ARISTOTLE AND THE AMERICAN INDIANS

A Study in Race Prejudice in the Modern World

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Chapter VI

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VI

The Great Debate at Valladolid, 1550–1551: The Waging of Just War Against the American Indian

The second problem which Sepúlveda deals with, in *Demócrates*, is how to wage just war against the Indians. Demócrates having convinced Leopoldo that the wars themselves are just, the manner in which they may justly be waged now engages the attention of the two characters.

Sepúlveda clears the way by stating that he understands some wars against the Indians have been made for the purpose of winning booty. These he sternly condemns, and those who wage war with cruelty he characterizes as impious and criminal. But "certain accounts" of the conquest of Mexico which he has recently read, probably the reports by Cortez, show that not all wars in the New World have been motivated by greed or waged cruelly. And of course the fact that some individuals err does not mean that the enterprise as a whole is wrong or the king of Spain unjust. If confided to men who are not only brave but also "just, moderate, and humane", the conquest may easily be carried on without committing any crime and will not only rebound to the advantage of the Spaniards but will bring even greater benefits to the Indians.¹

Now Sepúlveda explains in detail how just war against Indians must be waged. First the barbarians are to be invited to accept the great benefits the conqueror proposes to
bestow, to permit themselves to be instructed in the "true religion and the best laws and customs", and to recognize the rule of the king of Spain. If they are thus approached and admonished, "perhaps without using arms", they will submit themselves and their possessions to the Spaniards. If they request an opportunity to deliberate upon the offer, sufficient time to organize a public council and reach a decision shall be granted. If they reject the Spanish proposal, they are to be conquered, their goods confiscated as the property of the conquering prince, and they are to be punished by the usual procedure with the vanquished, that is, by enslavement. If these conditions are fulfilled, the war against the barbarians will be just, even though the individual soldiers or leaders may be moved by greed, and the booty they win need not be restored as would otherwise be the case.²

It is curious that Sepúlveda does not refer explicitly to the Requirement or to what happened when Spaniards in past years had actually used this formal legal declaration of war in their operations against Indians. Even more important he seems to have changed his mind on this crucial provision, that barbarians should first be invited or warned to accept the Christian faith and Spanish domination, between his composition of *Demócrates* and his appearance before the Valladolid junta. The correct procedure to wage just war, stressed in his treatise *Demócrates*, appears to be much less insisted upon when he actually argued his case. Even more significant on this vital question is his position after the debate, for in correspondence between the Franciscan Alfonso de Castro and himself, printed for the first time in Appendix A, Sepúlveda goes so far as to ask why any preliminary warning at all need be given such idolatrous people as Indians. Castro, the author of *De Justa Hereticorum Punitione*, supported Sepúlveda's doctrine in general but stated in his book that some kind of exhortation or preliminary warning was necessary. Sepúlveda
pointed out in his letter to Castro that no warning had been given in Biblical times nor had Pope Alexander VI mentioned any such warning with respect to the Indians. He believed it very difficult to give and in any case quite useless, as it is clear that "no people will abandon the religion of their ancestors except by force of arms or by miracles". (On an earlier occasion he had made it clear that he expected few miracles in his day.)

Castro seems to have vacillated on Indian questions. Known principally in legal history for his contributions in penology, he held doctrines of some similarity to those of John Major, who had first applied Aristotle's doctrine of natural slavery to the Indians. But he believed that even war against idolaters would be unjust unless preceded by a period of intense and apostolic labours to convert them. One of his opinions, on which Vitória commented favourably, was that Indians could and should be instructed in all the liberal arts and ordained by the Church. In later correspondence with Sepúlveda, referred to above, he completely reversed his position on the need for exhortations and missionary labours before waging war for he agreed that, if by "prudent conjectures" it could be determined in advance that the idolaters were in fact "pertinacious", they could be warred against justly even without the warning. All this would be in conformity, wrote Castro, with what theologians had said with respect to *correctio fraterna*. He strongly supported giving control over Indians in perpetuity, in a long and detailed opinion written in London and delivered to Philip II there on November 13, 1554.

It is sometimes asserted that these questions of legal and theological justification had no connection with the real world, that the fine-spun theories elaborated in the council chambers and monasteries of Spain had no influence in America. Yet the historical documents available for a study
of the conquest prove the contrary. In the very year of the Valladolid controversy, for example, indeed on March 12, 1550, just as Sepúlveda and Las Casas were preparing their arguments, the conquistador Pedro de Valdivia on the far-off fringe of Spanish empire in Chile demonstrated that there was a most practical aspect to the "requirements" and the principles approved by Sepúlveda for handling "pertinacious" Indians. Valdivia announced to his king, Charles V, that on that day he had met and defeated the famous Araucanian Indians in a bloody encounter with a host of their bravest warriors—"the finest and most splendid Indians that have ever been seen in these parts". Valdivia proudly reported that "some 1500 or 2000 were killed and many others lanced". Of the prisoners taken "two hundred had their hands and noses cut off for their contumacy, inasmuch as I had many times sent them messengers and given them commands as ordered by Your Majesty. After this act of justice, when all had been gathered together, I spoke to them, for among them were some caciques and leading Indians, and told them that it had been done because I had sent often to summon them and bid them come in peace, telling them to what end Your Majesty had sent me to this land, and they had received the message and not done as I bade them and what seemed best to me for fulfilling Your Majesty's commands and the satisfaction of your royal conscience. And so I sent them away."7

We do not know whether this is the kind of "brotherly correction" that Sepúlveda had in mind. Nor do we know how the Araucanian Indians felt about Spanish justice as they went home minus their hands and their noses, though history does record that the Araucanians became exceedingly persistent enemies and were never fully conquered by the Spaniards. As for Sepúlveda, if the attitude he expressed in the correspondence with Castro represents his final thinking
on the subject, it would seem that his doctrine permitted undeclared war against all the Indians of the New World, for in Spanish eyes they were all stubborn idolaters. A passage in Demócrates, set against this incident of Valdivia's justice, has ironic force: But what greater benefit can they enjoy, asks Sepúlveda, than their submission to the rule of Spaniards whose prudence, wisdom, and religion will bring these barbarians, scarcely men, as far as possible to human and civilized ways by converting them from criminals into virtuous beings, from impious slaves of devils into worshippers of the true God?⁸

Sepúlveda opposes baptism by force, although he holds that the Indians may be forced to listen to the preaching of the Gospel. It was this attempt by Sepúlveda to carry water on both shoulders that led Las Casas to remark that preaching the faith after first subjecting them by force is the same as preaching the faith by force.⁹ Sepúlveda's reasoning also reminds the reader today of George Orwell's description of the development of "Double-think" in the future state, in his novel 1984, when the Ministry of Truth propagates such slogans as "War is Peace", and "Slavery is Freedom". But Sepúlveda felt that despatching missionaries to such people before they are pacified is a difficult, perilous undertaking which produces little or no fruit. The "perverse idolaters" must be not only invited but also compelled to accept what is for their own benefit. No other sure method exists to facilitate the preaching of the faith than to oblige them by force of arms to accept Spanish rule. Even after they had been conquered and while Spanish soldiers were quartered nearby, Sepúlveda points out, Indians killed some Dominicans and Franciscans in Pírito, Chiribiche, and Maracapana. He expresses concern for the lives of missionaries then being sent to Florida without armed protection, all because of a "plan drawn up by certain persons who are much given to working
up bold projects which involve toil and danger for others.”¹⁰ This is doubtless a jibe at Las Casas who, as we have seen, was extremely active after his return to Spain in 1547 in recruiting friars for America. He was particularly close to the expedition of his old friend Luis Cánzer (specifically referred to by Sepúlveda) who was, in fact, killed shortly after the Valladolid disputation by Indians in Florida.¹¹

Sepúlveda recognizes at another point that the time may come when some Indian princes may voluntarily request Christian teaching but he does not elaborate the idea and gives more attention to showing that the papacy strongly supported the Spaniards in their work in America and in their submission of the Indians to Christianity “by the threat or use of force”. Sepúlveda is convinced that the Indians will ordinarily receive the new religion only when the preaching of the faith is accompanied by threats such as will inspire terror. Thanks to this felicitous combination, a majority of the barbarians have already been Christianized!¹²

Domingo de Soto complained in his résumé of the argument at Valladolid that both disputants discussed subsidiary and marginal matters. In the second book of Demócrates, for example, Sepúlveda considers the problem of what should befall the Indians after just war has been waged against them or after they have voluntarily subjected themselves to Spaniards. Even though Losada prints in his recent, and now standard, text of the treatise much new material omitted in other versions, the second book occupies only 38 of the total of 124 pages. Although it does not treat at all the principal issue at stake during the Valladolid disputation—the justice of waging war against the Indians as a preliminary to their Christianization—it provides important information on Sepúlveda’s thoughts on minor matters and merits some attention. This shorter portion of the discussion between Leopoldo and Demócrates takes place, we are told, after their
vigour has been renewed by a bounteous meal followed by a long siesta.

Today's reader, however, may suspect while reading this section that the disputants' minds had failed to profit much from these refreshments; the arguments wind back and forth in a confused and complicated pattern. Sometimes Sepúlveda appears to contradict a doctrine he approved in Book One. Perhaps this portion of the treatise comes to us revised to meet objections to his ideas raised when they were circulated in manuscript during the years preceding the disputation.

The first question raised by Leopoldo in Book Two concerns the justice of condemning the barbarians to loss of their goods and liberty. Even though they were born to serve their superiors and are idolatrous, must they for these reasons lose their property and liberty? asks Leopoldo. In a long passage, printed for the first time in the Losada edition of the treatise, Sepúlveda makes Demócrates reply that, although barbarians may be true owners of property acquired justly, and some slaves may be very noble and owners of great properties, yet the law of nations and the law of nature provide that to the victor belong the spoils.

The conqueror in a just war may kill his enemy with complete legality or spare his life by enslaving him and confiscating his property. Conquerors, of course, may temper the punishment in the interests of peace and public welfare, and Sepúlveda cites the prudence of some of the ancient Romans who permitted some of their vanquished to go free and live according to their own legislation, others being converted into stipendiaries: Julius Caesar treated the defeated Gauls in a very humane way except for the treacherous Aduatuci, whom he enslaved and deprived of their property. Naturally this clemency will be applied only after the victory is won, and until then Christians will make use of all means necessary to win: "they will kill their enemies and submit
them to slavery, despoil them of their weapons and property, and assault and destroy their encampments.”

Sepúlveda also makes clear that Indians cannot, because of their sins, under any circumstance wage just war against Spaniards any more than Christians could be justly warred on by Jews, whose “extermination God desired because of their crimes and idolatry”. Moreover, ignorance of the law does not excuse the sinner, declares Sepúlveda in a labyrinthian argument wherein he also points out that soldiers must not question whether a war is just or not, as this is not their business. If, following the orders of their ruler in good faith, they fall into error or commit some injury, they may not be held personally responsible.

In the concluding eight pages of *Demócrates*, Sepúlveda establishes a sharp difference between Indians captured in just war and those who surrender to Spaniards because of “prudence or fear”. For the first group, slavery and the loss of all their property are their just deserts and it may be presumed that the overwhelming majority of Indians were found in this category. To distinguish the situations of those who surrender peacefully and those who do not, Sepúlveda quotes Biblical authority for putting to the sword all males of cities resisting the Israelites. The American Indians who refuse to submit merit this treatment as well, says Sepúlveda; the Bible refers to “those far-off cities”, as well as to the cities of the Holy Land in which those who resist are to be killed to a man.

At this point, Sepúlveda makes one of his abrupt changes and immediately following this bloody counsel seems to say that both Spaniards who conquer and Indians who resist have some justice on their side. If it were not for the Indians’ idolatry and their sacrifice of human beings it would be wrong to enslave them or despoil them of their property merely because of their resistance. But their cruelty,
pertinacity, perfidy, and rebellion apparently makes this necessary, though Sepúlveda recognizes that the pacification of barbarians will be hastened if they are kindly treated. It is such interpolations as this which makes Sepúlveda’s thinking like a patchwork quilt of many colours and confusing design. Those Indians who deliver themselves to the mercy and will of the conquistadores may not be enslaved or deprived of their goods, Sepúlveda insists, for that would contravene the law of nations. They may, however, be held as stipendiaries and made to pay tribute “according to their nature and conditions”.

Even those Indians who voluntarily accept Christianity and acknowledge the rule of Spain may not, however, enjoy the same rights as Spaniards, for this would be contrary to Aristotle’s dictum on distributive justice which disapproves the bestowal of equal rights on persons who are unequal. Here he launches into an exposition of the various types of just imperial rule.\(^{18}\) For those who are “honourable, humane, and intelligent”—of course he means the Spaniards—a civil royal authority (*imperio regio*) will be suitable. For barbarians and those who have little discretion or culture a seigneurial rule (*dominio heril*) will be more appropriate. This latter type of dominion has been approved by both philosophers and eminent theologians for those found in certain regions of the world who are natural slaves, and for those whose customs are depraved, or who for other reasons would not otherwise comply with their duties.

In concluding this exposition on imperial rule, Sepúlveda gives a somewhat confused picture of how the Spaniards will actually govern. Apparently there will be both slaves and free servants, ruled over by their masters with “justice and affability”. The barbarians—and here he must refer to those who voluntarily accept Spanish rule, not those who are conquered in just war, since these will be slaves—will be
treated as free persons, “with a certain temperate rule which is both heril and paternal, and will be governed according to their condition and the exigencies required by circumstances”. In due course, as these Indians become more civilized and better acquainted with Christianity, they will be given greater liberty. Sepúlveda finds in Aristotle a compelling reason to govern wisely the Indians of this category, and quotes him at length to show that empires full of oppressed and resentful underprivileged persons are dangerously unstable.\(^{19}\) The proper kind of rule will be to control such Indians, “partly by fear and force and partly by benevolent and just treatment”, maintaining them in such condition that they will neither be able to revolt nor wish to do so.

Towards the end of the treatise, in a brief passage already referred to,\(^{20}\) Sepúlveda supports the encomienda system because it will instruct the Indians in civilized ways and the Christian religion.\(^{21}\) This instruction should be carried on not by violence but by example and persuasion and, above all, without cruelty and avarice. Sepúlveda expressly condemns the intolerable exactions, unjust slavery, and unsupportable labours which some Spaniards have been accused of inflicting on Indians in certain islands. Here he denounces oppression of the Indians almost as eloquently as Las Casas, and concludes his treatise by declaring that the abuses must be remedied so that the loyal Spaniards will not be defrauded of their merited rewards and the conquered people will be justly ruled for the benefit of the conquerors and also for their own sake, “according to their nature and condition”.\(^{22}\) Probably it was a consideration of such passages that has led one scholar to look upon Sepúlveda as a wise statesman advocating a “sane and prudent imperialism”,\(^{23}\) and led another, though he believed Sepúlveda to reveal great weaknesses as a theologian, to describe him as “a good man of
Christian sentiments". What such writers forget is that Sepúlveda, in the main part of his treatise, maintains that the Indians are all natural slaves according to the Aristotelian doctrine, and that their inferior nature justifies a war against them in which all survivors may be enslaved.

The real question debated at Valladolid did not relate to the encomienda system, and those who explain Sepúlveda’s failure to win the great debate by asserting that the monarchy could not allow the development in the New World of such a powerful feudal institution as the encomienda, fail to grasp the essential point that the continuance of that system was not then an issue. That burning problem had been resolved when Charles V revoked in 1545 the virtual prohibition of encomiendas that had been decreed in the New Laws of 1542. When Las Casas and Sepúlveda were arguing heatedly before the judges in Valladolid, the real question pending on encomiendas was whether or not they should be granted in perpetuity with civil and criminal jurisdiction. To this question Sepúlveda gives no reply, and does not even refer to the issue. The full story of this perpetuity struggle has yet to be told, and quantities of manuscript material await the investigator. But it has no place here because the question was not really at stake at Valladolid.

Nor was the question of the royal title to the Spanish empire involved in the dispute, even though both Sepúlveda and Las Casas seem to have suggested it was. Charles V was zealous in seeking advice on how best to govern his American dominions, but he did not seriously doubt the justice and legality of his title. Nor did the tribunal at Valladolid care to listen to lengthy disquisitions on the subject; during the second session when Sepúlveda tried to discuss the royal title in the light of the papal bulls, the judges cut him short.

The central issue at Valladolid in 1550 was the justice of waging war against the Indians, and Sepúlveda made plain
in his treatise, despite its complex and often confusing argument, that he considered the Indians to be natural slaves according to the Aristotelian concept and the Spaniards amply justified in carrying on war against them as an indispensable preliminary to Christianizing them.