchillo de la palabra de Dios*, 'the sword of the Word of God') for the 1552 edition's 'y con ellos ayamos de matar'.

<sup>313</sup> Isaiah 11:1.

<sup>314</sup> Isaiah 11:4.

heathenism, or for the idea that the Jews could subjugate any other peoples on the same grounds? It would appear that the reverend doctor is injuring himself with his own weapons and wounding himself in the forehead. And it is astounding how, to stop himself from tumbling down, he clutches at twigs which have no strength either, like foliage or fronds. It emerges, then, that his claim that difference of religion alone constituted grounds for subjugating infidels through warfare either in the Old Testament or at any other time before or since—and least of all under the law of grace—is false indeed.

(10) To counter my point about how the examples in the Old Testament are not meant as models for imitation in the New Testament but rather sources of admiration, as is evident from many testimonies of the saints and canons from [Gratian's] *Decretum* of the church (2, q. 7, Chapter 'Nos si'; 22, Q. 2, Chapter 'Si quis'; and 14, q. 5, Chapter 'Dixit dominus'),<sup>315</sup> the reverend doctor answered that this does not apply to the precepts of natural law, such as cases of idolatry, which was punished, etc. To this I would say that nothing he says on that subject is of the slightest consequence, for he does not offer a satisfactory response to the testimonies and arguments put to him and his followers in my *Apología*.<sup>316</sup>

(11) With regard to the testimony of St Cyprian in his book, *Exhortation to Martyrdom*,<sup>317</sup> I would respond that St Cyprian's thrust and wording are the complete opposite of Dr Sepúlveda's; for what St Cyprian means to convey there is that reversion to idolatry on the part of gentiles who had once received the faith (something which in St Cyprian's day was practically an hourly occurrence) should not be tolerated by any Christian, even if he should be put to death on that account.

And for this reason he [St Cyprian] endorses and promotes the act of martyrdom, adducing those words from Deuteronomy 13: 'If your brother ... or your son ... asks of you, "Let us go and serve other gods", ... you shall not give him

<sup>315</sup> *Decretum* C. 2, q. 7, c. 41 (*Nos si*) is largely devoted to Gratian's comment on a letter of Leo IV to the Frankish king Louis II in which Gratian expounds the view that popes and other spiritual leaders have the authority to correct secular leaders, through excommunication if necessary. C. 22, q. 2, can. 19 (*Si quis*) is a passage from Gregory I's *Moralia in Iob* (18.3), countering those who think swearing by the Old Testament will suffice to justify their actions and thus is in keeping with the general context of denouncing improper use of the Old Testament as a model for Christian behaviour. C. 14, q. 5, can. 12 (*Dixit Dominus*) is a passage from Augustine's question 39 on Exodus (in the *Questiones in Heptateuchum*, Bk. 2), discussing God's command to Moses to have the Israelites 'borrow' gold and other precious stuff from Egyptian neighbours before fleeing Egypt: the point is likewise that one cannot take this injunction in the Old Testament as a literal guide to proper Christian action.

<sup>316</sup> As noted at n. 30, Las Casas frequently mentions his *Apología/Apologia* in his 'Replies' and we generally take it as the Spanish *Apología*. However, Las Casas appears to have used his Latin *Apologia* as his source for his 'Replies' on at least one occasion, as noted at n. 413. In the manuscripts (CR, 207v; MR, 233v), Las Casas adds: 'folio 38, página 1a'. This is the first of several specific references to page numbers of the *Apologia* in this manuscript—all of them omitted in the printed version. These numbers do not correspond to the folio numbers of the surviving manuscript of the Latin *Apologia*.

<sup>317</sup> Cyprian, *Ad Fortunatum de exhortatione martyrii*, §5 (quoted in Gratian, *Decretum*, C. 23, q. 5, c. 32).

your consent and your eye will not pardon him and your hand shall be upon him,<sup>318</sup> etc. And further along it says that if one of the Hebrews' own cities—not one of the cities of the idolatrous gentiles who had not received the law and did not number among the peoples of the Promised Land—were to be utterly polluted with idolatry, then the whole city should be devastated and destroyed, which is expressed as follows: 'If you should hear in one of your cities, which the Lord your God shall give to you to live in, anyone saying . . . "Let us go and serve other gods",<sup>319</sup> you shall kill them', etc. This is patently a reference to the Hebrews themselves, for that the Canaanites were to be exterminated by the Israelites upon their arrival was not in doubt. Still less is it a reference to the other idolaters who dwelt outside the Promised Land, for it says: 'If you should hear [i.e. *Si audieris*] in one of your cities, which the Lord your God shall give to you . . .',<sup>320</sup> etc. And this is the very '*Si audieris*' which the chapter '*Si audieris*' (22 23, q. 5) in the canons from [Gratian's] *Decretum* adduced by Dr Sepúlveda takes as its point of departure.<sup>321</sup> Gratian appealed to this in support of his own point, namely to prove that killing wrongdoers does not go against the fifth commandment of the Decalogue.

St Cyprian concludes, then, in a holy and learned fashion by reasoning *a minori* as follows: if prior to the coming of Christ, *with regard to the worship of God* it was lawful and divinely mandated that apostatizing from the faith once received and reverting to idol worship should be punishable by death, then this was all the more to be observed in the wake of Christ's Advent.<sup>322</sup> This is what St Cyprian says and sets out to accomplish in that book, as can be seen there in Chapter 5;<sup>323</sup> and to underscore the point further he spends the other chapters expounding just how terrible the sin of idolatry is and how draconian the punishment which God routinely metes out for it. What emerges is thus manifestly the opposite of what the doctor alleges, and the proof offered in this reply ought to suffice for the doctor to be resoundingly repudiated by such illustrious individuals as yourselves as the most intransigent and unjust adversary of the Indians that he is, without rhyme or reason, and all of his own volition.

<sup>318</sup> Deuteronomy 13:6, 8.

<sup>319</sup> Deuteronomy 13:12–13. *Interficiet eos* is a restatement of Deuteronomy 13:9 or a paraphrase of Deuteronomy 13:15.

<sup>320</sup> Deuteronomy 13:12.

<sup>321</sup> Gratian, *Decretum*, C. 23, q. 5, c. 32. This canon is taken from Cyprian, here quoting Deuteronomy 13:12.

<sup>322</sup> Cyprian, *Ad Fortunatum de exhortatione martyrii*, §5, as in n. 317 above. The words '*circa Deum colendum*' ['with regard to the worship of God'] are taken directly from Cyprian's Latin, and then the latter part of the sentence is Las Casas's translation into Spanish of the rest of Cyprian's remark on that subject.

<sup>323</sup> See previous note.

## Second reply

(1) With regard to the second objection, which revolves around the parable ‘*compel them to come in*’<sup>324</sup> and in which connection the reverend doctor raises the matter of the two eras of the church as defined by St Augustine, everything in his answer is frivolous and false, and he does not say a single thing worth countenancing or even dignifying with an answer, and he falsely adduces the letters of St Augustine, for they all explicitly contradict his position, given that St Augustine is referring only to heretics, not to gentiles, as far as our purposes are concerned. That the church never forces or obliges anyone to do anything to which they have not made a commitment is amply demonstrated in my *Apología*.<sup>325</sup>

## Third reply

(1) With regard to what he says in the third objection, namely that St Augustine is referring in those letters to pagans as well as to heretics, I would answer that when St Augustine includes or alludes to the case of the pagans it is not because he is equating the two, but rather because he is talking about the law which Constantine passed to outlaw idolatry among his own subjects. The law in question is the first one [in the *Codex Justinianus*]: see the chapter ‘*On pagans and their temples*’,<sup>326</sup> and note also the other laws passed in turn by subsequent emperors, his successors.

That the laws in question were designed with reference to those idolaters who were imperial subjects can be clearly seen, to begin with, from the fact that Constantine directed the aforementioned first law at Taurus,<sup>327</sup> who was a praetorian prefect and governor or adjutor of a particular province, and the same goes for the laws passed by the other emperors, as is evident from their titles; and indeed any ruler is fully within his rights to outlaw idolatry in his own kingdom—as is true of any other public sin, only in this case even more rightly so—thereby putting a stop to all notorious villainy. Secondly, it goes without saying that nobody has the power to impose laws beyond their own territory and jurisdiction, as is plain to see in the last law of the Title *De jurisdictione omnium judicum*.<sup>328</sup> The third

<sup>324</sup> Luke 14:23.

<sup>325</sup> Las Casas deals with this in his Latin *Apología*, ch. 42, 185r–189v; Poole, 267–73. In the manuscripts (CR, 208r; MR, 235r), this reference includes page references: ‘en la hoja 7, página 2a, con las siguientes y en la hoja 31, página 1a de nuestra Apología’.

<sup>326</sup> *Codex Justinianus*, Bk. 1, tit. 11: ‘*De paganis et templis eorum*’. The near-identical chapter (‘*De paganis, sacrificiis, et templis*’) in the *Codex Theodosianus* (Bk. 16, tit. 10.4) might also spring to mind, but, crucially, the law issued to the praetorian prefect Taurus is not the first item there, whereas it is first in the *Codex Justinianus*.

<sup>327</sup> Both Las Casas and Sepúlveda attribute this imperial law to Constantine (presumably Constantine I), but in fact it was a law issued by Constantius II in 354.

<sup>328</sup> *Codex Justinianus*, Bk. 3, tit. 13, law 7: ‘*De jurisdictione omnium judicum et de foro competentis*’. The part of this title which he does not quote, ‘*de foro competentis*’, is in fact the part most germane to Las Casas’s purposes, for it concerns the proper remit of a judge’s jurisdiction.



point can be gleaned from the first law in the chapter in the title *de summa trinitate*, which opens with the words: ‘*all the peoples over whom the rule of our clemency reigns*,’<sup>329</sup> etc.

Thus, he [Constantine] cannot mean for this to be imposed upon those populations not subject to him, as the doctors indeed observe in that connection; and see also the chapter *Canonum statuta* [of the title] *de constitutionibus*.<sup>330</sup> It follows, then, that the emperors imposed the aforementioned laws against idolatry only upon those idolaters who were their subjects and who dwelt within the bounds of the empire.

(2) As to what the doctor goes on at this point to say about force having been used in St Gregory’s day against non-subject gentiles too in the course of the wars waged by Gennadius purely so as to be in a position to preach the gospel to them once they had been subjugated, I would say, with all due respect, that this is entirely false, as can be seen from the very letters of the saint himself which Sepúlveda adduces.

For in the letter which begins ‘*si non ex fidei*’, St Gregory expresses his gratitude to Gennadius the Patrician and praises his wars because, by dint of strenuous fighting, he succeeded in triumphing over the infidel tyrants and seizing back certain communities known as Dacans, whom they had usurped from the church, and also against the heretics who were corrupting the Christians. The matter of the former can be seen from these words which appear in the letter in question: ‘*For it is our understanding that Your Excellency has rendered many greatly useful services for the pasturing of the sheep of the blessed Peter, prince of the Apostles, by restoring to him sizeable regions of his patrimony which had been denuded of their own cultivators by supplying—that is, by reinstating—its Datian or Dacan inhabitants*.’<sup>331</sup>

<sup>329</sup> *Codex Justinianus*, Bk. 1, tit. 1: ‘*De summa Trinitate, et Fide Catholica, et ut nemo de ea publice contendere audeat*’, corresponding to the Edict of Thessalonica, issued by Gratian, Valentinian II, and Theodosius in 380.

<sup>330</sup> The reference is clearly to X.1.2.1, i.e. ch. 1 (the incipit is *Canonum statuta*) of title 2 (*De constitutionibus*) of Bk. 1 of the *Decretals* of Gregory IX, a chapter taken from a decree of the Council of Meaux (845). But Las Casas surely meant to refer to the modification of this chapter issued by Boniface VIII (1294–1303), in which he declared, contrary to the council’s ruling, that ignorance of the law was a legitimate excuse for a wrongdoer. Boniface’s ruling is in *Sextus liber Decretalium*, Bk. 1, tit. 2, c. 1.

<sup>331</sup> Gregory I, Letter 1.75 (= 1.73 Norberg), to Gennadius, exarch of Africa. Las Casas’s version of the Latin differs somewhat from the way the text appears in editions of Gregory’s letters (for example, Froben’s of 1550) or in Gratian, C. 23, q. 4, c. 49. He glossed the participle in the phrase *largitis . . . habitatoribus* (‘with settlers having been supplied’) by adding ‘i.e. [= *id est*] *restitutis*’ (‘that is to say, restored’), to suggest that Gennadius was simply resettling people who had already been under Roman (and hence Christian) authority but had been carried off by barbarians beyond the borders of the empire. Also, while most texts of this letter offer either ‘Datians’ or ‘Dacans’, Las Casas included both: *datiorū vel dacorū*. Commenting on this passage, John R. C. Martyn maintains that ‘[t]hese *datitii* (or *dedititii*) were enslaved barbarian captives of the Romans, who cultivated plots of land (*datitia*) in return for taxes on produce, more profitable than the free farmers’ contributions. The word only appears here in Gregory.’ (*The Letters of Gregory*, *Mediaeval Sources in Translation* 40: Toronto: Pontifical Institute of Mediaeval Studies, 2004, vol. 1, 187n349.) It is doubtful that Las Casas had any idea who they really were, but he made a strategic guess here.



(3) It goes without saying that in the case of the infidels at issue here [i.e. the 'Indians'] St Peter does not strictly speaking have any sheep, nor rightful territory nor places divested of their original inhabitants needing to be returned to him; and nor are they enemies or foes of the church worthy of the phrase '*in wars against our enemies*', as shall emerge from what follows, for we submit that they are people who reside peacefully in their own realms and lands and have not ousted us from any of ours. This means that the wars waged by Gennadius were not with a view to subjugating them solely in order to preach the faith to them.

This second point can likewise be demonstrated courtesy of St Gregory in Letter 72—which antedates the aforementioned one likewise addressed to Gennadius—in which, referring to the heretics and infidel tyrants alike, he says: '*Just as the Lord has made Your Excellency shine with the light of victories in wars against our enemies in this life, so too should you combat the enemies of his church with every fibre of your mind and body . . . both by vigorously opposing the enemies of the Catholic Church in public wars on behalf of the Christian people and also strenuously engaging in ecclesiastical battles as warriors of the Lord, for it is known that—if they are (heaven forbid) given the opportunity to inflict harm—men of heretical religion rise up violently against the Catholic faith, striving as best they can to infuse the limbs of the Christian body with the poison of their heresy, thereby polluting it. For we have learned that they, to whom the Lord is opposed, are lifting their necks up against the Catholic Church and that they wish to overturn the faith of the Christian name. But let Your Eminence quash their attempts and pin down their arrogant necks with the yoke of righteousness.*'<sup>332</sup>

It follows from this that, in the letters to which the doctor refers, St Gregory is speaking about infidel enemies who were guilty of usurping cities and lands belonging to the church (meaning either the Vandals or else Moorish peoples from Mauritania, who were savage heathens; Victor the Bishop makes reference to both groups in Book 2 of his *Historia ecclesiastica*,<sup>333</sup> as does Paul the Deacon in Book 1, Chapter 17, of his history of the Lombards)<sup>334</sup> and about the Manichean and Arian heretics (of whom there were a great many in Africa at that time—as can likewise be seen from Victor's *Historia* in his discussion of persecution in Africa—responsible for splintering and poisoning the church). And these are the wars of which he [St Gregory] sang the praises to Gennadius. And it is for this reason that he [Gregory] ends by beseeching God for solace, praying that, once the obstacles which made it impossible to preach to them or which kept them from converting

<sup>332</sup> Gregory I, Letter 1.74 (*PL*); 1.72 (Norberg). The letter is quoted in its entirety in Gratian, *Decretum* C. 23, q. 4, c. 48.

<sup>333</sup> Victor Vitensis (Victor of Vita), *Historia persecutionis africanae provinciae, temporibus Genserici et Hunirici regum Wandalorum*, Bk. 2. See the useful modern translation by John Moorhead, *History of the Vandal Persecution* (Liverpool: Liverpool University Press, 1992).

<sup>334</sup> Paul the Deacon [Paulus Diaconus], *Historia Langobardorum*, 1.17.

had been removed by neighbouring or nearby peoples, the holy name might be spread.

(4) This means that the wars in question were not waged simply to eradicate idolatry or to subjugate peaceful heathens by means of bloodshed, as the doctor would have it, twisting the statements of the saints to suit his purposes with no grounds nor justification whatsoever, as will be obvious from everything just said. And as this has already been abundantly demonstrated in my *Apología* by means of all manner of other arguments and proof-texts, there is no need to return to this point again in what follows.

#### Fourth reply

(1) With regard to the fourth objection,<sup>335</sup> my response to the doctor's argument in the foregoing reply goes a long way to answering this next one as well. But as for his contention that it is incumbent upon the prelates and above all the pope to encourage kings to undertake lawful wars, as when Pope Adrian prevailed upon Charlemagne to wage war upon the Lombards, I would say that the doctor is forever trying to parry all possible objections which manifestly pose problems to his purpose by appealing to a single argument or authority, like a man bent on curing both the cataract in his eye and the gash at the back of his head with a single compress.

(2) As to the point at issue here I would say that it is for prelates and above all the pope to urge and command Christian monarchs to defend the holy universal church and—should it prove necessary to this end—to wage wars and wreak devastation upon all those who affront and assail it, as was the case with the Lombard tyrants and the powerful heretics and any heathens or individuals of greater and lesser status who seek to beset and bedevil it. And in this context the prophecy and second era to which St Augustine refers find fulfilment: '*all kings of the earth shall bow down before him*'<sup>336</sup>—a notion in which the doctor exults and which he believes serves his cause.

But the conclusion to be drawn from this is not that it is for prelates or the pope to encourage monarchs to follow in the footsteps of Mohammed, harassing and ravaging, robbing, capturing, killing, and devastating peaceful, tranquil populations (albeit heathen ones) who reside and dwell in their own lands and kingdoms, without causing trouble to us or any other nation. Jesus Christ, supreme pontifex from whom the pope and prelates derive their spiritual and hence also temporal

<sup>335</sup> After the first sentence, the first three sections of this Reply represent additions to the 1552 edition; they are missing in both manuscripts (CR, 290v; MR, 237r). See Abril-Castelló's discussion of this extensive omission: 'La bipolarización Sepúlveda-Las Casas', 244 and n. 35.

<sup>336</sup> Psalm 72 (71):11. Augustine cites this Psalm in Letter 173.10.

authority, entrusted these peoples to them and ordered them to bring them to his holy faith and into his church by means of peace, love, and Christian deeds, speaking to them as to meek sheep, wolves though they might be.

And so, the duty of the supreme pontiff, general vicar of Christ, and of the prelates—all of whom are likewise representatives of the Son of God himself in their respective bishoprics—is, rather, to prevent any Christian monarch who conceives a desire to undertake these kinds of unjust wars from embarking upon or engaging in them even so much as in thought, and the monarchs are obliged to obey them as they obey Jesus Christ himself, on pain of mortal sin and being guilty of committing gross sacrilege. And this can be seen from the passage in St Thomas (*Secunda secundae*, q. 40, art. 2 ad 3)<sup>337</sup> which the doctor adduces (though it is hardly to his advantage to do so), in which he [St Thomas] says that the power or art or virtue of a given end should determine, direct, and prescribe the means to be employed to achieve that end.

(3) The end towards which Christ, the pope, and the prelates—and so too the sovereigns of Castile, devout Christians themselves—strive, as they are duty-bound to do, in the Indies and in relation to the Indies is the preaching of the faith for the salvation of the people there. And the means to this end are not robbing, ag-grieving, capturing, and dismembering men or devastating kingdoms and causing the faith and Christian religion to reek and be reviled among peaceful heathens; this is the sort of behaviour expected of cruel tyrants, enemies of God and of his faith, as we have by now demonstrated, discussed, and addressed on many occasions in our bid to counteract the doctor's obstinacy and blindness.

(4) As to the rest of what he reports from St Thomas in his discussion of the matter of Constantine (at *Secunda secundae*, q. 10, art. 11), namely that the rites of the infidels 'are not to be tolerated in any way' among one's own gentile subjects.<sup>338</sup> we grant that this is indeed the case in instances where it can be done without uproar and the death and destruction of the peoples in question and without adversely affecting their likelihood of conversion or posing a menace to any other matter of importance, which is what St Thomas actually says there—and not by means of the sorts of verbal contortions and glosses of which Dr Sepúlveda avails himself, but rather perfectly plainly.

And these are his very words, which the doctor ought to shrink from relaying and refrain from glossing in the terms of his warped, murky interpretation: '*The rites of infidels are not to be tolerated in any way, except perhaps for the purposes of*

<sup>337</sup> Aquinas, *ST II-II*, q. 40, art. 2 (not 1, as in the 1552 printing) ad 3. Las Casas expands and paraphrases here. The standard English translation of the English Dominicans offers: 'every power, art, or virtue that regards the end, has to dispose that which is directed to the end.'

<sup>338</sup> Aquinas, *ST II-II*, q. 10, art. 11, co. Las Casas introduces the Aquinian citation with a paraphrasing Latin lead-in of his own, hence the italicized text without inverted commas. '*Ritus infidelium*' [the rites of infidels] occurs on many occasions in—and is the whole subject of—q. 10, art. 11, albeit not in that very sentence.

*averting some evil, in other words, to avoid a scandal or the devastation which might ensue from it or the obstruction to the salvation of those who, thus tolerated, would slowly be converted to the faith. For this reason the church once upon a time tolerated the rites of heretics and pagans, back when the population of infidels was extremely large.*<sup>339</sup> These are St Thomas's words. What clearer proof could there be of the way in which the doctor falsifies and warps the pronouncements of the saints, just as he does with the Holy Scripture? And St Thomas's words there likewise reveal the sheer irrelevance of the gloss which the doctor supplies at that point, namely '*which is to say, before there were Christian princes who could exercise coercion*', for which the burden of proof remains with him.

(5) What could be more grievous than inspiring the heathens with hatred, abhorrence, and loathing for the faith before they have even heard its doctrine? What greater form of destruction than butchering countless people in the course of warfare? What greater barrier to the salvation of the heathens than casting vast numbers of souls down into hell and prompting those who escape with their lives never to convert; or if, out of fear, they do go through the motions of converting, for their faith never to be true, but merely feigned? And where has the church ever had within its reach a greater multitude of heathens more amenable, more lacking in impediments to embracing the faith and more readily receptive to conversion (so long as tyrants do not annihilate them before they have had the chance to be exposed to preaching) than the Indians in our Indies?

The teachings of St Thomas, which Dr Sepúlveda himself adduces in support of his own cause, are thus at variance with the misguided notions which the doctor wickedly propounds.<sup>340</sup> And so the poisoned arrows in which he trades and which he burns to launch contrary to all that is good and to the detriment of the law of the gospel, turn against him and become lodged in his own breast.

(6) And as for the passage he adduces from St Thomas in the eighth article there [i.e. in q. 10] in which,<sup>341</sup> in the course of enumerating the grounds for warfare against heathens who obstruct the faith, he identifies three modes of obstructionism—namely through profane behaviour, by persuading others to abandon it or not to embrace it in the first place, or by means of public persecution—I would firstly say that he is arraigning St Thomas on false charges here in claiming that his discussion there is of the grounds for the wars waged by Gennadius and the imposition of the gospel under duress, for St Thomas says no

<sup>339</sup> Aquinas, *ST II-II*, q. 10, art. 11, co.

<sup>340</sup> The word here translated as 'wickedly propounds' is '*dogmatiza*' (from *dogmatizar*): note that the lexicographer Sebastián de Covarrubias in his early seventeenth-century dictionary, the *Tesoro de la lengua castellana o española*, notes of the cognate adjective '*dogmatizante*' (under '*dogma*', 3) that 'we always take it in the pejorative sense to refer to someone who teaches errors contrary to the faith; the Holy Inquisition punishes those people severely, rightly, and justly'. If taken in the full sense of the word, this would indeed be a strong charge levelled at Sepúlveda.

<sup>341</sup> Aquinas, *ST II-II*, q. 10, art. 8, co.

such thing.<sup>342</sup> Secondly I would say that none of the three aforementioned grounds for war militates against the Indians, for obvious reasons.

(7) And as to what he next proceeds to adduce from St Thomas, q. 94, art. 3, ad 2,<sup>343</sup> in support of the idea that idolatry entails immense blasphemy, we have already demonstrated in our *Apología* that anyone runs the risk of going astray here, whether from ignorance or from malice. This is because, in the first passage just cited (q. 10, art. 8),<sup>344</sup> St Thomas is not referring to the sort of blasphemy that arises from accidental idolatry, which is the sort whereby idolaters mean no offence to God; on the contrary, they believe that, in so doing, they are worshipping and serving him [God], though in reality it is blasphemy arising from idolatry, *but of the accidental variety, which is to say, unintentionally on the idolaters' part*. And this is the variety to which St Thomas is referring in the aforementioned q. 94,<sup>345</sup> and is, when it comes to infidels who have not previously received the faith, for no mere mortal judge to punish. This can be demonstrated by the fact that, in performing the rites and ceremonies prescribed by their laws, the Jews and the Moors are blatantly committing blasphemy due to the blasphemy which those practices entail, just as all that they do in the course of their rites and ceremonies contravenes, jeopardizes, and damages our holy faith, and thus counts as an instance of the accidental variety, as per the testimony of St Jude Thaddaeus the Apostle in his canonical pronouncement: '*But these people blaspheme all the things that they do not understand*.'<sup>346</sup> All the same, the church does not punish them for it, for it tolerates these practices in them, although they are their subjects and it would be easy and straightforward for it to do something about it.

(8) But the sort of blasphemy which the church penalizes and punishes is the type in which the Moorish and Turkish infidels engage on purpose by disparaging, undermining, or profaning our faith so as to prevent those who would otherwise embrace it from doing so, for instance by casting aspersions on Our Saviour Jesus Christ or on his saints or his church. This is the type of blasphemy to which St Thomas is referring in the aforementioned q. 10, art. 8,<sup>347</sup> as noted in that connection by Cajetan and by the most learned *maestro* Vitoria in their respective interpretations of that eighth article.<sup>348</sup>

<sup>342</sup> Las Casas's first point here ('I would firstly say ...') is a late edition to the 1552 edition, for it is missing in the manuscripts (CR, 210r; MR, 238r).

<sup>343</sup> Aquinas, *ST II-II*, q. 94, art. 3, ad 2.

<sup>344</sup> Aquinas, *ST II-II*, q. 10, art. 8, co.

<sup>345</sup> Aquinas, *ST II-II*, q. 94, art. 3, ad 2.

<sup>346</sup> Jude 1:10.

<sup>347</sup> Aquinas, *ST II-II*, q. 10, art. 8, co.

<sup>348</sup> Cajetan's commentary on Aquinas's *ST II-II*, q. 10, art. 8, may now be consulted, for instance, in *Angelici Doctoris Sancti Thomae Aquinatis Summa Theologica in Quinque Tomos Distributa, cum Commentariis Thomae de Vio Cardinalis Cajetani* ... (Padua, 1698), 78; the commentary on the article in question is headed '*Num bene fieret, si infideles cogarentur ad fidem*'. On Vitoria's comments—offered in the course of his lectures—on this article, see *Vitoria, Comentarios a la Segunda secundae de Santo Tomás*, 6 vols., ed. by Vicente Beltrán de Heredia (Salamanca: Biblioteca de Teólogos Españoles, 1932).

(9) In other words, St Thomas does not mean that war may be waged against infidels on account of blasphemy of every kind. Dr Sepúlveda is mistaken, then, as is demonstrated at greater length in our *Apología*. Everything else which the reverend doctor adduces or rather mangles from the letters and pronouncements of St Augustine is improperly and wrongly adduced and entirely baseless, for his procedure is to scour the statements and doctrine of the saints solely with a view to finding things with which he can mask, excuse, or festoon his own poisonous doctrine.<sup>349</sup>

### Fifth reply

(1) As to the way he addresses the fifth objection, submitting his own interpretation and elucidation of the meaning of the Apostle St Paul's words in 1 Corinthians 5—'*For what business of mine is it to judge those who are outside?*'<sup>350</sup>—I would say that, just as the doctor readily offers that interpretation off the top of his head, so too can it be just as readily dismissed, for he offers no proof; and what the jurists have to say about such behaviour is that, '*We blush to speak with no legal basis*' (in the chapter *de collationibus* from the law which opens '*illam*', etc.).<sup>351</sup>

This is especially true given that what he says runs counter to the meaning ascribed to those words by all the Greek and Latin doctors. And in my *Apología* I have already proven by means of ten utterly watertight arguments and numerous irrefutable authorities that it is not for the church to punish idolatry or any other sin committed by heathens who never received the faith there in their remote regions within their own self-contained territory. For it does not have the right of contentious jurisdiction over them other than in the six exceptions which I listed there.<sup>352</sup> When he says that '*the power to which a given end pertains should dictate the means to that end*',<sup>353</sup> it is the truth—insofar, at least, as '*the means are proportioned to the end*'<sup>354</sup> and lead to the accomplishment of that end or are of use. But as

<sup>349</sup> This concluding dig at Sepúlveda's methods ('for his procedure is ...') was a flourish added to the 1552 printing, as was 'or rather mangles' ('o arboruja') earlier in the sentence; these are missing in the manuscripts (CR, 210r; MR, 238v).

<sup>350</sup> 1 Corinthians 5:12.

<sup>351</sup> Though Las Casas attributes this saying to 'the jurists', it was coined by the great medieval civil lawyer, Bartolus de Saxoferrato (Bartolo da Sassoferrato, 1313–1357). The source given in the text is Book 6 of the *Codex Justinianus*, Title 20 (*De collationibus*), Lex 19 (*Illam*), on which Bartolo's comment took the form '*Erubescimus aliquid dicere sine lege*'. Despite his citation of commentary on the *Codex*, however, Las Casas's citation of it here ('*Erubescimus cum sine lege loquimur*') corresponds to the way it appears in Bartolo's comment on a similar law in *Novels (Novellae constitutiones)*, 18.5. We are grateful to Benjamin Straumann for helping clarify this.

<sup>352</sup> 'Contentious jurisdiction' is a legal term.

<sup>353</sup> Aquinas, *ST II-II*, q. 40, art. 2, ad 3.

<sup>354</sup> Aquinas, *ST I-I*, q. 47, art. 1, arg. 3.

for the things that serve to hinder or even to forestall that end, or most especially those things which are destructive to that end, these should be cast out far from themselves as things which are harmful and inimical to that end.<sup>355</sup>

(2) Everything which the doctor asserts is so clearly utterly deleterious to the goal which God, the church, and the sovereigns of Castile share as their common objective and which the latter are obliged to attain by means of conventional, Christian means befitting of the cause, namely the honour and glory of the Holy Name, the establishment of the faith, and the salvation of all those souls by preaching the gospel sweetly, lovingly, and peacefully.

For to have wars precede the gospel—which, as the doctor notes, was and is the route espoused by Mohammed to spread his sect—is (as all right-thinking Catholic men know only too well) a source of affront to the honour of God, causes the infidels to loathe and detest the name of Christianity and Christ himself, constitutes a surefire way to decimate and devastate the peoples with whom the Indies are so densely populated, and, lastly, condemns an infinitude of souls to perish and burn in hell for all eternity, meaning that God and the church and the sovereigns of Castile are thwarted in their aforementioned objective, giving rise to so many abominable evils. This is what Dr Sepúlveda has embraced and established as his principal purpose, as I have abundantly and unequivocally demonstrated in any number of my Spanish and Latin writings, including my aforementioned *Apología*, in my bid to disprove him and his followers.

### Sixth reply

(1) As to what he claims that I said about Christ not having granted power over the whole world to St Peter, for he did not possess such power *in actu* but only *in potentia*, I deny what he says, for no statement to that effect is to be found anywhere in my whole *Apología*. What I said there<sup>356</sup> and will say again now is that heathens who have never received the faith are not properly speaking part of the forum of the church, not least—among the various other pieces of evidence or proof which I adduced—because they are not current subjects of Christ, for the fact of the matter is that infidels and sinners are rebels who are not subject to Christ owing to their lack of faith and recalcitrant spirit, as can be seen in Romans 10—‘*Not all obey*

<sup>355</sup> The italicized words outside inverted commas here are not from Aquinas, but appear to be Las Casas's own Latin extrapolation. Venancio Carro cites precisely this phrase (along with the preceding Aquinian dictum) as representing the thought of Las Casas (*La teología y los teólogos-juristas españoles ante la conquista de América*, 2nd ed. (Salamanca: Biblioteca de Teólogos Españoles, 1951), 637).

<sup>356</sup> In Las Casas's Latin *Apología*, this is in ch. 6 ([fol.] xxx; Poole, 56). In the manuscripts he again supplies a specific page number (not corresponding to the surviving manuscript of the *Apología*): ‘Lo que dixé allí en la hoja 34, página 1a y en las siguientes ...’ (CR, 211r; MR, 239v).



*the gospel*<sup>357</sup>—and Exodus 10, where, with Moses as his mouthpiece, God said to Pharaoh: ‘How long will you refuse to humble yourself before me?’<sup>358</sup>

(2) It follows, then, that the people at issue here are subjects not *in actu* but *in potentia*, since all humans and creatures of this world belong to Christ, even *qua* man, as regards the *actual* power and authority granted to him by his eternal Father (Matthew, final chapter).<sup>359</sup> I concluded from this that, when it comes to heathens and bad Christians, Christ is invested with one type of might or power *in actu* and another *in potentia*. The first sort is ascribed to Christ insofar as he can exercise his power and jurisdiction over them if he so chooses, but he abstains from doing so, and so in this regard can be said to possess it *in habitu*, which is to say *in actu primo*, like someone who possesses some kind of knowledge and omits to use it or take it into account. Christ shall commute it into *actu secundo* once the heathens and sinners convert, or when each reaches the end of their days, or on Judgment Day, when he will dispose of all as he sees fit. In Book 2 of his *De anima*, the Philosopher discusses these two types of *actus*—the first denoting the stage at which it is *in habitu*, and the second being when *potentia*, operating through the agency of *habitus*, produces some form of action.<sup>360</sup>

The second form of power which I stated that Christ wielded *in potentia* is in relation or with respect to heathens and sinners, who, even in their unconverted state, are self-evidently Christ’s subjects or *in potentia* primed to become so; and this will then become the case *in actu* and *cum effectu* [‘with effect’] if and when they come to the faith through baptism and to grace by means of penitence and charity. I illustrated the difference between these two powers or modalities of power by means of three passages from St Paul—Hebrews 2, 1 Corinthians 15, and Philippians 3—and also with reference to St Thomas’s discussion of the passages in question in his commentaries.<sup>361</sup> I also offered plenty of other arguments to substantiate this, although really it is more than sufficient simply to adduce those proof-texts, as they are quite unequivocal. From this it followed that the heathens in question do not fall within the forum or jurisdiction of Christ *cum effectu* and *in actu* as outlined above.

<sup>357</sup> Romans 10:16. The Vulgate has ‘*non omnes obedierunt evangelio*’ and most translations likewise render a past tense; however, Las Casas here has ‘*non omnes obediunt*’ and so, to reflect this, we here offer a translation in the present tense.

<sup>358</sup> Exodus 10:3.

<sup>359</sup> Matthew 28:18. The manuscripts read ‘*Mathei ultimo*’ (CR, 211r; MR, 240r), which the 1552 edition shortened to ‘*Matth. vl.*’ Tudela misread this as the Roman numeral VI and printed ‘*Mateo cap. 6.*’ which Galmés oddly expanded to ‘*Math. VI.6.*’ in which he has been followed by Denisova.

<sup>360</sup> Aristotle, *Metaphysics* 9, which is concerned with potentiality and actuality, would seem a more obvious reference here; however, Las Casas expressly cites Aristotle’s *De anima* 2, presumably because Sepúlveda, following (if perhaps somewhat misconstruing) Aquinas in *ST* II-II, q. 4, art. 3, ad 1, had done so: see further n. 253 above.

<sup>361</sup> The passages (with the commentary of Aquinas) are: Hebrews 2:8 (Aquinas, C. 1, Lectio 2, §§116–20); 1 Corinthians 15:24–25 (Aquinas, Caput 15, Lectio 3, §§936–44); Philippians 3:21 (Aquinas, Caput 3, Lectio 3, §145).

(3) As a result, I demonstrated that heathens are not properly subject to the ‘forum’ or jurisdiction of the church but rather are *in potentia* so. I mean this with reference to contentious jurisdiction, and, among other lines of reasoning, I advanced the following logical sequence by these means: if we grant that the church possesses and is bound to have or possess subjects insofar as they are the subjects of Christ in his capacity as prince of the Christian republic—for the infidels in question are Christ’s subjects *in potentia* in the manner described—then it follows that they are also subjects *in potentia* of his republic, the church. That this syllogism is sound is evident from the fact that the church cannot wield greater or more effective power or jurisdiction over the heathens than Christ himself possessed when he was bodily present on earth, or than he possesses up in heaven today; nor can the authority of the church exceed that which we find written and proclaimed in Holy Scripture.

I also demonstrated this by means of an explicit pronouncement to this effect from St Thomas in III, q. 8, art. 3, ad 1, which reads: *‘For those who are infidels, even though they are not actually members of the church, are nonetheless potential members of the church. This potentiality is based on two principles: firstly and above all on the power of Christ, which is sufficient for the salvation of the entire human race, and secondly on free will.’*<sup>362</sup> These are his words. St Thomas is nothing if not clear and adroit here in his discussion of Christ’s ‘habitual’ power, which is sufficient for the salvation of the entire human race, yet there is no sign of him saving all of humanity *cum effectu*; it must, then, be that he possesses that power *in habitu* while the subjection of the infidels to Christ and his church is *in potentia*, for they may convert to God of their own free will if they so wish. And so it emerges that I do not deny that Christ possesses power and jurisdiction *in actu* over all the humans of the world, faithful and unfaithful alike, as the doctor takes me to mean.

(4) What I do dispute is the notion that, notwithstanding the fact that in his capacity as a man he is invested with all the divine power which his Father granted to him to see to it that natural law is upheld and the gospel preached, he then failed to refrain from bringing it fully to bear upon those infidels who had not received the faith until such time as they converted or until the end of their days or of the world: for my contention is that he *did* refrain from exerting it. And this is what it means to possess power *in habitu* or *in actu primo*; but it does not follow from this, as the doctor is at pains to argue, that Christ granted St Peter and to his own church the power or jurisdiction to punish the heathens who never received the faith and who dwell in their own lands and distant realms without causing any offence to the faith. The reverend Dr Sepúlveda will never succeed in proving this claim for as long as he lives. All this goes to show that the syllogism in which he so exults does not hold true: *‘They do not have it in actu, therefore they do not have it at all.’* For the

<sup>362</sup> Aquinas, *ST III*, q. 8, art. 3, ad 1.

*antecedent can be taken with reference to cases actu secundo, but not actu primo [i.e. in habitu]. Hence if they have something in habitu, then it does rightly follow that they thus simply have it. That is not so, etc., which is the line of argument our distinguished doctor espouses.*<sup>363</sup>

(5) Everything else which the reverend doctor goes on to say in the course of answering this Sixth Objection likewise works against him, as any right-thinking reader will easily be able to discern, especially his claim that the emperors turned a blind eye to idolaters—even the ones who were their own subjects—so as to avoid the strife and damages which would inevitably arise from any attempt to rid them of their idolatry. And this makes up no small part of the refutation of his view which I offer throughout my *Apología* at various points; but if it were possible to vanquish idolatry among both subject and non-subject peoples without tumult, danger, damages, and difficulties, who but an idolater could deny or doubt that quashing it would be a just course of action? And so the doctor would do better to concede this point to me than to deny what I say.

### Seventh reply

(1) As to the use to which he puts the esteemed canonists' comments on the chapter *Quod super his*, in *De voto*,<sup>364</sup> claiming that they state there that heathens can be vanquished and punished on account of their sins against nature and idolatry alone, and that it is preposterous of me to suggest that this only applies to cases in which they are profaning the name of the Creator in territories which formerly belonged to Christians, I would reply that Dr Sepúlveda is as mistaken here as he is about everything else. The reasons I provide on this count in my *Apología* are more than enough to elucidate what the canonists mean by what they say there. They would do it themselves if they were still alive, so that their doctrine, interpreted as the doctor interprets it, might cease to be used in support of such intolerable great absurdities, the obliteration of peoples and realms, slander and abomination of the faith, and all manner of other things unbecoming to such learned men as they.

(2) This is most especially true seeing as the canonist doctors do not hold that peaceable heathens who are not guilty of active heathenism—but rather only of

<sup>363</sup> The first statement here (in inverted commas) is taken from what Sepúlveda says in the Sixth Reply, where he attributes this axiom to Aristotle in *Metaphysics* 9. The rest of the text (which I have not put in inverted commas) is then presumably Las Casas's own extrapolation of it, continuing in Latin for the sake of style and logical flavour.

<sup>364</sup> This is a reference to X.3.34.8, i.e. the *Decretales* of Gregory IX, Bk. 3, tit. 34 (*De voto*), cap. 8 (*Quod super his*). This was a rescript written by Innocent III to Hubert Walter, Archbishop of Canterbury, and the canonists commenting on it are Innocent IV, Hostiensis, Joannes Andreas, and Panormitanus. See further n. 263 above and *Apología* III.2.xii.

heathenism of the sort which theologians term *of the purely negative variety*<sup>365</sup>—deserve to be ravaged and put to the sword simply because they are idolaters and have other abominable vices. For if preaching and the doctrine of the faith, imparted in the manner prescribed by Christ, serve to remove and drive out idolatry and all these vices, as our own experience attests is the case among the Indians each and every day—experience of which Dr Sepúlveda himself is in notably short supply—how could such redoubtable doctors say or believe that they should be vanquished in war prior to preaching? It seems overwhelmingly likely that if the canonists had had the opportunity to encounter and make contact with infidels such as these Indians—so utterly different from the Turks and Moors who were around and known to the canonists in their own day—they would most certainly never have said or opined the things that the doctor goes about claiming. And so the reverend doctor arraigns the esteemed canonists on false charges indeed.

### Eighth reply

(1) As to the way the doctor parrots ideas about barbarians which he would have done better not to parrot, for he does not even understand what St Thomas means and attempts to distract from that fact by appealing to Aristotle's doctrine in the *Politics*,<sup>366</sup> I would say that—of the four types of barbarian which I scrupulously delineated in my *Apología*—the Indians are barbarians of the second category.<sup>367</sup>

These, then, are barbarians of the sort discussed by the Philosopher in the third book of his *Politics*<sup>368</sup>—not those from *Politics* 1—which is to say the same sort as many highly civilized and intelligent nations were and remain still today, and as was true of the Three Wise Men according to St Chrysostom,<sup>369</sup> and indeed of our own Spanish forebears, as noted by Pompeius Trogus at the end of Book 44—which is the last book of his whole history—where he says: *'Nor would the Spaniards submit to the yoke, even after their country was overrun, until Caesar Augustus, having subdued the rest of the world, turned his victorious arms against them. He reduced this*

<sup>365</sup> i.e. of the non-active sort, in that they have never before heard tell of Christianity (in contradistinction to the 'active' category of heathen who knows of Christianity but repudiates it anyway).

<sup>366</sup> Aquinas, *Sententia libri politicorum* (*Commentary on Aristotle's Politics*), Bk. 1, lect. 1, c. 23. The reference to Aristotle is probably to *Politics* 1.2 (1252a30–b9) and 1.6 (1253a28–30).

<sup>367</sup> Las Casas's second category of 'barbarians' covers those who speak a language unfamiliar to the person applying the term. This corresponds, then, to the original Greek sense of *barbaros*. Las Casas discusses this idea further in his Latin *Apologia* in ch. 2 (14v–16r; Poole, 30–31).

<sup>368</sup> Aristotle, *Politics* 3.14 (1285a16–27). Las Casas cites this discussion of barbarian kingships at some length in ch. 2 of his *Apologia* (15v–16r; Poole, 31–32).

<sup>369</sup> As is evident from ch. 2 of the *Apologia* (15r; Poole, 31), Las Casas is thinking of two passages from St John Chrysostom's 7th Homily on Matthew, on the Magi as especially wise barbarians (in the sense of non-Greeks), not the sometimes cited Homily 6 (though that too refers to the Magi as barbarians). The Latin version quoted by Las Casas in the *Apologia* may be found on pp. 48–49 of the *Secundus Tomus Operum Divi Ioannis Chrysostomi* published by Johann Herwagen in Basel in 1539. For the Greek texts (and a somewhat different Latin translation), see PG 57, cols. 75 and 77.

*barbarous and savage people into the form of a province, and brought them by the influence of laws to a more civilized way of life.*<sup>370</sup> Those are his words.

(2) And so given that the Spanish people were themselves once a barbarous, savage lot, one might inquire of the reverend doctor whether it would strike him as an equally appropriate and advisable course of action for the Romans to have subjected them to a similar *repartimiento*, granting each tyrant his share in the manner employed in the Indies and causing all our forefathers, in the course of mining the silver and gold which Spain used to boast, to perish in body and soul, in accordance with the procedure advocated by the doctor by means of his odious, counterfeit fabrications. Or whether he would like St James to have put this into practice in Córdoba any more than I should like to have seen it done in Seville.<sup>371</sup>

(3) The Indians are so intelligent and quick-witted, so capable and receptive to any moral science or speculative doctrine, and for the most part thoroughly well organized, prudent, and reasonable in their governance, boasting many eminently just laws; moreover, they have derived such great benefit from matters of the faith and Christian religion and in developing good habits and reforming their vices whenever they have received instruction from missionaries and other upstanding individuals, and with every passing day they continue to make progress as much as any people of the world discovered after the Apostles ascended to heaven or yet to be discovered today. I need not rehearse the remarkable progress they have made in the mechanical and liberal arts, such as in reading and writing, in singing and with all musical instruments, in grammar and logic, and in all other areas in which they have been instructed and to which they have been exposed.

(4) And since God has withheld details of all this from Dr Sepúlveda (which will likely prove a source of no little damage to his conscience), it would have been far more becoming of a man so learned in other matters and held in such high esteem if—to avoid plunging into this great labyrinth of error—he had, prior to weighing in on a subject in which he was unversed, first thought to consult those servants of God who had spent countless days and nights toiling to preach to and convert those people, instead of getting ahead of himself by rashly lending credence to the ungodly, tyrannical men who prevailed upon him to compose his treatise to justify the plundering, robbery, and killings they have perpetrated and the usurped states of which they have seized possession by means of vast bloodshed and the death and perdition of untold numbers of innocents.

(5) And what most blights the reverend doctor in the eyes of all right-minded, god-fearing people with first-hand experience of the Indies is the fact that he

<sup>370</sup> Justin, *Epitome of the Philippic History of Pompeius Trogus*, translated by J. C. Yardley with introduction and explanatory notes by R. Develin (Atlanta: Scholars Press, 1994), 44.5.

<sup>371</sup> Las Casas's sardonic quip invites Sepúlveda to imagine St James, bellicose evangelist of Spain in popular legend, subjecting the ancient inhabitants of Sepúlveda's Córdoba—and of Las Casas's own native Seville—to the sort of violent conversion that Sepúlveda advocated for the Amerindians. This corresponds to a rhetorical set-piece in ch. 4 of Las Casas's Latin *Apologia* (23v; Poole, 43–44).

invokes and appeals to Oviedo in his utterly false, despicable *History* which he dubbed 'general', presenting him as an unimpeachable source of authority when really Oviedo numbered among the ranks of plundering tyrants and exterminators of Indians—as he himself admits in the prologue to Part I, column 6, and in Book 6, Chapter 8—and, in short, one of their capital foes.<sup>372</sup> Let right-thinking people decide for themselves whether this person is an appropriate witness to be used against the Indians. And yet our doctor calls this man an earnest, industrious chronicler, for he found him to be just to his taste in providing fodder for the dearth of truths in which he trades, for that *Historia* contains almost as many lies as pages. I have amply demonstrated as much in other works of mine and in my *Apología*.

### Ninth reply

(1) Turning now to the way he counters the ninth objection, namely my assertion that war is more an impediment to the conversion of the Indians than an aid, for the harm it causes them fills them with hatred for the Christians, not to mention the behaviour and lifestyle of the soldiers being such that their manifold wickednesses preclude any possibility of the religion they profess being deemed a good one, to which his mercy, our most reverend doctor, responds that the delirious patient also takes against the physician that cures him and the mischievous boy against the teacher who punishes him, but that this is no reason to refrain from either activity, as St Augustine says in the relevant letter<sup>373</sup> (etc.): to all this I would retort that, although this will go without saying in the eyes of any Christian with even half their wits about them, while my position is crystal-clear, the answer and solution of the very reverend doctor is so tenebrous<sup>374</sup> that it is unbecoming to Christian eyes or ears, as I have demonstrated at great length in my *Apología*.

(2) However, seeing as the doctor feigns ignorance of my rebuttal of this false assertion of his, I shall state by way of response that he is most grievously mistaken in drawing this analogy, for the Indians do not belong to the class of delirious

<sup>372</sup> Gonzalo Fernández de Oviedo, *Historia general de las Indias* (Seville: Juan Cromberger, 1535). Sepúlveda had cited Pt. 1, 3.6 in his Eighth Objection. In col. 6 of the prologue (+iiii<sup>r</sup>) Oviedo mentioned serving as official assayer (Veedor de las Fundaciones de Oro); and in Bk. 6, ch. 8 (fol. lxviii<sup>v</sup>) he mentioned impressive gold nuggets he'd inspected and weighed in his official capacity.

<sup>373</sup> Augustine, Letter 185.2.7 (to Boniface). The manuscripts have 'en la Epístola 50' (CR, 231v; MR, 244v). See also Letter 93 (to Vincentius), at 1.2 and 2.4.

<sup>374</sup> Our translation follows the reading of the manuscripts (CR, 213v; MR, 244v), which offer: 'es mi posición clara: y la respuesta y solución del muy reverendo Doctor tan oscura'. The 1552 edition offers: 'es imposición clara la respuesta del reverendo doctor: y solución tan oscura', which one could render: 'the doctor's answer is manifestly an invention of his own devising and a solution so tenebrous ...'. Not only does the reading of the manuscripts make more sense, with a pointed contrast between Las Casa's 'clear' position and Sepúlveda's 'obscure' answer, but it is clear that the typesetter made a very natural error in misreading 'mi posición' as 'imposición', which led to a desperate attempt to alter the following words to fit this misconstrual.



individual to whom St Augustine refers, for St Augustine is talking about inveterate, unrepentant heretics, as can be seen as plainly as the sun is bright (if I may be forgiven the turn of phrase) in Letters 48 and 50 on which the doctor draws in order to dissemble his audacity.<sup>375</sup>

In the latter of these letters St Augustine is writing to Count Boniface, a devout Christian, explaining to him the difference between Donatist and Arian heresies and accounting for why the heretics were up in arms about the laws the emperors had passed against them at the behest of the church: for, although at first they found these rules difficult to endure, just as it is hard for the deranged to endure the lash, later on—once they had come to their senses, recognized the error of their ways and proceeded to convert—they derived great joy from them. St Augustine comments: *‘For the same thing happens to the Donatists as to the accusers of the holy Daniel, for just as the lions were turned against the latter, so the laws are against the former.’*<sup>376</sup> And a little further along there: *‘These laws, which appear to be inimical to them, are in fact very much for their sake, since many people have been reformed thanks to them and continue to be reformed every day, and they give thanks for having been reformed and for having been delivered from that deranged wickedness.’* And somewhat further along still: *‘For the physician is a source of vexation to the delirious individual and the father to his unruly son’,* etc.

Small good, then, does it do the doctor to seek to avail himself of St Augustine’s point about the heretics with reference to the Indians, for heretics can be obliged by force to return to the faith to which they pledged through baptism, since they are already subjects of the church; but the same is not true of the Indians, for they are not subjects, in that they were never baptized, and therefore they are not deranged, which is to say obstinate and unrepentant.

By the same token, neither are they unruly children or youths of the sort whom the church is duty-bound to force along to school with the lash, for they would first of all need to become children of the church through baptism; but for as long as they are not its children, the church is neither required nor permitted to bring them into the fold by means of lashes and violence, in accordance with that passage from 1 Corinthians 5: *‘For what business is it of mine to judge those who are outside?’*<sup>377</sup> but rather by means of blandishments and sweet, meek, mild, peaceful, loving, Christian conversation, approaching them like sheep among wolves—not as wolves and plundering brigands among the most meek and guileless sheep—in accordance with the instruction issued to the church by its Prince, Teacher, and

<sup>375</sup> Augustine, Letter 93 [formerly Letter 48] (to Vincentius); Letter 185 [formerly Letter 50] (to Boniface). These letters are devoted in their entirety to the question of the proper way to deal with heretics.

<sup>376</sup> Augustine, Letter 185.2.7, discussing Daniel 6:24. The following pair of passages is likewise from 185.2.7. Galmés (p. 167) inadvertently omitted the second passage, apparently through haplography.

<sup>377</sup> 1 Corinthians 5:12.



Redeemer (Matthew 10; Luke 10)<sup>378</sup> and as the Apostles did and as the whole universal church has always done.

And this is why in their discussion of the passage in question ('*What business of mine are those who are outside?*'),<sup>379</sup> St Augustine in his discussion of it in his sermon '*On the centurion's slave-boy*'<sup>380</sup> and elsewhere, together with the *Glossa Ordinaria Interlinearis* and every single one of the holy doctors writing in Greek and Latin alike, all concur that '*this is to say that blandishments—not anger—are to be employed with these infidels so that they can come to reap the benefits of Christ through love and sweetness*'.<sup>381</sup>

And St Gregory imparts the same lesson in Book 11, Letter 15, and it is also to be found in the *Decretum* [of Gratian], dist. 45, chapter '*qui sincera*': '*Those who are sincere about wishing to attract those who are strangers to the faith must strive to do so with blandishments, not harshness, so that the unpleasantness does not drive away the minds of those whom the restoration of reason could easily call back*', etc.<sup>382</sup> And in Book 1, Letter 34—lest anyone think that he said it inadvertently—he reiterates the point: '*It is necessary to bring those at variance with the Christian religion to the unity of the faith by means of meekness and kindness, advising and persuading them, so that those whom the sweetness of preaching and the prospect of fear of future judgment could induce to believe are not driven away by means of threats and terrors. So they ought to gather together in a friendly way to listen to the Word of God from you, rather than be terrified by a harshness that is extended beyond proper bounds*'.<sup>383</sup> *These are St Gregory's words.* What clearer testimony against the false allegations of the reverend doctor could there be than this?

(3) Furthermore, towards the end of his letter to the monk Demophilus, St Dionysius says: 'Indeed, it is proper to teach the ignorant, not harm them with punishments, just as we also do not torture the blind, but lead them by the hand.'<sup>384</sup> And a little further on: 'It is therefore a source of great horror when someone whom Christ, in his immense goodness, sought in the mountains when they had

<sup>378</sup> Matthew 10:16; Luke 10:3.

<sup>379</sup> 1 Corinthians 5:12.

<sup>380</sup> Augustine, [*Sermones ad populum*,] Sermon 62, 7.11. (Las Casas would have known this sermon as Sermon 6 in the category *Sermones de Verbis Domini*: see n. 120 above, and ch. 7 in his *Apologia*.)

<sup>381</sup> What Las Casas has in mind here is in fact the *Glossa Interlinearis* (not, as he says, the *Glossa Ordinaria*), which uses Augustine's Sermon 62.7.11 (see previous note) to gloss 1 Corinthians 5:12. The text Las Casas offers here is a blend of Augustine's words there—especially '*Blandiendum est illis, ut audiant veritatem*'—with his own loose paraphrase of what he asserts is the learned scholarly consensus on the matter.

<sup>382</sup> This letter from Gregory I to Paschasius, bishop of Naples, is now numbered 13.12 (as in *PL* 77, cols. 1267–68) or Norberg 13.13. This letter is, as Las Casas notes here, quoted in its entirety in Gratian, *Decretum*, D. 45, c. 3. (Like Las Casas, Gratian knew this letter as Book 11, Letter 15.) Composed in 602, this letter from Gregory to Paschasius concerns the proper treatment of the Jews in the bishop's city.

<sup>383</sup> Gregory I, 1.35 (*PL* 77, col. 489) = Norberg 1.34. Like the later letter to Paschasius, this letter of 591 to Peter, bishop of Terracina, concerns the proper treatment of Jews within a bishop's city.

<sup>384</sup> Pseudo-Dionysius the Areopagite, Letter 8.5 ('To Demophilus the Monk'); see *PG* 3, cols. 1095–96. Las Casas quotes this passage (and the next) in ch. 3 of the *Apologia* (21v).

gone astray, called back as they fled and, upon finding them, carried back upon his holy shoulders ends up being tormented, rejected, and driven away by you.’ Does the figure of Christ scouring the mountains for a lost sheep fleeing in fear—which is precisely what the simple, meek heathens are like—and then lifting it onto his shoulders, having gone to such lengths to locate it at great effort and with difficulty, seem to indicate that Christ would be glad to see his Christians go after those who had never received the faith nor done anything to offend us with blows of the lance and sword as the means to convert them to the faith, as Dr Sepúlveda would have it?

In a letter penned to the Philippians (Chap. 10), St Polycarp the Martyr, disciple of St John the Evangelist, likewise says: ‘Be you all subject to one another, taking care to be irreproachable in your conduct among the gentiles, so that you may both receive praise for your good deeds and also so that the Lord may not be blasphemed through you. But woe betide him who causes the name of the Lord to be blasphemed! Therefore you should all teach sobriety and also be sober in your own conduct’,<sup>385</sup> etc. Does putting the infidels to the sword and hacking them to pieces on account of and in the course of warfare prior to preaching the faith to them count as irreproachable interaction and commendable ministrations to the infidels of the sort which will prompt them to give thanks to the Christians and refrain from blaspheming Christ? Do butchering and slaughtering constitute examples of the restraint and sobriety by means of which we, in our capacity as Christians, are to interact and teach? And will we ourselves escape that ‘woe betide’, with its threat of eternal damnation, on the day of our own judgment if we pursue that course of action as our means of preaching of the faith? And will anyone who endorses and advocates that course evade that same ‘woe betide’?

The degree to which the doctor is right to base his argument about the lawfulness of getting the Indians to convert by waging war on them before preaching the faith to them solely on the analogy of the madman and the mischievous boy will be only too clear. Killing, robbing, traumatizing, terrorizing, aggrieving, and capturing the Indians, raping and disgracing their wives and daughters, and filling them with hatred for the faith and the Christian religion, all of which number among the soldiers’ actions: what manner of paving the way is this that the doctor has devised? It would seem, rather, to be a way of paving and securing the path of whatever robbery, kidnap, and violent appropriation they have perpetrated; for that is the sole objective of the tyrants. And once such actions have been perpetrated, how could upstanding clergymen and friars possibly effect anything positive, as he says the Apostles did? And does the selfsame arrow of the claim that this is ‘as the Apostles

<sup>385</sup> The original Greek text for ch. 10 of Polycarp’s *Epistle to the Philippians* is lost: the text offered by Las Casas here is taken from the Latin version published in 1498 in Paris by Jacobus Faber Stapulensis (Jacques Lefèvre d’Étaples); it can also be consulted at PG 5, col. 1014, where it is included along with the Greek text which is available for chs. 1–9.

did not come back to strike the reverend doctor? Were the Apostles in the habit of sending plunderers, robbers, killers, reprobates, and abominable tyrants ahead of them, as the doctor would see sent?

(4) Furthermore, the doctor then goes on to adduce something else, namely the words of St Augustine in Letter 48: 'If the infidels had fear instilled in them but were not offered any teaching, this might look all too akin to dreadful tyranny. Then again, if they were to be given instruction but not instilled with fear, having become hardened by the ingrained nature of their customary ways ...'<sup>386</sup> etc. To which my question would be: why does the doctor pull an extra word—'infidels'—from out of his own sleeve and insert it here? For St Augustine says no such thing: he simply says 'if they had fear instilled in them but were not offered any teaching' in the course of making his case with regard to the Donatist heretics, as will be obvious from the title of the letter itself and throughout the whole thing; for that title is: 'Letter from the Blessed Augustine to the Vincentius the Donatist and Rogatist, rejoicing at seeing many heretics rectified in their way of thinking,' etc. St Augustine is not, then, lumping all heathens together indiscriminately in his discussion. It is consequently imperative, when reading what the esteemed doctor adduces, to keep a close eye on his hands as he composes and, similarly, on his tongue as he speaks. I do not wish to say any more on this subject, for it would be to go on at undue length. Let the reverend doctor read my *Apología*, in which he will find all his false allegations refuted in minute detail.

### Tenth reply

(1) As to what he says in answer to the tenth objection, namely that the pope has the power and mandate to preach the gospel both himself and through the ministry of others throughout the whole world, we grant that this is indeed the case; but the corollary which the reverend doctor extrapolates from this—namely that heathens can be forced to listen to preaching—is not at all self-evident, and a considerably more fine-grained inquiry into the truth of the matter than the one the doctor performs would need to be undertaken in order for this to become adducible as evidence. For we see that when Christ, Son of God, sent the Apostles out to preach, he did not command them to use force against those who did not wish to listen to them, but rather to withdraw peacefully from that place or city and shake off the dust from their feet upon it, reserving punishment for its inhabitants for their final judgment, as can be seen in St Matthew 10.<sup>387</sup>

(2) Furthermore, when the Samaritans did not wish to welcome his very own royal and divine self into the city of Samaria, and the Apostles sought permission to

<sup>386</sup> Augustine, Letter 93.1.3 [formerly Letter 48] (to Vincentius).

<sup>387</sup> Matthew 10:14–15.

smite them with fire from the sky (which would certainly be a more effective course of action than the wars the doctor proposes!), he roundly rebuked them for this suggestion, for he had not (he said) come to cause the perdition of souls which the doctor is only too happy to see cast down into hell, but rather for their salvation, as can be seen in the Gospel of St Luke, Chapter 9.<sup>388</sup>

(3) This pair of testimonies offers two overwhelmingly compelling and powerful arguments from the Holy Scriptures, from which we must take our lead and doctrine in directing and organizing our lives and shaping our behaviour. One of them is *ab exemplis* ['by example'], and the other is *ab auctoritate negative* ['by negative precedent'].<sup>389</sup> The latter admittedly has little traction in contentious civil disputes, yet looms large indeed in the Holy Scripture. Our Saviour availed himself of both types when he saw that they were useful for our instruction, and the church, the councils and the holy doctors make use of them too. In the former case, the argument proceeds *affirmative* ['positively'] as follows: virtuous, wise, sensible men—to say nothing of the saints themselves—performed particular actions in such and such a manner in which they may be emulated; therefore we should also perform these actions and imitate them in so doing. In the latter case, the argument runs as follows: with regard to a particular matter with a bearing on our edification in life—especially where leading a Christian life is concerned—and the preservation of a good conscience in observing the law of God, virtuous, sensible men *refrained from* doing a particular action (which under more appropriate circumstances they would not have shrunk from doing), thereby avoiding certain sorts of unfavourable consequences; therefore we too should refrain from the thing in question and shrink from those and other equally troublesome outcomes.

(4) Our Saviour availed himself of the first variety, *ab exemplis affirmative*,<sup>390</sup> as reported in Matthew 12, where he defended his disciples against aspersions cast by the Jews, saying: 'Have you not read what David did when he became hungry, how he entered the temple and ate the consecrated bread, which was not lawful for anyone else to eat?'<sup>391</sup> By this example he demonstrated that it was lawful for the disciples to help themselves to the ears of corn in order to eat, even on the Sabbath. He availed himself of the latter sort in John 8, where it says: '*This Abraham did not do.*'<sup>392</sup>

And the church too has recourse to this sort: neither Christ nor his Apostles ever granted forgiveness to those who did not repent and reform; therefore we should not grant it either, which is to say, we should not absolve those who are in a state

<sup>388</sup> Luke 9:54–55.

<sup>389</sup> The opposition being set up is between *ab exemplis affirmative* ('by example in the positive sense', i.e. by positive example) (as below), here rendered simply as *ab exemplis* ('by example'), and *ab auctoritate negative* ('by negative precedent', i.e. by express prohibition).

<sup>390</sup> See previous note.

<sup>391</sup> Matthew 12:3–4. This quotation is not italicized as Las Casas cites it in Spanish-language form.

<sup>392</sup> John 8:40.

of mortal sin (24, q. 1, chapter '*legatur*', and 1, q. 2, chapter '*quam pio*').<sup>393</sup> And see also the Council of Elvira, Canon 6 60: if anyone should smash the idolaters' idols by force and against their will and were to be killed there on that account, we see fit and decree that this person should not be included in the ranks of the martyrs, for there is no record or mention in the Gospel of the Apostles ever having done such a thing at any point.<sup>394</sup> And St Thomas, in *Secunda secundae*, q. 10, art. 12, likewise reasons there *in that passage by negative precedent*, as follows: the practice of the universal church is a source of great authority—more so than the sayings of any one saint, such as St Jerome or St Augustine; and since the church was not in the habit of baptizing children born to infidels against their parents' will, it follows that we should not do so either.<sup>395</sup>

(5) And so this is all to say that whatever actions prudent, wise, virtuous men did or did not perform—and this goes even more so for the actions which the saints undertook or refrained from undertaking or avoided, and most of all for those of our God and Saviour and his Apostles—we too should do or not do, undertake or avoid, and it is on this basis, imitating and doing what they did and not doing what they did not, that we must conduct our lives and mend our ways. For if this were not the case, St Paul would not have said in Ephesians 5, '*Therefore be imitators of God, as beloved children*,'<sup>396</sup> and in Philippians 3: '*Brethren, join in following my example, and observe those who walk according to the pattern you have in us*,'<sup>397</sup> etc. And as St Gregory Thomas says: '*Every action of Christ is an instruction to us*.'<sup>398</sup>

And the grounds for following the examples of virtuous, good men in acting or abstaining from action is because those who are virtuous and good are well versed in the nature of things which are doable and points of good practice, for they are more guided by, and closer to, reason, which is the surest guide in all we do. This is why the Philosopher in Book 2 of his *Ethics* says that the mean of virtue is whatever is determined in accordance with the view of the wise.<sup>399</sup> And those who count as wise in this regard are not those who consider matters in the abstract but rather

<sup>393</sup> Gratian, *Decretum*, C. 24, q. 1, c. 2 (*Legatur*), a letter on the subject of the pope's inability to absolve the sins of a dead person; and Gratian, *Decretum*, C. 1, q. 2, c. 2 (*Quam pio*), a papal letter asserting that no money should change hands between those who agree to convert and those inducing them to do so.

<sup>394</sup> The Libertine Council or Concilium Eliberritanum, also known as the Synod of Elvira (at Granada), issued sixty canons (though many are not regarded as original); here canon 60 itself is meant. (The same error is in the manuscripts: CR, 216r; MR, 248r.)

<sup>395</sup> Aquinas, *ST II-II*, q. 10, art. 12, co.

<sup>396</sup> Ephesians 5:1.

<sup>397</sup> Philippians 3:17.

<sup>398</sup> Aquinas, *ST III*, q. 40, art. 1, ad 3. On these words of Aquinas's, see for instance Richard Schenk, O.P., '*Omnis Christi actio nostra est instructio*: The Deeds and Sayings of Jesus as Revelation in the View of Thomas Aquinas', in *La doctrine de la révélation divine de saint Thomas d'Aquin*, edited by Léon Elders (Rome: Libreria Editrice Vaticana, 1990), 104–31. For *Christi* (present both in the 1552 edition and the manuscripts: CR, 216r; MR, 248r), Tudela Bueso (in the *Tratados*) and Galmés incorrectly read *christiani*.

<sup>399</sup> Aristotle, *Nicomachean Ethics* 2.6.15 (1106b7–1107a2). Here, the word 'mean' ('the mean of virtue') is used to render the Greek 'μεσότης', the proper moral midpoint between two extremes.

in practical terms, with an eye to what can be done in practice. And in the sixth book of that same work he [Aristotle] shows that, in matters of virtue, we should accept and acquiesce to the resolutions and determinations of the wise without any further evidence or testimony, just as we accept proofs in the mathematical sciences.<sup>400</sup>

(6) For since the saints and servants of God (especially the Apostles) were and are incomparably wise in matters of virtue—and infinitely more so Christ himself, invested with the wisdom of the Father himself—it is self-evident that we must emulate the deeds of Christ and his followers in terms of what they did or refrained from doing and use those principles to inform and govern our own lives and set the compass of our behaviour. For when Christ dispatched the Apostles to preach, he set out how they were to behave in the event of coming upon people who did not wish to listen to them or welcome them in,<sup>401</sup> and this was to shake off the dust from their shoes as a sign of their sin but not to force them to listen, which, had he deemed the latter an appropriate practice, he would not have hesitated to teach, prescribe, and state; but he showed that it was a bad course of action in rebuking St John and St James on that account,<sup>402</sup> in view of which it would be outrageous, presumptuous, and sinful indeed of us to act to the contrary.

(7) And so it turns out that my position on this is neither false nor new-fangled, as the doctor slanderously alleges, but rather a point of Catholic, Christian doctrine. And the learned men who accept my view as true are not opposed to this; for it is one thing for the church to hold the power to remove the obstacles which have been maliciously put in the path of preaching, and quite another to force the heathens to harken to preaching against their will. For the former can be lawfully done, whereas the latter cannot. And so it is not the opinion of these men that diverges from what I affirm, but rather only that of the reverend doctor, straying from the path of true reason.

(8) Lastly, whatever comes of this article, either way this objection is in no way to the Indians' detriment, for they do not put up any resistance to listening to the evangelical doctrine so long as it is preached to them without murder, robbery, and tyranny, as commanded by Jesus Christ and as required by the purest, truest, meekest Christian religion; it is a different story altogether<sup>403</sup> if preaching is undertaken in the manner so perversely prescribed by the doctor. For, under those circumstances, they are quite right to refuse to hear it and in persecuting and massacring those who would foist it upon them and in deeming it an evil thing at variance with all reason.

<sup>400</sup> Aristotle, *Nicomachean Ethics* 6.11.6 (1143b12–14) appears to correspond most closely to this idea.

<sup>401</sup> Matthew 10:14.

<sup>402</sup> Luke 9:54–55.

<sup>403</sup> Here begins an addition ('otra cosa es ...') that Las Casas made to the 1552 printing; it is not present in the manuscripts (CR, 216v; MR, 245v).

## Eleventh reply

(1) As to the way he counters the eleventh objection, in which I state that if it were necessary to resort to warfare to free the innocents from persecution, even more innocents would die, and of any two given evils or ills it is necessary to choose the lesser, the doctor says that I have got my sums wrong, for more than twenty thousand people were sacrificed in New Spain each year, meaning that in the thirty years that have elapsed since New Spain was conquered six hundred thousand have been spared: the first thing I would say by way of response is that the doctor and I should compare our calculations.

(2) The second thing to point out is that it is not true to say that twenty thousand people were sacrificed each year in New Spain—nor one hundred, nor even fifty—for if that had been the case then we would not find such abundant numbers of people there as we do indeed find. That is just the tyrants talking, seeking to justify and vindicate their tyrannical acts of violence in oppressing, persecuting, and tyrannizing those Indians whom they spared from the awful harvest they reaped and kept as slaves. And those who seek to champion their cause, such as the doctor and his followers, support this outcome.

(3) The third thing to say is that the doctor has got his own arithmetic all wrong, for it would be truer and far more fitting to say that the Spanish have upon arrival in each province sacrificed more people to that most beloved and adored goddess of theirs, Greed, in any given year of those spent in the Indies than the Indians to their gods in a hundred years across all the Indies put together. The sky, the earth, the elements, and the stones all testify to this and cry out in lament, and even the very tyrants responsible for it do not deny it; just observe how all those realms were brimming with inhabitants when we invaded each in turn, and compare the situation to which we have reduced them today, for they are devastated and annihilated. Immense shame and flagellating turmoil ought to assail us, since godfearingness seems to be in such short supply, for seeking to excuse or exonerate such wicked, unspeakable crimes, when, faced with more land in length and breadth than all of Europe and much of Asia combined stretching before our very eyes,<sup>404</sup> we have with utmost cruelty, injustice, and tyranny depopulated, depleted, and devastated it all through plundering and appropriation in a matter of forty-five or forty-eight years and all for the sake of goods and riches—lands which we once saw full to bursting and densely populated with the most civilized of people.

And if the most reverend Dr Sepúlveda were to reflect upon this in a more kind and charitable frame of mind, he would realize that my arithmetic is better than his. And he would do well to clarify, seeing as he weeps for the death of the unbaptized

<sup>404</sup> The phrase is the 1552 edition's expansion of the manuscripts' 'tres mil leguas de tierra' (CR, 217r; MR, 250v). Similarly, in the previous sentence the 1552 edition added 'extirpados' ('rooted out', 'annihilated') to the manuscript's simple 'destruidos'.



when it comes to Indians sacrificed, who will have amounted in number to ten or a hundred (and even if it were a thousand or ten thousand, which it is not), how it is that his soul is not stricken, his innards rent asunder, and his heart broken at the twenty million souls that have perished in the intervening period without having received the faith or the sacraments? They could all have been saved, for God has made them so eminently receptive to the faith, and instead they have been condemned because the Spanish have deprived them of the opportunity and occasion to convert and repent by butchering them contrary to all reason and justice and all in the interests of robbing and capturing them.

(4) Fourthly, I would say that the esteemed doctor is putting words into my mouth when he claims that I sought to come up with arguments to exonerate the practice of human sacrifice, when even those gentiles of the so-called civilized, unbarbaric sort considered the practice an abomination, as Pliny, Book 30, Chapter 1 reports.<sup>405</sup> My stance on this is not about excusing them in the eyes of God, for I do not know what God makes of them, for his judgment is inscrutable; rather, I wish to demonstrate by means of manifest arguments that they suffer from ignorance and labour under a pall of probable error which means that they will not credit it the first time, or even the first several times, that Christians inform them that human sacrifice goes against natural law and is a sin, and consequently they cannot be justly punished on this account by humans or indeed any mortal judgment. And I would even go so far as to say that they will never be obliged to believe any preacher of our holy faith who keeps company with the tyrants, warmongers, plunderers, and killers that the doctor would like to dispatch. And to maintain what he does is much further removed from Christianity than what I propose, which is the opposite, as any right-minded Christian will recognize and concede.

And I would go further and say that it is no straightforward matter to prove to them that it is against natural law to perform human sacrifices to the true (or false, if deemed and held to be true) God; rather, there are sound, probable, and practically inarguable grounds on which the opposite case can be made. I discussed these at length in my *Apología* and read them out in the presence of many theologians and learned individuals,<sup>406</sup> and, availing themselves of many of these same arguments, a particular group of barbarians even succeeded in convincing the Romans of this when the latter tried to ban them from performing human sacrifice, as recounted by Plutarch in his *Problems*, p. 465.<sup>407</sup> And the Romans themselves, finding themselves overpowered and greatly beleaguered by Hannibal, sacrificed a Gaulish man and woman and a Greek man and woman in the Forum Boarium in order to placate the gods, who they believed must be angry at them, as Plutarch reports in the

<sup>405</sup> Pliny the Elder, *Naturalis historia*, 30.3.12.

<sup>406</sup> This last phrase ('y se leyeron en presencia de muchos teólogos y letrados') was added in the 1552 printing: it is not present in the manuscripts (CR, 217r; MR, 251v).

<sup>407</sup> Plutarch, *Roman Questions* 83, which Soto noted that Las Casas had mentioned in Valladolid (and which features in ch. 34 of his *Apología* at 153v; Poole, 223).

same place,<sup>408</sup> as does Livy in Decade III, Book II.<sup>409</sup> And in Italy, the dire straits endured on account of famine and other misfortunes persuaded people to offer the first fruits of humans killed in sacrifice, although they had some misgivings, as reported by Dionysius of Halicarnassus in Book 1 of his history of the Romans.<sup>410</sup>

And the Gauls frequently performed this sort of sacrifice, particularly in times of terrible disease or under other life-threatening circumstances, such as war. And their rationale for this was that they felt, where curing or saving human lives was concerned, that the immortal gods would not be appeased unless human life was offered up in turn. Julius Caesar attests to this in Book 6 of his *Commentaries on the Gallic War*, where he says the following: '*All Gaulish people are extremely devoted to religious rites and for this reason those who are afflicted with serious illness or engaged in dangerous combat either sacrifice humans as victims or pledge to perform such sacrifices, for they believe that unless the life of a human is offered in exchange for human life, the might of the immortal gods cannot be placated. They have established sacrifices of this same kind in the public sphere.*'<sup>411</sup> That is what he says.

And there were no people in the world—or just a few shy of all—who were not in the habit of performing human sacrifice to the gods (including in Spain itself, as evidenced by Strabo in Book 3 of his geographical work *De situ orbis*),<sup>412</sup> induced to do so by natural reason: for this and so much more is owed to God by all mortals, and even if the doctor were to devote several more days to duly studying the matter than he has hitherto devoted, he will not be able to prove beyond all doubt that sacrificing humans to the true (or false, but deemed to be true) God goes against natural law, *even setting aside any explicit divine or human law.*<sup>413</sup>

(5) As to what the reverend doctor goes on to say about killing innocent people in the course of just warfare being an accidental occurrence, or that they will not qualify as sins so long as the prince is of sound intention in his soul, etc., I would answer that it is the killing of innocent people in a sinless fashion in the course of just warfare which may be termed accidental. And it only counts as *per accidens*

<sup>408</sup> Plutarch, *Roman Questions* 83. This is also quoted at length in ch. 34 of the *Apologia*, as in the previous note.

<sup>409</sup> Livy, *Ab urbe condita* 22.57.

<sup>410</sup> Dionysius of Halicarnassus, *Antiquitates Romanae* 1.24. This is quoted at length in ch. 36 of the *Apologia* (161r; Poole, 235).

<sup>411</sup> Julius Caesar, *De bello gallico* 6.16.

<sup>412</sup> Strabo, *Geography* 3.3.6. Note that the name actually given for Strabo's work in the main body of the text here is '*De situ orbis*' ['On the layout of the world']. This was indeed an alternative title under which Strabo's work was sometimes published: for instance, the Greek-to-Latin translation of Strabo's work by Guarino of Verona (1374–1464)—which Las Casas was clearly using here, as is clear from his quotation of this same passage in ch. 34 of the *Apologia* (154r)—went by that name. However, the title '*De situ orbis*' may also lead to confusion, as this is also the title of a work by fellow geographer Pomponius Mela. In the facsimile of the 1552 edition of this Reply published by Hanke ed. (p. 400), in fact, Strabo's name has been crossed out—but then rewritten in the margin.

<sup>413</sup> The italicized words translate a Latin phrase in the original, reflecting what appears to be the source of most of this passage: the beginning of ch. 36 of Las Casas's Latin *Apologia*. As noted at n. 30, this indicates that Las Casas was already at work on this Latin manuscript while penning these 'Replies' in late 1550 or early 1551. (Galmés's edition prints an intrusive comma and *a* between *seclusa* and *omni*.)

and hence excusable in those cases where there is no other way for the just war in question to be brought to an end or victory attained except by means of the action which will result in the death or killing of the innocents along with the wicked or guilty: for instance, when it proves necessary to attack and overthrow a fortress as a result of which some children who happen to be in there too will die. But if it is not necessary to storm the fortress in order to secure victory, especially in cases where there is good reason to believe that there are definitely or almost certainly innocents present within, then it no longer counts as *per accidens* but *per se*, with the killing of whatever innocents met their end there constituting a primary aim in itself. And therefore the king—if it was he that issued the order—and all those who carried it out would be guilty of mortal sin and would be, and are, obliged to make reparations for all the harm caused,<sup>414</sup> nor shall there be any salvation for them unless they sincerely repent.

And the reason for this is that, seeing as warfare and all the actions performed in the course thereof (such as killings, robberies, and all the rest) are deeds which are evil *per se*, war should never, ever be waged unless as a last possible resort and out of purest necessity. St Augustine says as much in 23, q. 1, C. ‘*Noli*’: ‘*It is a matter of will for there to be peace, whereas war is born of necessity*.’<sup>415</sup> And Pope Nicholas [I], in a chapter of q. 8 of the aforementioned *Causa*, says: ‘*Unless necessity compels it, battles should be abstained from not only during Lent but at all times*’<sup>416</sup> etc. And necessity is the sole mitigating factor preventing these actions which are *per se* evil or otherwise somehow execrable from being mortal sins. For if, for instance, in the example given, the storming of the fortress is not a matter of necessity, then obviously blame accrues for the deaths and injuries sustained not only by the innocent but also by the guilty. For this kind of war is unjust from the outset, as veraciously asserted by the most reliable theologians.

(6) And so it is in the case of the Indies, where there is no need whatsoever to engage in warfare. For if the aim is to get rid of and extirpate the vices whereby the Indians kill people for the purposes of human sacrifice, which only occurred in a few places (though this point would still stand even if the practice had indeed been widespread), this can be most readily accomplished by means of preaching the gospel alone, not through cruel warfare. And so, given the moral certainty that there are infinite innocents among them in the form of countless children, women, and adults who neither engage in nor approve of these depravities, it is impossible to wage war on the grounds suggested by the doctor without being guilty of the

<sup>414</sup> This key reference to the necessity of reparations was oddly omitted by Galmés (p. 175), though it is present in both the 1552 edition and in both manuscripts (CR., 217v; MR., 252v).

<sup>415</sup> Augustine, Letter 189.6. Sections 4–6 of this letter (to Boniface) are quoted in Gratian, *Decretum*, C. 23, q. 1, c. 3 (*Noli existimare*), which, as Las Casas’s mode of referencing here makes clear, has certainly been his source for the Augustinian text.

<sup>416</sup> The text in question is the *Ad consulta Bulgarorum* of Pope Nicholas I, but consulted, as the mode of referencing again makes clear, through Gratian, *Decretum*, C. 23, q. 8, c. 15. *Ad consulta Bulgarorum* is a document produced in the context of the Photian Schism.

most terrible mortal sin and being obliged to make restitution for all the damages caused.

The passage he adduces from Gerson is thoroughly at odds with his cause and, if he reconsiders it with dispassionate eyes, in fact works considerably more in favour of my own case against him, for Gerson says: '*Only the best interests of the republic or the need to avoid a public catastrophe considerably worse than any private ill arising from warfare exonerates mortal sin.*'<sup>417</sup> It is obvious that the defamation of the faith and abhorrence of the Christian religion arising from the most execrable warfare—impediment to the salvation of so many—which the doctor would have precede the gospel, the damnation to which those whom the tyrants immediately butcher and kill are in turn immediately doomed, and the deaths of countless innocents who are not to blame for the sins in question (even in those lands in which they *are* practised)—such as children, women, labourers, those who do not perpetrate such acts, and many others again who would not do so were it not for the fact that their princes and priests had established and decreed these practices—is by far the greater and more damaging ill.

(7) The same goes for the impulse, zeal, and predilection for robbing, capturing, and persecuting those people and wishing to wage war on them of which the tyrants seem to have boundless reserves with not a care spared for the sinfulness of their behaviour, as a result of which they exist and live in a perpetual state of mortal sin. No doubt, as I have demonstrated beyond all doubt in my *Apología*, this is all very much to the public good—far preferable to having a handful of innocents die as victims of human sacrifice!<sup>418</sup> And this is something that happens to the reverend doctor time and again: the proof-texts which he adduces in support of his position, twisting them against the grain of their rightful interpretation, come hurtling straight back at him along the true course, measure for measure, landing squarely in opposition to his outrageous design.

(8) As to what the eminent doctor next proceeds to contest, namely the notion that, if those idolaters or barbarians are right to defend their own religion and idolatry—as I am purported to claim and as I do indeed openly affirm in my *Confesionario*—then it follows that they are also within their rights and free from sin in worshipping their idols, etc., my response is to reiterate that, on the understanding that they are labouring under the fallacy or false conviction of believing those gods of theirs to be the true God (or in worshipping and revering the one they hold to be the true god by means of idol worship), not only do they have just—or one might rather say 'probable'—grounds for defending their religion, but are also themselves obliged to do so by natural law that if they do not duly mount their

<sup>417</sup> Jean Gerson, *Regulae Morales*, 73 (in the section '*De avaritia*'). See n. 278 above.

<sup>418</sup> The sarcastic comment about a '*grande bien público*', as well as the preceding insistence that the Spanish oppressors are in a state of mortal sin, are flourishes added to the 1552 edition. The dig at Sepúlveda's method in the next sentence also contains late amplifications. In preparing the printed edition, Las Casas clearly enjoyed ratcheting up his personal attacks on Sepúlveda.

defence of it—even to the point of losing their lives in defending their religion and their idols or gods if need be—then they are guilty of mortal sin and will go to hell for that sin alone.

The reason for this—without going into any of the many others offered in my *Apologia*—is that, as humans, we are all by nature obliged to love and serve God more than our very own selves, and therefore to defend his honour and divine worship to the death if necessary, *when the situation and occasion require it*, as can be seen in Romans 10, ‘*confession is made with the mouth, resulting in salvation*,’<sup>419</sup> as the doctors and St Thomas, (*Secunda secundae*, q. 3, art. 2)<sup>420</sup> note in that connection. And the deaths of all the martyrs point to the same conclusion. And there is no difference whatsoever in terms of the obligation incumbent upon those who know the true God—as is the case for Christians such as ourselves—as opposed to those who do not know him, so long as they deem and consider some god to be the true one, just as there is no difference between a man who refrains from knowing another’s wife so as not to commit the sin of adultery in violation of the Sixth Commandment and a man who believed and was convinced that he was obliged to know such a woman and that he would be breaking the divine command in *refraining* from doing so. It is clear that if he did not then go ahead and know her, he would be guilty of mortal sin, misguided though this conviction is. The reason for this is that a misguided belief binds and obliges just as much as a correct one, *albeit not in the same way*. ‘*Because true conscience binds simply and per se, whereas erring conscience binds per accidens and only under certain circumstances, namely insofar as something bad is perceived to be good, from which it follows that if action is taken sin is not avoided, but if action is not taken sin is nonetheless incurred*,’ according to St Thomas, in *Summa theologica*, *Prima secundae*, q. 19, arts. 5 and 6,<sup>421</sup> and in the second book of his commentary on the *Sentences* [of Peter Lombard], in dist. 39, q. 3, art. 3 *passim*,<sup>422</sup> and also in other places.

For since idolaters believe and are taught that those idols are the true God or that the true God is served and worshipped or ought to be served and worshipped by means of them—for in truth the universal notion of God does not point or lead to anything but the true God (according to St John Damascene, Gregory of Nazianzus, St Augustine, Boethius, St Thomas, and all the saints who address themselves to this subject)<sup>423</sup>—and are through natural reason also aware of the first principle

<sup>419</sup> Romans 10:10.

<sup>420</sup> Aquinas, *ST II-II*, q. 3, art. 2, s.c.

<sup>421</sup> Aquinas, *ST I-II*, q. 19, art. 5, ad 2, and art. 6.

<sup>422</sup> Aquinas, *Scriptum super libros Sententiarum Magistri Petri Lombardi*, Bk. 2, dist. 39, q. 3, art. 3.

<sup>423</sup> Here Las Casas is rapidly citing several authorities to whom he makes fuller reference in ch. 35 of his *Apologia*, at 155r–v and 157r–v. For John Damascene, he has in mind *De orthodoxa fide*, ch. 1; for Gregory of Nazianzus, he means the work translated by Petrus Mosellanus Protegensis (Peter Schade) as *De theologia* and published in Basel by Johann Froben in 1523 under the title *Divi Gregorii Episcopi Nazanzeni De theologia libri quinque* (in the *Apologia* he refers to ‘column 11’, which is on p. B6r of that edition and seems appropriate); for Augustine, *De civitate Dei* 10.4, among other possible occasions on which Augustine voices this sentiment; for Boethius, *De consolazione philosophiae*, Bk. 3, Prosa 10, ll. 23–27; and for Aquinas, *Summa contra Gentiles*, Bk. 3, ch. 119.

*agendorum* [‘of things to be done’], namely that God must be obeyed, worshipped, and served, which is one of the elements of synderesis and is upheld fully among the infidels, it follows—given their fallacious understanding and aforementioned error and the binding nature of conviction—that they are obliged to defend their god (or the gods whom they believe to be the true god) and their religion, just as we Christians are obliged to defend our own true God and the Christian religion, and if they fail to do so then they are guilty of mortal sin, just as we would be guilty of sin for failing to do so wherever the need arose.

(9) But this is where the parallel ends: for we, in so doing, prove ourselves worthy, whereas they, in so doing, are doomed to eternal damnation; indeed, for them, both action and inaction alike entail flouting the divine commandment. And on the understanding that all men are obliged by natural law to defend their god or the gods whom they deem the true god, Cicero in his eleventh speech, delivered in defence of Marcus **Fontero** Fonteius, excoriates the Gauls for being degenerate and departing from the practice of all other nations in not going to war in defence of their gods, saying: ‘*Do you suppose that those sorts of people are swayed by the sanctity of a sworn oath and the fear of the immortal gods when giving evidence? The Gaulish people are so very different from the custom and nature of the other peoples of the world in that, while other nations wage battles in defence of their own religion, the Gauls wage wars against the religion of everyone else*’,<sup>424</sup> etc. These are Cicero’s words. The doctor tries to claim that acceptance of the fact that they are within their rights or labouring under a probable impression in defending their gods or being obliged to do so must mean also accepting that they are equally right and free from sin in honouring and serving their idols and practising idolatry: but this does not follow. And since his mercy failed to notice the type of misapprehension under which the idolaters labour and the nature of an erring conscience, he proceeded along logically flawed lines in his argument.

(10) As for the rest of what he asserts about probable opinions, etc., I say that, among any populace one might care to mention, an opinion is deemed probable not in line with the rules of reason *in the absolute sense*, but because this is how it appears to the experts in any given business or art and they make use and approve of it accordingly, even if it happens to be in error.

(11) The same goes for those considered wisest and most sensible in any given community who govern and rule over the young and the masses, even though in truth they are mistaken and not at all wise or sensible when it comes to true reason, especially in matters of the faith and divine law. For there can be true virtue only where there is true knowledge of God, as St Augustine says.<sup>425</sup> In this same vein jurists say that ‘*the commonly held opinion leads to probable error*’ as noted

<sup>424</sup> Cicero, *Pro M. Fonteio*, 13.30. Note that the 1552 text, and subsequent editors following it, all print ‘Fontero’ here. The manuscripts, however, correctly read *Marco Fonteio* (CR, 219r; MR, 254v).

<sup>425</sup> Augustine, *De civitate Dei* 8.8.



in Book 6 [of the *Decretals*] in a gloss offered in connection with *De postulatione prelatorum* (which has but a single chapter), and also in *lex 2 ff. De juris et facti ignorantia*.<sup>426</sup>

I should like to inquire of the reverend doctor whether or not he deems the Romans to have been an organized, civilized people, with sensible individuals, philosophers, and wisemen represented among the population? Therefore whatever they endorsed, did, and upheld could be termed probable, even if it was in fact woefully misguided. For in matters of gods and idolatry, the opinion which the Romans so punctiliously observed and endorsed is the one that could, therefore, be said to be the 'probable' one for them and their nation; for lesser, lower-ranking folk are not to go asking the intellectuals of other nations whether or not what their superiors are doing or instigating is probable from the point of view of true reason. Therefore it is not known as the 'probable opinion' with regard to the rules of reason *in the absolute sense*, but rather because it is what is considered best and practised and endorsed by those deemed the wisest and most sensible in any given nation. Therefore everything the reverend doctor adduces at all points in his discussion of this matter is devoid of substance and worth alike.

(12) With regard to his ensuing assertion that my point about God having commanded Abraham to sacrifice his son to him works more against me than against him, I would say that he makes his case very poorly by appealing to the fact that God did not then permit Abraham to perform the sacrifice. I ask of him: why was it that God commanded him to perform this sacrifice? Clearly, besides the great mystery he wished to represent and the test of obedience to which he wished to subject his servant, it was also in order to convey that everything is owed to him and that if he did not ultimately allow the boy to be sacrificed to him, it was by the grace of his infinite goodness and the mercy he had on Isaac.

This point can be proven by means of the vow of Jephthah, who sacrificed his own daughter in fulfilment of his pledge. He did this, misguided though it was, because he saw that God had instructed Abraham to do this, as El Tostado notes in

<sup>426</sup> This dictum derives from a gloss of Panormitanus (Nicolò de' Tudeschi) offered in connection with the one and only chapter ('*Capitulum unicum*') of tit. 5 '*De postulatione prelatorum*' in Book 1 of the Sixth Book of the *Decretales* (i.e. *Liber Sextus Decretalium*, Boniface VIII's appendix to Gregory IX's *Decretales*), as Las Casas's first reference indicates. Panormitanus was using it more specifically in the context of the consensus of university professors ('*communis opinio doctorum inducit probabilem errorem*'); see further Alexander Russell, *Conciliarism and Heresy in 15th-Century England* (Cambridge: Cambridge University Press, 2017), 174n93. The second reference given is to the *Digest*, Bk. 22, tit. 6: '*De juris et facti ignorantia*'; see especially the second extract, from the jurist Neratius Priscus. Las Casas's immediate source for both the dictum and this pair of references, however, would appear to have been the entry '*De opinione*' in the so-called *Summa Sylvestrina* of Silvestro Mazzolini da Prierio alias Prierias (1456/7–1527), a compendious theological reference work where this information is presented in near-identical form to Las Casas's citation practice here. In his *Apologia* (ch. 31, 140v; Poole, 206), Las Casas cited the *Summa Sylvestrina*'s entry '*De bello*', so he certainly knew the work. Frequently reprinted after its *editio princeps* of 1515, it was properly known as *Summa summarum quae Sylvestrina dicitur*.



that connection (Judges 11, q. 48 and q. 52).<sup>427</sup> And the Holy Scripture itself would appear to show God's approval of Jephthah's vow and its fulfilment, as can be seen in St Paul's Epistle to the Hebrews, Chapter 11, where the Apostle lists Jephthah among the saints.<sup>428</sup> And this can also be seen from what it says of Jephthah in Judges 11, namely that the Spirit of the Lord descended upon Jephthah just before he made his vow, to say nothing of the fact that God did after all then go on to grant him victory over his enemies, which is what he had hoped to obtain when he made his pledge in the first place.<sup>429</sup> In light of all this it would appear that God accepted the terms of this vow and, in turn, that human sacrifice must have been gratifying to him. In view of these arguments and scriptural passages, St Augustine cannot bring himself to condemn Jephthah outright, as can be seen in his Questions on the Book of Judges, q. 49,<sup>430</sup> which is the very one the doctor adduces in support of his own argument. And so, seeing as Jephthah believed he was gratifying God in making that vow and since God himself, it would appear, did not condemn it—at least once the vow had already been made—for the trio of reasons just outlined, it is hardly unconscionable for the infidels likewise to have believed that offering human sacrifices to God (or to those whom they considered God) is something owed to God and which gratifies him. And if he did not ultimately allow Abraham to sacrifice his son, it was not because this was not owed to him, but rather out of his infinite goodness and the mercy he had on Isaac, and indeed because he had resolved to derive his own flesh from him. The same goes in part for what I note about the first-born sons whom he ordered to be sacrificed to him but then wished to be replaced by a lamb or shekels, or by doves or turtledoves (Exodus 13 and 34; Leviticus 27; Numbers 8; Luke 2).<sup>431</sup>

(13) And with regard to the final point of this objection I would say that from now until Judgment Day no heathens shall ever be obliged, in the eyes neither of God nor of men, to embrace the faith of Jesus Christ for as long as those bearing its tidings continue to be warmongers, killers, robbers, and tyrants, as Dr Sepúlveda would wish it and as he yearns to dispatch. And until such time as its proclaimers and preachers are virtuous men who lead truly Christian lives and do not keep company with tyrants, those words from the gospel—*'but he who does not believe will be damned'*<sup>432</sup>—shall never apply to the infidels, and least of all to the Indians and those of their ilk, despite the fact that they can and will still go to hell for other sins which cannot be absolved without faith.

<sup>427</sup> El Tostado (Alonso de Madrigal), *Commentaria in Iudices et Ruth*, ch. 11, qs. 48 and 52. From here on, the discussion of Jephthah is an addition to the 1552 printing, not present in the manuscripts (CR, 219v; MR, 256r).

<sup>428</sup> Hebrews 11:32–34.

<sup>429</sup> Judges 11:29–32.

<sup>430</sup> Augustine, *Quaestiones in Heptateuchum*, Bk. 7, *Quaestiones in Iudices*, q. 49, 2–3.

<sup>431</sup> Exodus 13:13 and 34:20; Leviticus 27:3–7 and 27:26; Numbers 8:16–18; Luke 2:23–24.

<sup>432</sup> Mark 16:16.

## Twelfth reply

(1) Coming now to the final objection: the errors and egregious propositions which Dr Sepúlveda amasses there, shrouded and glossed with the feigned zeal of serving royal interests, are so enormous, at such variance with all evangelical truth and Christianity as a whole, and worthy of such singular punishment and censure of the severest sort that no right-minded Christian should be surprised by our desire to indict him not only in a lengthy written tract but as a capital enemy of the Christian republic, abettor of cruel tyrants, scourge of the human race, and sower of the most mortal blindness throughout these Spanish realms. But proceeding with as much restraint as possible, as the law of God requires of us, offering just a brief response to each element in turn, the enormity of the error of his views will be laid bare.

(2) His opening claim about it having been Pope Alexander's intention for the Indians first to be subjugated by means of warfare—or, as the doctor (with all due respect) always calls it in his writings in both Spanish and Latin, 'conquest'—is a patent falsehood. This can be seen from the terms of the Bull of Concession, wherein the exposition of the basis on which the supreme pontiff founds his entire objective—namely the conversion and salvation of the souls there—runs as follows: '*They (that is to say, your envoys) have discovered certain islands and mainlands inhabited by a very large number of people dwelling in a peaceful fashion.*'<sup>433</sup> And further on: '*We exhort you most earnestly by the Lord and by the holy baptism which you have received which renders you beholden to apostolic commands and by the innards of Our Lord Jesus Christ we fervently entreat you that, since you propose to launch and undertake this expedition of this sort with eager zeal for the true faith, you should likewise conceive both a desire and a sense of duty to induce the peoples living on those islands and lands to embrace the Christian faith.*' And later on: '*And, furthermore, we command you by the virtue of your holy obedience (in accordance with your promise, and as your utmost devotion and royal magnanimity leave us in no doubt that you will indeed do) that you must dispatch upstanding, god-fearing, learned, skilled, experienced men to the aforementioned mainlands and islands to instruct the aforementioned inhabitants and residents in the Catholic faith and school them in good conduct, adhering to these principles with every due diligence.*' This is what it says there. For if Pope Alexander was aware, thanks to the reports of the monarchs themselves, that the discoverers they had sent to uncover that world had found that its inhabitants dwelt in peace, why would the pope have endorsed so-called 'conquest' and directed the monarchs first to subjugate them by means of

<sup>433</sup> Alexander VI, *Inter caetera* (1493). The first extract rearranges and abridges the wording. In the second extract, *misericordiae* is missing after *viscera* ('bowels'), both in the 1552 edition and in the manuscripts (CR, 220r; MR, 257r).

warfare and only afterwards to preach the gospel to them, as the reverend doctor asserts in his writings?

(3) Furthermore: if the pope, in issuing them with instructions to bring about the conversion of these peoples to the Christian religion, beseeches the monarchs by virtue of the holy baptism they received and by the innards of Jesus Christ, where does the reverend doctor get the idea that the pope's intention was to prevail upon the monarchs to go about sooner subjugating them in warfare rather than first preaching the gospel to them?

(4) Furthermore: if the Supreme Pontiff avails himself of another formal directive (where it reads: '*And, furthermore, we command you by virtue of your holy obedience*', etc.)<sup>434</sup> to require the Catholic monarchs to send upstanding, God-fearing, learned, skilled, expert men to the Indies to instruct its peaceful inhabitants, how can the doctor take the bull of the aforementioned concession to mean that Pope Alexander was in favour of bloodthirsty conquest and that he prioritized robbery, violence, death, extermination of populations, and the perdition of peoples over the preaching of the gentle law of the gospel? Why did the doctor not include and point to the words or clauses of the bull in which the pope signalled his approval of this abominable course of action worthy of Mohammed himself? It is plain to see that the doctor is woefully mistaken.

(5) And so that his error and misapprehension are put beyond all doubt, let consideration and attention be paid to what the doctor then goes on to add at that point, levelling a major allegation at the Catholic monarchs that cannot be borne by His Majesty and yet affecting to be thereby rendering him a service, namely his claim that, in accordance with the intention of the Supreme Pontiff (back in the days when Pope Alexander himself was still alive), the monarchs supposedly stipulated by their royal authority that the Indians were to be subjugated through warfare from the outset.

That these are terrible charges wrongly levelled at the sovereigns by the esteemed doctor can be demonstrated, for one thing, from the very first instruction which, in their capacity as Catholics, they ordered to be issued to the First Admiral [Christopher Columbus] when they first sent him back to the Indies after his initial discovery of it, dispatching him together with farmers and unwarlike people charged not with conquest, robbery, and murder but with settling, building upon, and cultivating the land and drawing those tame, humble, mild, peaceful people to them by means of meekness, sweet edifying conversation, and acts of charity and love.

In this connection the sovereigns state the following in the first article of the aforementioned first instruction: 'First and foremost, since our Lord God saw fit

<sup>434</sup> Alexander VI, *Inter caetera*, in Davenport, *European Treaties Bearing on the History of the United States*, 74.

in his holy mercy to unveil these islands and mainland to the king and queen, our lords, by dint of the efforts of the aforementioned sir Christopher Columbus, their admiral, viceroy, and governor of the lands in question, who has reported to Their Highnesses that he perceived the people he found living there to be very well suited to conversion to our holy Catholic faith, for they have neither law nor creed, this has proved most gratifying to Their Highnesses and continues to gratify them, for it is meet in all things to seek above all else to be of service to God, Our Lord, and to the glory of our holy Catholic faith. Therefore, wishing our holy Catholic faith to be expanded and amplified, Their Highnesses order and enjoin the aforementioned admiral, viceroy, and governor to seek and strive by every means and manner possible to induce the inhabitants of the islands and mainland in question to convert to our holy Catholic faith. And to assist with this, Their Highnesses are dispatching the faithful friar Father Buyl, along with a number of other men of the cloth, whom the admiral is to take with him. These clergymen, with the aid and efforts of the Indians who were brought here, who will have a good understanding and command of much of our language by now, should endeavour to give them a thorough grounding in the particulars of our holy faith, striving to instruct them in it as best they can. And so that this may be most effectively accomplished, the aforementioned admiral must, once the fleet has safely arrived there, endeavour and see to it that all those who have made the crossing in the fleet, and all those who do so hereafter, treat the Indians most kindly and lovingly and refrain from aggrrieving them in any way, seeking to establish dialogue and good relations between the two sides and behaving as impeccably as possible. And the admiral should likewise give freely from the gifts of the wares sent along by Their Highnesses for the purposes of bartering and treat the Indians with the utmost respect. And in the event of one or more individuals treating them poorly in any way whatsoever, the aforementioned admiral, in his capacity as Their Highnesses' viceroy and governor, should punish them most severely by the powers vested in him for this purpose by Their Highnesses,<sup>435</sup> etc. This is the official edict of Their Highnesses.

It is for your lordships, mercies, and worships now to judge if there is any basis to Dr Sepúlveda's position and whether or not there are grounds to credit what he claims and what response he might deserve and indeed what manner of recompense from the monarchs. If the monarchs, having been informed that the inhabitants of the Indies were peaceful and well suited to conversion, instructed the first admiral at the first opportunity from the outset in the very first directive they issued to seek to convert them to the faith by any means and manner possible and, so

<sup>435</sup> For the text of this directive, see Las Casas, *Historia de las Indias* 1.81. See also Martín Fernández de Navarrete, *Colección de los viajes y descubrimientos que hicieron por mar los españoles desde fines del siglo XV*, vol. 2 (Madrid: Imprensa Real, 1825), 66–72.

as to inspire them all the more to do so, to offer and give freely of the wares which they had provided from their own royal estate for the purposes of bargaining or to exchange for gold, silver, and pearls, and to show the utmost respect to the Indians, and for all Spaniards to treat them very well and lovingly, and for anyone who failed to do so to be roundly punished, perhaps the doctor might enlighten us as to how he came to accuse the Catholic monarchs of ordering the despicable acts of tyranny, which he advocates contrary to God and his law, to be committed in the name of 'conquest' from the outset?

Ordering utmost care to be taken over all possible ways and means of converting them, treating them with utmost respect and generously offering them gifts from the bartering reserves and merchandise in order to inspire them to embrace the faith, commanding the Spanish to deal lovingly with them and for anyone who failed to do so to be roundly punished: are these statements from which one can conclude that the monarchs ordered wars to be waged and the Indians conquered prior to preaching the gospel to them?

Or was the idea rather that, having first inspired in them an eminently understandable hatred for the faith and for those responsible for bringing it to them, they were then to convert them and bring them into the fold of the Christian religion? The sovereigns clearly grasped the pope's intention considerably better than the doctor, who would seek to construe it by distorting it, as he is wont to do with all his sources.

(6) His mistakeness and misapprehension in this regard can, secondly, be proven by means of a clause in the will of Her most serene Majesty, the esteemed Queen Isabel herself, who, unassailed by throes of high emotion, seemed to grasp the pope's intention a mite better than our doctor here. It reads as follows: 'Furthermore, with regard to the time when the islands and mainland of the Ocean Sea, both discovered and yet to be discovered, were granted to us by the Holy Apostolic See, our chief objective—for which we sought permission from Pope Alexander, honoured be his memory, who had granted us the concession—was to seek to prevail upon and draw in the inhabitants of those lands and convert them to our holy Catholic faith and to send prelates, men in holy orders, clergy, and other learned, God-fearing individuals to the aforementioned islands and mainland to instruct the denizens and inhabitants there in the Catholic faith, teach and instill good habits in them, and to do all the above with due dedication, as outlined at greater length in the terms of the aforementioned concession; and so I most dearly beseech the king, my lord, and entreat and command the princess, my daughter, and her husband, the prince, to maintain and uphold this, and for this to remain their principal objective, in which they should exercise all due diligence. And they should neither allow nor suffer the Indian inhabitants and residents of the aforementioned Indies and mainland, both conquered and remaining to be conquered, to sustain any injury either to their persons or to their property, but rather order them to be properly and justly treated. And if any such injury is sustained, they should make amends and see to it in a manner wholly compliant with that which

has been enjoined and entrusted to us by the terms of the concession.<sup>436</sup> *These are her words.*

Does it not strike your lordships, mercies, and worships that, in so ardently prescribing peace, meekness, and love as the means by which to entice and attract the Indians to the faith, the most serene queen is rather more in accord with the intention of the pope and of God than our doctor with his violence, tyranny, and warmongering? The doctor, then, is most sorely mistaken and seeks to mislead this venerable council, and, in his toadyism, promises to prove the downfall of future monarchs as well as of the current one, His Majesty.

The archives of the Royal Council of the Indies teem with numerous other edicts, directives, royal missives, dispensations, and laws issued at different points in time both by the previous monarchs and by His Majesty with a view to preventing and averting warfare and stipulating that the Indians are not to be subjected to war or to any other form of abuse but rather to be cured, by peaceful, loving means, of the terror with which they are struck—humble and meek as they are—at the sight of the Spanish who cut such fearsome figures and in the wake of the cruelty endured at their hands and instead to be rendered amenable to lending their ears to the preaching of the gospel undisturbed, freely, and of their own volition and so become devoted to our Christian faith. For there is nothing preventing them from embracing our holy faith but the fear which the Spaniards inspire in them and the abuses they commit.

This in turn sheds light on another facet of Dr Sepúlveda's mistakenness and blindness, for he should know that the harm, robberies, killings, and depredation wrought upon more than three thousand leagues of the most blissful, densely populated land were all without exception performed and perpetrated by the tyrants in the Indies without authorization from the sovereigns of Castile; on the contrary, everything has been carried out against their express orders and injunctions, as demonstrated in my *Thirty Propositions*<sup>437</sup>—which I penned by way of elucidation and defence of my *Confesionario*—and in various other writings of mine. And so the reverend doctor's skulduggery is left without a truthful leg to stand on, rendered null and void. In our *Apología* we have responded at great length to instances where the very learned doctor's quibbles about the clauses of Pope Alexander's bull could seem to have some specious plausibility.<sup>438</sup>

(7) It also follows from all this that what the doctor then goes on to say—namely that in granting bulls, dispensations, and indulgences for the establishment of

<sup>436</sup> Codicil XI to the Testament of Isabel. See *Testamentaria de Isabel la Católica*, edited by Antonio de la Torre y del Cerro (Barcelona: Vda. Fidel Rodríguez Ferrán, 1974), 97.

<sup>437</sup> The *Thirty Propositions* ('*Aquí se contienen treinta proposiciones muy jurídicas*') formed another of the tracts that Las Casas published with Sebastián Trujillo in Seville in 1552. See Las Casas, *Obras completas*, vol. 10, 197–214, for an edition with introduction by Ramón Hernández, O.P.

<sup>438</sup> Las Casas offers this refutation of Sepúlveda's interpretation of *Inter caetera* in ch. 59–62 of his Latin *Apología*. In the manuscripts (CR, 221v; MR, 261r), he again offers page numbers: 'desde la hoja 163 haste el fin de a primera parte'.

churches, cathedrals, bishoprics, monasteries, and other spiritual things the pope was signalling his approval of this war and tyrannical conquest—is not only wicked but absurd and utterly preposterous. The extent to which Christ makes deals with the Devil, and the bearing which this has on the case at hand, is for your lordships, mercies, and worships to judge.

(8) What the doctor then proceeds to reason is a fine effort to force a correspondence or equivalence, treating two different phases, or rather two different sets of circumstances, as if they were one and the same: namely, subjugating the Indians before they have received the faith as opposed to doing so only once they have already embraced it of their own free will.<sup>439</sup> In this connection he contends and posits that it is equally if not more pressing to remove the obstacles put in the path of preaching the faith (which the Indians themselves have never put there nor will ever do of their own accord, which is tantamount to saying unless they are provoked with good reason or grounds to do so) as it is to get them to keep the faith once they have received it, which is the second phase or circumstance. In so doing, he is conflating our right or mandate to preach the faith to those who have never received it with the need to preserve it in those who already have. His mistakenness in all this is plain to see, for he fails to allow for the vast gulf separating the two aforementioned phases or situations and the consequent discrepancy in terms

<sup>439</sup> From this point until the end of §10, the published text of this part of Las Casas's Twelfth Reply as offered in his 1552 printing—and, consequently, as followed in the main body text of the translation we offer here—represented a marked departure from the version to be found in the manuscripts. (See further the preface to this translation.) In a significant revision of that earlier view, the 1552 version moved to affirm the right of Amerindian communities to reject Spanish rule even after conversion: the 'ideological and tactical revolution' (246) which occupied Vidal Abril-Castelló in his seminal 1984 article, 'La bipolarización Sepúlveda–Las Casas'. The original—far shorter—version of the same passage as contained in the manuscripts (CR, 222r; MR, 261v–262r) is as follows:

'What the doctor then takes this to mean is a fine effort to force a correspondence or equivalence, treating two distinct phases as if they were one and the same: on the one hand, the subjugation of the Indians prior to receiving the faith; on the other, proceeding to do so after they have embraced it of their own free will (in view of the fact that they are recent converts to it or to stop them from corrupting it with sins and heresies or indeed to prevent them from abandoning it altogether by means of apostasy). The most reverend doctor has thus failed properly to appreciate the true nature of the distinction here in terms of the rights and particularity peculiar to each of the two phases, for, when it comes to the former,\* we only have the right to preach to them and to avail ourselves of all the means proportionate to and necessary for this end, among which warmongering, robbing, capturing, and killing do not number. When it comes to the latter of the two phases, by contrast, our right to action is far stronger and more robust, for it is incumbent upon us to reinforce, uphold, preserve, and defend the holy faith and Christian religion, and it was with an eye to this phase and out of the most befitting necessity and by means of this most just of titles that the Apostolic See had the foresight to grant and donate supreme jurisdiction and dominion over that world (albeit without depriving the local rulers of their own) to a Catholic monarch. And so, once he has properly grasped the nature of the difference at issue here, he will find that my position on this does not represent the undoing of all that I said on that subject before, as the illustrious doctor alleges. And seeing as I have already expanded on the matter at length by composing a dedicated treatise devoted to demonstrating the true, juridical title which the sovereigns of Castile and León have to supreme, universal dominion over that world of the Indies, I shall say no more about it here.'

\* Here we read '*en cuanto*' ('with regard to') for what the Caracas edition (mis)prints as '*no cuanto*'.



of right or mandate which obliges us to adopt two different courses of action in pursuing these two distinct ends.

(9) For, when it comes to the former, we only have the right or mandate to preach to them and to avail ourselves of all possible means required for and appropriate to preaching and to gospel law, none of which includes or extends to warfare, robbery, enslavement, or murder. But when it comes to preserving, upholding, and defending the faith of those who have already received it, we have stronger, more robust rights and a more binding mandate. The rationale behind this is that, once people have received the faith, it perforce falls to us to maintain, uphold, preserve, and defend it, particularly where recent converts are concerned, seeing as they are much more easily corrupted by means of sin, heresy, or apostasy. But we are not under so stringent an obligation when it comes to preaching the faith, since we do not know whether the infidels in question will wish to receive it, for that is at their discretion and we cannot force them to embrace it.

As regards the second case, right, or mandate (which, as already mentioned, is of a more stringent and binding nature), the grounds were far more noble and necessary than in the first, on account of which the Apostolic See was justly and prudently able to proceed to concede and grant universal supreme dominion and sovereignty over that world—yet at the same time without depriving the native rulers or inhabitants of their own sovereignty—to a Catholic monarch who would uphold and preserve them in the faith; but the grounds for action are not so compelling in the case of the right to preaching alone. The main and most inarguable reason for the difference between the two—not counting the one already mentioned above—is because the church cannot force people to embrace the faith but it *can* compel them to keep it.

(10) Furthermore: prior to being baptized the infidels are not subjects of the church, as discussed above and as demonstrated at great length in my *Apologia*.<sup>440</sup> And so, to speak *without restrictions*, they cannot have a ruler deposed or indeed imposed by the church (nor would they owe obedience to any such imposed ruler), other than very much *on an ad hoc basis* and under highly specific circumstances, for instance if the ruler in question were single-handedly responsible for obstructing the preaching of the faith. After they have converted, however, the church has far more solid grounds on which to exercise its temporal jurisdiction over them by virtue of their subject status, as will be self-evident. And this principle is universal: namely, if the church were to perceive something to be necessary or highly expedient for the preservation and defence of the faith and Christian religion and as a safeguard against future eventualities and dangers, it is entirely right and just for it to enact the measure in question by the power vested in it by its apostolic duty and role as Christ's representative on Earth. This is even more the case in

<sup>440</sup> Las Casas's lengthy refutation of the claim that infidels are subject to the authority of the church takes up chs. 6–29 of his Latin *Apologia*.

instances where so little detriment and so many benefits accrue to the native rulers themselves and all the peoples there, as is the case with imposing a supreme, universal monarch upon that whole world, or at least to serve as an imperial overlord to command, direct, and govern them and establish universal Christian laws to enable them to be bettered in their temporal state and maintained and upheld in their spiritual condition as Christians.

And in the event that, upon conversion to Christianity, they should not wish to accept and obey that supreme ruler (though this will hardly be the case among the Indians, especially among the larger, settled communities, as they are by nature so thoroughly meek, humble, and obedient), it still does not follow from this that war can be waged on them on that account (as Dr Sepúlveda claims) so long as they continue to keep the faith and observe due justice. This is because attention should always be paid to the ultimate aim and purpose on account of which this supreme, universal ruler is to be imposed upon them, namely for the Indians' own good and benefit, and always with an eye to ensuring that this supreme rulership does not turn into a source of harm, ruin, and destruction for them. For in that eventuality there is no room for doubt: in fact, from that moment onwards one could even go so far as to call that rulership unjust, tyrannical, and wicked insofar as it served the ruler's own good and interests over the well-being and common benefit of the subjects. And this is abhorred and abhorrent from the standpoint both of natural reason and of all human and divine laws. And it is in this sense, and this sense only, that I mean the nineteenth of my *Thirty Propositions*<sup>441</sup>—the one in which I say that kings, lords, and other groups of that nature in the Indies<sup>442</sup> are obliged to recognize the sovereigns of Castile as their rulers, monarchs, and emperors—to be taken and understood.

The reason for this is that, even though refusal to accept them is a sin, nonetheless—in the interests of averting the strife and irreparable damages which warfare would invariably entail and if the stated goal, namely the spiritual and temporal well-being of all those peoples, is to be honoured—they cannot be forced to submit by means of warfare without this too constituting the gravest mortal sin. Therefore the sensible, Christian avenue or way of implementing, establishing, and perpetuating the aforementioned reign and sovereign rule over those realms, which our illustrious monarchs are duty-bound and obliged to exercise and implement, is the peaceful, kindly, loving, Christian way, namely winning over the spirits and minds of those people—rulers and subjects alike—by means of love and good, well-intentioned actions. Without hesitation or delay, the Indians will come with

<sup>441</sup> For this nineteenth of the *Thirty Propositions*, see vol. 10 of the *Obras completas*, 209.

<sup>442</sup> For the phrasing here ('los reyes e señores e comunidades de aquel orden de las Indias'), cf. the beginning of the nineteenth of Las Casas's *Thirty Propositions*: 'Todos los reyes y señores naturales, ciudades, comunidades y pueblos de aquellas Indias son obligados a reconocer a los reyes de Castilla por universales y soberanos señores y emperadores . . .'

open arms, dancing and frolicking, to offer themselves in submission and to serve them swiftly and gladly, as my own extensive experience and findings reliably show.

I have addressed myself to this subject at length in many writings of mine composed in Latin and Castilian alike, in particular the one I penned with a view to establishing the true legal title of the monarchs of Castile and León to universal, sovereign dominion over the Indies.<sup>443</sup> And seeing as the doctor fails to recognize all the aforementioned points which obtain *de facto* and *de jure*, nor the distinction between the circumstances or phases outlined above, nor the purpose of this rule, the manner in which it is to be brought about, the form of governance and all the other things which are and ought to be ordered concerning or directly involving the Indians in order to achieve that end (that end being, as already mentioned, exclusively their own good, benefit, profit, and development), the doctor consequently believes that my own statement on this subject represents (in his opinion), by the very terms of my own concession, the undoing of everything I had previously said.<sup>444</sup> And the reason for this is none other than that he is distorting it (as is his wont), pretending that something is amiss anytime he has the opportunity to do so in order to justify or burnish his own purpose and most duplicitous zeal.

(11)<sup>445</sup> And, in light of the above, what the doctor then in turn proceeds to posit—namely that the Indians deserve to be stripped of their liberty and sovereignty on account of their idolatrous sins—proves to be specious. Presumably he means to imply that they are not the lords of their own domains, realms, or estates, or that they can be stripped thereof *ipso jure*: if this is indeed what he means to suggest, then it must be that the reverend doctor does not realize that this assumption leads, by virtue of sound logical reasoning, to a major heresy now long since condemned, namely claiming or contending that temporal civil sovereignty has its basis in faith or grace. This heretical mistake originated in the primitive church, as noted by St Jerome in his commentary on the Epistle to Titus.<sup>446</sup> It was subsequently reprised by several others, since also condemned for it, and in our own times it has again been expanded upon by Luther.<sup>447</sup> By contrast, the Holy Scripture still refers on multiple occasions to heathen, idolatrous, sinful kings—such as Sennacherib, Nebuchadnezzar, Achan, and many others—as kings. And

<sup>443</sup> As his wording here indicates, this is a reference to another of the treatises Las Casas published in Seville around this time, the *Tratado comprobatorio del imperio soberano y principado universal que los reyes de Castilla y León tienen sobre Las Indas*. (While the title page gives the date 1552, the colophon dates the publication to 8 January 1553.) This work was an expansion of the 17th and 18th of the *Thirty Propositions*. See Las Casas, *Obras completas*, vol. 10, 391–543, where it is edited and introduced by Ramón Hernández, O.P.

<sup>444</sup> Cf. Sepúlveda's Twelfth Objection, end of §3 (where, as here also, 'por su/mi confesión' is somewhat obscure).

<sup>445</sup> At this point, the 1552 edition returns to following the manuscripts, with some variants noted below.

<sup>446</sup> Jerome, *Commentarius in Epistolam ad Titum*, 3:1–2.

<sup>447</sup> In referring to the revival of this 'heretical' notion, Las Casas has in mind figures such as Hostiensis; he discusses the matter further in chs. 15 and 41 of his *Apologia*.

Solomon was not stripped of his kingdom, despite being an abominable idolater. Or if what he means is that *they ought to be dispossessed by a righteous man* on the basis of the sins they commit in their heathenism alone, this is false, as I demonstrate in my *Apología* by means of incontrovertible authorities and arguments, for the right to do so is reserved for God alone, who has the power to annihilate them if he so chooses, though, in his boundless mercy, he refrains from doing so.

(12) As for his assertion that, upon closer inspection, everything I say and write is done with a view to proving that all conquests undertaken to date (even those in which all directives have been observed) have been unjust and tyrannical and to corroborating what I wrote in my *Confesionario*, etc: to the first point I would answer that his mercy is quite right, and I hereby reiterate once again that all the conquests and wars which have been waged against the Indians from the discovery of the Indies until our own times were and always have been singularly unjust, tyrannical, and infernal and have been more terrible and a greater source of monstrosities and offences against God than those perpetrated by the Turks and the Moors against Christendom. And all those who have participated in these wars have been most dastardly plunderers, assaulters, and cruel tyrants responsible for committing the most heinous, reprehensible sins in the course of waging them, and everything of which they came into possession and acquired in the process was and is by violent means, through robbery, assault, and tyranny.

On account of this—not to mention all the other damages that defy enumeration or calculation and which cannot be made good, for they are irremediable—all concerned are obliged to make restitution in full. And there will be no hope of salvation for them unless they offer them reparation insofar as their means allow and make it up to them and weep every single day of their wretched lives for their sins the extent, magnitude, and quantity of which have never before been seen or heard. And I would even go so far as to say that the illustrious doctor and any other person minded to justify or make excuses for them is guilty of the most terrible mortal sin and likewise obliged to make restitution on grounds of being the impediment to the salvation of those tyrants who might otherwise repent, as well as to the compensation which those victims of tyranny still alive or else their heirs might stand to receive were it not for him and his new-fangled, pernicious doctrine preventing them from doing so.

(13) In response to the second point I would say, as I asserted in my *Thirty Propositions* and as can be seen from what I explained just above, that neither the late sovereigns of Castile nor our current majesty ever issued a directive, edict, or dispensation stipulating that war or conquest should be waged for its own sake—and least of all against the Indians—nor did they ever countenance any such thing.<sup>448</sup> And if any directive or dispensation of theirs did seem to admit

<sup>448</sup> This is in *Proposición 25* of his *Treinta Proposiciones*, in vol. 10 of the *Obras completas*, 210–11.

the possibility of waging war, it will have been *accidentally*, which is to say, on the basis of a thousand deceptions and false pretences both *de jure* and *de facto* represented to the monarchs by the tyrants themselves and likewise by those who had a stake in their tyrannical undertakings and so sought to defend or exonerate them. And when such a case was brought to the monarchs' attention, they would swiftly revoke and rectify it with further stipulations to the opposite effect.<sup>449</sup> And thus every single act of robbery, violence, destruction, death, and perdition in both body and soul of the more than twenty million people whom the aforementioned tyrants have hacked to pieces, and the three thousand leagues of land which they have destroyed and denuded of inhabitants,<sup>450</sup> has been carried out and perpetrated not with the authority of the monarchs of Castile but, on the contrary, flying in the face of their many explicit prohibitions issued to the opposite effect, as demonstrated above.

And I would go further still: on the off-chance that the sovereigns were, as the doctor claims, to have issued directives and dispensations to that effect (which is not to be entertained even so much as hypothetically as something that could actually befall the consciences and royal minds of the Catholic monarchs or of His Majesty or of his most scrupulous Christian Council of the Indies in existence today) authorizing the aforementioned wars and conquests to be waged and to continue to be waged today as a primary objective and end in itself purely on the pretext falsely devised by Dr Sepúlveda in the absence of any further just new motive, even in this hypothetical scenario still none of the wars waged to date would be justified nor would those waged today be justifiable or excusable and the late Catholic monarchs would be guilty of mortal sin and His Majesty today would not escape the same fate either, and they would all have been and remain obliged to offer the aforementioned restitution and recompense *in solidum*.

And this is the nature of the so-called service which the most reverend doctor renders to His Majesty and to the esteemed members of His Majesty's Royal Council of the Indies, blinding them by toadying up to them so despicably.<sup>451</sup> If only God would see fit to make the doctor recognize the terrible offences which his impudence causes him by means of the harm it does to the propagation of his holy faith, the temporal losses sustained by the monarchs of Castile and the damages inflicted upon all of Spain and upon the well-being and temporal and spiritual salvation of all those countless souls.

The reason for this is that, no matter how many offences his words commit, they will come to naught, for even if a piece of Scripture or doctrine of the saints expressly endorsing his misguided, accursed opinion were to exist (a tall order

<sup>449</sup> In *Proposición 26* of his *Treinta Proposiciones*, vol. 10 of the *Obras completas*, 211.

<sup>450</sup> This phrase, present both in the manuscripts (CR, 222v; MR, 263v) and the 1552 edition, was inadvertently omitted by Galmés (p. 188).

<sup>451</sup> The end of this sentence ('tan pestilentemente lisonjeándolos y cegándolos') is yet another late sharpening of the knife against Sepúlveda; it was not present in the manuscripts (CR, 223r; MR, 263v).

indeed seeing as they all go against him), it would still have proved necessary to silence and suppress it on account of the enormous scandal to which it gives rise and the incentive it provides or offers to those who are forever thirsting after and primed for robbery, murder, and capturing those defenceless people. This can be seen, quite aside from all the many other scriptural and saintly proof-texts available, from a memorable statement made by St Basil in his *Morals*, to wit: 'For even when a matter or a particular word is sanctioned by Scripture, it should nonetheless be disregarded whenever, as a result of a similar situation, other people become either more ready to sin or more sluggish for proper actions.'<sup>452</sup> That is what he says.

(14) Likewise, in another of his pronouncements, St Basil goes on: 'It is a clear indication that someone does not have the charity of Christ towards his neighbour if he does something which harms his property or mind and hinders his faith, even though it might be something allowed, under special circumstances, by Scripture.'<sup>453</sup> These are Basil's words. All the more reason for the doctor to stop pursuing and persisting in something so despised and condemned by the whole Holy Scripture, the doctrine of all the saints, natural reason as a whole, the virtuous good sense of right-thinking men and the entirety of Christian practice of the universal church.

But since the doctor refuses to recognize the lethal, far-reaching damages and evils which he occasions and the need that thus arose for my *Confesionario* (endorsed by four supremely learned Masters of Theology—*maestros* Galindo, Miranda, Cano, and Mancio<sup>454</sup>—along with two fellow theologians of the rank just below,<sup>455</sup> Fr. Pedro de Sotomayor and Fr. Francisco de San Pablo,<sup>456</sup> directors of the College of St Gregory in Valladolid and now both Masters of Theology themselves) to serve as an impediment and antidote to those evils, he sees fit to refer to it as defamatory libel; and yet his own book is one which the Universities of Salamanca and Alcalá have condemned as pernicious, unsound doctrine and for which the Royal Councils have withheld printing permission on the four or five occasions on which he sought it and in which he traduces the faith of Jesus Christ and the whole Christian religion by toiling and striving for Christianity to be spread by means of war, robbery, and slaughters, as under the law of Mohammed, giving free rein to the whole of Spain to be of the view, without further thought, care, or consideration, that robbing, killing, and casting vast masses down into hell is not a sin.

<sup>452</sup> Basil the Great, *Moralia, Regula* 33, c. 2 (PG 31, 751–52).

<sup>453</sup> Basil the Great, *Moralia, Regula* 5, c. 2 (PG 31, 709–10).

<sup>454</sup> All Dominican friars and teachers: Domingo de Galindo (Salamanca), Bartolomé Carranza de Miranda (San Gregorio, Valladolid), Melchor Cano (Salamanca), and Mancio de Corpus Christi (Alcalá).

<sup>455</sup> The Spanish term here rendered as 'theologians of the rank just below' is '*presentado*', denoting a rank between *maestro* and *licenciado* (see Covarrubias, *Tesoro*, s.v. *presente*, 7).

<sup>456</sup> Two more Dominican friars, both at San Gregorio in Valladolid (the chapel of which was where the junta met).

(15) Furthermore, in seeking to persuade them to endorse and authorize it, he is responsible for defaming His Majesty and all future monarchs in the eyes of their fellow kings and neighbouring kingdoms by causing them to be thought of and known as unjust, deficient Christians.

(16) Furthermore, Dr Sepúlveda thinks that this book of his (or rather pamphlet of libel, as I would call it)—which ruins the reputation and regard in which the Amerindians are held in the eyes of all the world and slanders these boundless populations as beasts lacking in human reason that can be hunted or ridden like brutish animals, impervious to teachings and brimming with unspeakable sins, thereby casting false aspersions on countless individuals—has nothing of the slanderous about it, despite the enormity of all the aforementioned awful characteristics, and that it should remain available and be studied as the Holy Scripture is.

I need hardly reiterate the immense audacity he exhibited in sending it to be printed at Rome (where, in the absence of most of the facts of the matter),<sup>457</sup> they do not grasp the venomous poison with which it brims, disguised as it is with false rhetorical flourishes), thereby flouting the condemnation of it issued by the two Universities and the rejection on the part of the aforementioned Royal Councils. If the pope's deputy and the master of the Holy Palace and all the others whom he prides himself on having had approve the book were to have been made aware of just how much falsehood and depravity it contained, the extent to which it harms and hinders the gospel, and the degree to which it is incongruent with the innate goodness, reasonableness, docility, simplicity, and natural meekness of the inhabitants of the Indies, it is scarcely to be believed that such illustrious personages as these gentlemen all no doubt are can have been so indifferent and inimical towards both themselves and the truth as to permit such heinous, lethal doctrine to be made available in published form.

(17) He also alleges something else no less absurd, unworthy of being heard by prudent, pious ears—on the contrary, it should be repudiated and despised for being so full of worldliness and secularity, *like a man who doesn't know the things of God*<sup>458</sup>—namely that, if the practice of conquering and subjugating the Indians through warfare were discontinued, soldiers would (he claims) cease to go at their own expense as has been the case up until now, nor could they go at the king's expense, for everything in his possession is required for his kingdoms over here; and even if the latter *did* wish to bear the cost of sending people,<sup>459</sup> he would be unable to find anyone willing to go for thirty ducats a month, 'when nowadays they spare themselves neither danger nor expense in the interests of the gains they expect to

<sup>457</sup> Here the parenthesis is closed prematurely and ungrammatically in the 1552 printing.

<sup>458</sup> The phrase set off by dashes translates yet another intensification of animus against Sepúlveda added to the 1552 printing.

<sup>459</sup> The 1552 edition has 'y aunque quisiese a su costa gente'. The manuscripts supply the necessary infinitive 'embiar' ('enviar') before 'gente' (CR, 223v; MR, 265v).



reap from the gold and silver mines with the aid of the Indians they have subjugated', etc. These are all Dr Sepúlveda's own words.

Could it be any more glaringly obvious just how little the doctor understands of the facts of this matter into which he has been so desperate to plunge so blindly? Or the degree to which he shows himself to be flying in the face of human and divine law and natural reason in his myopic way? He even goes so far as to assert that nobody embarks on the crossing to the Indies with a view to anything other than subjugating and capturing the people there and exploiting them most tyrannically. He says as much in Spanish, albeit cryptically phrased. This, then, is the course of action the doctor seeks to promote, as will be apparent.

That the doctor has no understanding of this whole business is evident from the fact that he ought, before weighing in on it all, to have known that one of the most decisive factors that have led to the robbery, depopulation, and destruction of this vast mass of realms in the Indies and the reason for the failure to respect and obey their natural king [i.e. the king of Spain] has been the fact that tyrants volunteering to raise fleets and undertake conquests at their own expense have been allowed to do so. The funds for this did not, however, come from their estates over here but rather from the riches acquired through robbery, plundering, and depredation committed in certain regions with a view to rising to the rank of frontier commanders, proceeding to plunder and destroy other regions. His Majesty and his Royal Council of the Indies have ample experience of this by now, having seen it occur time and again, and they condemn it as wicked and evil.

(18) Furthermore: the doctor's mistakenness in this regard is greater still, for there are so many people keen to travel to the Indies for free that one of the main burdens borne by the *Casa de Contratación* in Seville since at least the year 1500, and in more recent years here at the Council as well, has been to endure the endless badgering of those seeking permission to make the crossing to the Indies.<sup>460</sup>

(19) Furthermore: the most reverend doctor ought to know that the lands across that whole hemisphere are so fertile and productive that they will make a rich man out of anyone minded to take advantage of them without needing to resort to exploiting the Indians. And hardworking, industrious people—not good-for-nothing sorts like soldiers—are already over there and their presence suffices to ensure that the Indians who still have not been pacified after the tyrannies they have endured at Spanish hands do not come to visit harm upon the clergymen: so much so, in fact, that they never approach at all, or only very rarely, unless they are stirred up and sought out.

<sup>460</sup> The *Casa de la Contratación* ('House of Trade'), established in Seville in 1503, had broad powers regarding overseas trade and travel. In addition to settling legal disputes, drafting maps, training pilots, and probating wills of Spaniards who died overseas, it also, as Las Casas notes, regulated emigration to the Indies.

(20) Furthermore: the doctor should also be aware that the Indians have never done any harm to Christians unless first provoked by the litany of abuses and incomparable ravages suffered at their hands. Even in such instances, they never visited any harm upon friars once they had been apprised of the difference between clergymen and laypeople and between the nature of the different objectives motivating the former and latter respectively. For they are by their nature overwhelmingly peaceful, harmless, and utterly meek.

(21) Furthermore: the most reverend doctor ought to realize that it is preposterous and out of all reasonable proportion to seek to subdue the Indians and pave the way for preaching to them by sending tyrants with cruel, unruly armed forces to people who are already profoundly distressed, aggrieved, and dumbfounded by the evils and ravages they have been made to suffer; rather, it should be first essayed from the lands or provinces with Spanish settlements nearest at hand, broached by clergy with the aid of peaceful Indians with whom there is already shared acquaintance, familiarity, and trust, which is precisely what my fellow Dominican friars and I did when, approaching from Guatemala, we availed ourselves of this strategy and engaged in peaceful negotiations, thereby succeeding in converting those provinces which the king consequently ordered to be named the provinces of Verapaz, which is to say ‘true peace’, where these days, to the glory of God, the most marvelous Christianity now reigns—a fact of which the most reverend doctor is unaware.

The provinces in question were, quite rightly and with good reason, in a state of frenzy and turmoil on account of the unlawful wars which the Spanish had waged on them, and the first person to enter and bring peace to the area was the Blessed Friar Luis,<sup>461</sup> who would go on to be killed in Florida, a fact which the reverend Dr Sepúlveda attempts to exploit to his advantage. But little good does it do him: for even if they had massacred all the Dominican friars and St Paul himself along with them, this would still not increase the legitimacy of action against the Indians a single jot more than there was before—which, as it was, was already zero. This is because the port at which Friar Luis was put ashore by those wicked sailors, who were supposed to be steering clear of that area as per their instructions,<sup>462</sup> had been the site of the arrival and disembarkation of four fleets of cruel tyrants guilty of perpetrating unconscionable cruelties against the Indians of those parts, affronting, aggrieving, and corrupting the land for a thousand leagues all around.

As a result they [the Indians] have all the right in the world to be at war with the Spanish—and indeed with all Christians—from now until Judgment Day.<sup>463</sup>

<sup>461</sup> i.e. Fr. Luis de Cáncer, a Spanish Dominican friar who had known Las Casas through involvement in the Dominican missionary project in Verapaz and was later killed in Tampa Bay, Florida, in 1549.

<sup>462</sup> For this relative clause in the 1552 edition, the manuscripts (CR, 224v; MR, 267r) offered a gratuitous slur on sailors generally: ‘que no suelen hazer sino por maravilla cosa buena’ (‘who are not in the habit of performing any good action, absent a miracle’).

<sup>463</sup> This sentence was added to the 1552 edition; it is not in the manuscripts (CR, 224v; MR, 267r). But see the next note.

And having never seen or come into contact with clergy before, they had no way of knowing that these were missionaries, especially as the latter kept company with the very men who have brought them such evil and ruin, to whom they were, moreover, similar in mien, clothing, beard, and language and whom they would see eating, drinking, and making merry all together like firm friends. And if the sailors had taken the aforementioned Father Fr. Luis to the place which had been indicated and decided upon by those of us over here and on which the blessed man had set his sights, he would not have been killed, for it appears that the other friars, his companions, asked the pilot to put them ashore elsewhere up or down the coast, in other provinces, but he, on the pretext of wanting first to go to the island of Cuba to replenish their water supplies, deposited them there in New Spain, and there was nothing they could do about it.

And even if they had been killed in another province (although this was not in fact the case) this would not detract from my argument, for the infidels have killed other men better than they and better than any alive in the world today on the same account. And it is a most noble holy tenet for some of God's servants to lay down their lives for the gospel. For they are of more use in the conversion of the heathens after their precious death than they could ever be toiling and sweating away down here. And so we place our hope in God that Fr. Luis Cáncer, who was such a devoted servant of his, can and will continue to be of service in the conversion and salvation of those who put him to death. For since they know not what they do, and as far as they are concerned they are killing not friars or servants of God but mortal enemies at whose hands they have suffered so much,<sup>464</sup> our Lord God shall look upon them with merciful eyes in keeping with the merits of the very blessed Fr. Luis.

And this is the right road, divine and royal, and the pattern<sup>465</sup> instituted and endorsed by God himself for preaching the gospel and converting souls—not the diametrically opposed one advocated by the doctor, which every divine, rational, and human law condemns. And if the divinely sanctioned method does not lead to the conversion of the faithful of the Indies this year, God—who died for them—will convert them next year, or ten years from now. And the reverend doctor should not presume to be more zealous than God himself, nor in a greater hurry to convert souls than he; rather, the esteemed doctor should restrict himself to modelling himself after God, for God is the teacher and he the student. And therefore his mercy should be content with advocating the mode and procedure established by

<sup>464</sup> Here the manuscripts offered: 'against whom they are waging a very just and rational war—against the Spaniards, I mean—and not just today but from here on to the Day of Judgment; meanwhile, no recompense is being made to them for the harms and disasters and slaughters they have received' (CR, 224v; MR, 267v).

<sup>465</sup> This translation follows the reading of the manuscripts (CR, 224v; MR, 267v): 'Y esta es la recta vía divina y real y forma de predicar . . .'. The 1552 printing offers: 'Y ésta es la recta vía divina e forma real de predicar . . .'.

Christ, our God, and not devise another course of action contrived by the Devil himself and espoused by his emulator and apostle Mohammed by means of such great villainy and human bloodshed. And so the most reverend Dr Sepúlveda proves to have his facts of the matter quite wrong.

(22) That he is similarly mistaken on the legal front will be no less evident. Quite aside from all the many other grounds for this which emerge perfectly plainly from his dialogue and summaries in both Spanish and Latin too, this can be demonstrated by, firstly, the way the doctor locates and predicates the entire legal title of the sovereigns of Castile and León to supreme dominion over that world of the Indies on military prowess and on our superiority in terms of physical might. This approach has always characterized, and continues to characterize, places over which tyrants ruled and rule.

His second mistake on the legal front is that he appears to imply that he does not believe that the sovereigns of Castile and León are, by virtue of their commitment to the objective of preaching the gospel and the conversion and good governance of the realms and republics of those Indies, obliged to bear all the costs associated with achieving that objective. To suggest otherwise is to do the monarchs an offence and disservice, setting them on the road to ruin by misleading them and toadying up to them to such dangerous effect. And, in the absence of other suitable sources of funding, they should be prepared to meet these expenses from their income and tributes from their own realms here, for the simple reason that, as mentioned, they have undertaken to discharge this duty. This obligation only increases in light of the vast quantity of treasure which they have obtained and continue to receive from those Indies every single day.

The third sign that the doctor is mistaken on the legal front is that he can be seen to invert and disrupt the natural order of things, making the means into an end and a main object out of the ancillary. The aim of this whole matter, which in God's eyes constitutes the main objective, is the preaching of the faith—the expansion of his church—not throughout the wastelands and fields of those lands but rather among its native inhabitants, converting them and saving their souls. Of secondary and lesser importance is the matter of the temporal benefits which the Spaniards who go there stand to be able to reap, to which in his writings the reverend doctor frequently makes reference as if it were the principal objective. Anyone unaware of this is mightily ignorant indeed, while anyone who denies it is no more a Christian than Mohammed himself, but Christian in name only.<sup>466</sup> He says that it is the prospect of the gold and silver mines and the labour of the Indians which lures them there; and I can well and truly believe it, for they have certainly always shown it to be the case by their actions, for what motivates them is not the honour of God nor

<sup>466</sup> A final intensified jab at Sepúlveda added to the 1552 edition; not found in the manuscripts (CR, 225r; MR, 268v).

zeal for his faith nor to succour and aid in the salvation of their fellow humans and nor is it to serve their king, as they forever boastfully claim to be the case, but rather exclusively their greed and ambition to tyrannize and rule over those Indians, whom they wish to be shared out, as if they were beasts,<sup>467</sup> in an eternal, tyrannical, hellish *repartimiento*, which, bluntly put, is nothing more than dispossessing and ousting or expelling the sovereigns of Castile from that whole world and arrogating it to themselves, usurping their supreme royal jurisdiction from them and setting themselves up as tyrants in finest fashion. And this is what the most reverend Dr Sepúlveda advocates with all his might, although at heart I do not believe that he can be truly cognizant of the damage he is doing.

(23) In order to counteract this blindness and plague and put a halt to all these other countless evils, prevent the sovereigns of Castile from losing the Indies, and avert the utter perdition of so many people and the extermination of such boundless lands, as will otherwise shortly come to pass, and so as to stay the scourges which God rains down upon the whole of Spain on this account and which he will soon unleash more cruelly still, as my fifty years' experience of this business indicates, I have spent the past thirty-five years toiling at this court.

And it is towards this end that I direct my every effort, and not at all with the aim of undermining the Castilian sovereigns' title to supreme dominion there, nor with a view to shutting the doors of its justification, as the doctor makes me out to be doing: rather, I close the doors to false titles, which are all hollow and of no substance, and open them up to the most lawful, robust, compelling, impeccable Catholic ones, as befits true Christians. And, in my quest to identify, establish, substantiate, and proclaim them, I should like to think that I have devoted a touch more time and effort than the doctor has. What you will find written in this connection in my dedicated treatise on the matter will clearly attest to this.<sup>468</sup> It was with a view to achieving this aim or aims, expelling such heedless or unheeded sins from those lands over there and these realms here, that I composed my *Confesionario*.

Thanks be to God.

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To the praise and glory of our Lord Jesus Christ and of the most holy virgin St Mary, his mother. The present work was published in the most noble and loyal city of Seville at the press of Sebastián Trujillo (book printer), opposite the Church of Our Lady of Grace. Completed on the tenth day of the month of September in the year 1552.

<sup>467</sup> 'Como si fuesen bestias': added to the printed edition; not in the manuscripts (CR, 224r; MR, 269r).

<sup>468</sup> Most likely a reference to the *Tratado comprobatorio*, an expansion of the 17th and 18th of the *Treinta proposiciones*. See above, n. 443.