A Semi pelagian in King Charles’s Court:

Juan Ginés de Sepúlveda on Nature, Grace, and the Conquest of the Americas

by

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Date: Dec. 22, 2017

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Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Theology in the Divinity School of Duke University

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ABSTRACT

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Abstract

In 1526, a Spaniard in the papal court of Clement VII addressed a treatise against Luther's *Bondage of the Will*, calling it *On Fate and Free Will* and arguing good works are not only possible before one receives God’s grace but a necessary prerequisite to that grace. The position, which acknowledges a human need for grace but assigns the beginning of salvation to human effort, is one church historians conventionally refer to as semipelagianism. The Spaniard, Juan Ginés de Sepúlveda, went on to serve Charles V as royal historian, and to defend the latter’s conquest of the Americas and subjugation of those continent’s indigenous populations at the Valladolid debates in 1550–1551. The logic by which he did so is generally attributed to a high view of plenary papal authority in the temporal world, combined with an Aristotelian hierarchy of being that conveniently labeled the indigenous peoples of the Americas “natural slaves.” This dissertation uses Sepúlveda’s published treatises in order to trace his treatment of themes such as natural reason, natural law, divine law, human free will, and divine grace, in order to demonstrate that Sepúlveda’s logic in his defense of the conquest was actually rooted precisely in the semipelagian theology he deployed in his writings against Luther. He argued that the indigenous peoples of the Americas were barbarians and appropriately labeled according to Aristotle’s natural slave category, but he began with the theological conviction that they had failed to embrace what natural reason
alone could teach them about God, and failed moreover to “do what is in one” by
turning to God and obeying the divine law as revealed in nature, all of which Sepúlveda
took to be prerequisite for the receipt of grace. The indigenous peoples of the Americas
were not barbarians in Sepúlveda’s mind because they belonged to Aristotle’s natural
slave category, but “natural slave” was a useful term he deployed to further describe
those who had failed to take the initiative for their salvation, as required by the
semipelagian theology he deployed against Luther.
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1. Introduction

1.1 Summary of the Investigation

“There is no difference between the divine and natural law.”1 In a 1942 article, historian of colonial Latin America Lewis Hanke gave this as his first point in a summary of Juan Ginés de Sepúlveda’s argument in his treatise *Second Democrates*. It is as close as any scholar has come to analyzing the theology of Sepúlveda’s arguments concerning the justice of the Spanish conquest of the Americas and their indigenous populations; the analysis of his position usually begins and ends with Aristotle and the Stagirite’s category of “natural slavery.”2 In other words, scholars have long recognized

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the possibility that Sepúlveda’s theological convictions, particularly those concerning
the natural law and the natural knowledge of God’s divine law, underwrite his
arguments about the justice of Spain’s wars of conquest in the Americas. Nevertheless,
no detailed account of Sepúlveda’s theology as it concerns the indigenous peoples of the
Americas has been forthcoming, despite the fact that other parties to the dispute have
had their theological reasoning thoroughly taken into account. Moreover, even Hanke’s
above-quoted summation itself is imprecise: the natural law and divine law are not
wholly identifiable with one another in Sepúlveda’s thought. They do enjoy a close
relationship, and ultimately are coordinated under the governance of God’s eternal law,

applied that attempt to address some of Sepúlveda’s broader theological concerns in some detail, but these
have continued either to neglect the finer doctrinal points of his theology (see Luna Nájera’s attention to his
rhetoric and court politics respectively in her article, “Myth and Prophecy in Juan Ginés de Sepúlveda’s
Crusading ‘Exhortación,’” Bulletin of Spanish and Portuguese Historical Studies 35 (2010), 48–68, and in her
dissertation, “Writing Empire, Justifying War: Royal Censorship of Texts by Sepúlveda and Bernal,” PhD
dissertation, Cornell University, 2008; see also Francisco Castilla Urbano, El pensamiento de Juan Ginés de
Sepúlveda: Vida activa, humanismo, y guerra en el Renacimiento (Madrid: Centro de Estudios Políticos y
Constitucionales, 2013), or to extend a discussion of his theology as expressed in other works to his writings
on the Americas (see Joaquín J. Sánchez Gázquez, Los De Fato et Libero Arbitrio Libri Tres de Juan Ginés de
Sepúlveda: Estudio de una obra histórico-filosófico-teológica (Granada: Universidad de Granada, 2005).

3 The complicity of sixteenth-century theology in the violence of the Spanish encounter with the Americas
is a truism both in the general sense of the claim (see Walter D. Mignolo, The Idea of Latin America (Malden,
MA: Blackwell, 2005) and in the particular (see for example Willie James Jennings, The Christian Imagination:
Pope Francis recently offered an apology for the “grave sins” of the church in the colonization of the
Americas and continued oppression of the poor during the colonial era (Jim Yardley and William Neuman,
“In Bolivia, Pope Francis Apologizes for Church’s ‘Grave Sins,’” The New York Times, 9 July 2015,
Other apologies, these after the classical construal of the term as a “defense,” have rightly been offered in
analyses of those sixteenth-century theologians who advocated for the rights and the fair treatment of
but their overlapping qualities do not make them either commensurate or interchangeable. This dissertation maps the boundaries of those categories within Sepúlveda’s thought, and traces their implications and applications in the series of polemical confrontations that engaged the sixteenth-century humanist’s attention throughout his life—including but not limited to his most famous entanglement, before the council at Valladolid in 1550 and 1551.

It was this confrontation with Bartolomé de Las Casas that ensured little serious attention would come in later generations to Sepúlveda’s theology.⁴ And this represents a marked shift from his reputation among his contemporaries. While his steadiest paychecks came from translating Aristotle into Latin or composing the history of Charles V’s reign, his training in theology and philosophy was extensive, and many sought and respected his opinions.⁵ Nor were his arguments for the justice and fittingness of Spanish incursions and conquests in the Americas terribly extraordinary for the age. They simply became harder to comprehend in a world that steadily embraced autonomous rule, decolonization, and indigenous rights. The extant distance between western, 21st-century sensibilities and Sepúlveda’s political views, then, has also resulted in a dearth of close scrutiny of the theological convictions that underwrote those positions.

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⁴ It is generally agreed that Las Casas and Sepúlveda did not directly face one another in debate, but rather alternated in appearing before the theological council to present their arguments. In referring to their confrontation I mean only to indicate the conflict between their ideas.

⁵ More on this in section 1.2.
Yet Sepúlveda brought his theological acumen to bear not only on the question of the Americas, but also on various polemics that came across his or his patrons’ desks. His core convictions concerning the logic of the created order informed his arguments not just against Bartolomé de Las Casas, but against all who would upset the coordinated efforts of the Pope and the Holy Roman Emperor, which Sepúlveda saw as the fruit of that logic working itself out. As such, he did not limit himself to defending the cause of civilization at Valladolid, but likewise championed European Christianity’s achievements against the threat of Martin Luther’s and Henry VIII’s respective rejections of papal authority, and against the threat of Suleiman the Magnificent’s forces approaching from the east. Sepúlveda’s presence on the margins of so many early modern European conflicts—Luther’s reformation, Henry’s schism, the invasion of Turkish forces, the contest for the legacy of humanism with Erasmus, the expansion of the Spanish empire into the Americas—makes him intensely interesting, particularly as Protestant reformations and Spanish and colonial Latin American history remain largely their own separate disciplines. But it also provides a unique opportunity for study. Just as early Christians’ many contests with heresy helped to establish and clarify what would come to be known as orthodox Christianity, so too Sepúlveda’s many contests leave a rich field for determining his particular brand of Catholicism.

The task of this dissertation is to begin to give an account of Sepúlveda’s theology, focusing on the particular theme human nature and the freedom of the human
will to do good works prior to the gift of righteousness through grace. As a corollary, it focuses on the theme of natural law and its coordination with the divine law, which Sepúlveda understood to be revealed in Scripture but also in the eternal law by which he confessed God governs creation, and whose principal features he understood to be accessible through natural reason and so available to inform the will’s free expression. In a sense, this means the task is to give an account of the logic and convictions that underwrote Sepúlveda’s position at Valladolid, wildly unseemly as that position appears with hindsight. But more importantly, the task is to recognize that Valladolid was not the capstone or ultimate mature expression of Sepúlveda’s thought. Rather, Valladolid is an episode in the midpoint of a wide-ranging career, in which Sepúlveda expounds certain theological themes consistently; it simply happens to be an episode where those theological themes saw their implications traced in a remarkable and terrible way. After a brief note concerning the language with which I will construct this argument, I will give an overview of its contents and the methodology involved in its development.

One of the primary distinctions to make here concerns the language of historical discussions and theological ones, both of which have a role in this investigation. Added to these are historical theological discussions, in the sense not only of a discussion of theology rooted in personages from the past, but also in the sense of following the development of a particular personage’s theological thought through time and
circumstance. In most cases, the subject and mode of discussion will be clear from context and from verb tense—in other words, I have endeavored to obey the standard convention of writing history in past tense and theology in present. I would only clarify here that the term *semipelagian* is used in a strictly theological sense. It is a useful term for naming the particular theological stance that acknowledges the necessity of God’s grace but insists on human initiative, and as such is an apt heading under which Sepúlveda’s thought can be further investigated and clarified. Its uselessness as a historical term, on the other hand, has been extensively reviewed.6

In addition to trespassing across various disciplines, this dissertation also deals in various source languages, and therefore confronts the same issues as any investigation that reports in one language on the figures and works that more properly belong to another. Sepúlveda wrote in Latin and has been translated in critical edition into Spanish. None of his treatises have to date been translated into English.7 All English translations presented are my own, relying on the bilingual (Latin and Spanish) volumes

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6 The term first appears in the sixteenth century, and its first application is by Protestants arguing not against Catholics (who were often simply called “new Pelagians” outright) but against one another. See Irena Backus and Aza Goudriaan, “‘Semipelagianism’: the Origins of the Term and its Passage into the History of Heresy,” *Journal of Ecclesiastical History* 65 (2014): 25–46.

7 He is quoted in translation for the occasional monograph or academic article in English, and a portion of *Second Democrats* appears in translation for the volume *Early Modern Spain: A Documentary History*, ed. Jon Cowans (Philadelphia, PA: University of Pennsylvania Press, 2003), 58–63. Besides being far shorter than the source dialogue, the translation stitches together several independent passages from the original, creating a new text—all while relying on Marcelino Menéndez y Pelayo’s publication in the *Boletín de la Real Academia de la Historia* in 1892, which itself was based on a corrupted manuscript. Sepúlveda’s twelve objections at Valladolid, as presented in the 1552 *Aquí se contiene una disputa* text, have been translated into English and appear in Bernardo de Vargas Machuca, *Defending the Conquest*, ed. Kris Lane, trans. Timothy F. Johnson (University Park: Pennsylvania State University Press, 2010), 41–57.
of Sepúlveda’s *Obras Completas*. I refer to the works’ titles in English in the body of the dissertation, but make use of their Spanish titles in the citations; likewise, I make use of my own translation of any quotations in the body of the dissertation, but quote the Spanish in the footnotes, and, where it offers further illumination, the Latin as well. All translators strike a balance in their work between faithfulness to the original wording and intelligibility in the new language; the greatest step away from the original and toward clarity that I have taken here is to break up some of Sepúlveda’s lengthy Ciceronian Latin sentences. Any purists can find his original sentence structure in the Latin text; Spanish translators generally preserve his sentence lengths as well, but this has not uniformly been the case. In other areas where Sepúlveda goes against modern language conventions—notably in referring to indigenous people as “barbarians” or using exclusively masculine pronouns in his examples and his discussion of God—I preserve his wording in translation but keep to current practices in my own comments. This involves the use of gender-neutral pronouns, and alternation between male and female pronouns where gender-neutral terminology proves cumbersome. From among the many inadequate choices of phrasing that are available, I choose to refer to Sepúlveda’s “barbarians” as the indigenous peoples of the Americas.

I do not unnecessarily Anglicize names such as Juan Ginés de Sepúlveda or Bartolomé de Las Casas, though for those figures who already enjoy a robust scholarly

8 Juan Ginés de Sepúlveda, *Obras Completas* (Excmo. Ayuntamiento de Pozoblanco, 1995–).
literature in English (Martin Luther, Charles V, Catherine of Aragon, etc.) I use the readily available English moniker. Sources from writers such as Luther that are commonly available in English translation are quoted in their existing English version, and I clarify any points related to the original language as necessary. For the sake of readability, I follow the convention I use with Sepúlveda for secondary literature and other sources not available in English, providing my own translation of a scholar’s comments in the body of the dissertation while including the original in a footnote.

One final thorny issue is whether and how to refer to sixteenth-century Spain, given that the word itself, “Spain,” suggests a unified nation-state, which (at the time) did not exist. Not until 1712 did Philip V convene a session of the Cortes in Madrid with representatives from Aragon, Castile, Valencia, and Bourbon Spain, resulting in a unified political administration for most of Spain’s autonomous realms; meanwhile, most Spanish historians agree that the “myth of Spain as a nation” emerged around the time of the popular uprising against French rule on May 2, 1808. However, as even passing familiarity with sixteenth-century primary sources tells us, the words “Spain” and “Spanish” were in regular informal use to refer to the peninsula and her people. Indeed, “King of Spain” was an informal title for Ferdinand of Aragon, Charles V, or

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Philip II, even though their formal titles were far lengthier and made no such reference.\textsuperscript{10} In other words, “Spain” functioned in the literature of the age just as “Germany” or “Italy” did—while the modern, unified nation did not yet exist, the term functioned to denote “a broad geopolitical concept” corresponding only to a small collection of independent cities, states, and kingdoms.\textsuperscript{11} In Spain’s case, the word covered the relationship between the various kingdoms of the Iberian Peninsula, excluding Portugal. Recognizing this general usage, I also use the words “Spain” and “Spanish” to refer broadly to the peninsula, its kingdoms, its monarchs, and its people. When necessary, I specify particular kingdoms within Spain, and when referring by contrast to the modern nation of Spain, I do so with qualifiers such as “modern” and “nation.”

The argument will proceed in this way. The present chapter continues with an historical overview of Sepúlveda’s reception, as well as research conducted on his writings and thought—from the opinions of his contemporaries to the approaches of scholars within the last century. While no exhaustive account is made of every judgment passed and recorded concerning the Spanish humanist, the goal has been to outline in


\textsuperscript{11} Kamen, Imagining Spain, 11.
broad strokes the range of opinions that constituted his reputation within his own generation. This includes an assessment of his reputation prior to the decisive controversy with Bartolomé de Las Casas in 1550-51 as well as after. The historiographical account that follows this introductory section summarizes biographical and scholarly approaches to the man and his work, identifying patterns and trends as they emerge. The guiding question throughout the survey is whether and how Sepúlveda’s theology has been assessed, and what pains have been taken sort out his views of God, human nature, and Christianity, and to contrast them with those of his contemporaries.

The second chapter moves on to consider the sources of Sepúlveda’s thought. It provides an overview of Sepúlveda’s education at the universities of Alcalá, Sigüenza, and Bologna, giving an account of the sources he would have encountered in those universities’ curricula as well as the professors he allowed were most influential in his formation. The tres vías education available for theological students at Alcalá would have found him reading theology as a Thomist, a Scotist, and a Nominalist, had he been a theology student; however, he matriculated in arts. Nevertheless, I will argue that the broader Cisnerian influence at Alcalá, to make use of a wide array of theological systems rather than to adhere rigidly to one in particular, was indeed demonstrably absorbed by Sepúlveda. The Cordovan then moved on to the University of Sigüenza, where he did study theology properly and where the curriculum prescribed for his studies the Summa
Theologiae of Thomas Aquinas. His continuing philosophical studies at the University of Bologna, however, brought him under the influence of the Aristotle scholar and occasional controversialist Pietro Pomponazzi. Sepúlveda absorbed and embraced a great deal from each of these institutions and the source materials they allowed him to spend time in; he also rejected and nuanced a great deal. The task of Chapter Two is to trace these boundaries, and the areas of overlap and dissension.

Chapter Three takes up one of Sepúlveda’s earliest treatises, his 1526 polemic On Fate and Free Will against Martin Luther and in support of Erasmus—and in support of what Sepúlveda took to be the Roman Catholic Church’s position generally. The investigation centers on that treatise as his most expressive treatment of the doctrines of grace, justification, and human freedom. Recent and fine work has been done assessing the Spanish humanist’s articulation of those doctrines and their relationship to the many voices of Catholic tradition; the goal of the chapter, then, is to build on this scholarship and inquire into the broader theological system Sepúlveda to which gives expression in those doctrines. In particular, the chapter gives an account of Sepúlveda’s employment in that treatise of the language of natural, divine, and eternal law. I seek to demonstrate that Sepúlveda’s doctrine of the human will, and his optimism concerning its abilities even prior to the help of grace, emerge from his conviction that natural reason makes

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available to people the principles of natural law, free pursuit of which brings one to
nature’s author, the one true God, and merits the grace of salvation. The universal
availability of the natural law, and its source and end in God’s eternal law, will in
subsequent chapters be seen to underwrite Sepúlveda’s views of the course that history
and its players have taken in the past and should take in the present—views he loudly
espouses in his crusading Exhortation to Charles V against the Ottoman Turkish threat,
as well as the controversy surrounding Henry VIII’s pursuit of a divorce from Catherine
of Aragon, and of course the controversy surrounding Spain’s imperial expansion in the
Americas.

Chapter Four turns to Sepúlveda’s first practical application of the theological
doctrine he sharpened against Martin Luther, his 1529 Exhortation to Charles V. Here the
same roadmap is laid out as he follows in his later Second Democrates treatise, but instead
of the indigenous peoples of the Americas he takes as his barbarian subject the Ottoman
Turks under the command of Suleiman the Magnificent. Indeed, over the course of the
treatise Sepúlveda raises four distinct groups of people: Charles’s European subjects, the
Eastern Christians who have fallen under the rule of the advancing Turkish hordes, the
Christians who have been incorporated into the Turkish hordes as elite fighters
(Janissaries), and, finally, the aforementioned Turkish hordes themselves. Sepúlveda
presents each of these categories in a hierarchy according to their ability to flourish. In
doing so, however, he does not appeal to an Aristotelian hierarchy of being, but rather a
theological anthropology that posits all human beings are equally free until they subsist under cultural conditions poor enough to degrade their free and natural capacity to recognize and pursue the good. Charles’s subjects, who have the benefit of Christian institutions that span centuries, have a natural advantage in this regard, and are superior to Suleiman’s subjects in every way. The Greeks who have fallen under Turkish authority are already losing their freedom to flourish, though those of their number who have been taken into the Turkish military far exceed their peers, owing to their heritage. Beneath these are the Turks who have subsisted for centuries without the benefit of cultural institutions that would cultivate their otherwise natural disposition toward virtue. This chapter demonstrates that Sepúlveda, long before he joined Charles V’s court and long before he was tasked with evaluating the justice of the wars of conquest in the Americas, had developed the apparatus for taking his doctrine of the Christian individual’s freedom of the will, disposition toward virtue, and capacity to accomplish meritorious good works, and applying it to entire people groups.

If *On Fate and Free Will* is Sepúlveda’s most explicitly theological treatise, and his *Exhortation* the treatise that most clearly anticipates his comments on the indigenous peoples of the Americas, Chapter Five’s subject, his 1531 treatise *On the Marriage Rite and Dispensation*, is his most explicit work in canon law and the foundations and applications of the natural law that has been shown to underwrite his doctrines elsewhere. Compiled at the prompting of the Cardinal of the Holy Cross, Francisco de Quiñones, while both
served in the court of Pope Clement VII, Sepúlveda’s On the Marriage Rite reviews the laws concerning affinity and consanguinity with respect to the situation of Henry VIII and his brother’s widow, Catherine of Aragon. Building on Chapter Three’s identification of the natural law’s availability to all, Chapter Five assesses Sepúlveda’s understanding of the overlapping categories of natural law, divine law, and canon law with respect to marriage, and traces his argument for the pope’s authority to interpret and dispense with each. I will have shown in Chapter Three a robust optimism on Sepúlveda’s part for what one can accomplish when free will, guided by natural reason and natural law, exerts itself without the aid of grace; this suggests that natural law, though complemented by divine and canon law, is nearly (if not entirely) sufficient unto itself. This raises the question of what, more precisely, is added to the natural law with the advent of the divine law (in the Old and New Testaments) and canon law (the collected pronouncements of councils and popes). Marriage, as a contract governed by all three of these, allows Sepúlveda ample room to talk about the ways they complement and overlap one another, and the contentious matter of Henry VIII’s marriage and divorce allows comparison between Sepúlveda’s understanding on this point and that of his contemporaries.

Chapter Six builds from the preceding discussions to present a rereading of Sepúlveda’s most infamous entanglement, the debate with Bartolomé de Las Casas at Valladolid (1550–1551). The chapter attends principally to Sepúlveda’s Second
Democrates, and to the Apology he wrote when he could not get permission to publish that text, as well as to Las Casas’ Apology answering Sepúlveda’s arguments, and finally to the account Las Casas had published in 1552 of the proceedings. The intention has been to review the now familiar themes of freedom of the will, the disposition toward the good, and the natural and divine law as they appear throughout these texts, and observe the foundational role their relationship plays in Sepúlveda’s assessment of American indigenous peoples’ dominium as well as his assessment of Spain’s rights and best course of action. I analyze the continuity of Sepúlveda’s discussion of natural law and natural reason throughout his career (in which the publication of the Apology and the debate at Valladolid occur as a midpoint), and finally present conclusions regarding the significance of the themes’ role in the debate.

Sepúlveda’s discussion of natural, divine, ecclesiastical, and eternal law was influenced by Spanish and Italian universities, impacted by Reformation controversies, refined by a season in the papal court, and expressed in five decades of histories and treatises celebrating and chronicling Spain’s military might and expansion. The themes infuse his writing, and attention to them reveals the Spanish humanist’s understanding of God and the order of God’s creation, including the corner of that creation that had come to the Catholic Monarchs’ attention only at the close of the previous century.

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While Sepúlveda’s assessment and handling of the indigenous peoples of the Americas’ case gained him exceptional notoriety, his position was neither an isolated aberration nor the mature culmination of his thought—rather, it was wholly unremarkable in its consistency with the rest of his published writings, in which the disputation at Valladolid occurred as a midpoint. Attention to the themes of natural law and divine law that were foundational to that consistency, if nothing else, helps to contextualize and deepen our understanding of that singular debate. But more than that, it helps to illuminate our understanding of a 16th-century Catholic intellectual who was highly regarded in his own day. If his thinking proved non-normative when measured against Tridentine Catholicism, it was nevertheless in high demand for its erudition and elegance; it was unabashedly loyal to pope and emperor; and it was and stalwartly unsusceptible to Protestantism. His use of source material from church fathers and councils as well as the Scriptures betrays faithfulness, dedication, and deep study. If history has judged him to be on the wrong side of issues of race and egalitarianism and self-determination, it was not for a lack of earnestness and sincerity on his part. This dissertation aims to uncover and assess the principles about which he felt it was most worth his effort to be so earnest.
1.2 Sepúlveda’s Reception and Criticism as a Theologian

Few have been the scholarly, critical approaches to Juan Ginés de Sepúlveda’s life and thought, and fewer still the studies that take up the analysis of his theological claims specifically.14 Today English speakers in particular tend to have only (and at most) passing familiarity with him as the infamous opponent of Las Casas at Valladolid. The case is much the same among Spanish speakers, although in Spain more research has been done and more recently into the humanist’s thought. As a recent biographer observes, “In the end, the personality and his work have been extraordinarily simplified and reduced to a few topics that make caricatures of them.”15 Among biographers and other specialists, of course, and amid Sepúlveda’s own contemporaries, the matter is more complicated. Sepúlveda had friends, defenders, and rivals in his own day, and has cultivated the same among modern readers as well. A brief review of these follows.

While Sepúlveda initially received recognition as a translator of Aristotle, with aptitude for theology and philosophy as well as languages, his role at Valladolid did indeed largely (though not completely) eclipse his reputation for subsequent generations, until a renewed interest generated several articles, monographs, and translations in the twentieth and twenty-first centuries. This “renaissance” appears to

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14 The only monograph to do so is Joaquín J. Sánchez Gazquez’s Los De Fato et Libero Arbitrio Libri Tres, cited above.
15 “En fin, el personaje y su obra han sido extraordinariamente simplificados y reducidos a unos cuantos tópicos que los caricaturizan.” Santiago Muñoz Machado, Biografía de Juan Ginés de Sepúlveda (Madrid: Excmo. Ayuntamiento de Pozoblanco, 2012), 19. Muñoz Machado’s biography is volume 17 of Sepúlveda’s Obras Completas.
have three stages. First came the breakthrough work of Ángel Losada, beginning in the 1940s (not insignificantly during an age of increasing Spanish nationalism) and continuing throughout his career. Second, particularly in the 1970s–90s, Sepúlveda would receive the attentions of historians and liberation theologians, often those with a focus lascasian studies, notably Lewis Hanke and Gustavo Gutierrez, respectively. This stage would essentially echo the long centuries Sepúlveda spent as a footnote to Las Casas’ career; treatment of his work and ideas would deepen and expand, but largely to the same lackluster effect. Finally, with the ongoing effort (begun in the mid-1990s) to translate Sepúlveda’s works from Latin to Spanish, there have come a series of studies that have sought to bracket Valladolid and investigate other aspects of the humanist’s thought.

1.2.1 Before Second Democrates

Little is known about Sepúlveda’s early years. His aptitudes as a youth, however, were such that during his university studies at Alcalá, Cardinal Cisneros, that university’s founder, regarded him highly, and even wrote a personal letter of introduction for Sepúlveda to the rector of the Colegio de San Clemente at the University of Bologna, where Sepúlveda would have scholarship support to continue his

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16 The best account of the humanist’s birth, family, and early education remains Ángel Losada, Juan Ginés de Sepúlveda a través de su “Epistolario” y Nuevos Documentos (Madrid: Consejo Superior de Investigaciones Científicas, 1949), 11–23.
Respected at Bologna as well, and successful in his studies with Aristotle scholar Pietro Pomponazzi, Sepúlveda came to the attention of Giulio de’ Medici in 1519. Already a cardinal, the latter would be elected pope in 1523, after the brief reign of Adrian of Utrecht, and take the name Clement VII. Throughout his career, Clement commissioned translations of Aristotle’s works into Latin from Sepúlveda. Eventually, he placed the Cordovan in the service of the Cardinal of the Holy Cross, Francisco de Quiñones, with whom Sepúlveda worked to revise the *Roman Breviary*. From the papal court, Sepúlveda’s star continued to rise, as he ultimately made connections to and entered the service of the court of Charles V, Holy Roman Emperor.

If he was well received and valued by his patrons, Sepúlveda’s relations with his peers were not always so easy. He clashed particularly with Italian humanist Pietro Alcionio, his principal competition for the patronage of Clement VII. When, for example, Alcionio published a translation of Aristotle’s *History of Animals* and other texts on the natural sciences, Sepúlveda had been working for months on his own translation of the same. The latter handled his disappointment at being beaten to the presses by publishing his translation anyway—together with a collated and itemized list of Alcionio’s errors in translation and style. Alcionio bought and destroyed as many copies

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of Sepúlveda’s *Errata* as he could, and came to dread the Spanish humanist, in the words of a contemporary, “as the sparrow fears the hawk.”\(^19\) The Medici cardinal (later pope) whose patronage put them at odds in the first place was all the more entertained by the tension between them, and continued to award translation stipends to both.\(^20\) In short, Sepúlveda was a formidable young intellectual—and aware of it. As such, he swiftly and predictably cultivated among his contemporaries a reputation for both erudition and haughtiness.

Pietro Alcioneio’s interaction with Sepúlveda stands out as representative of the Spanish humanist’s reputation among his contemporaries, as does the Cordoban’s correspondence with Desiderius Erasmus, which I will assess in greater detail in Chapter Three. In general, Sepúlveda’s competence was recognized and his work valued; if some found him arrogant and tedious, Ángel Losada could nevertheless conclude from studying his correspondence that “manifestations of admiration” came his way frequently.\(^21\) He was certainly able to publish and print his books during his lifetime: individual works’ first editions were printed promptly in Bologna, Rome, or Paris, and Sepúlveda even oversaw the printing of his collected works during his

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\(^{21}\) “Manifestaciones de admiración,” Ángel Losada, *JGS a través de su Epistolario*, 148.
An edition of several of his translations of Aristotle’s works was published in Paris in 1532, and a collection of his original treatises (On Fate and Free Will, Gonzalo, On the Marriage Rite and Dispensation, Anti-apology, Democrates, Theophilus) emerged from Simon de Colines’ Paris press in 1541—essentially, everything he had written up to that point. While the experiences of Pietro Alcionio and Erasmus of Rotterdam assure us that Sepúlveda could be exasperating, he was also clearly a formidable intellectual and classicist whose turns of phrase (whether in translation or polemic) drew his contemporaries’ attention.

1.2.2 After Second Democrates

The above-mentioned turning point is said to have arrived with Second Democrates, which received its Nihil Obstat in 1545 and has enjoyed a profound absence of positive commentary since. With this dialogue, Erasmus’s view—that Sepúlveda

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22 His biography of Cardinal Gil de Albornoz was published in Bologna in 1521; Gonzalo saw publication in Rome in 1523. On Fate and Free Will was also published in Rome in 1526, while his Exhortation to Charles V was published in Bologna in 1529. On the Marriage Rite would see publication in Rome in 1531; his Anti-apology against Erasmus was printed in both Paris and Rome in 1532. Democrates was published in Rome in 1535; Theophilus was published in Valladolid in 1538. Most would see subsequent stand-alone printings in addition to publication in a collection of Sepúlveda’s works. Ángel Losada, JGS a través de su Epistolario, 347–68.

23 Ángel Losada, JGS a través de su Epistolario, 335–36.

24 The controversy surrounding the publication of Second Democrates will be the subject of close scrutiny later, but it should be noted here that the work had its defenders—or so Sepúlveda tells us. One comment Sepúlveda reports having found very encouraging came from the Inquisitor General Fernando Valdés, who burst out, “Te voy a decir lo que pienso: Mejor velarían estos por su buen nombre si se preocuparan de que este libro se imprimiera con letras bien grandes y de que se predicara desde los púlpitos de toda España para provecho general [I am going to tell you what I think: These people (who are preventing the publication of Second Democrates) would better watch over your good name if they took care that this book...
was competent in his field but overreaching himself—gained traction and found certain voices echoing it, among them, the Salamanca theologians’ opinion declining to approve the work for publication. Their summary conclusion, in Anthony Pagden’s words, was that the humanist’s strength was likewise his weakness: a preeminent philosopher, he operated too much under the control of his own philosophical commitments, and was driven by pride “to dabble in subjects which he was not adequately trained to understand.”

However firmly this view has lingered to characterize twentieth-century views of Sepúlveda, I submit that in Sepúlveda’s own day, the issuing of it was not so much a turning point as a continuation of the spectrum of responses the humanist had inspired since the start of his career. If anything, the negative reviews of his work were largely limited to the censorship and non-circulation of Second Democrates and the Apology, while his fame as a humanist generally and a translator particularly endured. The criticism ultimately had staying power, but so did the praise—and that more so, within the century following his death.

That Bartolomé de Las Casas opposed Sepúlveda’s ideas is no secret; nor did the Dominican friar and bishop make any attempt at subtlety in the expression of his

be printed in large letters and preached from pulpits throughout Spain for the benefit of all.” Sepúlveda, Letter 72 to Martín Oliván, 1 November 1548, Epistolario: Cartas 1-75 (1517-1548), trans. Ignacio J. García Pinilla and Julián Solana Pujalte, Obras Completas IX,1 (Madrid: Excmo. Ayuntamiento de Pozoblanco, 2007), 185.

opposition. In the prefatory letter to his Defense, addressed to prince Philip, Las Casas called Sepúlveda’s ideas “honey-coated poison,” issued “under the pretext of pleasing his prince” but poised to “bring ruin to the minds of many.” Sepúlveda himself strongly suspected Las Casas of personally sinking his prospects for publication, but the actual decisions surrounding his dialogue and the debate at Valladolid are far more ambivalent. The judgment of the University of Alcalá allowed that “The teaching fully proves what it claims, but as it is not sufficiently certain, it is not fitting that the aforementioned book be printed and become known.” The Salamanca theologian Melchor Cano, commented in a similar fashion on the universities’ decision, in response to a long personal letter betraying Sepúlveda’s frustration with the rejection of his book. Also mixing praise and disapproval, but in clearer terms, he wrote,

I can praise the style and erudition of your book, but I cannot approve its doctrine. For this reason, dear Ginés, I could wish that you might demonstrate the power of your talent with another more fitting theme, in which you might better favor evangelical piety; for here of course, not to say anything further, you absolutely do not do it.

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28 Both letters are published in Sepúlveda’s Epistolario. For Sepúlveda’s, see Carta 74 in Obras Completas IX,1, 189–203. For Cano’s reply, see Carta 81 in Obras Completas IX,2, 214–25.
29 “Puedo alabar el estilo y la erudición de tu libro, pero no puedo aprobar la doctrina. Por eso querido Ginés, querría—y mucho además—que demostraras el poder de tu talento en otro tema más adecuado, en el que pudieras favorecer mayor la piedad evangélica; pues aquí desde luego, por no decir nada más, no lo haces en absoluto.” Cano to Sepúlveda in the latter’s Epistolario, Carta 81.21, Obras Completas IX,2, 223.
A final ambiguous judgment Sepúlveda heard about his ideas was that of the council assembled at Valladolid itself, which never did clearly side either with Las Casas or Sepúlveda. Melchor Cano, who sat on this council as well, was still being contacted for his final decision as late as 1557; the council did, however, affirm the censorship of Sepúlveda’s works. The theologians ruled in October, before the arguments had even begun, to prohibit the shipping and distribution of Sepúlveda’s *Apology* (summarizing the arguments of *Second Democrats*) within the New World—confirming Charles V’s own order that all copies of the *Apology* that reached Spain be confiscated.

The decision of the universities and of the junta at Valladolid prohibited the publication of *Second Democrats*, as well as the circulation of its *Apology* that had already been printed in Rome. And indeed *Second Democrats* never saw publication until the work of Marcelino Menéndez y Pelayo—a project reportedly only jump-started when an observant rural priest found a copy of the manuscript and wrote to the scholar suggesting it for publication. However, the original censures given at Valladolid did not result in a confiscation or ban on publication of Sepúlveda’s other works. Nor was his infamy such that he lost all standing as a scholar. Although some have made much of

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31 The *Apologia* was originally published in Rome, and many copies remain to us despite the emperor’s and council’s efforts. Lewis Hanke, *All Mankind is One* (DeKalb, IL: Northern Illinois University Press, 1974), 70, 63.
32 Menéndez Pelayo gathered other manuscript versions as well and published an edited version, along with a Spanish translation, in the *Boletín de la Academia de la Historia* in October of 1892. Ángel Losada, *JGS a través de su Epistolario*, 383. Regarding the story of the rural priest, see Pedro Sáinz Rodríguez, “Presentación de Don Ángel Losada,” *Cuadernos de Investigación Histórica* 2 (1978), 550.
his perceived lack of preferment, he continued to work as Charles V’s royal historian until the emperor’s death in 1558, at which point he continued in his post under Philip II. The histories were not alone among his subsequent writing projects, and apart from his translation of Aristotle’s *Nicomachean Ethics*, Sepúlveda successfully found a printer for every new work he sought to have published (e.g., his *Epistolary* [1557] and *On the Monarchy* [1571]). His works, including the *Apology* though excluding *Second Democrats*, were collectively published in Cologne in 1602, and a later edition of his works, published in Madrid in 1780, included the previously unrevised and unpublished histories of the reigns of Charles V and Philip II, and of the New World.

Not only did his works continue to find printers, but Sepúlveda himself continued to be held in high esteem. He maintained a circle of friends sympathetic to the plight of *Second Democrats* and otherwise cordially interested in his life. On this point, Martín Oliván, abbot of the monastery of San Juan de la Peña in Zaragoza, is notable for his sympathy and encouragement. He and Sepúlveda traded several letters in 1548, at the height of the controversy over *Second Democrats*’ publication. At one point, Oliván

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33 Bell notes, for example, that Sepúlveda was among several court intellectuals appointed as tutor to Prince Philip. Yet Philip’s other tutors would eventually be rewarded with higher positions in the church: Juan Martínez Siliceo (d. 1557) would become the archbishop of Toledo and Honorato Juan (d. 1566) the bishop of Osma. Aubrey F. G. Bell, *Juan Ginés de Sepúlveda*, (Oxford University Press, 1925), 46.

34 We see Sepúlveda in search of a printer for his translation and commentary on Aristotle’s *Ethics* in his 1565 letter to his friend Martín Oliván, the abbot of San Juan de la Peña in Zaragoza (Carta 132.1, *Epistolario*, OC IX,2 386). In 1566, however, Sepúlveda appeared before the Inquisition in order to account for his rendering of the text in certain passages. The authorities were willing to approve its printing with a few minor changes, but the work seems never to have been published. Francisco Castilla Urbano, *El pensamiento de JGS*, 28.

35 Ángel Losada, *JGS a través de su Epistolario*, 336–45.
described for Sepúlveda a convention of Dominicans who had met to discuss both the question of the indigenous peoples of the Americas and “whether the Pope has deciding power over what an ecumenical council has decided, or if the council itself can make decisions contrary to the will of the Pope.”36 The abbot noted carefully that Sepúlveda had treated the first question already, but urged him to write on the second theme “for the advantage of the studious.”37 He then expressed his fervent desire that both this as yet unwritten work and Second Democrats might see publication soon, joining the rest of Sepúlveda’s works, which Oliván could not tell “if they merit the praise of the erudite more for their expertise or for their elegance.”38

Oliván was the definition of a good and encouraging and solicitous friend.

However, nowhere was the enduring esteem for Sepúlveda’s thought and works more thoroughly recorded than in the testimonies and elegies from various sources that went on to preface subsequent editions of his published works, conveying the sense of respect for his thought that persisted through the centuries. Both the 1602 edition of his works published in Cologne and the 1780 Madrid edition featured a florilegium of such praises—the section in the monumental Madrid edition ran to twenty-four pages.39

36 “Si el Romano Pontifice tiene poder decisorio por encima de lo que haya decidido un concilio ecuménico o si el concilio por sí mismo puede tomar decisiones contra la voluntad del Pontifice.”
37 “Para provecho de los estudiosos.” Sepúlveda, Carta 69.1, Epistolario, OC IX, 1, 177.
38 “Si merecen el elogio de los eruditos más por su ciencia o por su elegancia.” Sepúlveda, Carta 69.1, Epistolario, OC IX, 1, 177.
39 Ángel Losada, JGS a través de su Epistolario, 338–39.
Among the testimonies gathered are excerpts from Prudentius Sandoval’s own 1634 *History of Charles V*, whose quoted summary of Sepúlveda’s character was as follows:

Doctor Sepúlveda, a most learned man and among the best Latins of his time, Historian of the Emperor, defended the justification by which the rulers of Spain were lords of the New World.40

Elegies long and short, in Spanish and Latin, to the “erudite and learned” Sepúlveda, “in theology and literature exceedingly learned,” indicate Sepúlveda’s enduring fame among Spanish intellectuals in the century following his death.41

### 1.3 Sepúlveda Studies in the last Century

If Sepúlveda’s fame endured, it was certainly in tandem with a nationalist attitude supporting Spain’s imperial claims in the Americas and elsewhere, as suggested by the elegy quoted above on his defense of Spain’s rulers as “lords of the new world.”42

These sentiments were more mildly pronounced, however, by scholars operating outside of Spain. Within Spain and without, they were likewise tempered among twentieth-century scholars who preferred Bartolomé de Las Casas’ view of the rights of the American indigenous peoples over whom Spain was staking its imperial claim. But

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40 “El Doctor Sepúlveda varon doctissimo y de los mayores Latinos de su tiempo, Cronista del Emperador, defendió la justificacion que havia, para que los Reyes de España fuessen señores del nuevo mundo.” Juan Ginés de Sepúlveda, *Joannis Genesii Sepulvedae Cordubensis Opera, cum edita, tum inedita, accurante Regia Historiae Academia, Volumen Primum* (Madrid: Ex Typographia Regia de la Gazeta, 1780), 22.
41 The first elegy, “erudito y docto,” is taken from the Jesuit Hernando de Ayora-Valmisoto’s 1646 *El Arbitro entre el Marte Frances y las Vindiciaes Galicas*; the second, “Theologiae et bonarum litterarum impense doctus,” from Juan de Solórzano Pereira’s 1629 *De Indiarum Iure*. Sepúlveda, *Opera, Volumen Primum* (Madrid: 1780), 21–22.
the recovery of Las Casas’ particular arguments at the Valladolid debate and their
translation for general readers has been relatively recent; Lewis Hanke suggests that it
was not until Ángel Losada’s own translation and printing of Sepúlveda’s Second
Democrates in 1951 that Las Casas scholars were galvanized into action and began to
work on serviceable translations of the Dominican friar’s treatises. The context of
Hanke’s observation is the companion volume he published to Stafford Poole’s English
translation of Las Casas’ Apology, titled In Defense of the Indians, which naturally suggests
this volume is the culmination of these efforts.43 But one of the many steps prior to this
1974 publication was Losada’s own 1970 translation and publication of Las Casas’
Apology, which was ultimately reedited and included as volume 9 of Las Casas’ Obras
Completas as prepared by the Fundación “Instituto de Bartolomé de Las Casas” in 1988.44
Essentially, Las Casas’ ideas were as inaccessible to most readers as were Sepúlveda’s
until a Sepúlveda scholar began the translation work that was so necessary. As such,
despite the fact that opposition to Sepúlveda’s views has historical antecedents, the
general acceptance of Las Casas’ obvious moral superiority and the general horror at

43 Lewis Hanke, All Mankind is One (DeKalb, IL: Northern Illinois University Press, 1974), xi-xii. Referring to
Juan Ginés de Sepúlveda, Demócrates segundo o de las justas causas de la guerra contra los indios, ed. Ángel
Losada (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Francisco de Vitoria, 1951), and
III (Excmo. Ayuntamiento de Pozoblanco, 1997), ix.
Sepúlveda’s opposing views are actually relatively recent—because the recovery of those views for discovery by a general readership has been relatively recent as well.⁴⁵

I intend in this section to trace twentieth-century developments in literary and historical studies of Sepúlveda, beginning with the context of Ángel Losada’s work in the 1940s.⁴⁶ Although his massive, and massively influential, Juan Ginés de Sepúlveda a través de su “Epistolario” y otros documentos was intended to bring back to the fore an admirable and somewhat maligned character from Spain’s history, it had the unintended consequence noted above of reinvigorating Las Casas studies as well. From the Losada-engineered “renaissance,” then, came a period when Sepúlveda was called morally to account and found wanting. In Losada’s wake, the decades of the 1950s and following saw a great deal of engagement with the new studies of Sepúlveda he had provided, and back-and-forth between Losada and historians of Spain and colonial Latin America, notably Lewis Hanke, Edmundo O’Gorman, and Marcel Bataillon.⁴⁷ The tensions that characterized the period centered on how to identify Sepúlveda. Was he the villain in the drama that unfolded at Valladolid, or an interpreter and translator of Aristotle so skilled that his work demands respect even today? Was he a philosopher by trade, or enough of a theologian to have thoroughly damaged Christian discourse on

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⁴⁵ For an example of the “general” acceptance of Las Casas’ moral superiority, see Matt Inman, “Christopher Columbus was awful (but this other guy was not),” The Oatmeal (web comic), October 2013, www.theoatmeal.com/comics/columbus_day. Retrieved 4 February 2016.
⁴⁶ This will be the subject of section 1.2.3.1.
⁴⁷ These historians and theologians will be the subject of section 1.2.3.2.
slavery, sovereignty, and race? Should one of these images outweigh the others? These voices, and particularly the critical ones, continue to dominate the conversation, especially among English-speaking scholars and especially in settings where the history of religion is treated; there Bartolomé de Las Casas can be counted on to appear long before Sepúlveda. Nevertheless, a third phase began in the mid-1990s, rooted in the town where Sepúlveda was born and where he died, and where still a statue of him stands in the Plaza del Cronista. The city council (ayuntamiento) of Pozoblanco began commissioning translations and publishing Sepúlveda’s Obras Completas in 1995, a project that has concluded with a new treatment of Sepúlveda’s translation of Aristotle’s Politics (Volume XVI, parts 1 and 2) and a new biography of Sepúlveda. These critical editions have enabled a number of scholars to make closer examinations of Sepúlveda’s thought as presented in his writings, whether focusing in-depth on one treatise or comparing several. The fruits of these will be analyzed in Chapters Three and Six, where their contributions and shortcomings best throw into relief the trajectory of the current inquiry.

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48 The bronze bust of Sepúlveda was erected in the Plaza del Cronista in 1947 and bears the inscription, “Caroli Quinti Imperatoris Historiographus – Haeresos debellator – Aristotelis interpres – Hispanii imperii acerrimus defensor [Historian of Emperor Charles V – Vanquisher of Heretics – Interpreter of Aristotle – Sharp Defender of the Spanish Empire].” Ángel Losada, JGS a través de su epistolario, 134. See also Santiago Muñoz Machado, Biografía (OC vol. XVII), 22.

1.3.1 A Sepúlveda “Renaissance”: Ángel Losada (1917–1995)

Marcelino Menéndez y Pelayo (1856–1912) has been rightly credited with initiating “the process of reevaluating Sepúlveda,” a reference to his publication of a Spanish translation of Second Democrates in 1892. However, his enthusiasm for his subject was limited. The translation itself was based on an incomplete manuscript, and Menéndez y Pelayo made it clear in his “Advertencia Preliminar” that the treatise could not have “more than historical value.” His positive, if measured, assessment was only that there was more value to Sepúlveda’s work than Las Casas’ comments would lead one to believe: “Who attends to and dispassionately considers him…will have to recognize in Sepúlveda’s doctrine more scientific value and less moral hatefulness than has been attributed to him until now.” Nevertheless, his final judgment on the matter was that Sepúlveda was too much in the thrall of his own rhetorical talent: he gives, “following the example of his great master Marcus Tullius (Cicero), more attention to the pleasure of the ears than to that of understanding.” Indeed, Menéndez y Pelayo even dismissed Sepúlveda’s attempts to reconcile his ideas with theology and canon law.

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51 “Más que un valor histórico.” Marcelino Menéndez y Pelayo, “Advertencia Preliminar,” *Boletín de la Real Academia de Historia* XXI/IV (October, 1892), 258.
52 “Quien atenta y desapasionadamente le considere…tendrá que reconocer en la doctrina de Sepúlveda más valor científico y menos odiosidad moral que la que hasta ahora se le ha atribuido.” Menéndez y Pelayo, “Advertencia Preliminar,” 258.
as not enough to conceal “their pagan and naturalist foundation.” In other words, the context for studying Sepúlveda, as Menéndez y Pelayo understood it (and as he embodied it as well), was one where the loudest voices were not the *florilegia* of the Spanish humanist’s 1780 works, but Bartolomé de Las Casas’ dismissal of his arguments as harmful and impious. A true reevaluation of Sepúlveda and his ideas would have to come from another source.

That source, in the 1940s, was Ángel Losada, who understood Sepúlveda and the context of any translation or analysis of his work differently than did Menéndez y Pelayo. (Although, to be fair, his understanding of that context changed over the course of his career.) Early on, Losada exhibited confidence that Sepúlveda had only fallen from his rightful place among the best known and most brilliant of Renaissance Spain’s intellectuals because the Latin he had written in had become inaccessible to most readers. But later, he assigned more significance to a general and unfair rejection of Sepúlveda as hopelessly out of touch with religion and morality—a rejection he, like Menéndez y Pelayo, saw principally among Las Casas scholars, but one that he traced to earlier treatments of Sepúlveda from international scholars as well. Essentially, Losada’s self-understanding and understanding of his career shifted from the welcome task of bringing back a sadly overlooked paragon of Spanish culture and intellectualism, to the

thankless work of shouting Sepúlveda’s reasonableness into the void, while the
unstoppable forward march of liberalism casually ignored him.

This trajectory is evident in introductions Losada gave to his work on Sepúlveda
spanning 1948 and 1978. In a 1948 article, Losada referred to Sepúlveda as the “forgotten
chronicler,” and allowed that he could not find more than one reason for this, by which
he meant, namely, “[Sepúlveda’s] writing being in Latin and not having been published
in Spanish translation that would make him accessible to all.”55 Therefore, as of Losada’s
view in 1948, Sepúlveda’s obscurity was not due to the long shadow cast by Las Casas’
version of the arguments, nor to the enduring criticism and censorship of his Second
Democrats. It was not that Sepúlveda was a distasteful footnote in Las Casas’ story; it
was that fewer people could read Latin, and Losada observed specifically that there was
no other reason than this. However, by the time of an address he gave and published in
1978, his way of telling the story had changed. Losada opened his remarks by observing
that the year 1973, the 400th anniversary of Sepúlveda’s death, had seen scant
commemorative celebration, especially when compared to the year 1974, the 500th
anniversary of Las Casas’ birth.56 He also colorfully referred to Sepúlveda’s standing

55 “El estar escrita en latín y el no haberse aún publicado una traducción castellana que la haga asequible a
todos.” Ángel Losada, “Un cronista olvidado de la España Imperial: Juan Ginés de Sepúlveda,” Hispania
8/31 (1948), 234.
56 A single solemn mass was celebrated in Sepúlveda’s hometown of Pozoblanco in 1973, as opposed to the
“congresos, coloquios, ruedas de televisión, etc., dedicados tanto en España como en el resto del mundo al
Obispo de Chiapas [congresses, colloquia, television programs, and more, dedicated as often in Spain as in
the rest of the world to Las Casas],” Ángel Losada, “Juan Ginés de Sepúlveda (Su polémica con Fray
among other scholars as “the black beast of all the evils of modern imperialism,” or, more succinctly, as an “imperialist ogre.” Ultimately, Losada argued that Sepúlveda had his very own leyenda negra or black legend, “coinciding with the ‘black legend’ of Spain” and “circulating since his own time.” This last point is key in the illustration of Losada’s developing view of his own field: from arguing that Sepúlveda only fell out of fashion because his brilliance was inaccessible to those who could not read Latin, Losada came to see Sepúlveda as fighting since his own time an uphill battle to be heard and found reasonable.

The reality of the context in which Ángel Losada began his seminal work on Juan Ginés de Sepúlveda is less abrasively hostile than he claimed in 1978. Spanish scholars throughout the seventeenth and eighteenth century had been kind to Sepúlveda’s legacy (as highlighted above in the florilegium published with his works in 1780). And in 1949, Losada himself had argued that not much had happened in Sepúlveda studies since then. In particular, he described the biographies issued prior to his own publication and study of Sepúlveda’s Epistolary as a series of summaries of the biographical information published in the 1780 Madrid edition of the humanist’s works, with little innovation. However, this is not to say that there were no instances of criticism of Sepúlveda’s work

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57 “La bestia negra de todos los males del moderno imperialismo.” Or, an “ogro imperialista.” Losada, “JGS (Su polémica),” CIH 2 (1978), 561 and 583.
59 Losada, JGS a través de su “Epistolario,” 7.
and ideas. Ecuadorian scholar and Dominican Fray Enrique Vacas Galindo paused from his 1909 summary of Sepúlveda’s side of the Valladolid controversy to observe, “How cruel, how impious was the doctrine of the defender that the conquistadors of the New World had sought!”60 Not only was Sepúlveda impious and cruel in Vacas Galindo’s eyes, but he was overtly “anti-Catholic” and even pagan as well:

   Jesus Christ redeems humanity at Golgotha and illuminates her with the burning white splendors of grace and charity, that all might look to the heavens and be guided to eternal blessedness; and the disciple of Aristotle attempts to submerge her once again in the black chaos of pagan servitude.61

But for all of Vacas Galindo’s disapproval, Sepúlveda had his defenders among international scholars of the early twentieth century as well. Writing for the Hispanic Notes and Monographs series for Oxford University Press, Aubrey F. G. Bell referred to Sepúlveda as “too often misunderstood and misrepresented.”62 Indeed, in the preface to his account, Bell confessed he “had long felt a prejudice against Sepúlveda, believing him to have been narrow and inhuman,” but further insisted he found after a close

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60 “¡Cuán cruel, cuán impía era la doctrina del defensor que habían buscado los conquistadores del Nuevo Mundo!” Enrique Vacas Galindo, Fray Bartolomé de Las Casas, su obra y su tiempo. Ensayo escrito para servir de introducción á la reimpresión de la controversia con Ginés de Sepúlveda acerca la licitud de las conquistas de las Indias (Madrid: Revista de derecho internacional y política exterior, 1909), 39.

61 “Jesucristo redime la humanidad en el Gólgota y la ilumina con los blancos y ardientes resplandores de la gracia y la caridad para que toda ella mire al cielo y se conduzca hacia la felicidad, y el discípulo de Aristóteles trata de sumergirla de nuevo en el negro caos de la esclavitud pagana.” Vacas Galindo, Fray Bartolomé de Las Casas, 42. He refers to Sepúlveda’s doctrine as “anti-Catholic” on 41.

62 Aubrey F. G. Bell, Juan Ginés de Sepúlveda (Oxford University Press, 1925), ix.
study of the humanist’s writings that the view of Sepúlveda as “an ‘upholder of slavery’” was simplified beyond measure.63

Hence, the field prior to Losada’s work was one that saw division concerning Sepúlveda and his ideas, and therefore no definitive stance. The voices that found his work repugnant certainly existed and were published, but in the end they were not convincing enough to keep Aubrey Bell from extending sympathy and understanding. During the above-mentioned address of 1978, as Losada and his accomplishments were being introduced to a waiting audience, Pedro Sáinz Rodríguez would describe the pre-Losada field this way:

It used to be only vague things were known about Sepúlveda: that he had sustained a polemic against Father Las Casas concerning the character of our colonial enterprise and justice with regard to the indigenous Americans; that he was a great humanist, and that in the eighteenth century, the Academia de Historia had published a series of oversized books with his works, which no one read.64

The “vague things” Sáinz Rodríguez indicates are indeed the “knowns” prior to Losada’s entrance: Sepúlveda was a humanist, he opposed Las Casas, and he remains seldom read. Regardless of their assessment of the value of Sepúlveda’s opposition to Las Casas, twentieth-century scholars generally agreed on the items in the list as he gives it.

What shape, then, did Losada lend this largely unexamined field? His contributions can

63 Bell, Juan Ginés de Sepúlveda, ix.
64 “De Sepúlveda sólo se sabían cosas vagas: que había mantenido unas polémicas con el P. Las Casas sobre el carácter de nuestra colonización y de la justicia con los indios; que era un gran humanista, y que en el siglo XVIII, la Academia de Historia había publicado una serie de tomas con sus obras que nadie leía.” Sáinz Rodríguez, “Presentación,” Cuaderno de Investigación Histórica, 2 (1978), 550.
be broken down into three parts. In the first place, his translation work and general industry toward making new sources available largely overcame the lamentable restriction of Sepúlveda’s writings to the Latin-literate. Secondly, Losada paid critical attention to Sepúlveda’s thought and role beyond the controversy for which he is best known, lending badly needed context to that debate and affirming the historically responsible view that Sepúlveda was not and is not reducible to the position he argued in 1550–51. Finally, with respect to the debate at Valladolid, Losada’s work posed challenges to many too-simple readings of the doctrines of human nature and of natural slavery that Sepúlveda championed against Las Casas. I will treat each of these briefly in turn.

Over the course of his mission to re-introduce a public not fluent in Latin to Sepúlveda’s thought and writings, Ángel Losada remained best known for his seminal work, which subsequent studies and translations have yet to render obsolete: the 1949 publication of his doctoral thesis, Juan Ginés de Sepúlveda a través de su “Epistolario” y nuevos documentos. Around the time of that tome’s completion and revision, he also published a number of its chapters and arguments independently as articles. Although

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the book was not intended as a biography, many of Losada’s investigations had biographical import. Prior to his contributions, Sepúlveda’s place and year of birth (Pozoblanco, 1490) had been contested; Losada also produced the documents attesting to Sepúlveda’s limpieza de sangre, a necessary precursor of his admission to the University of Bologna. Among several previously unpublished letters, Losada included Sepúlveda’s testament, and brought to light the controversy between Sepúlveda and Inquisition authorities in 1566 over the former’s translation and commentary on Aristotle’s Ethics, which was never published and ultimately lost. Losada also gathered publication data for Sepúlveda’s histories, treatises, translations, and letters, documenting printings of these individually as well as in collections. Beyond furnishing scholars with this historical detail, Losada translated Sepúlveda’s and Bartolomé de Las Casas’ works with admirable industry. He updated Menéndez y Pelayo’s 1892 translation of Second Democrates, providing a more accurate and complete version that ultimately served as the basis for the new critical edition commissioned by the city council of Pozoblanco decades later. He also translated and published selections from Sepúlveda’s Epistolary for the first time and produced a collection of

68 Losada, JGS a través de su “Epistolario,” 121–34.
69 Losada, JGS a través de su “Epistolario,” 283–95.
70 Losada, JGS a través de su “Epistolario,” 331–402.
71 Juan Ginés de Sepúlveda, Demócrites Segundo; o, De las justas causas de la guerra contra los indios, trans. Ángel Losada (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Francisco de Vitoria, 1951).
72 The later edition varies infrequently from Losada’s translation, and is listed as the “edición de Ángel Losada” on its frontispiece.
translations of Sepúlveda’s political treatises. From Bartolomé de Las Casas’ works, he translated and published *The Treasures of Peru* (1958) and his *Apology* against Sepúlveda (1970). Prior to this undertaking, these manuscripts were only reliably available through visits to the archives of national libraries in Paris and Madrid—which, though excellent, were only truly open to the student who came “armed with patience.”

Both within and beyond *Juan Ginés de Sepúlveda a través de su “Epistolario” y nuevos documentos*, another of Losada’s goals was to focus on Sepúlveda’s life and work outside of the defining moment of the Valladolid debate. He lamented the fact that Sepúlveda’s histories had languished so long without publication “on account of the negligence of Sepúlveda’s heirs,” particularly when the “Cordovan sage” had gifted the world with such a rich resource. For example: although his history of the New World in particular was only supposed to be merely a summary and translation of Gonzalo Fernández de Oviedo y Valdés’s Spanish chronicle of America into Latin, Losada argues that Sepúlveda much expands his account by means of his breadth of

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76 “Por negligencia de los herederos de Sepúlveda.” Ángel Losada, “Una historia olvidada de nuestro descubrimiento de América (“De Orbe Novo” de J. G. de Sepúlveda),” *Revista de Indias* 8 (1947), 510.

knowledge in other disciplines.\textsuperscript{78} Losada attributes Sepúlveda’s ability to set the stage in that work by outlining the various zones of the world, for example, to the Cordovan’s being a “good geographer”;\textsuperscript{79} his expansion of Oviedo’s account of Columbus’s first journey with a brief discourse on the science behind the compass is owing to a wealth of knowledge concerning Natural History;\textsuperscript{80} and details unique to his account come from Sepúlveda’s connections as a prominent intellectual and cultural figure—Losada argues, he used Hernán Cortés’s own Commentaries.\textsuperscript{81} Sepúlveda, moreover, made explicit mention of his access to these, although little is known about them and they seem to have been lost. While it is a stretch to adduce their unsubstantiated existence as firm evidence of Sepúlveda’s gifts as a historian, Losada referred to them in order to set the Spanish humanist’s chronicle apart—supporting his broader point that Sepúlveda was an accomplished scholar whose work offers unique and admirable contributions to every field he sought to engage.

Losada declared himself vindicated on this point by pointing to other scholars’ recognition of Sepúlveda’s competence in history and other fields of learning. Alfred Dufour’s argument, that the Spanish humanist had a real impact on the history of canon law with respect to marriage, gave Losada particular cause to observe that Sepúlveda,

\textsuperscript{78} Losada, “Una historia olvidada,” 512. See Juan Ginés de Sepúlveda, Del Nuevo Mundo, in Obras Completas, vol. XI (Excmo. Ayuntamiento de Pozoblanco, 2005).
\textsuperscript{79} “Buen geógrafo.” Losada, “Una historia olvidada,” 516.
\textsuperscript{80} Losada, “Una historia olvidada,” 517.
\textsuperscript{81} Losada, “Una historia olvidada,” 518.
“as was the case in his own day, is once again a ‘trending author’.” Indeed, Sepúlveda’s place in the development of law, as suggested by Dufour, fit Losada’s broader understanding that the “great ideas” of modern law, philosophy, and political science had already been formulated by sixteenth-century Spanish humanists. But any praise of Sepúlveda’s acumen as a historian, philosopher, or legal scholar needed to be contextualized, Losada argued, in what the Cordovan was first and foremost: “a Catholic, and one engaged by the world around him.”

The position that Sepúlveda was first and foremost a Christian who sought to serve the Catholic Church in all he did stands in stark contrast to any who argue that whatever theological understanding Sepúlveda had was in thrall to his Aristotelianism. And this is Losada’s culminating influence on the field for scholars investigating Sepúlveda: his insistence that no one be too quick to dismiss Sepúlveda as

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83 “Que Kant bebió en Vives, no hay la menor duda, que Leibniz y Nietzsche pudieron inspirarse en Sepúlveda, es muy probable [no one doubts that Kant imbibed Vives, and it is very probable that Leibniz and Nietzsche found inspiration in Sepúlveda].” Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” CIH 2 (1978), 580.
85 Anthony Pagden only allows that Sepúlveda was “rigidly orthodox” in his “highly chauvinistic” beliefs, while Lewis Hanke referred to Sepúlveda’s thought as a “patchwork quilt of many colors and confusing design.” Anthony Pagden, The fall of natural man: the American Indians and the origins of comparative ethnology (Cambridge University Press, 1982), 109. Lewis Hanke, Aristotle and the American Indians: a study in race prejudice in the modern world (Chicago: Henry Regnery Company, 1959), 69–70.
a chauvinist, an imperialist, and a monster. He cites readings of the debate at Valladolid as pitting a Christian view of human nature against a pagan one as too simplistic:

There is no such fight...between paganism and Christianity. Rather, there are two positions, both Christian, which are simply approximations of the ways notions proper to Western culture in that age might be put together with the anthropological reality of the New World.

Beyond merely sticking up for someone he had, through much reading, grown fond of, Losada championed two particular points that Sepúlveda’s critics too frequently missed in their rush to condemn the Spanish humanist: (1) that there was a difference between Sepúlveda’s understanding of “natural slavery” and Bartolomé de Las Casas’ summary of Sepúlveda’s argument; and (2) that Sepúlveda, more so than Las Casas, was heir to the ideas of the great moral philosopher and theologian Francisco de Vitoria (1486?–1546).

Losada’s positive view of Sepúlveda (“defender of our rights of American conquest”) is well established, if surprising in a political climate he recognized had moved on. One of the things his positive view no doubt helped him to notice was that

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86 For an example of this pre-Losada simplification of the matter, see the above-cited text by Vacas Galindo or Lewis Hanke, “La controversia entre Las Casas y Sepúlveda en Valladolid,” Universidad Católica Bolivariana VIII/24 (1942), 65-97. Hanke presents the contest as one that pitted scholasticism against humanism, the fathers of the church against Aristotle—i.e., a Christian view of human nature against a pagan one (80).

87 “No hay tal lucha...entre paganismo y cristianismo. Sólo hay dos posiciones, ambos cristianas, que son como tanteos de acoplamiento de las nociones propias de la cultura occidental de entonces a la realidad antropológica del Nuevo Mundo.” Héctor Gros Espiell, “En el V Centenario de Las Casas. Vitoria en la controversia Sepúlveda-Las Casas,” in Revista Humanistas 16 (1975), 715. Quoted in Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” CIH 2 (1978), 584.

88 “Defensor...de nuestros derechos de conquista americana.” Ángel Losada, “Juan Ginés de Sepúlveda. Estudio Bibliográfico,” Revista Bibliográfica y Documental 1 (1947), 315. In his above-mentioned 1978 address,
historians, in relating Sepúlveda’s arguments for the justice of Spain’s war of conquest in the Americas, tended to base their account not on Sepúlveda’s arguments themselves but on the rejoinder they received from Bartolomé de Las Casas. As Losada frames the question in *Fray Bartolomé de Las Casas a la luz de la moderna histórica crítica*,

Now then, did Sepúlveda really say what Las Casas attributes to him? This is important, since, given the heat of the polemic and the temperament of the Bishop of Chiapas, he not infrequently applied to his adversary intentions and theories the latter had never dreamed of, something Sepúlveda complained bitterly about.99

The comment about Las Casas’ temperament is not Losada’s most even-handed assessment, but he signals correctly the inherent weakness of relying on Sepúlveda’s opponent for a fair account of his thinking. Compounding the problem was a source issue: any who did seek Sepúlveda’s logic in Sepúlveda’s own writings had limited access to *Second Democrates*. Prior to Losada’s critical edition of 1951, the only version available was the edition and translation in 1892 by Menéndez y Pelayo—which Losada’s work ultimately proved was “defective and incomplete.”90

Losada asked rhetorically whether the apparent preference for Las Casas’ view is a “sign of the times” given “la actitud más bien liberal [the much more liberal attitude]” he perceives in Spain. Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” *CIH* 2 (1978), 552.

99 “Ahora bien, ¿dijo efectivamente Sepúlveda lo que Las Casas le achaca? Esto es importante, pues, dada la pasión de la polémica y el temperamento del Obispo de Chiapa, no pocas veces aplicaba a su adversario intenciones y teorías que éste ni soñara, de lo que amargamente se queja el propio Sepúlveda.” Ángel Losada, *Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica* (Madrid: Editorial Tecnos, 1970), 254.

90 Originally published in the *Boletín de la Real Academia de la Historia* in 1892, Menéndez y Pelayo’s edition was republished as a second edition by the Fondo de Cultura Económica (Mexico) in 1941. The assessment
Particularly at issue was the meaning behind Sepúlveda’s application of Aristotle’s category of the “natural slave.” The first reason Sepúlveda listed for Spain’s just war in the Americas was this: “To subject by arms those whose natural condition is such that they ought to obey others, if they refuse their rule and no other recourse remains.” 91 At issue is the sense implied by the reference to the indigenous peoples’ “natural condition.” Las Casas rightly connected this language to Aristotle’s understanding of “barbarians” and “natural slaves,” but argued that Aristotle made distinctions among barbarians, ultimately outlining four classes. Only the third class of barbarians—those who were impious, possessed of base instincts, and incapable of self-government—were rightly called “slaves by nature,” Las Casas argued. But, he continued, Sepúlveda did not understand the distinctions within the category, and as such, “through ignorance or malice,” he wrongly classified the indigenous peoples of the Americas under the third heading. 92 While these are appropriately referred to as

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91 “Someter por las armas a aquellos cuya condición natural es tal que deban obedecer a otros, si rehúsan su imperio y no queda otro recurso.” Quoted in Losada, Las Casas a la luz de la moderna crítica histórica (Madrid: Editorial Tecnos, 1970), 251.
92 “Por ignorancia o por malicia.” Ángel Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica (Madrid: Editorial Tecnos, 1970), 251-54
barbarians, Las Casas concluded, they are not the sort of barbarians that are appropriately called slaves by nature.93

Losada’s assessment of this reading of Sepúlveda’s thought, by Las Casas and lascasistas, began with pointing out the difference between “a quality essential to one’s nature” and a quality that is “changeable with respect to culture,” either of which is a plausible interpretation of the phrase “natural condition.”94 While Las Casas read Sepúlveda as advocating the former, Losada vigorously asserted that the Spanish humanist intended the latter. His first reason for the Spanish conquest referred to the indigenous peoples of the Americas as incapable of self-government—but this did not mean they could never be capable of self-government, Losada argued. Rather, Sepúlveda understood them to be “in a state of perfectible backwardness.”95 In order to corroborate this reading of Second Democrats, Losada draws on a 1552 letter from Sepúlveda to Francisco Argote, where the former explicitly corrects the connection of his “natural slavery” reference to the idea that the American indigenous populations are justly reduced to slavery. Rather, the goal of the Spanish incursion must be

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93 Ángel Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica (Madrid: Editorial Tecnos, 1970), 251–54.
94 “Una cualidad esencial a la naturaleza,” as opposed to “mutable por la cultura.” Ángel Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica, 254. All emphasis original.
95 “En un estado de atraso perfectible.” Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica, 255. Emphasis original.
in order to fulfill the duty of civilizing them, in such a way that the barbarians abandon their customs that are contrary to nature and move to a better and more civilized way of life.96

In other words, Sepúlveda’s appeal to Aristotle may have involved the inflammatory language of barbarians and backward customs, but within his vision of a subjected indigenous population was that same population’s moral development. Whether this is in itself an acceptable moral vision can still be (and has been) vigorously contested; I argue in this dissertation that Losada reads Sepúlveda correctly, but that the non-essential barbarian quality he sees attached to American indigenous peoples’ nature is the result of the Cordovan’s semi-pelagian theology, a conclusion Losada never drew. Nevertheless, Losada’s championing of this reading was a watershed contribution to the reception of Sepúlveda’s writings insofar as it complicated decisively the view of Sepúlveda as a “staunch defender of the Indian’s slavery.”97

A second thesis put forward by Losada had a similar effect on the landscape of Sepúlveda studies: namely, Losada disputed the standard reading that, between the contestants at Valladolid, Bartolomé de Las Casas was the true heir to Francisco de Vitoria’s thought, while Sepúlveda diverged from the Salamancan theologian’s

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96 “Para cumplir el deber de civilizarlos, de modo que los bárbaros abandonen sus costumbres contrarias a la naturaleza y pasen a un modo de vida mejor y más civilizado.” Juan Ginés de Sepúlveda, Epistolario, Carta 101, 296.
arguments.98 The contestants themselves knew what was at stake in claiming to be in line with Vitoria. Both expressly claimed to be in accord with his ideas, and both made the interpretation of his thought a part of their arguments; yet they came to opposing conclusions.99 The broad agreement between Las Casas, Sepúlveda, and Vitoria can be seen, for example, in their collective wisdom on the practice of war in general: the issuing of a declaration of war requires legitimate authority, by which all three mean the highest authority in the land, who governs without dependence on any higher authority.100 But in more specific lines of argument, Losada argued, Vitoria—contrary to popular understanding—matched Sepúlveda far more closely.

Both Sepúlveda and Vitoria were satisfied that the reasons for engaging in warfare generally were the following: self-defense, the recovery of plundered possessions, and to punish those who have committed crimes but have gone without judgment or consequence from their own authorities. And this shared logic, Losada argues, is not due to Sepúlveda adopting Vitoria’s framework, but rather to “the possession of a common philosophical and juridical foundation that arises from the most remote sources of Christianity and from its most representative authors, especially Saint

98 For an example of the “standard reading,” see Lewis Hanke’s “La controversia entre Las Casas y Sepúlveda en Valladolid,” Universidad Católica Bolivariana VIII/24 (1942), 65–97. Hanke goes so far as to claim, incorrectly, that Sepúlveda does not even mention Vitoria (92–93).
100 Losada, “Evolución del Moderno Pensamiento,” 19.
Augustine and Saint Thomas.” Moreover, Sepúlveda laid out these ideas in his Exhortation to Charles V in 1529, fully three years before Vitoria’s 1532 relections On the Indians and On Just War. Although Losada does not go so far as to claim Vitoria modeled his ideas on Sepúlveda, he traces their shared foundations in classical and Christian thought as far as he is able. Both, he argues, appeal to the same Aristotelian doctrine of the suitability of subjecting inferior races to superior ones, although for neither of them are the races inherently unequal. Rather, they share the commitment that all people and races, prior to their conversion to Christianity, are equal before God, such that Spanish superiority stems from their baptism, which the “inferior” races will ideally come to embrace as well. In the particular case of the indigenous peoples of the Americas, Sepúlveda and Vitoria likewise share the premise that saving innocent victims from their fate as human sacrifices or from anthropophagy is a legitimate cause for just war. And both base this claim on the precepts of the natural law, as confirmed by the divine mandate to love one’s neighbor. Las Casas could not dispute the correspondence between Sepúlveda and Vitoria, but argued that these circumstances

101 “La posesión de un fondo filosófico y jurídico común que brota de las más remotas fuentes del cristianismo y de sus más representativos autores, especialmente San Agustín y Santo Tomás.” Losada, “Evolución del Moderno Pensamiento,” 21.
102 Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” 567.
103 Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” 574.
104 Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” 576.
105 Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica, 261. Sepúlveda adduces Vitoria’s argument in support of his own in his Apology by citing Francisco’s brother Diego’s favorable opinion of the work, which, Sepúlveda contends, the brothers must have formed in consultation with one another. Sepúlveda, Apología, Obras Completas, vol. III (Excmo. Ayuntamiento de Pozoblanco, 1997), 30.1–2.
106 Losada, “JGS, su polémica con Fray Bartolomé de Las Casas,” 575.
did not actually apply to the indigenous peoples of the Americas (not all groups engaged in cannibalism or human sacrifice), and as such the rigorous application of what Vitoria tentatively concluded was inappropriate. As Losada observed, “Sepúlveda was certain it was so; Vitoria supposed it to be true; Las Casas denied it,” reflecting on the accuracy of this assessment of the circumstances that justified war against the American indigenous.107 Nevertheless, Vitoria had died in 1546 and could not change his tentative affirmation of the justice of the Spanish conquest in the way Las Casas argued he would—leaving Losada room to argue that “Vitoria is situated, in this respect, more in line with Sepúlveda than with Las Casas.”108

The arguments about Vitoria’s legacy and Sepúlveda’s application of Aristotle’s natural slave category continued to develop and be debated in the decades following Losada’s late-1940s splash of resources. Scholars working on Las Casas, Vitoria, and the encounter between Europe and the Americas particularly drew on the translations and studies he had made available. Sepúlveda may not have become the “trending author” Losada had described, but his newfound accessibility certainly generated an uptick in informed references to the Spanish humanist’s thought and career. Through his groundbreaking work on a critical and complete edition of Second Democrates, his investigations into Sepúlveda’s life and writings beyond the flashpoint of 1550–51, and

107 “Sepúlveda aseguraba que sí; Vitoria las suponía; Las Casas las negaba.” Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica, 280. Italics original.
108 “Vitoria se sitúa, a este respecto en la línea de Sepúlveda más bien que en la de Las Casas.” Losada, Fray Bartolomé de Las Casas a la luz de la moderna crítica histórica, 280.
particularly through his complication of the above-mentioned standard readings of the Valladolid debate, Ángel Losada made an indelible mark on the field of Sepúlveda studies.

1.3.2 Losada’s Wake, 1940–1995

However much Ángel Losada fundamentally altered the lines of inquiry into Sepúlveda’s life and work and legacy, he did not invent the field itself. His “forgotten chronicler” was such because he was unknown to the general reading public; specialists had long known the name. As such, this section aims to outline the conversations that were revolving around our sixteenth-century humanist independent of Losada’s involvement—and ultimately impacted by it. Two particular conversations deserve notice in this regard. The first was a broad attempt to settle the question, asked of many sixteenth-century figures, of whether Sepúlveda belonged to the medieval era or the modern one. The second was a reawakened interest in the humanists and humanism of sixteenth-century Spain, and gathered Sepúlveda into its debates in order to evaluate him as a figure within that context, ushering in a reevaluation of Sepúlveda’s legacy that sets the stage for the most recent set of translations and monographs.

The question of Sepúlveda’s medievalism or modernism arose in the context of an ongoing debate between Lewis Hanke (1905-93) and Edmundo O’Gorman (1906-95), who held positions respectively at the Hispanic Division of the Library of Congress and
the Archivo General de la Nación de Mexico. Hanke’s influential work, *The Spanish Struggle for Justice* (1959), cast Bartolomé de Las Casas as its hero, but marveled generally that the Spanish conquest of the Americas saw so many different experimental forms. In the face of the enduring “Black Legend” of Spain’s unmitigated rapacity and greed, Hanke pointed to the suspension of all conquests in the New World on 16 April 1550, until the debate over those conquests’ justice could be resolved at Valladolid. “Probably never before, or since,” Hanke observed, “has a mighty emperor…ordered his conquests to cease until it was decided if they were just.” But if anything were to challenge the uniqueness of that moment in time, Hanke argued it was earlier moments in Spain’s own imperial expansion; in *The Spanish Struggle for Justice*, he traced a number of pre-Valladolid “experiments” where ecclesiastics, “equipped with only the love of God and the idea of the brotherhood of man, so powerfully persuaded the monarch of imperial Spain that he repeatedly gave them a chance to try a better way of conquest than simple military usurpation.” The phrase here that gave Edmundo O’Gorman

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109 Hanke would go on to hold positions on the faculties of the University of Texas, Columbia University, and the University of Massachusetts Amherst. O’Gorman remained an important public intellectual and continued to publish, but never joined the teaching faculty of any college or university.


111 Lewis Hanke, *All Mankind is One*, 67.

112 Lewis Hanke, *The Spanish Struggle*, 41.
pause, and that ultimately recast the discussion of Spanish imperialism and Sepúlveda and Las Casas’ arguments concerning it, was “brotherhood of man.”

Lewis Hanke himself acknowledged the development in his ideas and his presentation of the Spanish conquest. In particular, his research into the “experiments” preceding the debate at Valladolid convinced him Las Casas was one of many Christian voices—rather than the only Christian voice—advocating evangelism and a conquest that attended to matters of Christianity and justice.\(^{113}\) But O’Gorman objected that Hanke had fundamentally missed the foundation of the idea of justice that Las Casas was fighting for. This justice, O’Gorman argued, based on the “brotherhood” and equality of people, was not a concept native to Christianity—and certainly not medieval Christianity—but one that anticipated the modern era and the shift toward modern philosophical commitments to equality and human rights.\(^{114}\) Indeed, O’Gorman attributed Hanke’s and others’ very fondness for Las Casas to their getting “carried away” in encountering a voice that spoke of equality in a way that was familiar—but whose familiarity stemmed not from its Christian roots but its connection to Hume, Voltaire, and Rousseau.\(^{115}\) O’Gorman even went so far as to point to Las Casas’ *The Only...*  

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\(^{113}\) “My real discovery was that [Las Casas] was only one, the most aggressive and articulate one, to be sure, of those Spaniards who sought to have the conquest follow Christian and just principles.” Lewis Hanke, *The Spanish Struggle*, vii.  


Way as a documentary link showcasing the transition between scholasticism and Descartes.116 While there is value in the distinction O’Gorman wished to draw between “justice” as it might be defined and recognized today and “justice” as it had been defined and recognized in sixteenth-century Spain,117 his argument that Valladolid was “in reality a reflection of the profound spiritual crisis that accompanied the advent of modern man” likewise goes too far and oversimplifies the conflict.118 However, the discussion also signified a fascinating (if short-lived) shift in the characterization of the Valladolid debate. While Valladolid had once primarily been cast as a Christian [Las Casas] v. pagan [Sepúlveda] debate,119 and while Ángel Losada had challenged this with his argument that it was indeed a Christian [Las Casas] v. Christian [Sepúlveda] debate,120 O’Gorman went so far as to argue that it was in fact an Enlightenment [Las Casas] v. Christian [Sepúlveda] debate.

While O’Gorman’s attempts to remove the mantle of Christianity from Las Casas’ arguments enjoyed deservedly minimal staying power, his treatment of the other

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116 “Un cuidadoso estudio del extenso fragmento que ha llegado hasta nosotros del De unico vocationis modo omnium gentium ad veram religionem de Fray Bartolomé de Las Casas, nos va a permitir establecer documentalmente y de una manera auténtica la vinculación de América con la corriente filosófica de transición entre la Escolástica y Descartes [A careful study of the extensive fragment that has come to us of Las Casas’ De unico modo will permit us to establish, textually and authentically, the link between America and the philosophical transition from Scholasticism to Descartes].” Edmundo O’Gorman, Fundamentos de la Historia de América, 29.

117 This is precisely the question O’Gorman accuses Hanke of failing to address. O’Gorman, “Lewis Hanke on the Spanish Struggle for Justice,” HAHR 29/4 (1949), 565.


119 See Lewis Hanke, “La controversia entre Las Casas y Sepúlveda en Valladolid,” UCB VIII/24 (1942), 80.

120 Ángel Losada, “JGS, su polémica con fray Bartolomé de Las Casas,” CIH 2 (1978), 584.
side of the conflict (Sepúlveda) remains relevant. His purpose in that regard was to be provocative: he argued that Las Casas was actually further removed from the Christianity of his day than Sepúlveda.\(^{121}\) But the effect was to re-contextualize Sepúlveda as a medieval Christian, who sought to explain “the anthropological reality of America” according to the “Aristotelian-Christian concept concerning the nature of man which for him had absolute validity.”\(^{122}\) This description fell in step with Ángel Losada’s own nearly simultaneous attempts to argue that Sepúlveda ought to be taken seriously as a Christian theologian, and it bolstered the efforts by Losada and others to link Sepúlveda to Vitoria’s legacy.\(^{123}\) It also set the stage for an additional disputation concerning the Spanish humanist’s legacy and the quality of his approach to the issues at hand: namely, the contest over the interpretation of his appeal to the category of \textit{natura servi} or \textit{servi a natura}.

As with the debates over Sepúlveda’s identity as a medieval or a modern thinker, so too the question of what he meant when employing the category \textit{natura servi} centered on a controversial claim by Lewis Hanke. In this case, the argument revolved around Hanke’s decision to translate the phrase, whenever he quoted it in a monograph or

\(^{121}\) O’Gorman, “Lewis Hanke on the Spanish Struggle for Justice,” 566.


article, as *slaves by nature* or *natural slaves*. He identified the category as Aristotelian in origin, and attributed Sepúlveda’s employment of it to his concurrent project in the late 1540s of translating Aristotle’s *Politics* into Latin, arguing that because of the latter project, “he was completely saturated with the theory of ‘The Philosopher,’ and particularly with the concept that certain men are slaves by nature.”124 The ensuing debate explored two points: first, whether *servi* was appropriately rendered “slaves” in English and, upon the translation of Hanke’s work, “esclavos” in Spanish, and second, just how inferior Sepúlveda on this account believed these beings to be.

Hanke’s *The Spanish Struggle for Justice in the Conquest of America*, published in English and Spanish in 1949, was the first locus for these questionably translated passages, where Hanke referred to Sepúlveda’s category of “natural slaves” or “slaves by nature,” and his translator, Ramón Iglesias, rendered the phrase back into Spanish as “esclavos por naturaleza.”125 Even if it is granted that “slave” is a possible translation of the Latin *servus* (and Hanke responded forcefully in *Aristotle and the American Indians* that it is), “esclavo” seems a disingenuous translation when compared to the Spanish edition of *Second Democrates* available to Hanke and other scholars in the 1940s, which

124 Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia, PA: University of Pennsylvania Press, 1959), 114. The first printing of this text had been in 1949; a Spanish translation was issued the same year.

consistently employed “siervo por naturaleza.” Accordingly, the discrepancy was attributed to Hanke’s translator’s lack of attention to Hanke’s sources, and the question became whether and how much violence was done to Sepúlveda’s original intention by the mistranslation, as well as how to appropriately identify and translate Sepúlveda’s original intention in the first place. As Robert Quirk has pointed out, sixteenth-century Latin had two relevant words, servus (serf) and esclavus (slave), but Sepúlveda never used the latter, because esclavus was a ninth-century invention, a “degeneration” that post-dated the classical Ciceronian Latin he preferred. Instead, Sepúlveda used the word servus in his comments both about serfdom (the position of a socially and naturally inferior person working the land of his social better) and slavery (the legal bondage of a person who may well be his owner’s equal but has had the bad luck of, for example, being taken prisoner in war). The American indigenous peoples would have been made slaves if the Spaniards conquered them in the context of a just

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128 Quirk, “Some Notes on a Controversial Controversy,” 359. For an example of just how deeply Sepúlveda’s preference for Ciceronian Latin ran, see his discussion in On the Monarchy of virtues: Sepúlveda lists prudence, justice, fortitude, and temperance and suggests they serve “como goznes sobre los que gira todo el programa de vida y sus, por así decir, mecanismos [like hinges around which turn the entire program of life, and, so to speak, its mechanisms]” (Acerca de la Monarquía I.7.5). The odd image of a “hinge” is Sepúlveda’s way of nodding toward these virtues’ classification as “cardinal” (the Latin for hinge is cardo, cardinis) without using the later Latin development of the word cardo into cardinalis. Thomas Aquinas, for example, referred to the cardinal virtues using the later terminology: “Deinde considerandum est de virtutibus cardinalibus” (ST I-II 61.2).
129 Quirk, “Notes,” 361.
war, which, Sepúlveda argued, was precisely what was happening and should continue
to happen. They were *not* slaves of this kind by nature—because no one ever is. They
were, however, naturally inferior to the Spaniards insofar as their disposition was to
serfdom. In other words, Sepúlveda’s use of *natura servi* was indeed calculated to
indicate the inferiority of the indigenous peoples of the Americas. But, Quirk argued,
accusers such as Hanke go too far when they suggest that Sepúlveda “preached the
enslavement of the American Indians” by translating his ambiguous use of “servi”
unambiguously and in all instances as “slaves.”

Quirk’s contribution is based on the unassailable methodological assumption
that we must look at what words used by sixteenth-century authors meant in their
sixteenth-century context, not what they mean in our time. However, his claim to adhere
to this methodology is on shaky ground, since, as Hanke points out in his rebuttal,
Antonio de Nebrija’s 1494 Latin-Spanish dictionary gave both *siervo* and *esclavo* as
appropriate translations for *servus*, an interchangeability that remained in effect for the
Spanish dictionary issued by the Real Academia Española in 1726–39. It is therefore
disingenuous to maintain the argument that “slaves” is an inappropriate word to
include in translations of or comments on Sepúlveda’s writings. Moreover, modern
translations Aristotle refer to “one thus intended by nature to be a slave,” and while

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130 Quirk, “Notes,” 357.
Sepúlveda rendered such passages using the word *servus*, the Spanish translation of his *Politics* of Aristotle regularly uses *esclavos* and *esclavitud* without creating controversy.\(^{132}\)

Hence the modern convention for translating Aristotle faithfully involves the word “slave,” but if one follows Quirk’s standards, the modern convention for writing about Sepúlveda’s understanding of Aristotle would avoid the same word. Unnecessarily convoluted though it seems to be, Quirk is right about Sepúlveda’s employment of the word *servus* in multiple senses, and about the ultimate inadequacy of “slave” for our understanding of his application of the term to the indigenous peoples of the Americas. While “serf” may not be the appropriate substitution, the use of the word servant [*minister*] in the following passage, which appears toward the end of *Second Democrates*, better illustrates Sepúlveda’s reasoning:

> An excellent and just king who wishes to imitate such a head of household, as is his obligation, should govern the Spaniards with a paternal rule and these barbarians as free servants, with a mild government, a mix of master and father, and treat them according to their condition and the demands of the circumstances. And so with the passage of time, when they have become more civilized and the integrity of customs and the Christian religion have been by our government

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reaffirmed in them, it is necessary to give them a more free and generous
treatment.133

The passage still argues for the fundamental inferiority of the American indigenous to
the Spanish—in context, Leopoldo has asked Democrats whether indigenous converts
who accept Spanish rule should have the same rights as Spaniards, and Democrats has
responded with his “strongest repulsion.”134 Yet his employment of minister/ministros (or
in the Spanish, criados) is significant. It highlights that slavery, as a category, is restricted
to those indigenous that the Spanish conquer and enslave in a just war, following the
common contemporary practice. These are not slaves by nature, but by circumstance.

Nevertheless, the American indigenous peoples do harbor an inherent, natural
disposition, according to Sepúlveda, toward domestic servitude among their Spanish
superiors. In this way, the passage clarifies the proper wording for Sepúlveda’s
doctrine—the indigenous Americans are servants, not slaves, by nature—but it exposes
another issue, one that underlay the first all along. In what respects does Sepúlveda
consider the American indigenous to be the Spaniards’ inferiors?

By 1974, Hanke was not only aware of the controversy over the

servus/esclavo/serf/slave translation, but able to point to its resolution in the new version

133 “[Un] rey óptimo y justo que quiera imitar a tal padre de familia, como es su obligación, debe gobernar a
los españoles con imperio paternal y a esos indios como a criados [ministros], pero de condición libre, con
cierto gobierno templado, mezcla de heril y paternal, y tratarlos según su condición y las exigencias de las
circunstancias. Así con el correr del tiempo, cuando se hayan civilizado más y con nuestro gobierno se haya
reafirmado en ellos la probidad de costumbres y la religión cristiana, se les ha de dar un trato de más
libertad y liberalidad.” Sepúlveda, Demócrates Segundo, II.8.1. The emphasis on the Latin “minister,” the
Spanish “criado,” and the English “servant” is my own.

of *Second Democrats* that Ángel Losada had prepared, in which the “painstaking Latinist” had corrected several mistranslations and, through manuscript comparison and criticism, omitted “some of [Sepúlveda’s] harsher expressions on the nature of the Indians.” However, even with the issue ostensibly solved at the level of wording, some question remained as to Sepúlveda’s doctrine. Whether in fact he had termed the American indigenous as slaves or serfs by nature, the question remained: was Sepúlveda really suggesting there was an ontological difference between the indigenous populations of America and the Spaniards? Did he really regard them as inferior in the sense of *subhuman*? In important articles, Lino Gómez Caneda and Edmundo O’Gorman eliminated the idea of a strict ontological difference. Each argued independently that the idea that the indigenous were “beasts” was held by exactly no one in the sixteenth century, and only appeared in the writings of advocates for indigenous peoples’ welfare who accused various Spanish authorities of mistreating their subjects. O’Gorman particularly referred to the thesis that American indigenous were “a third species of animal between man and monkey” as a “calumny” that merely alluded to Sepúlveda’s

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135 Lewis Hanke, *All Mankind is One* (DeKalb, IL: Northern Illinois University Press, 1974), 69. Losada’s changes are evident throughout. For example, where the Latin contrasts those of whom it could be said *hos esse natura dominos* with those more appropriately deemed *servos esse natura*, Losada’s translation refers to those who are “señores por naturaleza [lords by nature]” and those who are “siervos por naturaleza [servants/serfs by nature].” Juan Ginés de Sepúlveda, *Demócrates Segundo*, trans. Ángel Losada, in *Obras Completas*, vol. III (Excmo. Ayuntamiento de Pozoblanco, 1997), I.5.4; compare lines 21–22 in the Latin.

doctrine without properly reflecting it. Yet the legacy of Sepúlveda’s argument for indigenous inferiority persisted. In his assessment of the controversy at Valladolid, Gustavo Gutiérrez summarized Sepúlveda’s ideas under the subheading “Two Classes of Human Beings,” noting the Spaniard’s debt to John Major but observing he set forth the latter’s ideas “with a greater and a disturbing assurance.” He then quoted Sepúlveda’s conclusion from Second Democrates that “they are inferior to Spaniards as children to adults, women to men, the cruel and inhumane to the gentle.” Most English-speakers who learn of Sepúlveda’s career and ideas do so in the context of studying Las Casas; therefore, Hanke’s and Gutiérrez’s presentation, tempered though it has been through conversation with the work of Losada, O’Gorman, and Gómez Caneda, has marked perhaps indelibly Sepúlveda’s legacy, leaving the impression of his singular focus on the indigenous peoples’ inferiority.

A final line of inquiry that characterized twentieth-century scholarship likewise had the ultimate effect of casting Sepúlveda in an unfavorable light: namely, the revival of interest in sixteenth-century Spanish humanism. After being billed as a nation untouched by renaissance flowering of arts and letters, a century of monographs have

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137 “Una tercera especie de animal entre hombre y mono,” as theories go, a “calumnia.” O’Gorman, “Sobre la naturaleza bestial,” 158.
139 Gutiérrez, Las Casas, 293. I reproduce the English as it appears in the translation of Gutiérrez’ work, since the present point is not fealty to Sepúlveda’s wording so much as how he is presented in scholarship that is more widely accessible than his own works have been.
celebrated the literature, art, philosophy, and other achievements of the Siglo de Oro.140

The works that brought Sepúlveda into their conversations, however, tended to center on Erasmus and his reception and rejection in Spain, beginning with Marcel Bataillon’s landmark Érasme et l’Espagne.141 There Sepúlveda appeared as a self-important gadfly, though with none of Socrates’ redeeming qualities. Bataillon made much of Erasmus’ complimentary take on Sepúlveda in his Ciceronianus as “a young man with a bright future” —but in the end it is apparent he did so principally to observe that Sepúlveda had betrayed Erasmus’ kindness with constant criticism of his intellectual better.142

Rummel particularly highlighted Sepúlveda’s assessment that Erasmus only escaped condemnation as a heretic during his lifetime because the popes feared an open break with him, “as Clement VII himself told me when, after he finished reading the Antipapology I have mentioned, he praised the moderation I had used with Erasmus.”143 The portrait that emerges is not the most flattering.144

140 Literally, Spain was accused as “the land without a Renaissance.” Hans Wantoch, Spanien, das Land ohne Renaissance: eine kulturpolitische Studie (Munich: G. Müller, 1927).
142 “Un jeune homme de grand avenir.” Bataillon, Érasme et l’Espagne, 440; also Rummel, Erasmus and his Catholic Critics, vol. 2, 123.
143 “Como a mí me señaló Clemente séptimo, cuando, después que terminó de leer la Antiapología que he mencionado, elogió la moderación que yo había utilizado con Erasmo.” Rummel, Erasmus and his Catholic Critics, vol. 2, 128. Quotation translated from Sepúlveda, Historia de Carlos V: Libros XI-XV, in Obras Completas, vol. X (Excmo. Ayuntamiento de Pozoblanco, 2003), XV.31.3.
144 This is not even to mention Henri Méchoulan’s accusation that Sepúlveda, committed to nationalism and traditionalism, was not a (progressive, free-thinking) humanist at all—but Méchoulan’s categories are narrow and his agenda clear, to the point where his examination, though helpful in places, does not much
1.3.3 *Ad fontes* (1995–Present)

Even after Losada’s reintroduction of Sepúlveda and translation of his works into Spanish, academic approaches to his life and thought have been few, and have had the cumulative effect of rebuilding a generally negative impression. While Sepúlveda has fared well among scholars whose agendas have pitted them against Las Casas (Losada, O’Gorman, Menéndez Pidal), the louder voices have always set him as a negative foil against the sixteenth-century figures they preferred—such as Las Casas (Gutiérrez, Hanke) or Erasmus (Bataillon, Rummel). One bright side to being perennially cast as the villain, however, is that a closer look is unlikely to make things worse, and may even generate sympathy and understanding through the uncovering of redeeming qualities. Such is the work that the city council of Pozoblanco, Sepúlveda’s hometown, has taken on in the last two decades. While the project’s sponsorship committee includes Pozoblanco’s mayor, an ex-mayor, and other city council officers, the vast editorial board also includes scholars from la Universidad de Córdoba, la Universidad de Sevilla, alter the landscape of Sepúlveda studies. Henri Méchoulan, *L’antihumanisme de J. G. de Sepúlveda: etude critique de Democrats primus* (Paris: Mouton & Co., 1974).
Conceived to make Sepúlveda’s writings more widely available and to correct several errors of the 1780 Madrid edition, the series includes Sepúlveda’s History of Charles V, History of Philip II, Democrats, Second Democrats, Apology for Second Democrats, Acts of Cardinal Albornoz, On the Monarchy, On the Marriage Rite and Dispensation, Gonzalo, the Anti-apology, Commentary on the Reform of the Breviary, Exhortation to Charles V, Sepúlveda’s Epistolary, On the New World, On Fate and Free Will, Theophilus, his translation of Aristotle’s Politics, and finally, an updated biography by Santiago Muñoz Machado. The effect has been to lay the foundation for a new generation of scholarship. Three notable monographs have made use of these new critical editions to conduct groundbreaking research on Sepúlveda’s ideas and writings, by Joaquín J. Sánchez Gázquez (2005), Luna Nájera (2008), and Francisco Castilla Urbano (2013). Each in their own way has widened the scope from the typical focus on Sepúlveda as preacher of the American indigenous peoples’ inferiority. Luna Nájera wrote of Sepúlveda as a scholar who sought to explicate the compatibility of the sacred and the secular. While this pursuit was for him chiefly an exercise in illustrating the unity of Christian and classical virtues, Nájera’s dissertation argued that in the affair of

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the Americas, Sepúlveda controversially advocated for the pope’s authority over against
the emperor’s.146 Francisco Castilla Urbano, meanwhile, sought to destabilize the
perennial focus on Sepúlveda’s contribution to the Valladolid debate as his chief and
only legacy. For Castilla Urbano, this meant tracing the theme of “the active life”
throughout Sepúlveda’s works, including the Exhortation, First Democrates, Second
Democrates, and On the Monarchy.147 Refreshingly, Joaquín J. Sánchez Gázquez ignored
Valladolid entirely and wrote an account of Sepúlveda’s theology as it appeared in his
1526 treatise against Martin Luther, On Fate and Free Will, concluding quite correctly that
the humanist had fallen under the sway of semipelagianism.148 I include a more detailed
review of each of these monographs in Chapters Three and Six, in order to assess their
contributions to the field as well as to differentiate their aims and methodologies from
those of the present analysis. Their conclusions, and my own, may be disputed, but the
conversation is certainly richer for the source material made available by the efforts and
coordination of the Pozoblanco city council.

146 Luna Nájera, “Writing Empire, Justifying War: Royal Censorship of Texts by Sepúlveda and Bernal” (PhD
147 Francisco Castilla Urbano, El pensamiento de Juan Ginés de Sepúlveda: Vida activa, humanismo, y guerra en el
148 Joaquín J. Sánchez Gázquez, Los De Fato et Libero Arbitrio Libri Tres de Juan Ginés de Sepúlveda: Estudio de
1.4 Concluding Remarks

The upshot of the trends in scholarly inquiry into Sepúlveda’s writing as reviewed above has been threefold. First, the apologetic tendencies of Losada and O’Gorman particularly have complicated the Cordovan’s historical portraiture in a welcome way. These have not redeemed Sepúlveda exactly; indeed, since Losada appeals to him as an early voice for Spanish nationalism and imperialism, and since O’Gorman uses him to implicate Christianity more broadly in the many moral failings of colonialism, one is tempted to conclude they have done just the opposite. Nevertheless, each raises questions that rightly drag Sepúlveda back from his exile as a dim Aristotelian racist and toadie to the imperial designs of the most powerful man in the room. Second, the field has been immeasurably helped by the push to make ever better editions of Sepúlveda’s writings available. From Menéndez-Pelayo’s imperfect version of Second Democrates to Losada’s translation of a number of Sepúlveda’s writings, and most importantly to the contemporary effort of the Pozoblanco city council to fund scholars’ work on critical, bilingual editions of Sepúlveda’s complete works, these efforts have underwritten scholarship that, crucially, is able to make arguments that account for patterns in Sepúlveda’s thought across several treatises and dialogues. A third trend, a direct corollary to the second, has been less helpful: namely, the division of Sepúlveda’s works into political, philosophical, and theological ones. The result has been a limiting of the potential of studies taking into account multiple writings in Sepúlveda’s corpus in
order to focus on the few works that can in isolation be deemed political, philosophical, or theological.

This is the fundamental weakness of the recent raft of monographs on Sepúlveda’s thought. As much as this study is admittedly in debt, then, to Dr. Nájera’s and Dr. Castilla Urbano’s broad analyses of Sepúlveda’s works, and to their willingness to find precursors for his argument of the legitimacy of the Spanish war of conquest in the Americas in earlier writings, and echoes of it in later ones, the idea that some of Sepúlveda’s works were political (and so the field of Dr. Nájera’s inquiry), while others were philosophical (and so the within the scope of Dr. Castilla Urbano’s efforts), introduces distinctions that would little have existed in the sixteenth-century mind, particularly the mind of one who styled himself a “humanist.” This project is likewise in debt to Dr. Sánchez Gázquez’s close analysis of the particular doctrines espoused in a treatise that was one of Sepúlveda’s most explicitly theological. Yet in surveying Sepúlveda’s theology, Sánchez Gázquez limits himself to a study of On Fate and Free Will and neglects Sepúlveda’s other works as not falling into the same category. Certainly in the sixteenth-century adjectives such as “theological,” “political,” “philosophical,” and “historical,” enjoyed particular meanings and meaningful distinction from one another; as I detail in Chapter Two, there was a difference between one’s course of study at university depending on whether one enrolled to study arts (philosophy) or theology or another discipline. But a treatise by Sepúlveda that was political would hardly have
excluded theology for that reason. And this immediately raises the question: What theological themes, arguments, and implications might readers miss if they read particular treatises by Sepúlveda exclusively for political or philosophical content?

I submit that theological themes pervade Sepúlveda’s work and were indeed at the heart of even Sepúlveda’s arguments about the justice of the Spanish wars in the Americas. These are usually construed as philosophical arguments, but in fact his treatises were theological discourses about the religious and intellectual capabilities of the American indigenous, which unsurprisingly incorporated philosophical discourse as well. I further submit that attention to these neglected theological themes reveals that the particular commitments at the heart of the later writings on just war point to the same semipelagianism that characterizes On Fate and Free Will, and in so doing point beyond it to a broader theological framework built from Sepúlveda’s understanding of natural law, and the natural knowledge of God. Aristotle’s philosophical category of natural servitude is absolutely at work in Sepúlveda’s treatment of the American indigenous peoples and the fittingness of their subjection—but this is not where analysis of his position should end. Sepúlveda was not beholden to Aristotle and his categories for understanding the world around him—rather, he employed Aristotle’s categories to express a reality he understood theologically. And he understood it this way: people are given reason and free will, and with it the ability to access the precepts of the natural law, to govern themselves civilly, and to turn to God. In other words, it is in their power
to desire the good, accomplish it, and merit the grace that leads to everlasting life. This is
the general theological anthropology Sepúlveda explains in order to correct Luther’s
doctrine of the bound will; he later contends the American indigenous were given the
same free will and free access to the universally available, natural law—but, his
argument continues, they have not turned to God; they neither desire nor accomplish
anything good. Even with the arrival of Christian Spaniards and the preaching of
revealed Christian truth (in other words, the arrival of the divine law), many have failed
to recognize Spanish superiority and accept Christian rule. Therefore, argues Sepúlveda,
mercy and justice both demand that the indigenous peoples of the Americas be subdued
by Spanish arms and in this way prepared to receive the saving faith of Christianity.
Against Luther, he insists that human nature is predisposed toward virtue and the
discovery of the one true God; he admits the human will has the freedom to reject this
predisposition, however, incurring the catastrophic consequence of nature’s
degradation, even to the point of no longer being able to recognize and turn to the one
true God. Such, Sepúlveda argues twenty-five years later at Valladolid, is the condition
of the indigenous populations of the Americas.
2. Sepúlveda’s Education and Training

This chapter focuses on three concurrent tasks. The first is to lay out Sepúlveda’s biography up to the time of the writings that concern the remaining chapters. As Santiago Muñoz Machado has quipped, Sepúlveda’s biography is in his bibliography—similarly, for the early stages of his life, his biography is largely in the settings where he received his education. The second task is to outline, based on the universities Sepúlveda attended and the courses of study he pursued, the various sources he encountered and adopted as his theological framework. The third task is simply the other side of the second’s coin: for if Sepúlveda encountered and adopted certain ideas along the way, he also necessarily encountered some that he modified or rejected. As such, the third task is to begin to establish that Sepúlveda’s theology, while it did not develop or proceed ex nihilo, nevertheless was distinct, and to determine where the departures from his source material occurred. The chapter proceeds in chronological order. After a brief account of previous work by scholars to identify an “axis” within Sepúlveda’s thought (2.1), I turn to Sepúlveda’s formative years studying philosophy at the University of Alcalá, and the atmosphere established by Cardinal Cisneros’ tres vías reformation (2.2). I then follow Sepúlveda to Sigüenza where he took up theological studies with Thomas Aquinas’s Summa Theologiae as curriculum and textbook (2.3), and

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1 Muñoz Machado, Biografía de Juan Ginés de Sepúlveda, 24.
finally to Bologna (2.4), where he studied the works of Aristotle with Pietro Pomponazzi.

Each stage of Sepúlveda’s education offered a significant contribution to the writer he would become. At Alcalá, studying Peter of Spain’s *Súmulas Logicales*, he absorbed basic principles of logical argument that decades later form the structure of Democrates’ points as he persuades Leopoldo in Sepúlveda’s first and second *Democrates* dialogues. But there is nothing unique or determinative about Peter of Spain’s introduction to logic, as Sepúlveda’s contemporary Tomás de Mercado wrote a commentary on this exceedingly common Logic 101 textbook but espoused radically different conclusions from Sepúlveda concerning the indigenous peoples of the Americas. However, Tomás de Mercado did not encounter Peter of Spain within the halls of Alcalá, and so missed the atmosphere wrought by Cardinal Cisneros’ reforming influence, which Sepúlveda absorbed as a permissiveness to correct his sources. This influence is clear in Sepúlveda’s adoption of Thomas Aquinas’s theology, which he uses and quotes extensively, but with quiet corrections whose boundaries I trace where they have bearing on his later expressions of the doctrines of free will, justification, and the natural knowledge of God. Finally, the importance of Sepúlveda’s time at Bologna cannot be overstated. This is not to say he falls under the controlling sway of Aristotle, as is generally observed, or even of Pietro Pomponazzi. Rather, I contend precisely the opposite: that the most influential factor in Sepúlveda’s formation at Bologna was not
Pomponazzi but rather the professor’s censure by the Fifth Lateran Council (1512–1517).

For the Council responded to Pomponazzi’s teaching (that the methodologies of philosophy and theology were distinct and independent to the point that a proposition could be philosophically true while its opposite was true theologically) by asserting that what was true theologically was true philosophically as well, and where contradiction existed, philosophy was in error. Sepúlveda, I argue, had the same criticism of Pomponazzi’s teaching, and took the Council’s assertion to its logical extreme.

2.1 The Search for an Axis

Whether referring to Sepúlveda in passing or making a careful study of his writings, a number of scholars have attempted to identify the fundamental source of his ideas, or the eje [axis] around which they turn.² A parallel exercise exists in the history of Luther studies, where various scholars followed a “‘key’ method”—that is, they tried to identify the key to Luther’s reformation theology in order to date his reformation breakthrough accordingly.³ Sepúlveda’s “axis” is no less fraught than Luther’s “key”; the assumption that such a “neat category” can be observed to divide the

² An example of the drive to locate a center point within Sepúlveda’s thought is Francisco Castilla Urbano’s recent monograph, which identifies Sepúlveda’s doctrine of glory as the “axis” about which his ideas revolve: “Va a ser precisamente la doctrina de la gloria el eje ideológico en torno al cual Sepúlveda va a articular sus escritos morales y políticos más interesantes [Precisely the doctrine of glory will be the ideological axis around which Sepúlveda will articulate his most interesting moral and political writings].” Castilla Urbano, El Pensamiento de Juan Ginés de Sepúlveda, 283.

Catholic/medieval Luther from the Reformation/modern one fails to take into account the complexity of Luther’s theology or the historical process by which he developed it.⁴ Neither can Sepúlveda’s conclusions be reduced to a single center point or dividing line. Rather than reduce Sepúlveda’s every treatise to his semipelagian theology of the freedom of the will, my intention has been to elaborate on a particular theme as a way to expand on, complicate, and in some cases correct other attempts that have already been made to explain away his career as singularly in thrall to one particular source or other.

The broadest and most common charge is that Sepúlveda’s work can be reduced to his prioritization of Aristotle. Lewis Hanke, for example, has made much of the fact that Sepúlveda was “probably the foremost Aristotelian in Spain,” and has suggested that Las Casas only wrote so extensively on Aristotle in his own works because such were the grounds Sepúlveda’s arguments had established for the debate.⁵ Anthony Pagden has likewise referred to Aristotle as the “main rhetorical device” of Sepúlveda’s work and identified this as the heart of the Alcalá and Salamanca theologians’ disapproval of Second Democrates.⁶ When it comes to Sepúlveda’s reliance on Augustine in his 1550 defense of his 1545 Second Democrates’ logic and faithfulness, Pagden saw nothing but an artificial attempt to couch his arguments (and their Aristotelian logic) in

⁴ Hagen, “Changes in the Understanding of Luther,” 491.
⁵ Hanke, Aristotle and the American Indians, 55–59.
a vocabulary “with which few of the Salamanca theologians could have taken issue.” If Pagden were correct, it would have been an extraordinarily ineffectual gambit on Sepúlveda’s part, since take issue the Salamanca theologians did. I submit that Pagden’s reading of Sepúlveda’s intentions is reductionist, accounting for some but not all of the factors at work in his presentation of his arguments.

José Antonio Maravall narrowed Sepúlveda’s guiding framework down even further, identifying him not just as an Aristotelian but an “alejandrinista,” a disciple of Alexander of Aphrodisias (c. AD 200) and the line of interpretation he defined for Aristotle’s works. Such an Alexandrian reading not only emphasized particular doctrines—for example, on the immortality of the soul—but also, according to Maravall, led Sepúlveda to reject medieval theological traditions of reading Aristotle:

Sepúlveda represents perhaps the highest level of the elimination of all political Augustinianism up to that point, apart from Machiavelli. His turn to the pure Aristotle, his Alexandrianism, assured him of this immunity against the medieval tradition, whose weight the scholastic Aristotelians had not yet ceased to feel.

None of these broad arguments can be entirely discounted; Sepúlveda was absolutely an avid reader and translator of Aristotle and quotes the latter’s works frequently in his

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7 Pagden, *The fall of natural man*, 112.
9 “Sepúlveda representa quizá el máximo grado en la eliminación de todo agustinismo político, alcanzando hasta su momento, dejando aparte a Maquiavelo. Su vuelto al puro Aristóteles, su alejandrinismo, le aseguran esa inmunidad contra la tradición medieval, cuyo peso los aristotélicos de tipo escolástico no habían dejado de sentir.” Maravall, *Carlos V y el Pensamiento Político del Renacimiento*, 204.
own writings. What is incomplete and therefore interesting about such broad arguments, however—as the passage from Maravall’s monograph indicates above—is what they exclude. Yet while Maravall and others have contended that Sepúlveda excluded these theological modes of thinking out of ignorance, incompetence, or malice, I contend that it has rather been the scholarly community that has excluded theological themes from the Spanish humanist’s thought by neglecting to treat them at any length.

Whether by emphasizing Sepúlveda’s preference for Aristotle (Hanke), suggesting his incompetence as a theologian (Pagden), or arguing for his rejection of theological readings altogether (Maravall), all of the above sources fail to take into account Sepúlveda’s facility and familiarity with theological sources, let alone his sophistication in interpreting them. The exclusivity and simplicity of such positions is easily noticed and has already been commented upon by a number of revisionist historians. Eduardo Andújar, for example, has made an isolated case for Sepúlveda as a theologian. His argument picks up on Hanke’s and Pagden’s observations concerning Las Casas’ appeals to Aristotelian logic as a ploy to meet Sepúlveda on common ground, and instead suggests the Dominican father was fundamentally mistaken: “Las Casas seems to believe [Sepúlveda] to be more Aristotelian than he was.”

concludes, the logic Sepúlveda actually operated with was explicitly Thomist.\textsuperscript{11} In particular, Andújar notes Sepúlveda’s affinity for Thomas’s definition of the natural law as participation in the eternal law by the rational creature.\textsuperscript{12} Andújar’s evidence for this point is not particularly compelling; although he is correct about Sepúlveda’s ability to cite Thomas, the particular example he furnishes is Sepúlveda’s clarification of the barbarian category by way of Thomas’s commentary on Aristotle’s \textit{Politics}.\textsuperscript{13} The source is indeed a theologian, but one whose task in the quoted passage is to provide yet another resource for Sepúlveda’s interpretation of Aristotle. The argument has promise, but Andújar never carried it far enough away to escape the gravitational pull of the Hanke/Pagden criticism that Sepúlveda utilized theology as a second order confirmation of his philosophical arguments.

Other scholars have already disputed, as I do as well, that Sepúlveda’s theology is appropriately identified as corresponding entirely with the thought of Thomas Aquinas. Where I analyze Sepúlveda’s adoption of Aquinas’s framework and departures from the Angelic Doctor’s teaching on particular points, others have erroneously sought to dismiss the connection to Aquinas entirely. David Lantigua, for example, has argued correctly against the idea that sixteenth-century Spanish Thomist theology was

\begin{flushleft}
\textsuperscript{11} Andújar, “Bartolomé de Las Casas and Juan Ginés de Sepúlveda: Moral Theology versus Political Philosophy,” 76–80.
\textsuperscript{12} Referring to \textit{Summa Theologiae} I-II. 91, Article 2. Andújar, “Las Casas and Sepúlveda,” 79–80. Sepúlveda’s encounters with Thomas Aquinas during his education and his interpretation of the angelic doctor in his writings will be the subject of section 2.2 below.
\textsuperscript{13} Andújar, “Las Casas and Sepúlveda,” 78–79.
\end{flushleft}
monolithic and moreover responsible for the “Renaissance Christian classification of human beings in a top-down hierarchical manner” that ushered in modern imperialist racism. However, in addition to his agenda of defending Las Casas’ Thomism particularly, Lantigua restructured the question of Sepúlveda’s use of Thomas, arguing that Sepúlveda and other defenders of the Spanish conquest (and the coerced conversion of the American indigenous) rely far more heavily on lines of thinking that extend from Augustine and from Pope Innocent IV. The identification of Augustine in Sepúlveda’s citations is correct, but the argument’s agenda of preserving Aquinas from the taint of complicitude in the Spanish conquest ultimately weakens Lantigua’s case. Sepúlveda makes faithful use of Aquinas; when he defines the natural law, he quotes Thomas’s own definition. A full account of Sepúlveda’s theology must admit both his use of and departures from Aquinas’s doctrine.

Another revisionist tendency, represented by Paulino Castañeda Delgado, Luna Nájera, and Santiago Muñoz Machado, has sought to reduce Sepúlveda’s arguments to his advocation for papal supremacy. Luna Nájera traced the rejection of Second Democrates and the Apology to the privileged position they assign the authority of the pope, an authority that Sepúlveda implicitly maintained to be over and against even that

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of the emperor. Santiago Muñoz Machado argued that Sepúlveda favored the papacy in the midst of unrest within the church due to the framework of his first major writing project, a biography of the warrior Cardinal Egidio Albornoz (1310–1367), a strong ecclesiastical figure in a world that had been thrown into chaos. Castañeda Delgado’s monograph on papal theocracy, on the other hand, ably traced developments in the medieval papacy before dedicating its second part to an explanation of Alexander VI’s donation of the Americas to Spain’s Catholic monarchs and identifying Sepúlveda’s advocacy for the legitimacy of the conquest as advocacy for the legitimacy of the donation and of the supreme authority of the pope. Once again, the evidence points broadly toward the general but incomplete truth of such arguments. Sepúlveda does indeed make use of his reading in Thomas (Andújar), Augustine (Lantigua), and the medieval popes (Nájera, Muñoz Machado, Castañeda Delgado), but identifying his sources only begins to enable us to describe the animating principles of Sepúlveda’s thought.

Put differently, knowing that Sepúlveda read Thomas Aquinas is not the same as knowing how Sepúlveda read Thomas Aquinas, or how he made use of the theological

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16 See Chapter Six for a fuller discussion of Nájera’s thesis.
17 Muñoz Machado, Biografía de Juan Ginés de Sepúlveda, 60–66.
arguments he found there. Moreover, the eje-method practiced by these authors is an inherently problematic exercise: their task has been to focus on isolated sources, and ones that can be recognized as either philosophical or theological, in order to claim Sepúlveda was in thrall to one narrow line of thinking within one or the other of these disciplines. Sepúlveda and his contemporaries did not distinguish between philosophy and theology as modern members of those respective disciplines do. What is interesting about Sepúlveda’s arguments is not that a single, identifiable source holds undue sway over them, but that something about the epistemological system he constructed for himself allowed him to invest a degree of authority in all of the aforementioned sources, an authority that ultimately blights any reductionist attempt. Therefore it is not fealty to a particular text or school that I mean to isolate in this chapter, but an entire outlook—not a source, but a manner of approaching sources; not an argument but a framework in which arguments form. I submit that this framework was built as Sepúlveda followed his trajectory from Alcalá to Bologna, the former laying a coherent foundation while the latter provided some necessary trauma and a proving ground. I turn now to an exposition of this foundation in the tres vías reformation of Cardinal Cisneros at Alcalá, and ask what seeds are to be found here of the

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19 I am indebted for this point to J. Warren Smith, who makes the same argument about the church father’s use of various Greco-Roman philosophers.
20 This statement must be inflected very carefully: Sepúlveda and his contemporaries did recognize a distinction between the disciplines of philosophy and theology; they did not draw that distinction in precisely the same way that modern practitioners and universities do.
epistemological framework that Sepúlveda later expressed in his semipelagian doctrine of the natural, divine, and eternal law—a doctrine that, I contend, lends a compositional unity to the Sepulvedian treatises studied in later chapters.

2.2 The Son of Alcalá

Sepúlveda enrolled at Alcalá in 1510 and studied there for three years, following a course of study in logic and philosophy under Sancho de Miranda. While his formal theological training did not begin until he matriculated at Sigüenza in 1513, Sepúlveda’s leanings toward an ecclesiastical career were already apparent; he was ordained a secular priest the same year he began at Alcalá. Therefore, while the bulk of my comments on Alcalá have to do with the classes and material that went toward the degree ultimately conferred on Sepúlveda, an introductory section addresses the permeability of the boundary between the two disciplines (sc. philosophy and theology), and takes seriously the fact that for three years a man inclined to spend his life’s energy on sacred doctrine spent it at the heart of Cisneros’ reformation of Spanish academic theology.21

21 Sepúlveda’s inclinations in his youth cannot necessarily be extrapolated from his writings about his ambitions later in life. That said, absent a report of a conversion or other change, these are the best data point to go on. And in 1536, the year he assumed his role as Charles V’s royal historian, he lamented in a letter that his new career would lead him away from his life’s passion of philosophy and sacred doctrine. Baltasar Cuart Moner, “Juan Ginés de Sepúlveda: la impronta de Italia en un cronista del Emperador,” Historia Antropología y Fuentes Orales 46 (2011): 80.
2.2.1 Cisneros and the *tres vías* Reformation

Cardinal Francisco Jiménez de Cisneros (1436–1517) founded the University of Alcalá de Henares (or *la Universidad Complutense*) after securing permission to do so from Catholic monarchs Ferdinand and Isabel and from Pope Alexander VI.\(^2^2\) Papal bulls in 1499 and 1501 established and funded a college and faculty within the university for the study of theology.\(^2^3\) In 1508, the cardinal completed his preparations, hired his faculty, and began accepting students. Arriving in 1510, Sepúlveda could not claim to have been among the very first students to enroll, but he was certainly present in time for life at the university to settle into its first sense of normalcy, and for the year its Constitutions took effect.\(^2^4\) By all accounts, he was a talented student and successful in his endeavors. The atmosphere of Alcalá made an impression on him, and he in turn impressed his professors deeply; Sepúlveda wrote glowingly to Dr. Muñoz, the college’s rector in 1567, that he was a “son of Alcalá,” and Cisneros himself wrote the letter that introduced Sepúlveda to the faculty of Bologna in 1515.\(^2^5\) But what was the character of those impressions? What was the environment of Alcalá like as a context for study, and

\(^2^2\) The word *complutense* (cf. Complutensian Polyglot) derives from Alcalá’s name during the city’s Roman period. The city was called *Complutum* during Emperor Trajan’s reign, *Compluto* under the Goths, and later *Guad Alkalá* or *Alkalá Nahar* under Arabic rule. Isabella and Ferdinand gave it the name *Alcalá de Henares*. Alfredo Martínez Albiach, *La Universidad Complutense según Cisneros (1508–1543)*, Cuadernos de Teología 15 (Burgos: Facultad de Teología del Norte de España, 1960), 11.

\(^2^3\) Martínez Albiach, *La Universidad Complutense*, 10.


\(^2^5\) The letter to Muñoz is from an unedited manuscript collection; Ángel Losada quotes it in *JGS a través de su Epistolario*, 26. The letter from Cisneros is reproduced in full in Losada, *JGS a través de su Epistolario*, 465.
which aspects may have lingered in Sepúlveda’s memory and oriented his thinking as he took his earliest steps to pursue his formal education?

Cisneros’ efforts in Alcalá ultimately reformed the discipline of theology in Spain, and set the stage for later reforming developments such as the famed School of Salamanca. The cardinal embraced and encouraged humanist reforms within the church, rewarding those who cried *ad fontes* with the Complutensian Polyglot Bible. Indeed, scholars of the Bible’s original languages had ample reason to celebrate the project, finding the Old Testament presented in parallel columns of Hebrew, the Latin Vulgate, and the Greek Septuagint, and the New Testament presented in parallel columns of Greek and the Latin Vulgate version. Incorporating humanist learning and preferences into his program was not Cisneros’ only reforming goal, however; the cardinal also sought to counter the atomizing tendency of theological studies in his day. The various schools of theology, particularly those associated with a given religious order, were practically closed disciplines unto themselves. Moreover, while the regular clergy studied theology according to the norms within their particular order, the secular clergy (to which category Sepúlveda belonged as of his ordination in 1510) often abandoned theology proper in order to study canon law above all else, as the discipline most

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conducive to a comfortable ecclesiastical career. Cisneros disapproved of the arrangement; Beltrán de Heredia has commented wryly on “the singular affection Cisneros professed for Theology, in contrast with his little sympathy for Law, perhaps because he believed that the predominance of the latter among the secular clergy led to the loss of prestige of the former.”

For Alcalá’s students, then, Cisneros encouraged the study of theology over canon law and prohibited courses in secular law altogether (though his successors reinstated them). The cardinal wrote this emphasis into the very constitutions of the university, insisting “our purpose” was that the arts and theology “might flourish”:

Let him not be principally a canonist or a doctor, nor during his Prebend should he study such faculties, to the end that our purpose might not be frustrated: we intend to found this College so that in it might flourish principally the studies of Art and Sacred Theology, even if it is allowed that each of these same, after achieving the rank of formed Bachelor of Theology, might be dedicated to Canon Law, for a time but not forever, nor—as indicated above—principally.


“El singular afecto que profesaba Cisneros a la Teología, contrastando con sus pocas simpatías por el Derecho, tal vez por creer que al predominio de éste entre el clero secular se debía al desprenstigio de aquella.” Beltrán de Heredia, “La Teología en la Universidad de Alcalá,” 87.

Belda Plans, La Escuela de Salamanca, 140.

“No sea principalmente Canonista ni Médico, ni durante su Prebenda estudie en tales Facultades, a fin de que no se frustre nuestro propósito: pretendimos fundar este Colegio para que en él florezcan principalmente los estudios de Arte y Sagr. Teología, si bien es lícito a cualquiera de los mismos, tras conseguir el grado de Bachiller formado en Teología, se dedique al Derecho Canónico, algunas horas pero no siempre ni—como se ha indicado—principalmente.” Quoted in Martinez Albiach, La Universidad Complutense, 28. The italicized portions, which are reproduced as they appear in Martinez Albiach’s quotations, are corrections to the text from the 1510 edition.
Another way this emphasis on theology and its careful and extensive study was conveyed lay in the construction of the initial faculty. Instead of establishing a single chair (or even a major and a minor chair) in theology, Cisneros founded three major chairs corresponding to the three leading schools: Thomist, Scotist, and Nominalist. The three professors Cisneros selected for these positions in 1508 were Gonzalo Gil (nominalist theology, which in this context meant Gabriel Biel), Clemente Ramírez, O.F.M. (Duns Scotus), and Pedro Sánchez Ciruelo (Thomas Aquinas). The chairs had equal rights and teaching responsibilities, though Cisneros established a hierarchy that ranked Thomas first, Scotus second, and Biel third. The privileged position of Thomas Aquinas was patterned after other European universities, which in some cases had already begun to teach Thomas to the implicit or explicit exclusion of other sources. Indeed, in the university’s longer history, the influence of Thomism endured while the other schools came and went; minor chairs were established in each of the three schools in 1536 (although the nominalist one pertained to Durandus instead of Biel), but the Scotist minor chair was suppressed in 1550 and the nominalist chairs taken out altogether in 1573. Nevertheless, despite the enduring influence of Thomas Aquinas in Alcalá’s history, the real innovation on Cisneros’ part centered on his elevation and

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inclusion of nominalism in the curriculum, at the time a daring and revolutionary appointment. At the end of the fifteenth century and beginning of the sixteenth, nominalism had an informal presence in Spanish theology but made no formal appearance in any Spanish university curriculum.\(^{34}\) In fact, “there existed a more or less extensive atmosphere of rejection toward the Nominalist current, considering it to be injurious and dangerous to a healthy theology.”\(^{35}\) The school’s official entrance into Spanish university life was with Cisneros’ decision to adopt the modus parisiensis, the University of Paris’ method for theological study, which would come to be known in Spain as the tres vías.\(^{36}\) Other universities quickly followed suit, lest they lose too many students to Alcalá’s unique and exciting new curriculum. Salamanca in particular added nominalist positions in parallel to the realist ones, establishing a chair for the study of Gregory of Rimini in 1508 to answer the hires made the same year at Alcalá.\(^{37}\) As a result, “The profound knowledge and influence of nominalism in Spanish theology came through

\(^{34}\) Menéndez Pelayo claimed with some exaggeration that “los nominales habían penetrado a fines del siglo XV no sin oposición en Salamanca [the nominalists had infiltrated by the end of the fifteenth century, though not without opposition in Salamanca].” Quoted in Vicente Muñoz Delgado, La Lógica Nominalista en la Universidad de Salamanca, 1510-1530: ambiente, literature, doctrinas (Madrid: Revista Estudios, 1964), 80.

\(^{35}\) “Existió un ambiente más o menos extendido de rechazo hacia la corriente Nominalista considerándola como nociva y peligrosa para la sana teología.” Belda Plans, La Escuela de Salamanca, 43.

\(^{36}\) Belda Plans, La Escuela de Salamanca, 46.

\(^{37}\) Andrés Martínez, La Teología Española en el siglo XVI, 1: 36–38; Muñoz Delgado, La Lógica Nominalista en la Universidad de Salamanca, 79–80.
these chairs.”38 Cisneros had officially incorporated nominalism into his own theological curriculum at Alcalá, even if his project was limited by the fact that he did not bring any self-identifying nominalists onto his faculty. (The first three professors of nominalism at Alcalá, Gonzalo Gil, Carrasco, and Juan de Medinas, were none of them “fiercely nominalist in style or teaching.”39) Nevertheless, Cisneros’ decision was responsible for a more general trend toward incorporating nominalism into theological study in Spain.

The atmosphere at Alcalá reflected all of the above-mentioned intentions of Cisneros: to celebrate and encourage the study of the humanities and to reclaim a healthier balance between secular and regular theological studies, giving secular theology students more theology than law and breaking regular theology students out of the constricting pattern of studying only the texts espoused by their respective orders. Professors of theology were required to cycle through the various three ways, and a number of published comparisons of realist and nominalist theology resulted: notably by Juan de Celaya (Paris, 1516, 1517, and 1521), as well as Castro Bartolomé (Toledo, 1513), Juan Clemente (Alcalá, 1538), and Agustín de Esbarroya (Seville, 1533).40 Juan de Celaya presents the most interesting case, as coincident with his arrival at the University of Valencia the two chairs in theology (one Thomist, one Scotist) were suppressed. This

38 “El conocimiento e influjo profundo de nominalismo en la teología española vino a través de estas cátedras.” Andrés Martínez, La Teología Española en el siglo XVI, 1: 36.
39 “Nominalistas exagerados doctrinal y estilísticamente.” Andrés Martínez, La Teología Española en el siglo XVI, 1: 37.
40 Andrés Martínez, La Teología Española en el siglo XVI, 1: 49.
left only Celaya’s lessons on theology secundum triplicem viam, given from his own published commentary on Lombard’s Sentences. The profound comfort exhibited in Juan de Celaya’s case with integrating the different schools of theology is emblematic of the flexible theological method Alcalá’s students were absorbing. Because professors were, like Juan de Celaya, required to cycle through the various schools of theology represented within the tres vías, they taught their assigned text without necessarily incorporating any argument for its author as the highest theological authority.

Melquiades Andrés Martínez describes the resulting atmosphere as “a spirit of modernity, of openness, of progressivism, of search for the truth.” As a method of inquiry, this “spirit” has not been as easy for scholars to describe as the theological schools that narrowly adhere to a particular authority. A broad definition of the tres vías method might be as follows: an approach that seeks to integrate the discussion of philosophical and theological themes, and that draws on diverse theological authorities, particularly Thomism, Scotism, and Nominalism. This liberal method functioned as a reaction against the narrow focus of the individual schools on esoteric questions uniquely relevant to the schools and broadly irrelevant to everyday experience—in other

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41 Andrés Martínez, La Teología Española en el siglo XVI, 1: 50. Juan de Celaya’s commentary on Lombard’s Sentences was printed in Valencia in 1527, 1528, and 1531.
42 “En las aulas complutenses y salmantinas, cada profesor explica el titular de la cátedra sin atarse a su pensamiento [In the halls of Alcalá and Salamanca, every professor taught the title of their chair without binding themselves to that one’s thought].” Andrés Martínez, La Teología Española en el siglo XVI, 2: 88.
43 “[Un] espíritu de modernidad, de apertura, de progresismo, de búsqueda de la verdad.” Andrés Martínez, La Teología Española en el siglo XVI, 2: 81.
words, against the *verbosismo* that characterized the end of the fifteenth and beginning of
the sixteenth centuries.\(^{44}\)

To say that Sepúlveda was steeped in this *tres vías* theological method is
consistent with the willingness he expresses in later writings to draw on and integrate a
wide range of authorities and sources, but it is a claim that nevertheless lacks specificity.
The *tres vías* were by their very nature open and lacking in specificity, or claims that
defined the *vías* as a school, method, or movement. By themselves they cannot indicate
the ideas Sepúlveda adopted, only that he would have been encouraged to engage them
openly without assuming priority among the voices within the theological tradition (and
certainly without assuming the intolerant attitude toward other methods that
categorized the Thomist and Scotist schools in the fourteenth century).\(^ {45}\) In order to
determine which ideas he adopted, then, it is necessary to follow his course of study in
closer detail.

### 2.2.2 Sepúlveda’s Formation in the Arts

Sepúlveda himself allowed that he studied for three years at Alcalá with Sancho
de Miranda, whom he mentioned as a pillar of the Spanish church and university system

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\(^ {44}\) See Andrés Martínez, *La Teología Española en el siglo XVI*, 1: 297–302.
in his description of the Spanish Royal College at Bologna. Miranda’s teaching load during Sepúlveda’s career at the university is known: he lectured on Peter of Spain’s \textit{Súmulas Logicales} in the academic year 1510–1511, Aristotle’s \textit{Logic} during the academic year 1511–1512, and \textit{Physics} in 1512–1513. Miranda completed his quadrennial with \textit{Metaphysics} in 1513–1514, but Sepúlveda completed only a triennial with his teacher. The reason for the discrepancy is that by Miranda’s 1513-1514 teaching cycle, Sepúlveda had been chosen, among thirty other students at Alcalá, to pursue theology at Sigüenza. Tempting as it is to skip directly to Sepúlveda’s years studying theology, my argument turns on his willingness to conflate philosophy and theology in reaction to the Fifth Lateran Council’s censure of Pomponazzi. As such, a review of Sepúlveda’s formation in the arts at Alcalá is in order, but the treatment here will be representative rather than exhaustive: I will give an account of his first year under the tutelage of Sancho de Miranda only.

\footnotesize
\begin{itemize}
\item[47] Losada, \textit{JGS a través de su Epistolario}, 27.
\end{itemize}
2.2.2.1 Peter of Spain and the *Summaries of Logic*

Sepúlveda’s first year at Alcalá was spent studying the *Súmulas Logicales* of Pedro Hispano (Peter of Spain), better known to history as Pope John XXI.48 This course of study is not especially unusual; the particular text of Peter of Spain’s *Súmulas* had by the early 1500s served for centuries as a “standard textbook” and a standard introduction to the system of Aristotle’s thought.49 Understandably, Peter of Spain does not enter into a discussion that expands on the freedom of the human will, or that defines natural or divine law; the laws he treats are those that govern grammar and logic. An example of a law in Peter of Spain’s account is “accent,” as in acute or grave or circumflex, which is a law (*lex*) “for raising and lowering a syllable of any part of an utterance.”50 Nor does Sepúlveda ever appeal directly to his first logic textbook’s author. However, logic is presented by Peter of Spain as a universal language, a set of rules for speech and argumentation that all forms of communication are simply assumed to obey. While not explicitly a claim for a universal human nature with universal ethical norms as Sepúlveda later argues, the way logic works in Peter of Spain’s presentation as an almost

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48 Ramón González Navarro records the typical course of study for a *bachillerato en artes* at Alcalá under its original constitutions in *Universidad Complutense: Constituciones Originales Cisnerianas* (Alcalá de Henares, 1984), 119. For a discussion of Peter of Spain’s identity and the recent challenges to the idea that the same person wrote the *Súmulas* and served as Pope John XXI, see Brian P. Copenhaver, Calvin Normore, and Terence Parsons, “Introduction,” especially pages 1–9, in John XXI, *Peter of Spain: Summaries of Logic: text, translation, and notes* (Oxford: Oxford University Press, 2014). The title and author of their edited work make plain which side of the argument they deem the stronger.

49 Copenhaver et. al., *Peter of Spain: Summaries of Logic*, 10; also J. Pinharanda Gomes, “As ‘Súmulas Logicais’ de Pedro Hispano Português/Logical Treatise of Pedro Hispano Portuguense,” *Egitania Scientia* 3 (2008), 11.

50 John XXI, *Peter of Spain: Summaries of Logic*, 323.
universal language is compatible with the basic framework with which Sepúlveda is dealing.

Additionally, Sepúlveda’s methods of argumentation echo Peter of Spain’s various lessons, in particular his Square of Opposition. The Square is a figure for relating a series of four statements, some of which contradict each other, while others do not. Peter of Spain’s first example of such statements is as follows:

\[
\begin{array}{ccc}
A & \text{Omnis homo est animal} & \text{(Every man is an animal)} \\
E & \text{Nullus homo est animal} & \text{(No man is an animal)} \\
I & \text{Quidam homo est animal} & \text{(A certain man is an animal)} \\
O & \text{Quidam homo non est animal} & \text{(A certain man is not an animal)} \\
\end{array}
\]

Statements A and E contradict each other, the first being the universal positive and the second the universal negative; likewise, A and O and E and I contradict one another, pairing in the first instance the universal positive with the particular negative and in the second the universal negative with a particular positive. Meanwhile, the pairs A and I or E and O are subalternates (as universal and particular affirmations/negations respectively, they mean slightly different things but can be simultaneously true).

Statements I and O, meanwhile, are subcontraries: they have opposite meanings, but because of the particular nature of their claims, they do not contradict one another unless the same “certain man” is meant by each. The Square allows for their easy organization.\(^{52}\)

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\(^{51}\) John XXI, *Peter of Spain: Summaries of Logic*, 111.

While Sepúlveda shares Peter of Spain’s Aristotelian vocabulary (human beings are [rational] animals), he does not explicitly employ the Square during his infamous discussion, with its slight and disconcerting twist on the logician-pope’s most basic example, of whether certain men are no better than animals.\footnote{I refer of course to one of the few passages from Sepúlveda’s writing that has been translated into English, from \textit{Demócrates Segundo}, I.10.2–3: “¿Puede darse mayor o más claro testimonio de la ventaja que unos hombres tienen sobre otros en ingenio, habilidad, fortaleza de ánimo y virtud? ¿No es prueba de que ellos son siervos por naturaleza \textit{natura servi}? Pues el hecho de que algunos de ellos parezcan tener ingenio para ciertas obras de artificio no es argumento de más humana prudencia, puesto que vemos cómo ciertos animalitos, como las abejas y las arañas, hacen obras que ninguna humana habilidad logra imitar… Pues el hecho de tener casas y algún modo racional de vida en común y el comercio a que induce la necesidad natural, ¿qué prueba sino que ellos no son osos o monos carentes por completo de razón? [Can better or clearer testimony be given of the advantage some men have over others in ingenuity, ability, fortitude of spirit, and virtue? Is this not proof that they are slaves by nature \textit{natura servi}? For the fact that some of them seem to have ingenuity for certain devices is not an argument for more civilized prudence, since we see how even certain small animals, such as bees and spiders, do works that no human ability can ever hope to imitate… For the fact of having houses and some rational mode of common life and commerce to which natural necessity is induced—what proof is this except that these are not bears or monkeys utterly lacking in reason?]”} The men in question, of course, are the indigenous peoples of the Americas, and Sepúlveda’s conclusions, tentatively affirming their humanity (since “they are not bears or monkeys lacking \textit{entirely} in reason,” emphasis mine),\footnote{“No son osos o monos carentes \textit{por completo de razón.”} Sepúlveda, \textit{Demócrates Segundo}, I.10.3.} have caused a great deal of consternation.\footnote{See the discussion of Lewis Hanke’s translation of \textit{natura servi} as “slaves by nature” in Chapter One.} Within Peter of Spain’s thought, however, the Square of Oppositions is the foundation for other modes of exercising logical argument, such as the Syllogism, of which Sepúlveda is demonstrably fond. His \textit{Second Democrates} is indeed broadly conceived as a dialectical disputation with syllogism as its instrument, matching Peter of Spain’s technical
definitions of the same. All elements of the pope-logician’s system are present: an opponent (Democrats), a respondent (Leopoldo), a thesis (the justice of the Spanish incursion in the Americas), the presenting of the dispute (the dialogue itself), and the instrument of disputing (syllogism). And although the presenting of the dispute in dialogue form means that Democrats makes his points and Leopoldo responds in an informal, conversational manner, many of Democrats’ arguments can be just slightly rephrased to reflect the formal structure of a syllogism as Peter of Spain defines it (“a statement in which, when certain things have been posited, it is necessary for something else to result through the things that have been posited”). From the beginning of the dialogue, for example, Leopoldo insists that it is the Christian way to seek peace as the highest good. Democrats responds by taking this statement of Leopoldo’s—a statement that “the respondent finds confirmable” or that “seems right to the respondent” (a key feature of Peter of Spain’s formula for a “disputation for testing”)—and turning it into the major premise of his syllogism:

It is the Christian way to seek peace as the highest good.
War, justly founded and rightly conducted, is a means toward peace.
Therefore, Christians can wage just war.

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57 John XXI, Peter of Spain: Summaries of Logic, 257.
58 John XXI, Peter of Spain: Summaries of Logic, 171.
60 John XXI, Peter of Spain: Summaries of Logic, 259.
61 Sepúlveda, Demócrates Segundo, I.1.2.
Although these points are made over the course of paragraphs, all of the basic elements of a syllogism per Peter of Spain’s definition are present: there are three terms (Christians, peace, and war), one of which is the middle (peace), occurring in both the major and minor propositions (Christians seek peace; a certain kind of war seeks peace). The major proposition is a universal affirmative (an “A” statement from the square of oppositions; all Christians seek peace), while the minor premise is a particular affirmative (an “I” statement from the square of oppositions; a certain war seeks peace). Following Peter of Spain’s system, this indeed leads Sepúlveda to a conclusion in the form of a particular affirmative (Christians can make a certain kind of war). At a very basic level, Sepúlveda’s style of argumentation manifestly follows the rules as laid out by Peter of Spain.

And yet as important a role as Peter of Spain’s ideas in the Súmulas played in introducing Sepúlveda to Aristotle and to logical argumentation, they cannot account for every corner of Sepúlveda’s intellectual foundation—nor can they account for the particular corner of his intellectual formation that is of interest to this study, namely, his source for the idea from that the natural and divine law coincide to the point that the American indigenous peoples’ store of natural reason being insufficient to lead them to embrace Christ and their new Christian overlords was sufficient ground to justify a war of conquest against them. After all, it would be true enough to say broadly that almost

⁶² John XXI, Peter of Spain: Summaries of Logic, 173, 179.
everyone among Sepúlveda’s contemporaries also read Peter of Spain—Martin Luther, for example, was very much aware of the language of major and minor premises—and yet many of these, Luther included, came to hold theological opinions directly opposite to the conclusions Sepúlveda drew. Moreover, the style of argumentation and even the example reviewed above are hardly limited to those who studied or were influenced by Peter of Spain—unless the Summaries of Logic and Second Democrates are also to be credited together as common script resources for the BBC’s Doctor Who and its characters’ traits and decisions. For that matter, the argument also makes an appearance in George Orwell’s 1984. But the appearance of common arguments in a variety of sources and from a variety of armchair philosophers (and literal freshman philosophy majors) does not prove Peter of Spain’s control over the formation of Sepúlveda’s ideas of just war any more than those of the writers on Doctor Who or 1984.

63 Series Four (2008) is noteworthy here for episodes 2 and 6 (The Fires of Pompeii and The Doctor’s Daughter). The Fires of Pompeii (Episode 1) attribute the ancient city’s destruction to the moral dilemma of whether to spare the city’s population or trigger Vesuvius’s eruption to wipe out the alien race mounting their earth-wide attack from beneath. For the argument that the deaths of a few (covered in volcanic ash, or in the course of battle) is a better choice than the deaths of many (by the wrath of the Pyroviles, or through the extensive practice of human sacrifice in the Americas), see Sepúlveda, Second Democrates, I.15.8. The Doctor’s Daughter, on the other hand, features the following Sepulvedian dialogue, which plays with the argument that war seeks peace:

JENNY: You keep insisting you’re not a soldier, but look at you! Drawing up strategies like a proper general.

DOCTOR: No, I’m trying to stop the fighting.

JENNY: Isn’t every soldier?

DOCTOR: Well, I suppose, but that’s…that’s… Technically, I haven’t got time for this.


64 Here the first of the three slogans of “the Party” in 1984, “WAR IS PEACE,” is noteworthy, even more so in order to observe that some dystopian regimes of the literary imagination learned not to bother with the syllogistic form at all. George Orwell, 1984 (New York: Signet Classics, 1950), 4.
particularly when contemporaries of Sepúlveda who studied Peter of Spain came to stand diametrically opposed to the idea that the conquest of the American indigenous peoples was a just war. I note just one representative example: Tomás de Mercado, of the Dominican order. Born in Spain and educated in Mexico as well as Spain during the sixteenth century, Tomás de Mercado was the author of no less than a commentary on Peter of Spain’s works, as well as a vocal opponent of the mistreatment of indigenous populations of the Americas.65

2.2.2.2 Tomás de Mercado (1523–1575)

Sepúlveda and Tomás de Mercado were roughly contemporary, dying a few years apart (Sepúlveda in 1573 and Tomás de Mercado in 1575), though the latter was certainly the younger of the two, having been born in Seville in 1523, compared to Sepúlveda’s birth in in Pozoblanco in 1490.66 An additional fundamental difference between the two touches on the seldom-overlooked fact that Sepúlveda, for all the erudition of his writings on Spanish-Amerindian issues, never visited the New World. By contrast, Tomás traveled to Mexico at a young age and began his education there around the time of his profession as a member of the Dominican Order in 1553, while

66 Mauricio Beuchot and Jorge Íñiguez, El pensamiento filosófico de Tomás de Mercado: Lógica y Economía (Mexico: Universidad Nacional Autónoma de México, 1990), 7.
Sepúlveda was at the midpoint (and, in historical memory, the most infamous point) of his career. Yet there were broad parallels between the two figures as well. Both were known for their excellence in the humanities and particularly Greco-Latin studies. For both of them, this excellent performance led to periods in their careers spent translating Aristotle’s works into Latin. Moreover, Tomás de Mercado, in a move pertinent to the focus of this discussion, maintained during his career his focus on Peter of Spain’s introduction to Aristotelian thought, the *Summaries of Logic*. As he continued the education he had begun in Mexico with a move to his native land and a period of study at Spain’s University of Salamanca, he likewise continued reading and eventually teaching Aristotle as a professor, even to the point of producing translations and commentary on Peter of Spain’s work. It was on a return trip to Mexico to begin a professorship at his old convent school that Tomás de Mercado died at sea.

While still in Salamanca, however, Tomás had the American indigenous on his mind, composing and publishing his *Suma de Tratos y Contratos* (*Summary of Contracts and Agreements*) in 1569. The treatise’s six books had the stated purpose of summarizing economic policy and its foundations and the moral norms it should take as its guides, but also argued along the way for the elimination of the practice of usury and

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for fairer practices all around in trade deals between Spain and the Americas.70

Admittedly, Tomás de Mercado’s writings, in arriving fully two decades after Sepúlveda’s best-known comments on Spain’s dealings with the Americas, did not take up the question of whether the Crown’s forces can justly wage war to occupy the New World, but rather took Spain’s presence there for granted and described the best practices for moving forward in an empire that was made up of Spanish and American indigenous alike. Tomás de Mercado was not dealing with the conquest of Charles V, but the economic empire of Phillip II.

Yet despite difference in historical circumstance, Ginés de Sepúlveda and Tomás de Mercado shared a number of themes in common across their writings. In fact, unsurprisingly, given Sepúlveda’s and Mercado’s common source material in Aristotle and Peter of Spain, they shared a vocabulary in terms of logic and its universality. For both figures, there existed a system of logic that underwrites all communication and decision-making, and this system was accessible through the human capacity of natural reason, another faculty that is universal in nature.71 Moreover, this shared vocabulary led in both cases to a vision of a universal natural law, the apex of whose practice was found in the ideal of justice, which Tomás de Mercado defined succinctly as it related to

70 Tomás de Mercado, Suma de Tratos y Contratos, ed. Nicolás Sánchez-Albornoz (Madrid: Instituto de Estudios Fiscales, Ministerio de Economía y Hacienda, 1977). Of the six books, Book V hosts Tomás de Mercado’s most pointed comments against the practice of usury, while Book VI takes up the subject of restitution.
71 Tomás de Mercado, Suma de Tratos y Contratos, Book I, Chapters 1–3
economy as equality in dealing. And yet, somewhere between their respective formations in Aristotle and Peter of Spain, Sepúlveda and Tomás de Mercado diverged markedly on the issue of whether the situation of the American indigenous peoples under their Spanish rulers corresponded to the ideal of justice as guided by natural reason. The burden of this chapter is to inquire whether there is any precursor in the sources of Sepúlveda’s education and theological formation that allowed him to pivot in this way. The common formation in Peter of Spain’s Summaries of Logic (and Tomás de Mercado’s sustained engagement with the treatise later in his life as a scholar), and the differing attitudes toward the question of Spain’s engagement with American indigenous peoples, suggest that either the two figures are reading and using the pope-logician’s thought very differently, or that another source intervened and caused their thinking on this issue to diverge. (Or, as is more often the case, a complex of other sources intervened without account of which one cannot adequately explain the differences between their positions or how each arrived at them.) Accordingly, I make a brief assessment below of Tomás de Mercado’s employment of the matrix of concepts named above—natural reason, natural law, and justice. In doing so, I inquire into whether Tomás de Mercado’s understandings of these concepts and their function in society converge with or diverge from those that Sepúlveda avowed in his own writings.

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72 Tomás de Mercado, Suma de Tratos y Contratos, Book I, Chapter 3.
Tomás de Mercado opens his *Suma de Tratos y Contratos* with the assurance that the concept of justice he means to explain and appeal to throughout comes not from “our authority or will alone, but from another greater that is efficacious and powerful enough to oblige all humankind.”73 This greater power, in turn, happens to echo the same overlapping matrix of concepts that Juan Ginés de Sepúlveda notably favored: “that of God, that of nature, that of the Church or of the republic, and, primarily, that of natural reason and natural law, the source from which this entire doctrine is most nearly derived.”74 It is of note here that Tomás lists these sources of authority without bothering to specify whether they are distinct sources governing distinct spheres of life and contexts of human interaction, or whether they are better understood as parallel or overlapping or indeed entirely interchangeable terms. However, more interesting still is that he prefaces the entire list by the descriptor that these sources of authority, unlike his own authority by itself, are “efficacious and powerful enough to oblige all humankind.” Here is the first suggestion evident in the treatise that, like Sepúlveda, Tomás de Mercado not only allows that divine law is little distinguished from natural law, but that it applies to “all humankind”—a generalization that easily encompasses the empire of the Spanish Crown and the American indigenous who have been incorporated into it by

73 “Nuestra sola autoridad o voluntad, sino por otra mayor que es eficaz y poderosa para obligar a todos los hombres.” Tomás de Mercado, *Suma de Tratos y Contratos*, Book 1, Chapter 1.
74 “La de Dios, la de la naturaleza, la de la Iglesia o de la república, y, primeramente, de la razón y ley natural, que es de do[nde] más cerca toda esta doctrina se deriva.” Tomás de Mercado, *Suma de Tratos y Contratos*, I.1
the late 1560s, but that suggests a more universal applicability as well, such that he may even have agreed with Sepúlveda about the authority of natural and divine law on the unconquered, unincorporated, pagan American indigenous of two and three and more decades previous. Such speculation, however, is neither proven nor disproven by the material available in the *Suma de Tratos y Contratos*.

What is evident from this text, however, is that also like Sepúlveda, Tomás de Mercado roots the universality of these concepts in the unradical doctrine of a God who created all humankind, and moreover credits Aristotle and other devout pagans with the capacity to observe this. Here I draw on the argument of Beuchot and Íñiguez that Tomás de Mercado’s economic thought and arguments are ultimately subjected to the idea (and ideal) of Aristotelian justice. According to this “subjection of economy to justice,” they argue, “the economy only conforms to reason when it procures justice, and it is only just when it follows that natural reason that moves us to seek the common good of society.”

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75 “[Según la] sujeción de la economía a la justicia, la economía sólo es conforme a razón cuando procura la justicia y sólo es justa cuando sigue esa razón natural que nos mueve a buscar el bien común de la sociedad.” Mauricio Beuchot and Jorge Íñiguez, *El pensamiento filosófico de Tomás de Mercado*, 29.
righteous nation.” Thus, for both Tomás de Mercado and Sepúlveda, there exists a general and abstract “common good of society” that all civilizations, Christian and pagan alike, strive to achieve, and may be censured for not achieving.

Yet more important still in terms of shared vocabulary between Tomás de Mercado and Sepúlveda is the two thinkers’ parallel account of how justice and this common public good are perceived and established: both cite an indebtedness here to “natural reason.” This, again, is not necessarily the language of Peter of Spain, whose Summaries of Logic have other priorities than to define the relationship between natural reason and justice. But the universal nature of the claims echoes the broad scope of Peter of Spain’s work on logic, not to mention the scope of Aristotle’s work on logic and reason, which the pope-logician sought to present. For, as Aristotle himself teaches (Tomás de Mercado notes), “animals are moved by natural instinct, but humans live by reason and art… God placed in brute [animals] a natural instinct, but in humans the light of reason which, as David says, is a portrait, though imperfect, of the divine light.” Although Tomás in this passage most deliberately echoed the language of the Psalms and the “light of [God’s] face” (Psalm 4:6), he also manifestly viewed this

76 “Velar por el bien público de la humanidad [es el fin de] todas las leyes justamente promulgadas en un estado recto y normalmente constituido.” Sepúlveda, Demócrates Segundo, I.4.3.
77 See Beuchot and Íñiguez, El pensamiento filosófico de Tomás de Mercado, 28–30, and Sepúlveda, Demócrates Segundo, I.4.6, I.5.1, I.6.1, etc.
78 “Los animales se mueven por instinto natural, más los hombres viven por razón y arte… Puso Dios en los brutos un instinto natural y en los hombres la lumbre de la razón que, como dice David, es un retrato, aunque imperfecto, de la luz divina.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
statement as a summary of the doctrine of Thomas Aquinas, whom he immediately afterward quoted and credited for the following formulation: “The natural law is a participation in the divine law and an impression of the divine light on the rational soul.” That Tomás de Mercado also draws on Thomas Aquinas, a key part of his education at the University of Salamanca, is a significant point that will bear revisiting, but the key observation for the moment is the fluidity with which Tomás de Mercado moves from Aristotle to the confluence of divine and natural law to the Scriptures, and finally to the authority of Thomas Aquinas. It is a fluidity Sepúlveda demonstrated as well, and it evidences a shared view of the universal nature and set of rules that both understand are applicable to all humankind.

But how, in particular, according to Tomás de Mercado, does natural reason function with respect to this universal natural law? If natural law dictates the standards of behavior for all humankind, does natural reason reveal these? Does it convey the virtue to be found in obeying the natural law’s precepts to all people to an equal extent, in turn equally accessible by all peoples the world over? Does it impel human beings to a greater or lesser extent to obey them? For Tomás de Mercado, the answer lies in the distinction between the aforementioned brute instinct and human reason. In particular,

79 “La ley natural es una participación de la ley eterna y una impresión de la lumbre divina en el alma racional.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
instinct “shows brute [animals] what they must do and makes them captive so that they
do it without contradiction,” whereas a human being has “free will,” and
reason teaches him what he ought to do or to refrain from, though
leaving him free, in accordance with his nature, so that he might do as he
wished. We call this to oblige or obligation, when one ought to do
something and is free to do it; for, if he is not free in this way, it would
not be obligation but force or captivity.81

Like Sepúlveda (see Chapter Three), Tomás de Mercado employs a doctrine of free will
to make sense of natural reason and its function in human life. And while his description
of the ensuing circumstance differs in vocabulary, he nevertheless expresses in his
concept of “obligation” a state of affairs parallel to Sepúlveda’s sense of the force and
clarity with which natural reason reveals and urges the pursuit of virtue. In revealing
what a person ought to do or avoid, natural reason obliges. It does not compel (or “make
captive”), but rather rewards fulfillment of the natural law with a sense of internal
happiness or peace. Indeed, Tomás de Mercado sources his point in figures as diverse as
Solomon, Paul, Seneca, and Isidore, arguing that one of the major differences between
secular and sacred authorities is simply the force with which they know this to be true:

But we, who by divine mercy have both philosophies, natural and
divine…[know] that reason has two rewards and two bitter punishments;

81 “[El instinto] muestra a los brutos lo que han de hacer y los cautiva a que sin contradicción lo hagan,
mientras el ser humano tiene] libre albedrío, [y] la razón le enseñase lo que debía hacer o dejar, más
dejándolo libre, conforme a su natural, para que lo haga si quisiere. Esto llamamos obligar y obligación,
conviene a saber, cuando uno debe hacer algo siendo libre para hacerlo; que, a no serlo, no sería ya
obligación, sino fuerza o cautiverio.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
Access to divine revelation, then, makes one aware that the stakes are even higher, that
the satisfaction or perturbation of conscience one experiences in fulfilling or going
against the natural law are not only temporal, but eternal. Nevertheless, Tomás de
Mercado argues, even without divine revelation, every person knows through natural
reason that the reward or punishment in question is at the very least extant and
experienced temporally. Through the consistent consequences of pleasure and pain,
natural reason places the burden of behaving virtuously on every person. This sense of a
burden to behave in a certain way is what Tomás means when he distinguishes between
the “obligation” of reason and the “captivity” of instinct.

When Tomás de Mercado describes this burden placed on every person by the
natural law through natural reason, obliging them to behave virtuously, it is important
to note that he indeed means every person, and he indicates specifically the American
indigenous. For in the context of expanding on this notion and seeking to substantiate it,
he appeals, just as Sepúlveda does, to an echo of Paul’s formulation in Romans 2:14–15.

These peoples, who had not heard the preaching of the written or
evangelical law, did not lack the law because, if they did not have it all
written on tablets of stone, they had the main thing—which is the ten
commandments—in their hearts, which taught them what they should do

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82 “Pero nosotros, que por la divina clemencia tenemos ambas filosofías, natural y divina...[sabemos] que la
razón tiene dos premios y dos acerbos castigos; uno, en esta vida, que es el sosiego o inquietud de la
conciencia, y otro, en la futura, que es la gloria o el tormento eterno.” Tomás de Mercado, Suma de Tratos y
Contratos, I.1.
and reprimanded them when they did not do it (which is a sin of omission) or when they did what was contrary (which is a sin of commission).83

There are two points to unpack here. In the first place, Tomás de Mercado’s reference above to the Decalogue being written in indigenous American hearts suggests that he understands the Ten Commandments to be incorporated in some way into the natural law that is accessible to all people. In the second place, this incorporation, affirming as it does that the American indigenous have known the Ten Commandments all along, raises the question of whether indeed they obeyed these, or disobeyed them, incurring in doing so the wrath of the God who wrote the commandments on their hearts. To answer the latter point, I submit that Sepúlveda and Tomás de Mercado took opposite positions—Sepúlveda cited the indigenous peoples’ idolatry and human sacrifice as proof that they rejected the natural law that was available to them and are rightly punished by Spain as an instrument of God, whereas Tomás de Mercado argued that the American indigenous peoples deserved fair treatment by the Spanish economic system precisely on account of their demonstrable obedience to these precepts. However, in order to make that argument clearly, I now expand on the first point and identify how,

83 “Estas gentes, que no habían oído la predicación de la ley escrita o evangélica, no carecían de ley porque, si no la tenían escrita toda en tablas de piedra, teníanla cuanto a lo principal—que son los diez mandamientos—en sus corazones, la cual les enseñaba lo que habían de hacer y les reprendía cuando no lo hacían (que es pecado de omisión) o cuando hacían lo contrario (que es el de comisión).” Tomás de Mercado, Suma de Tratos y Contratos, I.1
precisely, the divine and natural laws overlap and what, accordingly, Tomás de Mercado understood to be written on indigenous American hearts.

Divine law, for Tomás de Mercado, is divided into the Law of Moses and the New or Evangelical Law. He lists three categories, in turn, within the former: moral, judicial, and ceremonial commandments. Of these, “the last two were annulled in the Cross and abolished by the Lord, wishing that from the day of his glorious resurrection they would oblige no one, except in the case that the Church and her prelates might renew or repeat any one of the judicial laws, on account of its seeming necessary.”84 It is worth noting here that Sepúlveda shares the same distinction between moral, judicial, and ceremonial laws, and like Tomás de Mercado insists that the content of the moral law was not abrogated by Christ.85 Tomás de Mercado, however, refers in this final observation to “positive law,” most of which he admits does not apply to anyone outside the Church: for commandments such as “to be baptized, to confess, to obey the ecclesiastical authorities…are not understood, nor do they oblige anyone, if God did not promulgate them.”86 But the abrogation of the ceremonial and judicial parts of the Mosaic Law—and the admission that when any of these pieces are renewed by the

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84 “Las dos últimas se anularon en la Cruz y las derogó el Señor, queriendo que desde el día de su resurrección gloriosa a nadie jamás obligase, sino en caso que la Iglesia y sus prelados renovase o repitiese alguno de los judiciales pareciendo necesario.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
86 “Bautizarse, confesar, obedecer a los prelados eclesiásticos…no se entendieran, ni a nadie obligaran, si Dios no los promulgara.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
Church they are renewed for the Church’s members only—means for Tomás de Mercado that the moral law is all the more pressing and obligatory. Indeed, he argues,

The Passover lamb ceased, with all its sacrifices and goats and bulls; that solemn temple and altar ceased; the rigorous laws of retaliation were annulled; but the first [of the three categories of moral, judicial, and ceremonial law], which is the natural law, remained and even took on greater force.87

This moral law consists principally in the Decalogue, which de Mercado takes to be interchangeable with the natural law as well. He finds proof for this claim in the Roman law, whose society he admires with a sepulvedian regard for their erudition and conformity to the natural law: “the Romans had as a written law among them almost the entire Decalogue.”88 Although de Mercado does not list any other specific Old Testament or New Testament passages as part of the natural law, his example of the Romans is illuminating, as some of the examples he gives do indeed hail from the Decalogue (honoring one’s parents and ancestors, not swearing falsely), while he gives others (fulfilling one’s vows to God) that cannot be sourced directly in the Ten Commandments. Yet he seems to understand such exceptions as coming under the purview of the Decalogue regardless—the particular example of the fulfillment of vows to God follows a series of admonitions against worshiping foreign gods or introducing

87 “Cesó el cordero pascual, con todos aquellos sacrificios y cabritos y becerros; cesó aquel solemne templo y altar; anularon aquellas leyes rigurosas del talión; mas la primera, que es la ley natural, permaneció y aún quedó con mayor fuerza.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
88 “Los romanos tenían por ley escrita entre ellos casi todo el decálogo.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
new sects into the republic, ultimately amounting to several abstract restatements of the commandment to have no other gods before Yahweh.\textsuperscript{89}

Tomás de Mercado, then, sees the entirety of the natural law as reducible to the commandments to respect God and one’s neighbors as found in the Decalogue. For “though divine, they are also natural…and while God has commanded them, they are also natural law and reason dictates them…natural reason teaches them to us even without any heavenly instructor.”\textsuperscript{90} These simultaneously divine and natural laws are in turn the laws de Mercado claims ought to be written on American indigenous hearts as well:

\begin{quote}
All, barbarians as well as Latins, hold themselves accountable to honor and obey their parents and elders, and it seems evil to all to offend one’s neighbors, and all praise justice and extol it to heaven, as their books testify, where we find that they condemn and abominate many vices that we also disapprove of and prohibit, such as stealing, lying, and swearing falsely.\textsuperscript{91}
\end{quote}

Unfortunately, Tomás de Mercado does not specify which barbarian books he has been reading that lead him to this conclusion, and ultimately he could mean to indicate the literary output from any of the numerous cultures that Western Europeans have designated as “barbarous” from classical antiquity forward to his own day. What is

\textsuperscript{89} Tomás de Mercado, \textit{Suma de Tratos y Contratos}, I.1.

\textsuperscript{90} “Son, aunque divinos, también naturales…dado que Dios nos los manda, son también de ley natural y los dicta la razón… la razón natural nos lo enseña sin doctor ninguno celestial.” Tomás de Mercado, \textit{Suma de Tratos y Contratos}, I.1.

\textsuperscript{91} “Todos, bárbaros y latinos, se tienen por obligados a honrar y obedecer a sus padres y mayores, y a todos les parece mal agraviar a sus prójimos, y todos alaban y ensalzan hasta el cielo la justicia, como lo testifican sus libros, donde hallamos que condenan y abominan muchos vicios que nosotros también reprobamos y prohibimos, como el hurtar, el mentir, el jurar falso.” Tomás de Mercado, \textit{Suma de Tratos y Contratos}, I.1.
certain, however, is that he identifies certain precepts recognizable from among the Ten Commandments—honoring one’s father and mother, not stealing, not swearing falsely—and claims the ability to source them in non-Christian cultures as well. This shared matrix of ethical precepts, then, underscores his thesis that certain laws are both divine and natural, and enjoy universal recognition.

Tomás de Mercado allows, however, for another category of law that is divine and not natural, but rather supernatural, and as such is not to be found instilled in the human heart by natural reason. Indeed, the Dominican argues, reason cannot reach these laws without the aid of revelation:

There are two types of acts by which man must exert himself in order to be saved: some natural, such as to learn, to teach, to earn his keep, to govern his family; others are supernatural, such as to believe in God who is three and one, to love God above all things as our highest end and our blessing. All these acts of the second type God shows to us explicitly, because they are so sublime that we would not know or reach them if He did not reveal them to us. Who would know that it was necessary to be baptized for the remission of original sin if it did not say in the gospel: Whoever is not baptized with water and the Holy Spirit will not be able to see the kingdom of God? …Natural reason is not enough to invent any of these. 92

The precepts that Tomás de Mercado lists as being specifically supernatural and therefore beyond reason (“so sublime that we would not know or reach them if [God]  

92 “En dos maneras son los actos en que el hombre se ha de ejercitar para salvarse: unos naturales, como aprender, enseñar, ganar de comer, gobernar la familia; otros sobrenaturales, como creer en Dios trino y uno, amarle sobre todas las cosas como a fin supremo y bienaventuranza nuestra. Estos segundos, todos nos muestra explicitamente Dios, porque son tan sublimes que no los supiéramos ni alcanzáramos si Él no los revelara. ¿Quién supiera ser necesario el bautismo para la remission del pecado original si en el evangelio no se dijera: Quien no fuere bautizado con agua y Espíritu Santo no podrá ver el reino de Dios? …No basta la luz natural a inventar…alguno de éstos.” Tomás de Mercado, Suma de Tratos y Contratos, I.3.
did not reveal them to us”) are the trinitarian nature of God, the command to love God above all as the highest good, and the power of baptism against the stain of original sin. There are limits, then, to the religious sensibility required by the natural law as mediated through natural reason. In identifying the Decalogue as the natural law, Tomás de Mercado has included the provision that there shall be no other gods before God—from which it can reasonably be concluded that God exists, if not necessarily that God exists alone, but it certainly cannot reasonably be concluded that God is a Trinity.

Limits exist, therefore, and here Tomás de Mercado partially defines them, as to the laws that indigenous people can be held accountable for keeping or not keeping. But how do they perform with the Decalogue, which Tomás de Mercado has identified with the natural law, declaring “it is not necessary to seek their express prohibition or approbation in the Scriptures to hold them as good or evil, but only to seek whether they are in conformity or dissonance with reason, which is their measure,”\(^93\) and that he has suggested is incumbent upon all persons to obey?

This question is crucial for this study because it is the point where Tomás de Mercado and Juan Ginés de Sepúlveda diverge decisively. Sepúlveda, for his part, must continually circle back, particularly in *Second Democrates*, to the justification of the Spanish wars of conquest “on account of the abuses they (the American indigenous)

\(^{93}\) “No hay que buscar la prohibición expresa o aprobación en la Escritura para tenerlos por buenos o malos, sino el ser conforme o disonante a la razón, que es su medida.” Tomás de Mercado, *Suma de Tratos y Contratos*, I.3.
committed and the idolatry with which they violate the divine and natural law.”94

Tomás de Mercado, on the other hand, having argued at length that the natural law obliges all, notes simply that the American indigenous peoples are an example of a society who indeed recognize its burden and keep it. An example of his glancing approval of the American indigenous peoples is his observation that they, like the Spaniards, have public laws and institutions for the punishment of public sins: “there are just laws among them—and just laws among the American indigenous as well, and that endured even after their conversion to Christianity—such that upon committing such a crime one might lose his liberty.”95 Sepúlveda, by contrast, cites precisely the lack of public laws and institutions in his criticisms of the American indigenous.96 That the public laws Tomás de Mercado cites are the ones legitimating slavery in the society (this, in the broader context of the passage, is what he means by “losing one’s liberty”) means, of course, that he does not rule out slavery altogether as an acceptable part of a just society—though he sources the practice in the law of nations, rather than divine or natural law.97 This sets him apart from Sepúlveda’s argument in a number of ways: in

94 “A causa de los abusos cometidos y la idolatría con la que se quebranta la ley divina y natural.” Juan Ginés de Sepúlveda, Demócrates Segundo, II.1.6; see also Demócrates Segundo, II.4.2, II.7.6.
95 “Hay leyes justas entre ellos—y las había también entre indios y duraron aun después de convertidos a la religión cristiana—que al cometiére tal delito perdera la libertad.” Tomás de Mercado, Suma de Tratos y Contratos, II.XXI.
96 Sepúlveda, Demócrates Segundo, I.10.1.
97 He also is more willing to allow the slavery of Africans than others, in an unfortunate distinction reminiscent of another Dominican who advocated for indigenous American welfare. “Digo que cautivar o vender negros u otra cualquiera gente es negocio lícito y de jure gentium [I say that to capture or sell Africans
the first place, the Pozoblancaan affirms that slavery is indeed in accord with the natural law, but more importantly, he denies what Tomás de Mercado here affirms, namely, that the American indigenous people punish public sins and hold their own citizens accountable. For Sepúlveda, the lack of accountability for public crimes is a possible cause for just war: it is the third such cause that Democrats names in his second dialogue with Leopoldo concerning the justice causes of the wars in America.

But the divergence in Sepúlveda’s and Tomás de Mercado’s assessments of the indigenous American sensibility toward natural law and the necessity of punishing public sins belies a greater difference still. For Tomás de Mercado also denies the general principle that underlies Sepúlveda’s judgment of the indigenous American people, namely, that there could exist a people insensible to the natural law. This difference turns on the use each author makes of a passage from Thomas Aquinas’s commentary on Aristotle’s Politics. In context, Aristotle is making distinctions among members of a society, and points out an error that some peoples make: “But among barbarians no
distinction is made between women and slaves, because there is no natural ruler among them: they are a community of slaves, male and female.”

In exploring what Aristotle means by “barbarian” here, Thomas in his commentary makes several distinctions and concludes that one is a “barbarian” who is “foreign” in some way, either absolutely or in relation to another. It is his comment on “absolute” barbarians that is key to the difference indicated between Tomás de Mercado and Sepúlveda. Thomas writes,

He who is lacking in reason, according to which one is said to be a man, seems to be foreign to the human race absolutely speaking; and so the men who are called barbarians absolutely are the ones who are lacking in reason, either because they happen to live in an exceedingly intemperate region of the sky, so that by the very disposition of the region they are found to be dull for the most part, or else because of some evil custom prevailing in certain lands from which it comes about that men are rendered irrational and almost brutal.

The Angelic Doctor lists two possible reasons why people might be found to be living without reason and without due deference to the natural law. In the first place, he refers vaguely to a region’s effects on the people living in it, and in the second place, he notes the ability of “some evil custom” to intervene in people’s natural disposition toward living rationally. Sepúlveda has Democrates quote precisely this twofold assessment in the latter’s argument before Leopoldo, attributing it generally to philosophers as well as


“the most eminent theologians.”102 By contrast, Tomás de Mercado denies its foundational assumption altogether, arguing instead that the law of reason “was never lost from human sight, in whatever region, nation or reign they might live, however barbarous, Scythian, or antipodean it might be.”103 In other words, Sepúlveda is adopting a line from Thomas Aquinas and applying it very literally to the indigenous American people and his assessment of their state and ability to comply with the natural law. Tomás de Mercado, clearly aware of the same passage, either rejects its logic outright or allows Thomas or other sources to correct the literalist rendering. I explore Thomas’s treatment of these themes, particularly his discussion of the ability of a perverse custom to subvert humans’ natural inclination toward rationality, whether emblematic of or aberrant within his thought, in Section 2.3. For now it is sufficient to note that Tomás de Mercado’s incompatibility here with Sepúlveda.

In summary, then, the universal applicability of logic and natural reason, and the universal burden of the natural law, are affirmed by both Tomás de Mercado and Sepúlveda, but for Tomás de Mercado this creates a common ground and equal footing for the Spanish and American indigenous, whereas for Sepúlveda it creates the very

102 “Los más eminentes teólogos” argue, according to Democrats, that “esto sucede por dos razones: o porque son esclavos por naturaleza [natura servi], como dicen que sucede en ciertas regions y climas del mundo, o porque debido a su depravación de costumbres o a otra causa no pueden ser mantenidos de otro modo en el cumplimiento de su deber […] this happens for two reasons: either because they are slaves by nature [natura servi], as is said to happen in certain regions and climates of the world, or owing to the depravity of their customs or to another cause they cannot be maintained in any other way in the fulfillment of their duty.” Sepúlveda, Demócrates Segundo, II.8.1.
103 “Jamás se le pierde al hombre de vista, en cualquier parte, gente o reino que viva, por bárbaro, escita, o antipoda que sea.” Tomás de Mercado, Suma de Tratos y Contratos, I.1.
distinction between them. For while Tomás de Mercado can write of a society of
“Spanish and Indians; each of the two kinds or lineages are mixed and live under a
single governor and royal court, all vassals of a single king,” Sepúlveda’s Democrates
imagines society in the Americas very differently. When Leopoldo asks whether “those
mortals who have admitted the Christian religion and do not reject the dominion and do
not reject the dominion of the prince of Spain should enjoy the same rights as all other
Christians and even as the Spanish who are subjected to the empire of the same king,”
Democrates issues his “most energetic rebuff.”

The difference can be summarized as follows: for both Tomás de Mercado and
Sepúlveda, the universality of logic, natural reason, the natural law, and justice means
that these concepts applied to the American indigenous and their context as well, and
therefore dictates how the Spanish should govern themselves among the indigenous
people of the Americas. But for Tomás de Mercado, the universality of these concepts
indicates a sort of brotherhood, as quoted above: “Spanish and Indians…are mixed…all
vassals under a single king.” As such, the Spaniards need to behave toward the
American indigenous in accord with justice. Sepúlveda, on the other hand, as is
particularly apparent in Second Democrates and its Apology, concedes this brotherhood,

104 “Españoles e indios; ambos a dos géneros o linajes están mezclados y viven debajo de un gobernador y
una audiencia real, todos vasallos de un rey.” Tomás de Mercado, Suma de Tratos y Contratos, VI.15.
105 To Leopoldo’s query whether “aquellos mortales, que han admitido la religión Cristiana y no rechazan el
dominio del príncipe de España, disfrutasen de los mismos derechos que los demás cristianos y aún que los
españoles que están sometidos al imperio del mismo rey,” Democrates responds with his “más enérgica
repulsa.” Sepúlveda, Demócrates Segundo, II.8.
but subsequently pivots, insisting that the very universality of natural law and natural reason not only bind the Spaniards and indigenous Americans together, but apply standards of behavior to both. But rather than insist these standards should govern the way Spaniards behave toward the American indigenous, Sepúlveda points out that the universal standards are ones the indigenous Americans do not meet, which in turn dictates the course of “fair” action the Spanish Crown should take concerning them. And while Sepúlveda, like Tomás de Mercado, wishes to suggest that the Spaniards should behave toward the American indigenous in accord with justice, he concludes that the way to achieve this is through conquest and subjugation of indigenous Americans to the Spanish, who can through their civilized example restore the American indigenous peoples’ sensibility toward and obedience of the natural law.

In summary, there are three commonalities and three points of departure between Tomás de Mercado and Sepúlveda. They share the following points in common: (1) the natural law is a universal concept, binding upon all, and mediated to all through natural reason; (2) the natural law and divine law both have their source in God, and overlap specifically in the commandments of the Decalogue of Exodus 20; (3) slavery can be an institution within a just society. On the other hand, they depart company in their consideration of (1) whether the American indigenous peoples have responded to this claim the natural law, as a universal dynamic, has on their behavior, (2) whether indeed any culture exists where the people have “lost sight” of the natural
law and its precepts, and (3) whether slavery as a social institution is licit because it is sanctioned in the law of nations (Tomás de Mercado) or divine law itself (Sepúlveda).

Only the first point of commonality (natural reason’s universality) can arguably be sourced in their shared study of Peter of Spain. The remaining themes and terms are better parsed with reference to an additional source common to the formation of both Tomás de Mercado and Sepúlveda, encountered by the first in his theological studies at the Real y Pontificia Universidad Mexicana and later at Salamanca, and by the second at the University of Sigüenza: Thomas Aquinas. It is to Sepúlveda’s time at Sigüenza and his first encounters with the Angelic Doctor that I now turn.

### 2.3 Sigüenza

Sepúlveda enrolled at the Colegio de San Antonio de Portaceli de Sigüenza in 1513 in order to continue his studies and carry them toward a *bachillerato* in theology.  

Established in 1489, the University of Sigüenza did not enjoy the reputation of

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106 Ángel Losada argues convincingly that Sepúlveda earned a *bachillerato* in theology at Sigüenza during his studies there 1513–15, and pursued doctorates in both theology and philosophy at Bologna when he studied there from 1515–22, though he left Bologna without ultimately taking the degrees. Losada, *JGS a través de su Epistolario y nuevos documentos*, 35.

107 Innocent VIII established the university with a bull promulgated 30 April 1489 founding professorships in Arts, Theology, Canon Law, and Medicine. The university underwent various reorganizations and reformations until it was incorporated into the University of Alcalá in 1824. Isidoro Montiel, *Historia de la Universidad de Sigüenza* (Maracaibo, Venezuela: Universidad del Zulia, Facultad de Humanidades y Educación, 1963), I: 1.
Salamanca or Paris or any of the established or more rigorous of medieval universities. It was said, for example, that the bachelor of arts degree was conferred on any student who had spent two years and a day at the university.\textsuperscript{108} Sigüenza was accordingly the university “preferred” in Castile by the regular clergy, but Isidoro Montiel argues this has less to do with the slackened academic standards in place and far more to do with the reduced cost of attending Sigüenza in comparison to the major Spanish universities.\textsuperscript{109}

Sigüenza not only attracted poorer students; the university’s constitutions also ordered its students’ daily experiences toward a life of poverty. The college provided its students with food, furnished lodgings, and student robes, but would not admit or sustain students with an annual income of 200 ducats or more.\textsuperscript{110} Moreover, bearing witness among the young people (students were required to be at least nineteen years of age, per the college’s constitutions) were a few poor and elderly living in anticipation of death at the college’s Hospital. These wore the same robes as the students and received the same rations, not to mention the promise from Pope Sixtus IV of plenary indulgence

\begin{footnotes}
\footnote{Montiel, \textit{Historia de la Universidad de Sigüenza}, I: 99.}
\footnote{Montiel, \textit{Historia de la Universidad de Sigüenza}, 95. See also Vicente Beltrán de Heredia, “La Facultad de Teología en la Universidad de Sigüenza,” in \textit{Miscelánea Beltrán de Heredia}, vol. IV (Salamanca: Biblioteca de Teólogos Españoles, 1973), 12.}
\footnote{José Julio de la Fuente, \textit{Reseña Histórica del Colegio-Universidad de San Antonio de Portaceli en Sigüenza, con algunas noticias acerca de su fundador, D. Juan López de Medina} (Madrid: Alejandro Gómez Fuentenebro, 1877), 15.}
\end{footnotes}
for all such elderly poor who chose to live out their remaining days at the college.\footnote{Naturally there were limits to what the college could sustain; Sixtus IV’s concession required that the university set aside eight beds for the purpose of receiving these supplicants. De la Fuente, Reseña Histórica, 16–17.} In this way the Colegio-Universidad de Sigüenza combined the medieval ideal of charity toward the poor with the ideals of devotion and study. The former were manifest in the poor who were living in the students’ and faculty’s midst in their Hospital; the latter was typified by the college’s connections to the Hieronymite monastery and the institution’s commitment to instructing regular and secular students.

Sigüenza was established with two lectureships originally, Theology and Philosophy, to which Canon Law was added within a decade, under the influence of Cardinal Mendoza. At that point the three positions became called cátedras and their occupants catedráticos rather than lectores.\footnote{Montiel, Historia de la Universidad de Sigüenza, Tomo I, 229.} These catedráticos began their terms by swearing oaths on their knees before a book of the Gospels held by the college’s rector, promising to uphold the constitutions and the intentions of the college’s founder, and to refrain from including anything in their readings and lectures that could contravene or subvert these constitutions.\footnote{Montiel, Historia de la Universidad de Sigüenza, Tomo I, 230–31.} Pursuant to this oath and the constitutions, the textbook central to the theological course of study was Thomas Aquinas’ \textit{Summa Theologiae}.\footnote{Montiel, Historia de la Universidad de Sigüenza, Tomo I, 187, 237.} The catedrático charged with this course of instruction generally took four years to cover the entire \textit{Summa}, a situation Pope Paul III attempted to ameliorate in 1540 with a bull
commuting the cátedra in Philosophy to a second one in Theology; from that time there existed cátedras de Prima y de Vísperas de Teología, and new chairs in Philosophy and Logic were established in 1549 and 1571 respectively.¹¹⁵

The years 1513–15 when Sepúlveda was enrolled preceded these changes, however, and would have taken the catedrático four years to cover the Summa in its entirety. Although many students opted to stay for a full four years in order to complete this course of study, we know Sepúlveda moved on to Bologna in 1515. It is unknown where in the course his reading of the Summa Miguel Sánchez de Parraces was when Sepúlveda was his student (Sánchez de Parraces held the catedrático post from 1495 until his death in 1535).¹¹⁶ However the preponderance of Sepúlveda’s own references to the Summa in his writings were taken from the Prima Secundae and the Secunda Secundae, suggesting that the Cordovan was most familiar with these parts. In On the Marriage Rite (see Chapter Five), for example, he refers extensively to questions 90 and 97 of the Prima Secundae, basing his argument for the papal power of dispensation on Thomas’s definition of dispensation in Question 97, Article 4. Despite the fact that Thomas does not there mention dispensation as a power arrogated specifically to the pope, his logic that one placed in a position of authority over a community may indeed make

¹¹⁵ Montiel, Historia de la Universidad de Sigüenza, Tomo I, 187; Tomo II, Documento No. 5.
exceptions to that community’s laws by their discretion underwrites Sepúlveda’s logic for the pope’s ability to exercise power in this specific capacity. 117

Whether Sepúlveda’s appeal to Thomas in *On the Marriage Rite* is a result of his familiarity with that part of the *Summa* based on his stint in Sigüenza or his facility with Thomas’s logic from later study is impossible to gauge precisely; the question is complicated further by telling gaps in Sepúlveda’s arguments where Thomas (and the *Prima Secundae*) could have fit. Namely, in his answer to Luther (see Chapter Three), Sepúlveda makes no reference to Thomas, let alone to the questions on grace and whether it can be merited (I-IIae Questions 109–114). Nevertheless, the issue of Sepúlveda’s engagement with Thomas Aquinas’ theology is a necessary prologue to any discussion of the theological arguments intrinsic to his treatises against Las Casas (Chapter Six), where the Cordovan makes frequent appeal to the Angelic Doctor. For although it has been speculated that these references to Thomas on Sepúlveda’s part were only made to satisfy the theological panel evaluating their debate (the faculties of Alcalá and Salamanca) or as a counteroffensive against an opponent Sepúlveda knew to be a Dominican (Las Casas),118 the opportunistic features of the argument do not negate their use of logic and authority to make theological claims. I turn therefore to the question of Thomas’s theology on the particular nexus of questions this dissertation

117 Compare *ST* I-II. Q.97 A.4 and *Del Rito de las Nupcias* II.15.7.
traces with respect to Sepúlveda’s thought. In particular, how did Thomas define “natural law,” and how did he relate it to the divine law of the Scriptures, the canon law of the Catholic Church, and the eternal law of God? I submit that, although Sepúlveda had a great fondness for and makes frequent reference to Thomas’s formulation of the natural and eternal laws and indeed derives his own theology from them, he takes these definitions in isolation from Thomas’s broader treatment of human nature and the laws that govern it, and as a result develops a very different logic from the one Thomas employs for expanding on his definitions. In summary, while Sepúlveda employs sound Thomistic authority when he states that “Natural law is the participation of the creature gifted with reason in the eternal law,” he fails to account for the other forces that Thomas argues act as laws in human creatures gifted with reason. In other words, Sepúlveda embraces Thomas’s theology of human beings as gifted with reason and inclined toward its right use, but neglects to draw on Thomas’s theology of original sin and its effects in human nature.

Both Thomas and Sepúlveda assume an eternal law, an ordering principle by which God regulates creation and from which natural law is derived. The particular relationship between the eternal law and the natural law that derives from it, of course, are at issue here and come under examination in this section. But both theologians begin

\[\begin{align*}
\text{119 “Ley natural es la participación de la ley eterna en la criatura dotada de razón.” Sepúlveda, Demócrates Segundo, I.3.1; cf. ST I-II. Q.91 A.2.}\]
from this principle. Likewise, Sepúlveda adopts Thomas’ s argument that there are self-evident principles, such as “the first precept of the law, that ‘good is to be done and pursued, and evil is to be avoided.’”¹²⁰ He adopts Thomas’ s argument as well that all precepts of natural law proceed from observation of this axiom and application of it in different circumstances.¹²¹ While he seldom cites Thomas explicitly, Sepúlveda frequently includes the Angelic Doctors’ arguments in his own writings. Use of a source and apparent admiration of it, however, are not by themselves indicators of perfect understanding and implementation of that source. In the end, Thomas allows a number of distinctions that Sepúlveda ultimately does not account for. There is a distinction for Thomas, first of all, in the way the natural law is known. Although the Dominican proposes natural law is known through natural reason, a formula Sepúlveda favors and adopts, he stops short of the extreme to which Sepúlveda takes this doctrine, such that the Cordovan is alone in his argument that all aspects of the natural law are known immediately, by the instruction of one’s internal natural reason alone.¹²²

In another example of this differing emphasis in an otherwise shared logic, both Sepúlveda and Thomas argue for a natural right of infidel dominion; both argue that unbelievers do not lose their rights to their property and goods merely for being

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¹²¹ ST I–II. 94, A.2, Reply to Objection 1; Sepúlveda, Del Rito de las Nupcias, II.12.1–3.
¹²² See 2.3.1 for an extended treatment of this argument.
unbelievers. Thomas’s stated logic for this is that the divine law does not abrogate the natural law—the distinction between believers and unbelievers is a matter of divine law and the right of dominion is a matter of natural law, and the two remain independent.

Sepúlveda agrees, and both maintain that this is the case until the unbelievers in question lose their right to dominion on account of some breach of the natural law itself. While both look to the Decalogue, as divine and natural law, in order to adjudicate such violations of the natural law, Thomas appeals to the precepts therein he identifies as immediately knowable—against thievery, against murder—to justify an abrogation of infidel dominion. Sepúlveda, on the other hand, continues to neglect Thomas’s distinction between precepts that are immediately knowable and ones that are knowable only through mediation, and as a result he appeals to a precept from the latter category,

123 At issue is not whether Sepúlveda made use of Thomas, but what use he made of Thomas’s writings and legacy. I do not ask here the impossibly speculative question of what opinion Thomas Aquinas would have held regarding the Spanish wars of conquest in the Americas, though the question does have a history of being asked. Joseph Capizzi points out that two lines of argument in modern scholarship allege that much of the harm perpetrated in the New World during the sixteenth century was due EITHER to a specifically Spanish turn in scholastic theology, OR to Thomas Aquinas’ own views and inadequate condemnation of slavery. For the first line of argument, he directs the reader to Stephen F. Brett, Slavery and the Catholic Tradition: Rights in the Balance (New York: Peter Lang, 1996), 181–219. Brett acknowledges the faithfulness of Francisco de Vitoria and Domingo de Soto to Thomas, but alleges a turn toward nominalism in the Spanish scholastic tradition that even these could not overcome. An additional argument that sixteenth-century Spanish theologians such as Francisco Suárez “misinterpret” Thomas, see John Finnis, Natural Law and Natural Rights (Oxford, 1980), 47ff. For the second line of argument, alleging an inadequate condemnation of slavery on Thomas’s part, see John B. Killoran, “Aquinas and Vitoria: Two Perspectives on Slavery,” The Medieval Tradition of Natural Law, ed. Harold J. Johnson (Kalamazoo, MI: Medieval Institute Publications, Western Michigan University, 1987), 87–101. Killoran gives an account of Thomas’s own failings and argues that Spanish scholasticism was perfectly in line with the Angelic Doctor’s native inadequacies. Capizzi himself argues that Vitoria, as a sixteenth-century Spanish scholastic, offers a faithful interpretation of Thomas, and that neither of them betray Christian principles in their failure to robustly denounce slavery as modern sentiments demand, since Scripture itself does not do this. See Joseph E. Capizzi, “The Children of God: Natural Slavery in the Thought of Aquinas and Vitoria,” Theological Studies 63 (2002): 31–52.
the oneness of God indicated by Exodus 20:3,124 as a natural law the indigenous peoples of America have violated and in so doing have lost their right of dominion, which the Spanish forces of Charles V can duly claim. Therefore, the previously noted departure from Thomas’s thought—the equal weight Sepúlveda affords the precepts of the Ten Commandments as natural and divine law—also underwrites his departure from Thomas on the matter of when unbelievers lose their right of dominion.125

Finally, Sepúlveda draws on Thomas directly for his argument that pagans can be saved by the natural law alone,126 a discussion that raises the question of Thomas’s doctrine concerning the role of the natural law in salvation generally. In this he draws extensively on Thomas’s formulation that natural law is a participation by the rational creature in the eternal law, and on the natural disposition of the rational creature to seek the good. But this is only a part of Thomas’s discussion of the natural law. In addition to a law of nature predisposing humanity to virtue, there is another law at work in human nature. Indeed, Thomas also proposes something that functions like a law within human nature, though it is itself distinct from what he means when he indicates the law of nature—namely, the law of the fomes, or tinder (ST I-II. Q.91, A.6). This fomes is the inclination toward sensuality and pleasure and private good—or, in other words, sin—

124 The Ten Commandments as they appear in Deuteronomy are followed shortly by an even more direct argument for God’s oneness and supremacy: “Hear, O Israel: The LORD is our God, the LORD alone” (Deut 6:4, NRSV). Sepúlveda’s frequent citations of Deuteronomy and the book’s relation to his system of thought would reward further study.
125 This argument is taken up at length in section 2.3.2.
126 Sepúlveda, Demócrates Segundo, I.14.
and it deviates from the natural law which enjoins human beings to behave rationally. Sepúlveda refuses to concede that such a law obtains among humanity generally, having Democrats deflect when Leopoldo raises the point in the context of their conversation in *Second Demócrates* that “very few nations observe the natural law.”¹²⁷ In short, Sepúlveda absorbs all of Thomas’s optimism concerning the powers and potential of human nature and none of his reservations, leaving him the perfect opening rhetorically to blame the American indigenous for sinful tendencies that nature has otherwise equipped them to overcome.¹²⁸

In what follows, I review the major *loci* within the Treatise on Law (*ST* I–II. QQ. 90–114) where Thomas outlines his understanding of natural, human, divine, and eternal law. Of particular importance here are various articles from Questions 91 (considering the various kinds of law), Questions 93–95 (considering eternal, natural, and human law respectively), and Question 100 (where Thomas considers whether the moral precepts of the “Old Law” belong to the law of nature). There are also two *loci* in the *Summa Theologiae* where he raises more particularly the question of natural law’s relationship to divine law—whether they are compatible, whether one can override the other’s authority, whether they cover entirely different areas. These occur in the Second Part of the Second Part, where Thomas considers unbelief in its various forms: of

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¹²⁷ “Muy pocas gentes habrá que observen la ley natural.” Sepúlveda, *Demócrates Segundo*, I.15.2
¹²⁸ See 2.3.3 for an extended treatment of this argument.
particular importance are Articles 8 and 10 of Question 10 (whether unbelievers should be compelled to believe, and whether they can have dominion over the faithful), and Article 2 of Question 12 (whether a Christian prince retains dominion over his subjects after abandoning the faith through apostasy). These latter articles frequently factor into speculative treatments concerning Thomas’s answer, had he been able to give it, on the matter of the indigenous Americans’ dominion over their own property. For if the American indigenous people had no right to dominion on account of their unbelief, Spanish dominion in the New World becomes itself a matter that is less fraught. These lines of argument are interesting to the extent that they were employed by sixteenth-century authors in order to justify their positions, but our focus will be rather on the questions they raise concerning Thomas’s sense of the relationship between the various kinds of law, and the extent to which Sepúlveda adopted this and the extent to which he deviated from it. For in these articles, in the context of the particular question of an unbeliever’s dominion, Thomas considers whether belief and unbelief, which distinction arises from divine law, has an impact on dominion, which arises from human law. In this and other matters, I argue that Sepúlveda’s fondness for Thomas’s essential formulations does not account for the distinctions Thomas ultimately makes. I employ the above-mentioned three examples: (1) the precepts of the Decalogue as divine and
natural law, (2) the role of divine and natural law in the matter of infidel dominion, and (3) the role of the natural law in human salvation.129

2.3.1 The Precepts of the Decalogue as Divine and Natural Law

One of the pillars of Sepúlveda’s argument against indigenous American virtue is the identity of the divine and natural laws in certain precepts, in particular the Ten Commandments. The earlier comparison of Sepúlveda’s and Tomás de Mercado’s thought revealed a line of argument that the Old Testament contains moral, ceremonial, and judicial precepts, and that the Decalogue itself falls into the category of moral precepts: these distinctions have an ancestor in Thomas Aquinas’s Summa.130 Thomas likewise moves to identify the precepts of the Decalogue with the law of nature.131 In doing so, however, Thomas allows that “all the moral precepts belong to the law of nature; but not all in the same way.”132 The way in which they all belong to the law of nature is in the end to which they are ordered: namely, good morals. Good morals are themselves in accord with reason, and so are governed by the natural law, itself “a participation of the eternal law in the rational creature.”133 But when it comes to precepts

129 These arguments are found in sections 2.3.1, 2.3.2, and 2.3.3, respectively.
130 In the First Part of the Second Part, Question 100 and its articles deal with the moral precepts of the Old Law, Questions 101–03 and their articles deal with its ceremonial precepts, and Questions 104–05 deal with the Old Law’s judicial precepts.
131 ST I–II. Q.100, A.1
132 ST I–II. Q.100, A.1
133 ST I–II. Q.91, A.2
that are in accord with reason and that are known naturally, Thomas has been known to make distinctions: in his commentary on Aristotle’s *Nichomachean Ethics*, Thomas explained the difference between natural law and positive (or civil) law as the difference between precepts that are known innately and naturally, as well as their immediate corollaries, and other precepts that are only known through the mediation of reason. In the *Summa Theologiae*, he applies a similar distinction to the ways the divine and natural precepts of the Decalogue are apprehended.

Thomas in fact makes three distinctions in the way one apprehends the various precepts of the Ten Commandments and the role of natural reason in this apprehension. Some of the precepts of the natural-and-divine Decalogue, he argues, such as the laws against killing and stealing and the laws in favor of honoring one’s mother and father, are known immediately: “For there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done.” Others are known through reason, but not immediately; “they need to be inculcated, the wiser teaching the less wise.” These are still a part of the natural law, but are known only after careful consideration. Here Thomas gives the example of an expansion of “Honor thy father and mother” to a respect for all elders. Respect for one’s parents might be immediately known, but respect for authority and one’s elders more generally has to be

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135 *ST* I–II. Q.100, A.1
136 *ST* I–II. Q. 100, A.1
learned, though it can be learned through merely human instruction. Finally, he allows a
category in which “human reason needs Divine instruction.” This category includes the
precepts about not making graven images and not taking the Lord’s name in vain.
Therefore, Thomas allows that the Decalogue is at the same time natural and divine law,
but insists that some of its precepts are intuited by natural reason absolutely and
immediately, others through the mediation of wise persons, and others through the
mediation of Divine instruction.  

While Sepúlveda notably follows Thomas in his view of the Decalogue as both
divine and natural law, he does not incorporate Thomas’s three distinctions as named
above. In any number of passages his firm identification of the law of nature and the Ten
Commandments is evident: in the Apology, for example, he refers to Christ’s exhortation
to the apostles that they “observe in the first place the laws of nature which are
contained in the ten commandments and love of neighbor.” Likewise, in Second
Democrates the title character argues that Christ taught the apostles to observe “the laws
of nature, all of them contained in the Decalogue and in the love of neighbor.” This
formulation demonstrates a general adherence to Thomas’s own most general admission
concerning the precepts of the Decalogue. However, on closer inspection, this passage

137 ST I–II. Q.100, A.1
138 “Observasen en primer lugar las leyes de la naturaleza que se contiene en los diez mandamientos y en el
amor al prójimo.” Sepúlveda, Apología, 7.1.
139 “Las leyes de la naturaleza contenidos todas ellas en el Decálogo y en el amor del prójimo.” Sepúlveda,
Demócrates Segundo, I.12.3.
also reveals Sepúlveda’s opinion on whether these natural laws within the Decalogue are known immediately or with instruction. Democrats continues:

And since all mortals are subject to these laws and can be instructed and convinced by natural reason, the Church and the Vicar of Christ and, with his authority and decree, the Christian princes can with the best right castigate those who commit infractions against these laws and draw them to natural justice whenever possible.140

At issue here is what Sepúlveda’s character Democrats means when he says all mortals “can be instructed and convinced by natural reason.” How many of Thomas’s distinctions on the same point are covered here? Does Democrats mean instructed and convinced immediately by natural reason, or through the mediation of wise persons, or finally through the mediation of divine instruction? Perhaps this is what the Church, the Vicar of Christ, and the Christian princes mentioned by Sepúlveda have the authority to do: to instruct, and then “punish” when their instruction is rejected. However, Democrats explicitly rejects at every opportunity the idea that the American indigenous should be evangelized before they are conquered by armed force, or even that they can be. He goes so far as to refer to the sending of unarmed preachers to such barbaric peoples as a way to “tempt God.”141 When Leopoldo asks him whether preachers should be sent to the indigenous Americans in the same way as the first apostles went, “who

140 “Y al estar todos los mortales sometidos a estas leyes y poder ser instruidos y convencidos por la razón natural, la Iglesia y el Vicario de Cristo y con su autoridad y decreto los príncipes cristianos, pueden con el mejor derecho castigar a los infractores de ellas y atraerlos a la justicia natural siempre que sea posible.” Sepúlveda, Demócrates Segundo, I.12.3
141 Sepúlveda, Demócrates Segundo, I.16.3
without arms, only with the help of faith, went across the majority of the world preaching the Gospel,” Democrates suggests the world is no longer so simple:

Grant the apostles of our time that perfection of faith, that virtue of miracles and gift of tongues with which they subdued impious enemies to the yoke of the faith and dominated them, and there will be no lack, believe me, of apostolic preachers who go across the world teaching the Gospel… But now, on account of our merit or our guilt or perhaps because there is no necessity, we do not witness a single miracle, or only on very rare occasions, and so it is fitting to base ourselves on right reason and proceed with prudence, lest, if we work in another way, it may seem that we tempt God, which would go against divine law. For, as the theologians declare, one tempts God who does not take the precautions he can in a dangerous situation, but simply trusts in divine help, as if he wished to put God’s righteousness or power to the test.142

Democrates’ full argument is here on display. He begins by observing that all are subject to the natural law and all know its precepts, including the Ten Commandments, by the instruction of natural reason. He observes likewise that it is on account of the American indigenous people’s lack of obedience in this regard that the Spaniards have every right to subjugate them and begin forcing them to comply with these precepts. Finally, he insists the indigenous Americans’ rejection of natural reason’s instructions precedes the presence of preachers who would, according to Thomas’s third distinction, instruct them

142 Leopoldo asks whether preachers should go as the first apostles went, “que sin armas, sólo con la ayuda de la fe, recorrieron la mayor parte del orbe predicando el Evangelio.” Democrates deems this an impossibility. “Da tú a los apóstoles de nuestro tiempo aquella perfección de fe, aquella virtud de milagros y don de lenguas con que ellos sometían a los enemigos impíos al yugo de la fe y los dominaban, y no faltarán, créeme, predicadores apostólicos que recorrán el mundo enseñando el Evangelio… Pero ahora, como, por nuestro mérito o culpa o porque no hay necesidad, no presenciamos milagro alguno o sólo en muy rara ocasión, conviene apoyarnos en la recta razón y proceder con prudencia, no sea que, si obramos de otro modo, parezca que tentamos a Dios, lo cual va contra la ley divina. Pues según declaran los teólogos, tienta a Dios aquel que en los peligros no toma alas precauciones que puede, sino que todo lo confía a la ayuda divina, como si quisiera poner a prueba su justicia o su poder.” Sepúlveda, Demócrates Segundo, I.14.3
in divine wisdom. To send these preachers in without previously sending in armed forces to make way for their evangelism would be to “tempt God.” Therefore, Sepúlveda, arguing through Democrates, holds the American indigenous peoples responsible for the entire Decalogue, saying that Spanish forces by the pope’s authority can punish these for committing infractions against the Ten Commandments, even prior to their instruction in the Christian faith or Scriptures. In this way, he fails to account for Thomas’s third way of knowing the Decalogue—that is, through the mediation of instruction in divine wisdom—and in so doing, he insists that what Thomas listed as knowable only by that third mediation is in fact knowable immediately through natural reason, or at most through the mediation of a wise (but theologically unformed) person. Given the immediacy with which the Decalogue’s entire divine and natural contents are known within a human mind according to Sepúlveda, in contrast to Thomas’s more nuanced view, the question naturally arises of whether Sepúlveda’s departure here from Thomas’s doctrine extends further.

The departure as I have demonstrated it so far as minimal. Essentially, Sepúlveda cannot accommodate Thomas’s sense of the distinction between the ways the divine and natural laws “do not steal” and “do not take the LORD’s name in vain” are apprehended, but both Sepúlveda and Thomas agree that both precepts are indeed natural laws as much as they are divine laws. Another point of agreement concerns infidel dominion, a concept that touches both natural and divine law, since the ownership of property or
other authority derives from the natural law, while the distinction of being a believer or unbeliever derives from the divine law. Sepúlveda follows Thomas quite closely on this point, citing the *Summa Theologiae* specifically in *Second Democrates* when Leopoldo objects that surely it is not in accord with justice to forcibly seize a person’s or a people’s property simply because they are unbelieving. He likewise follows Thomas’s distinction in his response to this question, agreeing that unbelief, considered in itself, does not abrogate a person’s right to dominion as derived from natural law, but that the same person can indeed lose their right to dominion on account of some violation of the natural law. Although Thomas and Sepúlveda both view the Decalogue as a codification of divine and natural law, the commandments include an injunction to “have no other gods before [the LORD]” (Ex. 20:3). Does the violation of this precept by, for example, pagan American indigenous, constitute a violation of the natural law in the same way for Sepúlveda and for Thomas?

In the next section, I argue that while Sepúlveda is clearly formed by Thomas’s thinking and engages it in his arguments concerning the right course of action with respect to the indigenous people of the Americas, he departs from Thomas’s thinking along the lines of the very distinction examined in this section. In other words, both agree that unbelievers cannot be deprived of their possessions and properties on account

143 Thomas Aquinas, *ST*, II–II. Q. 10, A. 10, Response
144 Sepúlveda, *Demócrates Segundo*, 1.12
of their unbelief alone, and both also agree that the same unbelievers can be deprived of
their possessions and properties on account of crimes against the natural law. But
Sepúlveda sees the failure to discern that there is one true God as such a violation
against the natural law, while Thomas recognizes that the oneness of God is indeed a
precept of natural law but holds that this is not one of the precepts of the natural law
that we are taught through natural reason without the mediation of any other
instruction. Therefore, Sepúlveda sees the practice of religion without one true God at its
center as worthy of reproof and invalidating infidel dominion. Thomas does not argue
this; nor does his sense of the distinction between divine and natural law allow it.

2.3.2 Infidel Dominion

On this point Thomas has taken a fair amount of criticism. While some scholars
credit Thomas’s thought with saving the sixteenth-century Spanish Catholic tradition
from itself, others point to Thomas’s acknowledgment that the Church can, on certain
pretexts, supercede the authority and abrogate the dominion of subjects not under the
Church’s jurisdiction—and particularly his acceptance of slavery as an institution
proceeding from natural law145—and argue that only by departing from Thomas on this

145 See Aquinas, ST I–II. Q.94 A.5, Reply to Objection 3. In the article, Thomas discusses the possibility of a
change in the natural law and concludes that changes do come about and can be understood in terms of
addition and subtraction. His reply to the third objection invokes the example of slavery, arguing that “the
distinction of possessions and slavery were not brought in by nature but devised by human reason for the
benefit of human life. Accordingly the law of nature was not changed in this respect, except by addition.”
point and others were sixteenth-century Spanish Catholic theologians able to register moral objections to the Spanish conquest of the New World and treatment of the American indigenous peoples. The issue is particularly fraught because of Thomas’s identification of the natural law with the divine law, as both proceed from the governing principle of God’s eternal law. If the Church has the authority to judge those who are not Christians and forcibly seize their property, and if slavery in turn arises as an institution from a provision in the natural law, then this opens the door for consideration of an ordered and divinely sanctioned society in which American indigenous populations are possessed by Spaniards as slaves.

Although the theme of slavery within the system of Thomas’s thought has recently come under reexamination, the focus of the discussion here will remain on the relationship between natural, divine, and eternal law that makes slavery’s licit institutionalization within one of these so problematic. It is apparent already from the discussion in the preceding section, however, that for Thomas the co-origination of natural and divine law in the eternal law does not wholly unite them or make them interchangeable. I have shown distinctions particularly in the way Thomas and

146 For an argument for the principle of faithfulness to Thomas as sixteenth-century Spanish Catholic theology’s saving grace, see Brett, Slavery and the Catholic Tradition; for an incisive criticism of Thomas’s acceptance of the premise of slavery, see Killoran, “Aquinas and Vitoria: Two Perspectives on Slavery,” in The Medieval Tradition of Natural Law.
147 Paul J. Cornish has suggested that Aquinas’s example of a slave’s ability to contract marriage without the consent of his master is evidence that Aquinas held a view of human beings’ natural liberty, or in other words evidence that Aquinas did not hold a view of natural slavery. See Cornish, “Marriage, slavery, and natural rights in the political thought of Aquinas,” The Review of Politics 60 (1998): 545-62.
Sepúlveda see the unity of divine and natural law; the Decalogue is an example for both of divine law that is also natural, and yet they differ on the issue of whether its precepts are all knowable without instruction outside of one’s own natural reason. I now examine the particular application of this distinction between natural and divine law as it is raised by the question of infidel dominion, which Thomas and Sepúlveda both address.

Sepúlveda follows Thomas’s thinking on this theme to a point, having Democrats and Leopoldo work out in a dialogue that infidel dominion is not an oxymoron—unbelief does not itself invalidate a person’s or a people’s right to own property and exercise authority.\(^{148}\) The arguments from both Thomas and Democrats continue, however, by asserting that unbelievers might lose their natural right to dominion on account of other crimes, particularly crimes against the natural law. At this point they diverge on the question of which crimes against the natural law invalidate infidel dominion. In other words, owing to the difference demonstrated above in Sepúlveda’s and Thomas’s understanding of the way the precepts of the Decalogue function as both divine and natural law, they likewise diverge on the issue of which violations of the Decalogue are violations of the natural law that are blameworthy and punishable by loss of dominion. Specifically, while both agree that murder and theft are violations of the natural law subject to such punishment, Sepúlveda argues that the divine precept to “have no other gods before [the LORD]” (Ex. 20:3) is also a precept of

the natural law and also abrogates the natural right of dominion. But because Thomas has identified this precept from the Ten Commandment as one which requires some instruction and formation beyond the internal instruction of natural reason, the Angelic Doctor does not cite such a violation of the natural law as a pretext for abrogating unbelievers’ natural right to dominion. In the discussion that follows, I examine the articles within Thomas’s *Summa Theologiae* where infidel dominion and the circumstances of its abrogation are taught. The natural right of dominion arises most directly in three articles of the Second Part of the Second Part of the *Summa*, where Thomas asks, respectively: whether unbelievers can have authority over Christians (II–II. Q.10, A.10), whether an apostate prince can continue to have authority over Christian subjects (II–II. Q.10, A.10), and whether forcible seizure of goods is always a sin (II–II. Q.66, A.8).

The question of infidel dominion arises initially in the context of Thomas’s discussion of the various kinds of unbelief, following his discussion of faith and preceding his discussion of the other theological virtues of hope and charity. Thomas considers unbelief and whether it is a sin, concluding that there is a distinction between one who is an unbeliever on account of never having heard the faith and one who opposes or rejects Christianity. The latter sort of unbelief is indeed a sin, which raises

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149 *ST* II–II. QQ.1–27
150 *ST* II–II. Q.10, A.1, Response
a host of other questions, including whether unbelievers, despite their sins, may have dominion over the faithful. Thomas makes a distinction in his response: dominion and authority arise from *human* law, whereas the distinction between believers and unbelievers arises from *divine* law. At issue is whether one’s unbelief invalidates one’s dominion, as property owner or as authority figure or the like. By drawing the distinction that he does, however, Thomas rejects the idea that infidel dominion is invalidated by unbelief itself. His reasoning indicates his view of the relationship between divine and natural law. He argues:

> Dominion and authority are institutions of human law, while the distinction between faithful and unbelievers arises from the Divine law. Now the Divine law which is the law of grace, does not do away with human law which is the law of natural reason. Wherefore the distinction between faithful and unbelievers, considered in itself, does not do away with dominion and authority of unbelievers over the faithful.

In addition to establishing the rule, which Sepúlveda in turn interprets, that unbelievers do not on account of their unbelief lose their dominion, Thomas’s distinction suggests that he has more than one way of relating divine and natural law. Within the Decalogue are laws that are both divine and natural; yet Thomas is willing to consider the precepts of natural and divine law as distinct and independent from one another as well.

Sepúlveda adopts this point of Thomas’s thinking, drawing directly on II–II. Q.10, A.10 in a passage of *Second Democrates*, but his own understanding of the

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151 ST II–II. Q.10, A.10
152 ST II–II. Q.10, A.10, Response
relationship between divine and natural law allows him to reconfigure the precept in a way Thomas never elects to. The precept appears in the context of a discussion between Leopoldo and Democrats; Leopoldo, citing “theologians of great renown,” argues that Christian empires should not be able to subject pagans to their dominion who are beyond the borders of the old Roman empire, since “unbelief, the reason that they adduce, is not a sufficient cause to take war to the limits of injustice, despoiling unbelievers of their goods.” Although context suggests Leopoldo means to bring up the arguments of contemporary theologians, the argument paraphrases the very formulation from the *Summa Theologiae* that likewise affirms unbelief, considered in itself, does not negate dominion or authority. Democrats’ role, of course, is to correct Leopoldo’s misapprehension of these issues, but he is also able to affirm this Thomistic position, agreeing that “When the pagans...are nothing worse than pagans,” they are not to be attacked or deprived of their goods for this reason alone. Democrats even follows Thomas further in his caveat, and both argue that unbelievers may indeed be deprived of their authority, property, and the like by Christians “on account of other

153 Citing “teólogos de gran renombre,” Leopoldo rejects the idea of Christian imperialism since “la infidelidad, motivo que ellos aducen, no es causa suficiente para extemar la guerra a los limites, de la injusticia y despojar a los infieles de sus bienes.” Sepúlveda, *Demócrites Segundo*, I.12.1.
154 *ST* II–II. Q.10, A.10
155 “Cuando los paganos...no son otra cosa peor que paganos.” Sepúlveda, *Demócrites Segundo*, I.12.2. Democrats essentially expresses the Thomistic principle here that “the distinction between faithful and unbelievers, considered in itself, does not do away with dominion and authority of unbelievers over the faithful” (*ST* II–II. Q.10, A.10, Response).
sins,” or in other words, if they have committed some other infraction in violation of the natural law.\textsuperscript{156}

The question now concerns whether Thomas and Sepúlveda have the same list of “other sins” or infractions against the natural law, legitimating the Church’s exercise of its authority to deprive unbelievers of their dominion. Thomas takes up this question by asking whether a Christian prince forfeits his dominion over his Christian subjects on the occasion of his apostasy from Christianity.\textsuperscript{157} In this way he narrows his earlier question on the dominion of unbelievers generally,\textsuperscript{158} and considers the dominion of a very specific category of unbeliever, one who has rejected the faith. The distinction earlier established between unbelievers who have never received the faith and those who oppose or reject it is naturally in play.\textsuperscript{159} Thomas argues that an apostate prince is obviously an unbeliever who opposes or rejects the faith, and his subjects are on this account “absolved from his authority and from the oath of allegiance whereby they were bound to him.”\textsuperscript{160} Thus, while apostasy seems to place an unbeliever outside the jurisdiction of the Church, Thomas allows that the hateful opposition apostasy represents against the virtue of faith makes it a vice, and indeed contrary to the natural law such that the authority the hypothetical prince once enjoyed over his Christian

\textsuperscript{156} ST II–II. Q. 12, A. 2, Response; Sepúlveda, Demócrates Segundo, I.12.2
\textsuperscript{157} ST II–II. Q.12, A.2
\textsuperscript{158} ST II–II. Q.10, A.10
\textsuperscript{159} ST II–II. Q.10, A.1
\textsuperscript{160} ST II–II. Q. 12, A. 2, Response
subjects is dissolved. Thomas takes the opportunity, however, to reaffirm that the other
category of unbeliever, who has never received the faith, is another matter entirely. It is
“not within the competency of the Church,” he argues, to punish these.  

Although Thomas draws on the distinction between unbelievers who reject the
faith and unbelievers who simply have not heard it to support his doctrine in the above-
mentioned article, he turns to the distinction between divine and natural law, and the
claim that divine law does not annul the natural law, to bolster his arguments
concerning apostate princes. The latter distinction also informs his arguments on forcible
seizure, and whether there is any difference between the forcible seizure of believers’
goods and those of unbelievers. In the context of Question 66 (on theft and robbery),
Thomas asks whether robbery may be committed without sin, and his second objection
floats the possibility that indeed it may be possible to lawfully rob unbelievers. The
authority for this objection is no less than Augustine of Hippo, who wrote to Vincent the
Donatist that “You falsely call things your own, for you do not possess them justly, and
according to the laws of earthly kings you are commanded to forfeit them!” Here
Augustine seems to suggest that the schismatic Donatists do not have the natural right
of dominion over their goods and property, and the implication allowed by the objection

161 ST II–II. Q.12, A.2, Response
162 ST II–II. Q.66, A.8
163 ST II–II. Q.66, A.8, Objection 2
Thomas does not question Augustine’s position, but allows that the dominion of the Donatists is indeed forfeit.\textsuperscript{165} In doing so, however, Thomas does not appeal to the distinction between kinds of unbelievers, which would allow him to argue that the Donatists are unbelievers who are nevertheless within the Church’s competency to judge. Rather, Thomas ignores this distinction and appeals to the principle laid out earlier, that the divine law does not annul the natural law. In the context of the particular objection and its particular reply, this means that Thomas is arguing that the Donatists lose their dominion (and their goods can be seized forcibly without incurring sin) not because they are unbelievers in violation of the divine law, but because they are criminals in violation of the natural law. It is the “public authority” who makes this determination.

For Thomas, then, divine law does not abrogate natural law. Where the Church has seized land or claimed the loyalty of an apostate prince’s subjects, it has done so in its capacity as a public authority on the grounds that the “infidel” considered within the matter of “infidel dominion” under discussion, has in some way violated the natural law. While this formulation also appears in Sepúlveda’s writing, the provisions of natural law that Sepúlveda claims the American indigenous violate are distinct from the provisions of natural law whose violation Thomas argues has justified forcible seizure of

\textsuperscript{165} ST II–II. Q.68, A.8, Ad 2.
property by the Church in the past. Thomas argues forcible seizure is justified by violations of the natural law that are immediately knowable through reason (murder, theft), whereas Sepúlveda argues it is violated by not approaching nearly enough, despite one’s unbelief, to worshipping the one true God—in other words, by violations of divine law, and specifically the Decalogue and its opening line of having “no other gods before me” (Ex. 20:3). Sepúlveda departs from Thomas precisely in the matter of what constitutes a violation of the natural law. Even as he admits unbelief itself does not violate the natural law in a way worthy of sanction, Sepúlveda nevertheless argues the failure to recognize the oneness of God does violate it, and must be addressed.

This feature of Sepúlveda’s theology is apparent in his sustained argument for the conflatability of divine and natural law in Second Democrates. Democrates, having built his argument on the foundation of “all the laws of nature [being] contained in the Decalogue and in the love of neighbor,” concludes with the stunning observation that the natural law is constantly violated, “in the first place, by idolaters and by those who do not know God is one, eternal, most excellent and most high.” Democrates of course then promptly cites all of his favorite Greek philosophers as evidence that pagans do indeed know through natural reason that God is one. His justification for this position

166 “Las leyes de la naturaleza contenidas todas ellas en el Decálogo y en el amor al prójimo.” Sepúlveda, Demócrites Segundo, I.12.3.
167 “En primer lugar, por los idólatras y por quienes no conocen a un Dios único, eterno, óptimo y máximo.” Sepúlveda, Demócrites Segundo, I.12.3.
168 Sepúlveda, Demócrites Segundo, I.12.3.
is as straightforward as it is simple: the oneness of the true God is a precept of the
Decalogue, making it a matter of divine and natural law both. Although Thomas also
views the Decalogue as containing matters of divine and natural law, one of the features
of Sepúlveda’s departure from Thomas on this point is his failure to distinguish as
Thomas does between the ways natural reason teaches these divine and natural precepts
to human beings. Although they are all naturally known, some are known immediately,
some must be further elucidated by human wisdom, and some must be taught by
persons who have themselves received formation in the divine wisdom of Christian
faith. However, the present discussion suggests that their division goes deeper. And
indeed, Sepúlveda reformulates precisely Thomas’s principle that natural law is not
destroyed by divine law in order to accommodate this division.

Sepúlveda has a very straightforward answer to the question of whether natural
and divine law can ever be in conflict, which appears most clearly in his treatise On the
Marriage Rite and Dispensation. There he interrogates and compares the wisdom of
natural, divine, and pontifical law on the subject of impediments to marriage and
whether the pope could grant dispensation, momentarily setting aside the authority of
one or all of these in light of a reasonable and just cause. Over the course of his

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169 Sepúlveda’s Del rito de las nupcias y de la dispensa, as well as its broader context, is the subject of Chapter 5. The abstract arguments are occasioned by the very concrete instance of Henry VIII of England’s unhappy marriage to Catherine of Aragon, his brother Arthur’s widow; Pope Julius II granted a dispensation so that Henry might marry her despite the bond of affinity between them as a result of their being brother- and sister-in-law. In the late 1520s and in the throes of being enamored by Anne Boleyn, Henry questioned
interrogation, Sepúlveda takes pains to show that even where the divine and pontifical laws seem to contradict the natural law, or abrogate something that the natural law by itself allowed, things are not as simple as they appear. For example, he takes up the case of consanguineous marriages, particularly between brothers and sisters. Divine law frowns on “uncovering the nakedness” of one’s siblings (Lev. 18:6 and especially 18:9), and pontifical law follows suit, though this is not codified for some time, and the earliest centuries of the Christian church see a long string of small synods and councils prohibiting isolated and very specific cases of marriages between particular parties (one’s husband’s brother, Neocaesaria, AD 314; one’s widow’s sister, Rome, AD 402). A review of these, however, makes it clear that marriages between persons who were consanguineous in the first degree were never allowed in civil or canon law. But then there are the examples from Genesis of the times just after Creation and the Flood, when

whether popes had the authority to assert their authority over an impediment of close affinity, when the latter seemed to be sanctioned by natural, divine, and canon law. Accordingly, his question was whether his marriage had ever been valid, and he petitioned the theologians of his court and of European universities to give their opinions, hoping to build a case that would compel Clement VII, who had taken the papal throne by then, to annul his marriage to Catherine and allow a marriage to Anne to go forward. Henry did not solicit Sepúlveda’s opinion, but for a variety of reasons he received it.

siblings must have been allowed to marry. Since these predate Levitical law, could it be the case that natural law allows these marriages to take place?

Sepúlveda rejects this possibility, and his reasoning offers key illumination of his understanding of the way natural, divine, and pontifical law relate to one another. He appeals to Augustine’s explanation in The City of God and attributes the marriages that must have taken place at these times not to a sanction of marriages between brothers and sisters in the natural law, but to a relaxation of the natural law in the face of necessity and the scarcity of humankind. This lays the groundwork for Sepúlveda’s claim, central to the treatise’s argument, that under the right circumstances the natural law can indeed be relaxed (dispensed with), and that the person with the authority to determine these circumstances is the pope; but it also demonstrates his commitment to the compatibility of divine and natural law. His argument, again, is not that the natural law allows something that the divine law abrogates, but that circumstances can intervene that return us to the self-evident precept, “Good is to be pursued, evil is to be avoided,” for a reconsideration of what is the good. At this level, the divine and natural laws have essentially the same content, “which look in the first place to the civil and the temporal good, and later to eternal felicity.”

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171 Sepúlveda, Del rito de las nupcias y de la dispensa, I.14.1–2.
172 “Que miren en primer lugar al bien civil y temporal, y luego a la felicidad eterna.” Sepúlveda, Del rito de las nupcias y de la dispensa, II.14.1.
For Sepúlveda, then, the natural law exists within the divine law, both of them coordinated by the eternal law that set creation in motion and assigned to humanity the task of pursuing the good. While similar in its general formulation to Thomas’s own teaching about the divine and natural law, his discussion of infidel dominion shows that Thomas does not conflate the two to the point of their being interchangeable. In other words, while Sepúlveda arrives at the conclusion that the divine law and the natural law never contradict one another, he does so with the understanding that both natural and divine law have the same purview and arrive at the same conclusions. The case of Noachite consanguineous marriages shows this succinctly; it is also apparent from his above-detailed teaching that pagan civilizations violate the natural law by not holding a doctrine of one true God. That this constitutes a departure from the reasoning of the Summa Theologiae, which Sepúlveda cites as his authority, is apparent from Thomas’s conclusion that there are matters of natural law that divine law does not rule on. Divine law does not abrogate natural law; the divine and natural laws have different purviews and as such come to different conclusions.

This in turn raises the question of how Sepúlveda further adopts and perhaps adapts Thomas’s definition of the natural law as it works within human beings. The Angelic Doctor’s precept that the natural law is a “participation of the eternal law in the rational creature” appears first in the question on the various kinds of law, and specifically his article on whether there is in us a natural law, but Thomas proceeds to
assert it repeatedly throughout the questions and articles that follow in the Treatise on Law.173 How does this natural law work in human beings? Sepúlveda departs from Thomas in the matter of how natural law precepts are known—he writes in Second Democrates and its Apology that if a precept is natural, it does not require the special instruction of a person formed in Christian faith. This is why the indigenous people of the Americas are guilty despite the fact that in many cases they have not been reached by preachers. Thomas, on the other hand, admits that certain precepts, though natural, indeed require this further elucidation. Sepúlveda further invokes the same guilt from not knowing the divine and natural precept of God’s oneness as invalidating infidel dominion, another departure from Thomas. The question now is whether these differing models also belie a difference in the way natural reason functions within human beings, leading them to obey the natural law. I argue that the same simplification of Thomas’s thought that allows Sepúlveda to argue that every precept of the Decalogue is immediately knowable without instruction or formation in the Christian faith actually prevents him from devising a satisfying response to the matter of humans not always obeying the natural law. Sepúlveda embraces Thomas’s doctrine of a rational human nature naturally oriented toward the good; he does not account for the inheritance of original sin that complicates this orientation. In other words, while Sepúlveda adopts

173 The formula appears first in ST I–II. Q.91, A.2, but Thomas appeals to it occasionally throughout the questions that follow, e.g., ST I–II. Q. 91, A. 4, Reply to Objection 1; ST I–II. Q. 97, A. 1, Reply to Objection 1; etc.
Thomas’s account of “the good I want,” he does not adequately account for the fact that “the evil I do not want is what I do” (Rom. 7:19).

2.3.3 The Role of the Natural Law in Human Salvation

Up to this point, the comparison of Sepúlveda and Thomas Aquinas on the subject of natural law has touched on two questions related to the possibility of knowing God through natural reason. Their respective treatments of the Decalogue, which for both constitutes divine law as well as natural law, show that Thomas believes certain precepts of this law to require the mediation of instruction, while Sepúlveda believes all precepts of this law to be knowable through natural reason alone (2.3.1). Likewise, in considering whether a people commits a trespass of the natural law that is worthy of sanction, both Thomas and Sepúlveda argue that trespasses against the Decalogue are indeed worthy of sanction, but Thomas makes a distinction between those who have not been instructed in God’s oneness as opposed to those who have and who have rejected the doctrine, such that the former have not trespassed against the natural law while the latter have, and are subject to punishment and the loss of authority and dominion. Sepúlveda, on the other hand, sees both hypothetical groups as subject to sanction and the loss of dominion and authority, since he does not make the same distinction between the two: there is no group who has not received instruction in God’s oneness, since the only instruction necessary for this is innate natural reason. Those who have not
encountered Christian teaching have rejected this truth as surely as the heretics and apostates have (2.3.2). It is in this context that Sepúlveda’s infamous comments on Luke 14:21 (“Compel them to come in”), where he argues that these words apply not only to heretics but to the uninitiated as well, make sense.¹⁷⁴

These discussions have pursued very narrow questions within the very broad topic of whether God can be known through natural reason—a topic that is simultaneously the singular focus of a single article of a single question within the *Summa Theologiae* and an exceedingly broad discussion in not only Thomistic studies but Christian theology generally.¹⁷⁵ The scope of the latter discussion is beyond the ability of this dissertation to address, but in addressing it I would begin with precisely the subject matter of the last two subsections. In particular, Thomas affirms that God can be known through natural reason, but he also affirms that there are limits to this knowledge. As Anna Bento Moreland concludes in her own study, “The fact remains that Thomas does reserve a crucial place for this natural knowledge of God in his theology—even if perhaps only a small place, even if such knowledge is not of itself salvific.”¹⁷⁶ As such, the question becomes, In what (limited) ways can God be known through natural

¹⁷⁴ Sepúlveda, *Demócrates Segundo*, I.17.2.
¹⁷⁵ *ST* I Q.12 A.12 asks “Whether God can be known in this life by natural reason.” For a helpful recent summation of the broader discussions, principally engaging George Lindbeck and his students, as well as a study of the relevant texts within Thomas’s *Summa Theologiae*, *Summa Contra Gentiles*, *Scriptum super libros Sententiarum*, *In epistolam ad Romanos*, and *Expositio super librum Boethii de Trinitate*, see Anna Bonta Moreland, *Known by Nature: Thomas Aquinas on Natural Knowledge of God* (New York: The Crossroad Publishing Company, 2010).
¹⁷⁶ Moreland, *Known by Nature*, 143.
reason? This is still far too broad a question to explore here, but a narrower question under this very heading gets to the heart of Sepúlveda’s affinity for Thomas—namely, the question of whether natural knowledge of God is (to borrow Moreland’s phrase) “of itself salvific.” Sepúlveda affirms this salvific quality in Second Democrates, adducing Thomas Aquinas for support and proof of his position as he does so. The task of this section is to explore whether he does so accurately.

I argue that Sepúlveda does not bring in Thomas accurately on this point. In order to establish that this is the case, I begin below with a brief review of relevant texts from the Summa Theologiae, Sepúlveda’s principal theological textbook at the University of Sigüenza. For each affirmation of natural reason’s ability to perceive God, I argue, the Summa Theologiae is structured to consider immediately the limits of this ability, and it does so always with an article whose vocabulary is grace, in an affirmation of the latter’s necessity in the order of salvation. Hence the article already referred to (I.12.12, on “whether God can be known in this life by natural reason”) is followed immediately by I.12.13 (“whether by grace a higher knowledge of God can be obtained than by natural reason”), and so on. I turn next to Thomas’s comments on Paul’s letter to the Romans—

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177 Moreland, Known by Nature, 143.
178 Sepúlveda, Demócrates Segundo, I.14.4: “Por esta razón, fundados en la autoridad de Santo Tomás y mejor en la de San Pablo, podemos creer que los antiguos filósofos seguidores de la justicia y los demás varones virtuosos por ellos educados tuvieron fe en Cristo y pudieron salvarse por la ley de la naturaleza antes de su advenimiento [Therefore, with foundations in the authority of Saint Thomas and better still of Saint Paul, we can believe that the ancient philosophers, who were pursuers of righteousness, and the other virtuous men educated by them had faith in Christ and could be saved by the natural law before his coming].”
in the Summa as well as his commentary In epistolam ad Romanos. Sepúlveda refers many
times to Romans 2:14–15 and the provision that “what the law requires is written on
[Gentiles’] hearts” (2:15) in order to argue that cooperation with natural reason is
sufficient to save people who have not heard of Christ, while lack of cooperation with
the same is sufficient to condemn them. Sepúlveda is dismissive of Thomas’s early
articulation of his opinion concerning Romans 2:14–15 in his Romans commentary,
preferring the “open sense” of his interpretation in the Summa Theologiae.\textsuperscript{179} A
comparison of Sepúlveda’s comments with Thomas’s on the same passage, however,
reveals a notable disparity: not only does Thomas recognize and reject the opinion
Sepúlveda espouses in his own Romans commentary, but he does so as well in his
citations of Romans 2:13–16 in the Summa. Far from arriving at a more “open” opinion as
he matured, Thomas’ comments in the Summa repeat in detail the interpretation given in
the Romans commentary, and can only be taken to reflect the doctrine Sepúlveda
erroneously ascribes to them if their context is ignored. Finally, I consider a corollary
that Sepúlveda draws from these arguments in order to explain the American
indigenous peoples’ polytheism and seeming unreceptiveness to the Christianity borne
across the Atlantic with the Spanish troops. After all, if natural knowledge of God and
an inclination to behave virtuously are an intrinsic part of human nature, why would the
indigenous peoples reject the Spanish and their obviously superior virtue and clearer

\textsuperscript{179} “Sentido abierto.” Sepúlveda, Demócrates Segundo, I.14.3.

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revelation of God? In order to accommodate this oddity, Sepúlveda argues that the ability to cooperate with natural reason and pursue the good and know God can all be diminished to the point of being stamped out on account of a people’s cultural and institutional backwardness. His fullest treatment of this point actually has nothing to do with the indigenous American populations but rather finds expression in his Exhortation to Charles V as he describes the Turks against whom he exhorts Charles to wage war. Sepúlveda there argues that the Turks live under so backward a regime and within so vicious a culture that they can hardly aspire to virtues such as bravery, let alone the knowledge of God that would otherwise come naturally to them; he likewise argues that such a regression is taking place already among the Greek Christians that have been conquered by Turkish forces, and that such a fate threatens the Christians under Charles’s dominion should the Emperor fail to act. This extended discussion is the subject of my fourth chapter, but the present concern is that the same argument appears in Second Democrates, and here, too, Sepúlveda adduces Thomas in support of his argument, and here, too, Sepúlveda attains to only partial accuracy in his appeals to the authority of the Angelic Doctor.

2.3.3.1 Nature and Grace: A Pattern in the Summa Theologiae

In the first place, there exists a purposeful pairing of doctrines concerning human beings’ natural capacities and those concerning the effects of grace within the Summa
A. M. Fairweather’s contribution to The Library of Christian Classics, *Nature and Grace*, draws on just this pairing in its title. In doing so, the anthology does not impose a framework on the *Summa* that must otherwise be considered alien to it, but rather draws on a pattern that is indeed present in the work. By his own admission, Fairweather focuses on these themes in order to demonstrate a contrast between Thomas Aquinas and Augustine of Hippo, who, he argues, “never seems to have freed himself entirely from the Manichean conviction of cosmic evil.” Fairweather refers in this statement is that Augustine understood human nature, once affected by sin, to be curved in on itself, *curvatus in se*, and unable to pursue the true good until it met with the healing effects of grace. Thomas Aquinas, by contrast, did not teach this “sharp division between the realm of nature and the realm of grace,” but rather held that the desire for good persists in human nature despite sin. Furthermore, human reason, though impaired, can be followed in this endeavor, and the grace and revelation that bring human beings to the realization of their true end of blessedness complements and completes, rather than subverts, reason’s findings.

What does it mean for reason to be *impaired*, and what does it mean for its findings to be *completed* rather than subverted? Some observations concerning the pattern by which these themes are treated in the *Summa Theologiae* are in order. As noted

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earlier, Thomas’s inquiry into “whether God can be known in this life through natural reason” (ST I Q.12, A.12) immediately introduces both an affirmation and a limitation to the capabilities of natural reason. “Our natural knowledge begins from sense,” Thomas contends, and so “can go as far as it can be led by sensible things.”\textsuperscript{183} This means natural reason can perceive the effects of God, but not God’s essence, or, as Thomas incisively responds to the first objection he had introduced, reason cannot know “what it is,” but it can know “whether it is.”\textsuperscript{184} These limits and capabilities of nature in contrast to grace are then clarified in the article immediately following, which considers “whether by grace a higher knowledge of God can be obtained than by natural reason” (ST I Q.12, A.13) and which reviews the issues raised in Article 12 closely. For once again Thomas considers the possibility of knowing God’s essence and affirms that grace indeed offers a “more perfect knowledge of God” but cautioning that even by grace, “in this life we cannot know of God ‘what He is.’”\textsuperscript{185} Both references to God’s essence occur in the first objection Thomas raises in considering each article, and in his response to the same, suggesting a parallel structure in the construction of Articles 12 and 13. Moreover, the second objections and their replies exhibit a similar parallel in their discussions of the images of God’s effects. In Article 12, Thomas teaches that God is known through the images of God’s effects, precisely because natural knowledge is capable of reasoning

\textsuperscript{183} Thomas Aquinas, \textit{Summa Theologiae}, I Q.12, A.12 Response.
\textsuperscript{184} Thomas Aquinas, \textit{Summa Theologiae}, I Q.12, A.12 Response and ad 1.
\textsuperscript{185} Thomas Aquinas, \textit{Summa Theologiae}, I Q.12, A.13 Response and ad 1.
that effects have causes and so reasoning back to a cause that “superexceeds” all.\textsuperscript{186} Article 13, on the other hand, contends that grace produces a still “more excellent intellectual knowledge,” giving examples of prophetic visions (an infusion of divine light that creates clearer images in the mind than the effects of sensible objects can) and the similar advantage of divinely formed sensible things, such as the Holy Spirit’s appearance as a dove at Jesus’ baptism.\textsuperscript{187} Together, these articles establish a pattern where Thomas’s teachings about nature are immediately qualified by a discussion of the effects of grace in the same context.

This pattern adheres in the Treatise on Grace as well, and can particularly be discerned in the points of inquiry under Thomas’s question concerning “the necessity of grace” (\textit{ST} I–II Q.109). Each article under this heading asks in some way whether without grace human beings can accomplish some particular end, such as to “know anything” (Article 1), “wish any good” (Article 2), “love God above all things” (Article 3), “keep the commandments of the Law” (Article 4), and so on. Once again, Thomas gives an affirmation both of nature’s capabilities and its limitations. The first such limitation that pervades the accomplishment of any end by natural power alone is the requirement of “the motion of the first mover,” by which Thomas means God and to which as a principle Thomas refers directly in the responses of Articles 1 through 3 of Question 109,

\textsuperscript{186} Thomas Aquinas, \textit{Summa Theologiae}, I Q.12, A.12, ad 2 and Response.
\textsuperscript{187} Thomas Aquinas, \textit{Summa Theologiae}, I Q.12, A.13, ad 2 and Response.
and indirectly thereafter with the passing reference to what was “stated above.” This foundational help from God serves both as a limitation and an affirmation of humans’ natural power—without the First Mover, human nature cannot be, let alone will and accomplish, but Thomas is also clear that the First Mover does not simply move things, but moves them to act, granting them active autonomy. However, this too has its limits, because a creature such as a human being can only act “in proportion to its own proper endowment.” In the context of Article 1, this means human understanding can indeed grasp “certain” truths, but requires a “superadded form” to comprehend certain things that “surpass…natural knowledge.”

Thomas makes the same point in later articles, affirming that the unaided human will can accomplish good things such as “to build dwellings, to plant vineyards, and the like,” but that a superadded good is required, just as medicine would be required by a sick person in order to “be perfectly moved with the movements of one in health.”

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188 The first article of Question 109, in the context of its query about whether one can know truth without grace, defines the act of “knowing” broadly as a movement, which requires in order to move not only a principle of the movement but also the motion of the first mover. This First Mover is God, and “thus,” Thomas concludes, “the act of the intellect or of any created being whatsoever depends upon God in two ways: first, inasmuch as it is from Him that it has the form whereby it acts; secondly, inasmuch as it is moved by Him to act” (ST I–II Q.109, A.1 Response). The response portion of I–II Q.109, A.4, on the other hand closes with the succinct observation that “in both states they need the help of God’s motion in order to fulfill the commandments, as stated above.” While not as explicit a statement of Thomas’s First Mover doctrine, the reference remains self-evident, and the intention is clearly to recall that in the “movement” of fulfilling the commandments, God is required as the creative principle as well as motivating force.

189 ST I–II Q.109, A.1 Response.

190 ST I–II Q.109, A.1 Response.

191 ST I–II Q.109, A.1 Response.

192 ST I–II Q.109, A.2 Response. Worth noting here is that Thomas introduces the additional distinction between the states of “perfect nature” and “corrupt nature.” While the former refers to human nature prior
Likewise, in Article 3, Thomas argues that the superadded gift is required in order to heal “the corruption of nature” so that human beings might love God above all things, and in Article 4 he affirms the necessity of superadded grace to fulfill the commandments of the law. The same principle ultimately informs Thomas’s discussion of salvation as well. “Acts conducing to an end must be proportioned to the end,” he asserts, and “everlasting life is an end exceeding the proportion of human nature.” Therefore, without grace, human beings cannot merit salvation and everlasting life.

This review of passages concerning human beings’ natural capacities, particularly the capacity of natural reason to know God, reveals a distinct pattern in Thomas’s presentation of his arguments. Human nature can perceive truth in proportion to its end, can do good in proportion to its end—but the supernatural end of humanity requires a supernatural help, an added gift beyond nature. This is the basis of Thomas’s ordo salutis, or order of salvation. But what exactly is the content of the superadded gift, and how is it conveyed? Can it indeed be conveyed where the preaching of the gospel to its weakening by sin, Thomas still insists on the necessity of superadded grace in order for it to accomplish ends beyond the proportion of (even perfect) nature. For example, in his response for Article 2, Thomas insists that the difference between perfect and corrupt nature is that perfect nature needs superadded grace for one reason (“to do and wish supernatural good”) while corrupt nature needs superadded grace for two reasons (“in order to be healed, and furthermore in order to carry out works of supernatural virtue”).

193 ST I–II Q.109, A.3 Response.
195 ST I–II Q.109, A.5 Response.
has not been heard? Sepúlveda argues that indeed it can be conveyed outside these bounds, and adduces Thomas Aquinas in his argument that natural reason suffices as a preacher for gentiles, who are saved by their obedience to the natural law. Sepúlveda presents his claim as a gloss on Romans 2:14–15 and Paul’s reference to the law being written on Gentiles’ hearts, but in adducing Thomas in support of his gloss takes the Angelic Doctor far out of context. In order to establish this point, I refer below to the passages Sepúlveda quotes from Thomas in support of his position, as well as broader comments by Thomas on Romans 2 that establish his true opinion about the role of the natural law in the salvation of the Gentiles.

2.3.3.2 Romans 2, the Gentiles, and the Natural Law

Thomas’s Summa appears frequently in the context of the arguments of Second Democrates. But its most important appearance by far, and the occasion of Sepúlveda’s most extensive commentary, occurs as Leopoldo raises the issue of Socrates, Plato, Aristotle, Cicero, and more—pagans, in other words, who have both adhered to the belief in one God and lived upright and virtuous lives in accord with the natural law. He asks Democrates, “what hope does there seem to be to you for their salvation?”196 Democrates responds that he has the same hope as Thomas Aquinas. For St. Thomas, Democrates explains, allowed that Gentiles prior to the coming of Christ were saved by

196 “¿Qué esperanzas te parece que hay que tener de su salvación?” Sepúlveda, Demócrates Segundo, I.14.2.
the natural law, just as Paul also taught in Romans: “for when the gentiles who do not have the law do naturally what is in the law, these who do not have the law constitute the law by themselves, for they show the work of the law to be written in their hearts” (cf. Rom. 2:14–15). This raises a number of immediate questions. First, where does Sepúlveda find in the *Summa Theologiae* support for his argument that gentiles can be saved by the natural law? Second, has Sepúlveda paired this quotation from Romans 2 with Thomas because the latter uses the passage in the way he has suggested, or is he merely proof-texting a claim he (accurately or inaccurately) finds in the *Summa*? In other words, does Thomas comment on Romans 2:14–15 directly, and are his comments in agreement with Sepúlveda’s reading of the passage here? And finally, why does Sepúlveda go on to state that Thomas reads Romans 2:14–15 differently in his commentary on Paul’s letter from the way he does in his *Summa*? Are the readings indeed distinct, and why is the interpretation given in the *Summa* preferable?

First, why Sepúlveda does believe Thomas shared his opinion that the natural law is sufficient for the gentiles’ salvation? When Sepúlveda’s Democrats makes this claim, he quotes the *Summa* directly, insisting that Thomas “affirms that pagans, prior to

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197 “Pues cuando los gentiles que no tienen ley hacen naturalmente lo que es de la ley, estos que no tienen ley constituyen la ley para sí mismos, pues muestran la obra de la ley escrita en sus corazones.” Sepúlveda, *Demócrates Segundo*, I.14.3.

198 Sepúlveda writes of the distinct readings, “Santo Tomás después de haber interpretado estas palabras en diversos sentidos antes, en su comentario a las Epístolas de San Pablo, sin embargo en la *Summa Teológica*, que escribió en su vejez, las admitió en este sentido abierto y muy importante [Saint Thomas after having interpreted these words in diverse ways before in his commentary on the letters of Saint Paul, nevertheless in the *Summa Theologiae*, which he wrote in his old age, read them in this open and very important way].” *Demócrates Segundo*, I.14.3.
the coming of Christ, were only under the natural law and not the Mosaic one, although, he adds, they would more perfectly and surely achieve salvation with the observance of this law than they would being only under the natural law.” 199 Sepúlveda makes it sound as though Thomas is arguing that gentiles could indeed be saved by their obedience to the natural law, and even moreso by the Mosaic Law. In context, however, the thrust of Thomas’s article is directed toward his response that “some could be saved without observing the Law.” 200 Sepúlveda, however, limits his interaction to the incidental admission of Objection 3 and its reply. Thomas’s objection suggests that gentiles living among the Israelites should observe the laws the Israelites were given after leaving Egypt (cf. Ex 12:48), a provision that would be useless if gentiles did not need the Mosaic Law to be saved. Therefore (the objection concludes), all were indeed bound to observe the Law of Moses. In Thomas’s reply to this objection, however, he dismisses the premise (gentiles are not required to observe the Mosaic Law to be saved), but suggests the reason for this initiation of non-Israelites within the Israelite community was due to the fact that “they obtained salvation more perfectly and more securely under the observances of the Law...

199 Thomas “afirma que los paganos, antes de la venida de Cristo, estaban sometidos solamente a la ley natural y no a la mosaica, aunque, añade, más perfecta y seguramente conseguían la salvación con la observancia de esta ley que sólo bajo la ley natural.” Emphasis indicates quotation of Thomas’s words. Sepúlveda, Demócrates Segundo, I.14.3. The Latin Sepúlveda uses matches the Reply to the Third Objection in ST I–II Q.98, A.5, an article which inquires “Whether all men are bound to observe the Old Law?” Nevertheless, the editors of Sepúlveda’s Obras Completas wrongly attribute the passage to ST I–II Q.98, A.6.

than under the mere natural law.”201 In this way, Sepúlveda argues, Thomas shows his support for the argument that it is possible to be saved by the natural law alone.

Laying aside the fact that such an observation is not the main point of the article, Sepúlveda still supplies more in his interpretation than Thomas has actually said. Thomas does not say that the natural law alone can suffice for salvation any more than he argues that the Mosaic Law alone is sufficient for salvation—indeed, Article 1 of the same question inquires “whether the Old Law was good” and affirms both its goodness and precisely this insufficiency. For although the end of the Divine Law is to make human beings “fit to partake of everlasting happiness,” nevertheless, he continues, “this cannot be done save through the grace of the Holy Ghost.” And yet, “the Old Law could not confer this grace, for this was reserved to Christ.”202 An earlier article in the same question, then, flatly contradicts Sepúlveda’s reading, and the first article’s problematization of Sepúlveda’s point is only compounded by the pattern observed earlier, namely of Thomas’s consistent pairing of his comments on the capabilities of nature with his comments on its limitations, and always the need for super-added grace when it comes to humankind reaching the true end intended by their creator.

Not only does Sepúlveda mischaracterize Thomas’s comment in ST I–II Q.98, A.5, reading it against Thomas’s broader theology of the order of salvation, but in the

201 ST I–II Q.98, A.5, ad 3.
202 Thomas Aquinas, ST I–II.98.1 Response
same passage he allows Democrates to present a misleading summary of Thomas’s reading of Romans 2:14–15. He pairs Thomas’s comment on the initiation of gentiles to the Mosaic Law with the words of Romans 2, even though Thomas neither directly quotes nor indirectly alludes to the passage in his reply to Objection 3, or indeed anywhere in the fifth article or any of the articles of Question 98. Yet Sepúlveda not only presents ST I–II Q.98, A.5 ad 3 as an interpretation of Romans 2:14–15, but he makes the following comment about the development in Thomas’s reading of the passage: “Saint Thomas after having interpreted these words in diverse ways before in his commentary on the letters of Saint Paul, nevertheless in the Summa Theologiae, which he wrote in his old age, read them in this open and very important way.”

203 This, too, is a mischaracterization of Thomas’s doctrine, not only because the passage Sepúlveda is dealing with is not a direct commentary on Romans 2, but because where Thomas does comment on Romans 2:14–15 in the Summa Theologiae, he consistently does one of two things: he either makes precisely the same point as he had in his Romans commentary, or he uses the passage to make a separate point that neither contradicts his Romans commentary nor takes him in the direction of Sepúlveda’s reading. A comparison is in order of the Romans commentary and the eight citations of Romans 2:13–16 in the Prima

203 “Santo Tomás después de haber interpretado estas palabras en diversos sentidos antes, en su comentario a las Epístolas de San Pablo, sin embargo en la Suma Teológica, que escribió en su vejez, las admitió en este sentido abierto y muy importante.” Sepúlveda, Demócrates Segundo, I.14.3.
Secundae (five of which make their points briefly and without consequence to this
discussion and three of which indicate Sepúlveda’s misreading).204

In his Romans commentary, Thomas highlights two problematic phrases from
Romans 2:13–16: “the doers of the law will be justified” (2:13), and “they do by nature
those things that are of the law” (2:14).205 The first seems to be in direct contradiction
with Romans 3:20, which affirms that “by the works of the law no flesh will be justified
before him,” prompting Thomas to list three possible meanings of the word justified: (1)
having a just reputation, (2) doing a just or righteous work, and (3) newly receiving
justice with respect to the cause of justice, as in, being justified by faith.206 While he then
argues that Romans 3:20 draws on the third of these meanings, he insists that Romans
2:13 incorporates the second. A Thomistic paraphrase of Romans 2:13, then, would be as
follows: “Not the hearers of the law, but the doers of the law do just works.” In other
words, he specifically excludes the idea that doing the works of the law leads to
salvation, including—as becomes clear—the moral works of the natural law. For his

204 Romans 2:13–16 is cited eight times in the Prima Secundae: ST I–II Q.90, A.3 Objection 1; ST I–II Q.91, A.2
On the Contrary; ST I–II Q.94, A.6 Objection 1; ST I–II Q.96, A.5 Reply to Objection 1; ST I–II Q.100, A.1 On
the Contrary; ST I–II Q.100, A.12 Objection 1 and its Reply; ST I–II Q.106, A.1 Objection 2 and its Reply; and
ST I–II Q.109, A.4 Objection 1 its and Reply. The same passage is cited additionally once in the Prima Pars
(ST I Q.79, A.13) and once the Secunda Secundae (ST II–II Q.67, A.3 Reply to Objection 1), but Thomas’s
comments there add nothing to the present discussion.
205 Saint Thomas Aquinas, Commentary on the Letter of Saint Paul to the Romans, trans. F. R. Larcher, OP; ed. J.
Mortensen and E. Alarcón; Latin/English Edition of the Works of St. Thomas Aquinas, vol. 37 (Lander, WY:
The Aquinas Institute for the Study of Sacred Doctrine, 2012), 74–75. Quotations from Romans in this
paragraph are taken from this translation of his Romans commentary, which uses the Douay-Rheims
version with occasional modifications.
206 Thomas Aquinas, Commentary on the Letter of Saint Paul to the Romans, 74.
problem with the passage’s other problematic phrase, “by nature,” is precisely that “it
seems to favor the Pelagians who taught that man could observe all the precepts of the
law by his own natural powers. Hence,” he continues, “‘by nature’ should mean nature
reformed by grace.”207 For Thomas, in the context of Romans, Paul is writing of the
gentile converts to Christianity, “who began to obey the moral precepts of the law by the
help of Christ’s grace.”208 This reading entirely excludes Sepúlveda’s reading of Romans
2 as discussing gentiles who have not received Christ fulfilling “by nature” and unaided
by grace the moral precepts shared by divine and natural law.

Sepúlveda had a frosty reception for Thomas’s Romans commentary, however,
preferring instead Thomas’s comments (as he reads them) in the *Summa Theologiae*,
which he took to espouse a more mature position. But the comments in the *Summa
Theologiae* are no different from the earlier doctrine. From his incidental references to his
extended comments on Romans 2:13–16, Thomas neither changes his own position nor
endorses Sepúlveda’s. Of his eight references to this passage in the *Prima Secundae*, two
place the text in an article’s On the Contrary section, while the rest cite the passage in an
Objection or Reply to an objection—none offering extended exegetical commentary.209

207 Thomas Aquinas, *Commentary on the Letter of Saint Paul to the Romans*, 75.
208 Thomas Aquinas, *Commentary on the Letter of Saint Paul to the Romans*, 75.
209 Romans 2:13–16 is cited eight times in the *Prima Secundae*: I–II.90.3 Objection 1, I–II.91.2 On the Contrary,
I–II.94.6 Objection 1, I–II.96.5 Reply to Objection 1, I–II.100.1 On the Contrary, I–II.100.12 Objection 1 and
Reply, I–II.106.1 Objection 2 and Reply, and I–II.109.4 Objection 1 and Reply. The same passage is cited
additionally once in the *Prima Pars* (I.79.13) and once the *Secunda Secundae* (II–II.67.3 Reply to Objection 1),
but Thomas’s comments there add nothing to the present discussion.
That said, his comments in *ST* I–II Q.100, A.12 and *ST* I–II Q.109, A.4 are extensive enough to repeat fully the conclusions he had already come to in his Romans commentary. The two articles raise respectively the same issues Thomas tackled in his commentary, namely, the potential difficulties surrounding the words “justified” and “by nature,” and Thomas tackles them in precisely the same way. First, Article 12 of *ST* I–II Q.100 inquires whether the moral precepts of the Old Law justified a person, to which Thomas puts a first objection, quoting Romans 2:13 and concluding, “Therefore the fulfilling of the precepts of the law was a cause of justification.” Not only does Thomas reject this idea, as he often rejects the suggestions of his preliminary Objections, but he goes on to explain in his Reply to Objection 1 that what Paul means by “justification” in Romans 2 is “the execution of justice,” or the performance of just or righteous works. In other words, he revisits his three levels of possible meanings for justification from his commentary on Romans, and once again redirects the reader from the third (the reception of God’s justice) to the second (the doing of just acts). In no way can Thomas be read here as Sepúlveda wishes to read him, arguing that gentiles are justified before God by their obedience to the natural law.

The fourth article of *ST* I–II Q.109 likewise returns to Thomas’s commentary on Romans. The article itself inquires whether one can fulfill without grace, by natural

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powers, the commandments of the law, and in his first objection Thomas puts forward 
an interpretation of Romans 2:14 that allows that one can indeed “by nature” fulfill the 
commandments.212 While his main response to the article’s query rejects its premise as 
“the Pelagian heresy,” his Reply to Objection 1 more narrowly focuses on correcting the 
same problematic reading of “by nature” that he had addressed in his Romans 
commentary. He does this by quoting Augustine, On the Spirit and the Letter: “Do not be 
disturbed at [Paul’s] saying that they do by nature those things that are of the Law; for 
the Spirit of grace works this, in order to restore in us the image of God, after which we 
were naturally made.”213 The argument is the same as he had made in his Romans 
commentary, that what Paul says the gentiles do “by nature” they do by their nature 
that is healed by Christ’s grace.214 Once again, Thomas expressly excludes Sepúlveda’s 
doctrine of gentiles being saved by their obedience to the natural law alone, emptying 
not only “fulfilling the law” generally of its power to justify but suggesting that anyone 
who fulfills the precepts of the moral law does so not by nature alone but by a nature

212 ST I–II Q.109, A.4 Objection 1. 
213 ST I–II Q.109, A.4 Reply to Objection 1; quoting Augustine, On the Spirit and the Letter, xxvii. This is a 
particularly salient quotation since Sepúlveda follows up his claim that the gentiles can be saved by 
fulfilling the natural law with the suggestion not only that this is Thomas’s position, but that it is 
Augustine’s as well, saying “y del mismo parecer fue también San Agustín en una carta [and Saint 
Augustine was of the same opinion in a letter]” (Sepúlveda, Demócrates Segundo, I.14.3). The letter he refers 
to may be Augustine’s treatise Against Faustus, which is not structured as a letter but does contain a reading 
of the natural law that is not alien to Sepúlveda’s own (XIX.2). Unlike Thomas, however, Augustine did 
indeed evolve his interpretation of Romans 2, as has been ably traced by Simon J. Gathercole in his essay, “A 
Conversion of Augustine: From Natural Law to Restored Nature in Romans 2:13–16,” in Daniel Patte and 
Eugene TeSelle, eds., Engaging Augustine on Romans: Self, Context, and Theology in Interpretation (Harrisburg, 
214 Thomas Aquinas, Commentary on the Letter of Saint Paul to the Romans, 75.
that is healed by grace. Moreover, the reading Thomas gives in his Summa Theologiae of Romans 2:13–16 aligns precisely with the conclusions he drew in his commentary on the same letter, problematizing Democrats’ other claim that Thomas’s thinking on Romans 2 evolved and became more “open.”

As far as Sepúlveda diverges from Thomas’s doctrine of natural law and its role (or lack of it) in human salvation, he is not wrong to read in Thomas generally the doctrine that the natural law is imprinted within human beings, or “inscribed on our hearts.”215 Likewise, Thomas and Sepúlveda both understand this instilled natural law to impose an obligation on human behavior—though again, they diverge on the matter of whether this mere instillment of the natural law also enables a person to obey its precepts.216 Both, however, allow that the natural law makes human beings aware of how they ought to behave, and leaves them free to fail to behave in this way. One additional question worth considering, however, due to Sepúlveda’s understanding that he and Thomas agree on the point, is whether in their continued failing to fulfill the natural law, a person’s or a people’s ability to discern that natural law can ever be obliterated.

216 Thomas, for example, makes a distinction between a thing that is instilled as “part of [human] nature” and a thing that is instilled by being “added on to [human] nature by a gift of grace” (ST I–II Q.106, A.1 Reply to Objection 2). Regarding Sepúlveda’s understanding, which can be inferred sufficiently from the above discussion, see a lengthier treatment in Chapter 3.
2.3.3.3 The Imprint of the Natural Law in Human Hearts

This final consideration of Sepúlveda’s appropriation of Thomas Aquinas’s theology revolves around the Cordovan’s reliance on a passage from Thomas’s *Sententia libri Politicorum*, his commentary on Aristotle’s *Politics*. Although his conviction concerning this passage animates his entire argument for the conquest of the Americas and their native peoples, Sepúlveda refers to it most directly in combination with an appeal to Gonzalo Fernández de Oviedo and his *Historia General y Natural de las Indias*. The passage in question occurs in Sepúlveda’s *Apology* in defense of Second Democrates, where he writes:

“Because these are or at least were, prior to falling under the dominion of the Christians, completely barbaric in their customs and in the greater part of their nature, being without letters or prudence and contaminated by many barbaric vices” as the *General History* testifies..., written about them and approved by the authority of the Council of the Indies. “They are called, then, simply barbarians—according to St. Thomas, *Commentary on Aristotle’s Politics*, 1,1,15—those who lack reason, perhaps on account of the climate, by which they find themselves very atrophied, or likewise by some disastrous custom by which the men are converted almost to beasts.”

To be clear, Sepúlveda is quoting de Oviedo, who in turn cites Thomas Aquinas—but this indirect citation comes not through unfamiliarity with Thomas’s commentary, but

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217 “Porque los indios son o al menos eran, antes de caer bajo el dominio de los cristianos, todos bárbaros en sus costumbres y la mayor parte por naturaleza sin letras ni prudencia y contaminados con muchos vicios bárbaros” según acredita la *Historia General*..., escrita sobre ellos y aprobada por la autoridad del Consejo de Indias. “Son llamados, pues, simplemente bárbaros—según Santo Tomás, *Sentencia sobre los libros de la Política*, 1,1,15—los que están faltos de razón, bien por causa del clima, por el cual se encuentran muy atrofiados, bien por alguna nefasta costumbre por la que los hombres se convierten casi en bestias.” Sepúlveda, *Apología*, 4.2.
because in so doing he can remind readers that de Oviedo has already been “approved by the authority of the Council on the Indies.” In other words, he quotes de Oviedo rather than Thomas directly simply to make two points at once: in a few lines, he shores up his own identification of the American “barbarians” with Thomas’s definition, aligning it with de Oviedo’s identification of the same, and finally insinuating that this position has already been affirmed by the Council on the Indies along with the rest of de Oviedo’s account. The heart of the claim, however, is that human beings may (1) “on account of the climate” or (2) “by some disastrous custom” be converted “almost to beasts,” lacking in the natural reason that would enable them to comply with the natural law, and that this is an accurate description of the American indigenous case.

This is the centerpiece of Sepúlveda’s argument. He is forced to make the claim precisely on account of the optimism elsewhere espoused in his explanations of human nature and its innate ability to pursue the good. Sepúlveda has argued that human nature has the natural law already imprinted on it or instilled in it; but he neglects Thomas’s distinction between such an instillment of the natural law as “part of [human] nature” as opposed to “added on to [human] nature by a gift of grace.”218 The distinction is crucial for Thomas because only the latter enables human nature to fulfill in turn the precepts of the natural law. Lacking such a distinction, Sepúlveda falls back on the argument that by virtue of the natural law’s instillment, without the added gift of grace, 

218 ST I–II Q.106, A.1 Reply to 2.
human beings are free and able to obey or disobey the natural law’s precepts. In order to accomplish his purpose of justifying the Spanish crown’s policy of conquering the indigenous Americans, however, he finds himself in the position of needing to explain why the indigenous Americans’ human nature (which he does not deny) is uniquely ill-equipped to fulfill these same precepts. As such, he argues that this innate disposition toward the fulfillment of the precepts of natural law can be stamped out of a person, or of a people group. Here as elsewhere, his authority is Thomas Aquinas. But does Sepúlveda adduce Thomas’s thought accurately in support of his argument?

In drawing on de Oviedo rather than Thomas directly, Sepúlveda admittedly employs a summary of Thomas’s argument rather than a direct quotation, but the summary corresponds to an identifiable passage and does not do it a gross injustice. De Oviedo and Sepúlveda are drawing on Thomas’s comments on Aristotle’s Politics, 1252b ll. 5–6. Aristotle writes, “But among barbarians no distinction is made between women and slaves, because there is no natural ruler among them.”\textsuperscript{219} Here, Thomas observes, Aristotle states an “error” on the part of the barbarians whose customs he is explaining (that they make no distinction between women and slaves), and he subsequently “shows the cause of the error” (that there is no natural ruler among them).\textsuperscript{220} Without departing from these lines, Thomas begins to investigate the “dubium” (doubt) that may exist as

\textsuperscript{220} Thomas Aquinas, Commentary on Aristotle’s Politics, Book 1, Lesson 1, Paragraph 22.
far as the meaning of the term “barbarian” and who is properly so called, and he lists three sorts of barbarians. The first two are barbarians in a restricted sense: people who are unintelligible to those who do not understand their tongue are called barbarians, as are those from the second category, who lack a written language corresponding to their spoken one. His third category, however, indicates those who are barbarians in an unrestricted or absolute sense:

The men who are called barbarians absolutely are the ones who are lacking in reason, either because they happen to live in an exceedingly intemperate region of the sky, so that by the very disposition of the region they are found to be dull for the most part, or else because of some evil custom prevailing in certain lands from which it comes about that men are rendered irrational and almost brutal.  

It is important to observe that these categories come from Thomas Aquinas and not from the text of Aristotle Thomas is here explicating—indeed, they come from Thomas Aquinas’s comments on an exceedingly brief passage from Aristotle that does not give such divisions and categories of barbarians. For, as many have observed, Sepúlveda adopts Aristotle’s language of “natural slaves” (introduced elsewhere in the Politics) in his discussion of the American indigenous peoples. But in explaining the term and its application, it is not only Aristotle’s comments but Thomas Aquinas’s added definition that he gives. An accurate understanding of Sepúlveda’s employment of the category, therefore, requires an understanding of his adoption of Thomas Aquinas’s distinctions as well.

221 Thomas Aquinas, Commentary on Aristotle’s Politics, Book 1, Lesson 1, Paragraph 23.
Although Sepúlveda rarely directly quotes this passage of Thomas Aquinas’s commentary on Aristotle, the concept of natural reason and the natural law being stamped out of the human soul pervades his work and organizes his polemical writings in a variety of situations. It explains the uproar in Germany, it justifies the appalling lack of civilization that Sepúlveda alleges exists among the Turks, it is a cloud spreading over the Greek Christians who have fallen under Turkish rule and one that threatens to overshadow Charles’s own subjects as well.222 It pervades his notorious discussion of the situation of the indigenous peoples of the Americas: early on in the dialogue Second Democrats, Sepúlveda’s characters set the terms of the debate as a referendum on natural law and the natural light of right reason, which Democrats explains “causes the good man to discern what is good and just from what is wicked and unjust; and not only among Christians, but among all who have not corrupted natural rectitude with their depraved conduct.”223 This early admission is foundational to Democrats’ argument; although presented as an aside, he later turns it into the centerpiece of his attack on American indigenous character. That campaign is the subject of Chapter Six; at present, I consider whether Thomas Aquinas affirms the existence of barbarians whose habitat or custom can render a part of their human nature inaccessible.

222 See Chapters Three and Four.
223 “Hace que el hombre bueno discierna el bien de la maldad y la injusticia; y no sólo el cristiano, sino todo aquel que no ha corrompido la recta naturaleza con su conducta depravada.” Sepúlveda, Demócrates Segundo, I.3.1, emphasis added.
Famously, Bartolomé de Las Casas countered Sepúlveda’s argument by fully accepting Thomas’s categories as listed in the *Sententia libri Politicorum*, but asserting that the American indigenous peoples are miscategorized within the schema. The indigenous “barbarians,” he argued, cannot be wholly corrupted either on account of climate or a depraved and interfering custom when “long before they had heard the word Spaniard they had properly organized states, wisely ordered by excellent laws, religion, and custom. They cultivated friendship and, bound together in common fellowship, lived in populous cities in which they wisely administered the affairs of both peace and war justly and equitably.”224 By appealing to the observable virtue and civilization of the American indigenous peoples, Las Casas aimed to correct Sepúlveda according to Thomas Aquinas’s own terms; with an appeal to Book VII of the *Nicomachean Ethics*, he likewise moved to correct the Cordovan according to Aristotle’s. Aristotle admits that the furthest extremes on the scale of incontinence—called respectively “a heroic, indeed divine, sort of virtue” and “the bestial state”—are exceedingly rare.225 While Las Casas had little love for Aristotle (calling him in another setting “a profound philosopher,” but one who was “not worthy to be captured in the chase so that he could come to God through knowledge of the true faith”226), the Dominican found this to be a theologically defensible point. He argued, “it is in accord

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with divine providence and goodness that nature should always or for the most part produce the best and the perfect, [and] rarely and exceptionally the imperfect and the very bad.”227 The American indigenous peoples, however, by all accounts that had come back through Spanish explorers, “completely outnumber all other men.”228 They could not be collectively, therefore, a rare example of utter savagery, when they may even have constituted the majority of God’s creation. The indigenous Americans could only be barbarians in Thomas’s restricted sense: they were foreign to the Europeans who had encountered them, and they seemed to have no written language to correspond to their oral communication. They might have been barbarians from Thomas’s first or second category, but they could only be placed in his third by a willful misreading of their virtues and culture.

This logical objection, however, does not actually touch on the logic by which Sepúlveda arrived at his conclusion, namely, that circumstances of climate or depraved custom can limit and even obliterate a person’s access to an innate sense of reason and the innate ability to use it to comply with the precepts of the natural law. Although a straightforward reading of his comments in the *Sententia libri Politicorum* suggests this is indeed Thomas’s position, the angelic doctor in fact directly disputed this conclusion in the *Summa Theologiae*. There he inquired “whether the law of nature can be abolished

227 Las Casas, *In defense of the Indians*, 34.
228 Las Casas, *In defense of the Indians*, 35.
from the heart of man,” and found that it can only be said to be so blotted out in two very limited ways.\(^{229}\) First, in an instance of sinning, the law of nature is blotted out in the sense that the sinner is motivated to pursue some transient pleasure in the place of the true good that reason would have her pursue. This does not have a universal or lasting effect, however, but only an isolated and particular one: momentary desire for a pineapple overrides one’s natural sense that stealing in order to get the pineapple goes against the natural law.\(^{230}\) A second way in which the natural law can be abolished is when a people collectively value a vice over a virtue and codify this in their laws.\(^{231}\) Thomas draws the classic example of this sort of aberration from Julius Caesar’s *Commentarii de Bello Gallico* (The Gallic War), where the conqueror relates that among the Germans theft was not considered wrong.\(^{232}\) This, however, is a mistake concerning a “secondary precept” of natural law, as opposed to a primary, “most general” one.\(^{233}\) The Germans’ primary desire to pursue the good and avoid evil is still in place; Julius Caesar simply observed a confusion in their identification of a particular good and particular method for pursuing it.

\(^{229}\) *ST I–II Q.94, A.6.*

\(^{230}\) *ST I–II Q.94, A.6* Response and Reply to Objection 1. Thomas does not mention pineapples in his explanation, which remains abstract. Nevertheless, pineapples are here appealed to in place of the obvious reference to pears because Augustine’s pear stealing is more complicated—he did not simply desire a pear, but the thrill of misbehavior—and also because pineapples are a vastly superior fruit.

\(^{231}\) *ST I–II Q.94, A.6* Reply to Objection 3.


\(^{233}\) *ST I–II Q.94, A.6* Response and Reply to Objection 3.
Sepúlveda shared Thomas’s sense expressed in the *Summa Theologiae* of a division between primary and secondary precepts of natural law—both taught that the natural law consists in a primary precept (that good is to be pursued and evil avoided), while secondary precepts are derived from this and require or prohibit particular actions to achieve the primary precept’s end. Where the difference emerges, however, is in the various articulations of the consequences of a confusion concerning the secondary order of precepts. Where in the *Summa* Thomas expressly limited these consequences, admitting only that a particular secondary precept of the natural law can be blotted out as a consequence of a particular confusion, his commentary on Aristotle’s *Politics* seemed to allow that this very circumstance could render a people “irrational and almost brutal.” Sepúlveda follows the latter formulation, recounting a slippery slope that had left the American indigenous peoples “vicious and depraved,” so that “the body dominates the spirit and appetite dominates reason, a wicked and unnatural thing.”

In the case of a seeming contradiction between Thomas’s comments in the *Sententia libri Politicorum* and his *Summa Theologiae*, it is difficult to argue that the former should hold more weight than the latter. Thomas never finished, firstly, his commentary on Aristotle’s *Politics*, and second, it seems his primary purpose was to explicate

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235 Sepúlveda observed that the indigenous Americans were “vocosos y depravados,” to the point that “el cuerpo domina al alma y el apetito a la razón, cosa mala y antinatural.” Sepúlveda, *Demócrates Segundo*, I.5.3.
Aristotle’s meaning, while it was a subsidiary purpose to set forward theological truth. This does not mean that the whole of the commentary on the *Politics* is theologically unsound or that it sounds unlike Thomas; rather, Thomas regularly made observations that are consistent with his thought elsewhere. He observed early on in his commentary, for example, that “nature in its operation proceeds from the simple to the complex,” a commonplace that he affirmed as well in his discussion of God’s simplicity in the *Summa Theologiae*. The observations in the commentary on the *Politics*, however, consistently limit themselves to the natural world. The comment on simplicity and complexity quoted above makes no mention of God or how the divine essence is to be understood within that spectrum. Another example clarifies this dynamic further: Thomas argued that human reason directs human beings to form societies and acknowledged that “the highest is that of the city, which is ordered to the satisfaction of all the needs of human life. Hence of all the human societies this one is the most perfect.” Attention to the *Summa Theologiae* reveals that there is a great deal that Thomas is also not saying in this passage. For in his theological writings, Thomas makes a distinction between human beings’ natural and supernatural (or imperfect and perfect) happiness. Imperfect happiness can be enjoyed during one’s life on earth and can be acquired by one’s natural

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236 Thomas Aquinas, *Commentary on Aristotle’s Politics*, Prologue, 3; *ST* I Q.3, A.7. Thomas concurred with Augustine in the *Summa* that “God is truly and absolutely simple,” but acknowledged that one of the difficulties involved in understanding this is that in observable nature and matter, things function differently. In nature, “that which is composite is better than that which is simple; thus, chemical compounds are better than simple elements” (Objection 2).

powers; but perfect happiness is the beatific vision, which cannot be achieved by human reason and natural capacity.\textsuperscript{238} Aristotle’s political philosophy is ordered toward natural, human, imperfect happiness, and as such is consonant with Thomas’s theology where it limits itself to the discussion of the same. However, reading consistency with Thomas’s theology into this passage requires a generous and imprecise reading of the word “perfect.” Anything else produces a contradiction between Thomas’s comments in the \textit{Sententiae libri Politicorum} and his \textit{Summa Theologiae}.

Following this paradigm, it makes sense to allow Thomas’s account of human nature and the natural law in the \textit{Summa Theologiae} to broaden, contextualize, and correct his comments in the commentary on Aristotle’s \textit{Politics}. And in the wider context of Thomas’s theology, references to barbarianism in its unrestricted sense is tempered by an Aristotelian sense of “the perfection of the universe,” where abnormalities may occur but cannot constitute the majority of cases.\textsuperscript{239} Therefore, barbarian dimness (or loss of recourse to natural reason and the natural law) offends Thomas’s sense of how the human soul is ordered.\textsuperscript{240} While he too is willing to make exceptions for those of a totally disordered mental state, these are limited to “madmen and idiots,” and he explicitly

\textsuperscript{238} \textit{ST} I–II Q.5, A.5 Response.
\textsuperscript{239} Bartolomé de Las Casas, \textit{In Defense of the Indians}, 38.
\textsuperscript{240} \textit{ST} I–II Q.94, A.6.
rejects the normality or commonplaceness of such a state. When Thomas speaks of “barbarians” in the *Summa*, he does so in the collective not with any reference to their moral or intellectual impairment; rather, he uses the term to indicate a foreign, and admittedly hostile, nation. In the final consideration, Sepúlveda has not read the *Sententia libri Politicorum* maliciously or unfairly. His neglect of Thomas’s comments on the same themes in his other, later writings, however, where setting out sacred doctrine had not been relegated to a subsidiary importance, allows him to summarize Thomas’s position according to the *Politics* commentary, and this is indeed both inaccurate and unfair. Sepúlveda’s theology of human nature, its capacities, and its potential debilities, is therefore built on a flawed reading of Thomas’s doctrine.

### 2.3.4 Conclusion

This is not the last that Sepúlveda has to say concerning grace and the salvation of people to whom Christ has not been preached, but it shows sufficiently the divergence of Sepúlveda from Thomas’s doctrine, despite his thorough familiarity with the *Summa Theologiae* from his formation in theology at the University of Sigüenza. The task of Chapter Three is to expand more fully on Sepúlveda’s theology of grace and free

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241 “Madmen” and “idiots,” or “furiosis et amentibus,” are incapable of using their free will (*ST* I–II Q.113, A.3 Reply to Objection 1) and are also “deprived of reason’s judgment” such that sins are not imputed to them (*ST* II–II Q.154, A.5 Response).

242 *ST* II–II Q.188, A.3 Reply to Objection 1. Thomas quotes Ambrose in referring to “fortitudo quae bello tuetur a barbaris patriam [the courage whereby a man in battle defends his country against barbarians].”
will. Whereas here the focus has been on assessing his theology in comparison to that of Thomas Aquinas, in order to lay bare these points of convergence and divergence, an account of his theology as an answer to Luther and Luther’s “errors” allows a more complete picture, and a more comprehensive development of Sepúlveda’s theological position—not simply Sepúlveda’s version of Thomism.

Returning for the moment to the task at hand, however, the reasons remain to be demonstrated whereby Sepúlveda diverged so significantly from Thomas Aquinas’s views of natural law, natural reason, and innate human capacity. Up to this point, I have demonstrated that such a divergence exists, but my statement of how it came about has been the anemic suggestion of a misreading or an incomplete reading. This is precisely the problem I tackle in the next section, a treatment of Sepúlveda’s experience at the Royal Spanish College at the University of Bologna in Italy, where, I argue, his studies and certain events contemporary with his residency provided his most significant theological formation as well as the reasons on account of which he read the *Summa Theologiae* in the manner and toward the conclusions he did. In what follows, I argue that Sepúlveda’s experience laboring under Pietro Pomponazzi, coupled with the latter’s censure by the Fifth Lateran Council for teaching a doctrine of “double truth,” served as the crucible in which Sepúlveda forged a union between theology and philosophy, between Aquinas and Aristotle, such that the two could no longer be separated from one another. Not only did he continue to take the two as authorities, as Catholic Christians
had done and have continued to do for centuries, but he essentially equated them, to the point where in his final publication, On the Monarchy (1571), he called Aristotle “an extraordinary person, and whose teaching in politics and morality in its fullness diverges not at all, or very little, from Christian philosophy.”243 In order to hold to this view, Sepúlveda must likewise hold to a robust optimism concerning natural reason and the human will’s natural desire and ability to pursue and accomplish what is good and virtuous. Only with such a robust optimism can Aristotle, limited himself to the right use of natural reason, come so near to the truth of Christianity that he can hardly be said to have diverged from it. Sepúlveda’s insistence that the precepts of the divine law can be known through natural reason alone reveals traces of this optimism, as does his argument that gentile obedience to the natural law is sufficient for their salvation. Moreover, this optimism underwrites Sepúlveda’s argument that the instillment of the natural law in the human heart is indistinct from the ability to obey and fulfill that law, to the point that he alleges steep consequences came upon the indigenous Americans for resisting their own natural inclinations to fulfill the law in this way. In each case, Sepúlveda’s vocabulary and framework for these theological claims were partly drawn from Thomas Aquinas’s writings and partly diverged from them, generally by neglecting a distinction Thomas had gone on to make. Thomas also identified the

243 “[Una] persona extraordinaria y cuya doctrina en política y moral en su conjunto nada se aparta, o muy poco, de la filosofía cristiana.” Sepúlveda, Acerca de la Monarquía, trans. I. J. García Pinilla, in Obras Completas, vol. 6 (Exmo. Ayuntamiento de Pozoblanco, 2001), I.1.4.
Decalogue as divine and natural law, knowable through human reason, but he taught that certain of these precepts could not be known from human reason alone, rather requiring instruction from a teacher already formed in theology. Thomas also taught that the natural law was instilled in the human heart, but taught the distinction between this instillation and the ability to fulfill the law, rejecting the idea that it could be fulfilled by one’s natural powers alone as the Pelagian heresy. And finally, Thomas also taught that the natural law could be blotted out of the human heart, but not as the sharp consequence of institutionalized vice that Sepúlveda taught—rather, only in exceptional cases. In summary, Sepúlveda can be understood as one who drew on Thomas as a source of his theology, but he cannot properly be understood as a Thomist. For the uses to which he applied the framework of Thomas’s theology, and for the events that finally shaped his interpretation of Thomas’s thought, a review of his years at Bologna is in order.

2.4 The Royal Spanish College at the University of Bologna

Sepúlveda had spent two years, 1513–1515, at the College of Sigüenza, earning his bachillerato in theology according to their program of lectures on Thomas Aquinas’s
Summa Theologiae. In 1515, armed with a letter of introduction from Cardinal Cisneros, he traveled to the University of Bologna in northern Italy, embarking on doctoral studies in arts and theology under the renowned and controversial giant of the universities of Padua and Bologna, Pietro Pomponazzi. Here one can only speak of intentions and labors—stopping short of degrees earned, because by all accounts, Sepúlveda never completed his doctoral studies. Although he would style his name on the frontispieces of his many treatises as *atrium & theologiae doctoris* or *Sacrosanctae Theologiae Doctoris*, the degrees were never conferred. In reality, the work Sepúlveda accomplished between 1515 and 1522 never culminated in the examinations necessary to obtain degrees from Bologna, and after 1522 he was absent from the college more often than not, until his name was finally removed from the student register on 23 June 1523.

Doubtless Sepúlveda’s struggles during his seven years at Bologna were many, and this dissertation’s argument is not the first to allege that a conflict of ideas fundamental to his experience there forged the framework that characterized Sepúlveda’s later polemical stances. Previous scholarly treatments, however, have

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244 Losada, *JGS a través de su Epistolario y nuevos documentos*, 33.
245 The editors of the 1780 Madrid version of Sepúlveda’s works allow that Sepúlveda’s claim was inaccurate, but that he was nevertheless regarded as one of the college’s best students: “Quamvis Sepulveda non uno in loco *Doctorem se Theologum* appellitet, minime tamen constat, eum Bononiae aut Magistri *Artium*, aut Doctoris Theologi lauream suscepsisse, dum inter illius Collegii alumnos censeretur.” *Joannis Genesii Sepulvedae Cordubensis Opera, cum edita, tum edita, accurante Regia Historiae Academia* (Madrid, 1780), vol. I, iv.
focused not on Sepúlveda’s tenure at the university as a student, but a fateful return trip where he encountered a student protest. The Bolognan students were arguing, in line with the irenicism of Erasmus of Rotterdam, that “all war, including defensive war, was contrary to the Catholic religion.” Sepúlveda argued forcefully against their position in his first *Democrates* treatise, a meditation on the compatibility of military enterprise and Christianity. And, as has been widely hypothesized, “the doctrine expounded in this book will be the same that he will apply shortly thereafter to the Amerindians,” specifically, in the second of his *Democrates* treatises. I do not mean to argue against this connection; its accuracy is apparent from Sepúlveda’s process in selecting titles, not to mention his own introductory remarks to the second *Democrates* treatise, which explicitly offers itself as an extension of the argument put forward in the first. Rather, I have been exploring the reasons by which Sepúlveda sought to justify the war against the indigenous Americans, and particularly the theological connotations of these reasons. In this context, the pacifism of the later Bologna students and their contention that war is against the nature of Christianity is too general. Sepúlveda’s opposition on this point gives him a basis to argue for the justice of any war, but hardly advances an argument at all for the justification of any particular war. The development of such an argument

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begins with Sepúlveda’s development as a student of philosophical and theological reasoning.

Sepúlveda matriculated at Bologna under the supervision of northern Italy’s philosophical force to be reckoned with, Pietro Pomponazzi. Of the three avenues generally available for pursuing philosophy (Thomas Aquinas, Duns Scotus, Averroes), the northern Italian universities of Bologna and Padua, and Pomponazzi himself, favored Averroes. As a framework, Averroism in the sixteenth century tended to focus on a number of particular issues: the eternity of matter, the unity of the intellect, and the immortality of the soul, among others. In accordance with this framework, Pomponazzi’s Averroistic understanding of the relationship between reason and revelation, among other resources for addressing these issues, culminated in a doctrine of “double truth,” or an insistence that a proposition’s philosophical truth was independent from its theological truth, and vice versa. In other words, philosophical and theological truth are permitted to contradict one another; it might be philosophically true that the soul is mortal, even though revelation teaches the soul’s immortality as theological truth. As a consequence of this line of argument, sanctions from the church pursued Pomponazzi throughout Sepúlveda’s time as his student, in the form both of

249 José Antonio Encinas, Historia de las Universidades de Bolonia y de Padua (Santiago, Chile: Biblioteca Pedagogica, 1935), 127.
250 Encinas, Historia de las Universidades de Bolonia y de Padua, 125.
251 The doctrine of providence and the creation of the world were among other topics pursued as minor issues by Averroists, though in the early sixteenth century, the hottest topic was without question the immortality of the soul. Encinas, Historia de las Universidades de Bolonia y de Padua, 126.
the decrees of the Fifth Lateran Council and of the formal processes begun by Pope Leo
X. Sepúlveda’s commitment to the Roman Catholic Church made subscription to
Pomponazzi’s views untenable for him, and as a result, the Cordovan configured the
relationship between philosophical truth and theological truth quite differently. Briefly, I
argue that Sepúlveda formed his opinion at the opposite extreme from Pomponazzi’s
teaching. For if Pomponazzi thought philosophical truth and theological truth could
exist in contradiction, while Thomas Aquinas argued for unity (to an extent) between
the divine and natural law, only allowing that theological truth is beyond the reach of
natural reason in certain matters, then Sepúlveda found a way to argue for the complete
unity of the philosophical truth that can be known through natural reason and the
theological truth known through divine revelation.

The most intriguing and infamous application of this understanding was in the
context of the American wars of conquest, where Sepúlveda argued that natural
knowledge of God is sufficient to teach one not only that God exists, but enough about
who God is that one may ascend through natural reason to the pursuit of virtue and even
to the point of meriting the grace of God that justifies and whose reward is eternal life.
Moreover, Sepúlveda understood that because this pursuit of virtue was naturally
available to human beings, it in turn placed ethical obligations on all human beings.
Thus, the indigenous Americans’ idolatry and stubborn resistance to Spanish
Christianity constituted a violation of the natural law, justifying the Spanish wars of
conquest against them. Later chapters develop the fullness of this line of argument; for now I turn to an examination of its foundations in the context of Sepúlveda’s time at Bologna, and the opportunity his studies there afforded him to forge an opinion on philosophical and theological truth in reaction to Pietro Pomponazzi’s system of thought (2.4.1) and the Catholic Church’s ongoing criticism of those teachings (2.4.2).

2.4.1 Pietro Pomponazzi (1462–1525)

As an intellectual figure, Pietro Pomponazzi stands within and apart from the tradition of the northern Italian “School of Padua.” He lectured and commented on Aristotle, but, like other members of the School of Padua, one of the marks of his Aristotelianism was his preference, insofar as possible, to use Aristotle’s texts directly, eschewing the mediation of Thomist interpretations. Where he allowed a medieval interpreter to provide a framework for his thinking, he chose Averroes. This

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254 Ernst Renan, *Averroes et l’Averroïsme*. Renan’s account of the Averroist school in France and then in northern Italy overreaches in its conclusion that there was fundamental continuity between Pomponazzi’s Averroism and that of Siger of Brabant or John of Jandun, but he does not overstate the influence of Averroes in Pomponazzi’s thought.
preference embroiled him in a controversy that defined much of his legacy, concerning
the immortality of the soul. The logic of Pomponazzi’s position, elaborated in his
treatise *De immortalitate*, was to follow Aristotle’s division of the soul into vegetative,
sensitive, and intellective powers. The first two are perishable, since their processes are
bound to the body, which decays; as such, any question of the soul’s immortality must
concern the intellective faculty only. But, Pomponazzi argues, ultimately even the
intellective power of knowing and understanding is supplied from the sensitive powers,
as the knowledge of a universal claim must always be fixed in a particular image.

Hence, even the soul’s intellective faculty has its source in the perishable organs of the
body, and, Pomponazzi concluded, the soul is mortal.

Pomponazzi was not the first to allege the soul’s mortality, but he was among the
first and the loudest to continue to do so after the Fifth Lateran Council had declared the
soul’s immortality to be church dogma. The fact that the council had closed the issue
in the face of Pomponazzi’s controversial teaching lends some humor to Sepúlveda’s
comparison in the opening paragraphs of *On Fate and Free Will* between the immortality
of the soul and the freedom of the will—both issues are supposed to be quite thoroughly

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255 See a robust account of Pomponazzi’s position and the opposition provided by Cajetan, Contarini,
Ambrose of Naples, and Agostino Nifo, in Étienne Gilson, “Autour de Pomponazzi: Problemática de
l’immortalité de l’âme en Italie au début du XVIe siècle,” *Archives d’Histoire Doctrinale et littéraire du Moyen
Age* 28 (1961), 163-279.
256 Martin L. Pine, “Pomponazzi and the Problem of ‘Double Truth,’” *Journal of the History of Ideas* 29 (1968),
167–68.
258 Pomponazzi’s *De immortalitate* was printed in 1516; the Fifth Lateran Council had treated the immortality
of the soul in 1513.
settled.259 Granted this context, Pomponazzi closed his treatise on the matter by simultaneously asserting his conclusions and stepping back from them. The matter is a “neutral question,” he wrote, since arguments exist for the soul’s immortality that are just as sure as the ones brought forward in the preceding pages of his book concerning the soul’s mortality.260 Moreover, “That the soul is immortal is an article of faith.”261 This idea that certain [philosophical] proofs can compel one conclusion while other [theological] proofs can compel the opposite, is an important iteration of Pomponazzi’s understanding of “double truth,” which the Fifth Lateran Council revisited in a later session in order to issue a condemnation specific to the Bologna professor’s position.

And since Pomponazzi’s “double truth” proved in this way an ineffective shield against accusations of heresy with regard to his other teachings, he remained liable as well to charges concerning his teaching on the soul’s mortality. Both issues plagued him for years.

259 Sepúlveda writes, “Pero tras haberse visto dilucidadas muchas controversias de los antiguos filósofos por la revelación divina y gracias a la religión cristiana, parecía haber quedado establecido por acuerdo unánime de varones muy doctos y de piedad excepcional qué era lo más acertado en cada una de ellas, de forma que nadie pudiese ya dudar sobre la voluntad y el libre albedrío más que sobre el origen del mundo o la inmortalidad del alma [But after having seen many controversies of the ancient philosophers illuminated by divine revelation and thanks to the Christian religion, it seemed that what was correct in each of these controversies had been settled by the unanimous accord of very learned men of exceptional piety, in such a way that no one could have any more doubts concerning the will and freedom of choice than they could about the origin of the world or the immortality of the soul].” Sepúlveda, Sobre el destino y el libre albedrío [1526], trans. J. J. Sánchez Gázquez, in Obras Completas, vol. XV (Excmo. Ayuntamiento de Pozoblanco, 2010), I.1.4–5.


Throughout the controversy and his subsequent persecution, Pomponazzi maintained the conclusion of his 1516 treatise, namely, that he himself held to the doctrine of the immortality of the soul as a matter of faith.\textsuperscript{262} His intention, he further maintained, and indeed the cause of all his troubles, had been to demonstrate Aristotle’s position, and his expertise in the Stagirite’s writings had led him to believe that Aristotle held the human soul to be mortal. However, he did not and would not admit that Aristotle was wrong or limited in his understanding. Rather, Aristotle held the human soul to be mortal precisely because this was the philosophically correct position to hold, no matter that it was theologically incorrect. This idea of “double truth” did not originate with Pomponazzi, but his iteration of the doctrine presents a significant development from its operation in the thought of earlier figures such as Siger of Brabant and John of Jandun.

Siger of Brabant, for example, did not harbor an idea of two distinct and contradictory true answers to certain questions but rather two ways or levels of knowing that could superficially contradict each other due to the limitations of natural, experience-based knowledge.\textsuperscript{263} His answer concerning the causes of acts of magic in \textit{Quaestiones in Metaphysicam} illustrates, however, a cause for confusion on this point.

\textsuperscript{262} Pine, \textit{Pietro Pomponazzi}, 129.

maintained, “Sed unum scio, aliud autem credo.” What he knew, in this context, is that magic acts are caused by the movements of heavenly bodies, which are observable and therefore the object of natural knowledge and reason. What he believed, however, is that magic acts are caused by demons, whose existence is known through revelation and whose motives and actions are precisely not observable, and therefore not the object of natural knowledge and reason. These conclusions opened the philosopher to charges that he espouses a doctrine of double truth, where he might hold one thing to be true philosophically while its opposite is true theologically. In Siger of Brabant’s mind, however, what he knew did not contradict what he believed. Rather, he harmonized the two: demons are the remote cause of the movements of heavenly bodies, which are in turn the immediate cause of magical acts. What he knew philosophically was simply a limited version of the full truth that he believed through revelation. Centuries later, Pomponazzi affirmed Siger of Brabant’s independent methods of seeking truth, but allowed the contradictions in their conclusions to go beyond the level of superficiality. Sepúlveda, on the other hand, returned to the idea of harmony between philosophical and theological truth, with one important difference: he rejected almost entirely Siger of Brabant’s emphasis on the limitations of natural knowledge. He did so, I suggest, because, despite his obvious respect for Pomponazzi (speaking positively of his former

264 “I have knowledge of one thing while I believe something else.” Quoted and translated in Dodd, The Life and Thought of Siger of Brabant, 126.

265 Dodd, The Life and Thought of Siger of Brabant, 126–27.
teacher in letters), Sepúlveda valued more highly still the teachings of the Catholic Church. And on the matter of philosophy’s role serving and not contradicting theological truth, the Catholic Church had spoken—loudly and recently.

2.4.2 The Fifth Lateran Council (1512–1517)

Lateran V was convoked with Pope Julius II’s bull Sacrosanctae Romanae Ecclesiae, and its primary objective was to confront the schismatic conciliabulum of Pisa. The latter gathering and the cardinals and secular leaders supporting it (including Louis XII of France) had taken aim at Julius II for his failure, in their view, to call frequent general councils of the Catholic Church and so abide by the decree Frequens of the previous century’s Council of Constance. In other words, the Fifth Lateran Council was at once a condemnation of the Pisan Schism and an attempt to nullify the quasi-council’s stated reason for convening. With respect to this broadly stated purpose, the council was successful—the conciliabulum was dissolved. It was the later sessions’ focus on reforming the church and addressing heresy, however, that came to concern Sepúlveda and his intellectual world more acutely.

The twelve formal sessions of Lateran V were interrupted briefly by Julius II’s death in 1513, but continued after the election of Pope Leo X. These later sessions were

266 José Antonio Maravall, Carlos V y el Pensamiento Político del Renacimiento (Madrid: Boletín Oficial del Estado, Centro de Estudios Políticos y Constitucionales, 1999), 197.
the ones that dealt most effectively with Julius’ second stated purpose for the council, reforming the Catholic Church. Their ultimate “effectiveness” can be and has been debated—Leo X is largely regarded as having ignored or otherwise failed to implement most of the council’s decrees on reform, and Martin Luther’s critique of the sale of indulgences came within a year of the council’s formal closing (March 16, 1517). But, as Leo X continued Julius II’s work of healing schism and brokering peace among Christian rulers, he likewise steered the council toward reforming decrees. One such decision in a session under Leo (the eighth, in 1513), is particularly notable for its impact on and importance to Sepúlveda’s formation as a scholar. No diary exists of the time, chronicling the Pozoblanca’s enthrallment with the proceedings; nor does Sepúlveda quote excessively from Cardinal Antonio del Monte’s 1521 publication of the council’s decrees and other acts, preferring to cite from the *Decretum Gratiani* when drawing on the official teaching of the Catholic Church. Nevertheless, this session expressly interrogated Sepúlveda’s studies at Bologna, and the final statement at which the council arrived infused Sepúlveda’s subsequent career. The episode in question, of course, was the eighth session’s censure of his mentor, Pomponazzi, and its decisions on the nature and relationship of philosophical and theological truths.

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The scope of Session Eight’s *Apostolici regiminis* was vast; in its conclusion the bull took aim at no less than “every statement contrary to the truth of the enlightened faith.” Ultimately, however, the target was a very specific doctrine, and although the offender in question is unnamed in the proceedings, the bull has come to mark the beginning of “the Pomponazzi affair.” What was being taught at Bologna that ignited such uproar in the first place? The Fifth Lateran Council took issue with none other than Pietro Pomponazzi’s above-described Averroistic interpretation of Aristotle’s *De anima* (*On the Soul*) and with his contention that Aristotle understood and taught that the rational human soul is mortal. While it is not surprising that a Christian council would want to affirm the doctrines of eternal life and the soul’s immortality, it may come as a surprise to modern readers that the council should be so interested in making sure Europe’s philosophers taught this as Aristotle’s own belief as well. And yet this was precisely Lateran V’s intention. The bull *Apostolici regiminis* continued, accusatory in tone, “some people, rash in their philosophizing, assert that this [teaching that the soul is mortal] is true at least philosophically speaking: We therefore wish to…condemn and reprove all those who assert that the intellectual soul is mortal… and so We strictly

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forbid that teaching any other doctrine be allowed.”272 In other words, the council ruled that Europe’s philosophers in their publications and lectures should promulgate the church’s doctrine on the soul’s immortality—and that they should ensure in their publications and lectures that Aristotle promulgated it as well.

It was the final clause quoted above that led at least one cleric in attendance, Thomas Cajetan (who would be named a cardinal in 1517), to vote against the decree, as it “blurred the distinction between philosophy and theology and threatened the autonomy proper to the natural philosopher.”273 Although Cajetan opposed Pomponazzi’s conclusion of the soul’s mortality, he actually shared Pomponazzi’s belief that Aristotle himself taught that the human soul was mortal, a circumstance Pomponazzi leveraged as best he could in the attacks that came his way. And come his way they did. After the Bologna philosopher expanded and clarified his doctrine in 1516 with his publication of *De immortalitate animae*, various theologians attacked him afresh (including Ambrogio Fianidino, Gasparo Contarini, Vincenzo Colzado da Vicenza, Agostino Nifo, Bartolomeo Spina da Pisa, and Sylvester Prierias),274 but Pompanazzi realized their letters and treatises could just as easily implicate a different enemy—the soon-to-be cardinal. He responded, therefore, in 1517 that he had heard that the Master of the Sacred Palace (Sylvester Prierias) had written against him, but when he attempted

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to investigate the charge he was assured that Prierias had not accused him at all but had written rather against “some confrere”—meaning a fellow Dominican.275 Prierias had naturally written against Pomponazzi, but, as the latter shrewdly pointed out, the Master of the Sacred Palace could hardly pursue his charge against the professor at Bologna without likewise implicating his confrere.276 Here it is worth mentioning that Pomponazzi was being deliberately provocative. Cajetan was not only Prierias’ confrere; he was serving as Master General of their order.

Still, the decree passed, and the bull *Apostolici regiminis* was issued as part of the Fifth Lateran Council’s decrees—over Cajetan’s objections, but without compromising his position in the papal court or in his order. And while the bull demanded compliance generally from all philosophers’ lectures and from all manuscripts moving through the Inquisitors’ offices toward publication, Pomponazzi remained the favored target of the proceedings. As he was in the midst of composing his *Defensorium* against the various above-mentioned theologians’ attacks, Leo X involved his papal authority again, demanding a retraction from Pomponazzi of his position in 1518. Leo’s secretary, Cardinal Pietro Bembo, intervened on Pomponazzi’s behalf—securing the revocation of the papal ban that had been issued against him, effectively gaining Pomponazzi more time by removing the immediate threat.277 In order to satisfy both Leo’s demands and

the Bologna Inquisitors’ pre-publication requirement that a refutation of the claims be included in his *Defensorium* in adherence to Lateran V, Pomponazzi ultimately wrote to Crisostomo Iavelli da Casale, who obliged him with a point-by-point theological refutation of the *Defensorium*'s claims, titled *Solutiones*. The two treatises were published together in 1519, and Pomponazzi maintained his teaching position at the University of Bologna with an increase in salary and without further official sanctions.

The question of how or indeed whether Pomponazzi reconciled the divergent claims he made over what is philosophically provable (the mortality of the soul) and what is revealed and therefore theologically true (the immortality of the soul) has divided scholars. If the varying and irreconcilable claims in his published writings make finding its resolution in these impossible, then its resolution is only to be found in the dubious territory of separating what Pomponazzi believed and (perhaps) did not say from what he (perhaps) believed and did say. More important for the purposes of this study than a final judgment on what Pomponazzi ultimately believed and what he did not believe, however, is Sepúlveda’s reaction to the church’s censure incurred by Pomponazzi due to the perception of his beliefs. Where Pomponazzi was criticized for

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280 See Martin Pine, “Pomponazzi and the Problem of ‘Double Truth,’” *Journal of the History of Ideas* 29/2 (1968): 163–76, esp. 165–66, where Pine reviews the three lines of scholarship that have variously argued that (1) Pomponazzi was a forerunner of rationalist, Enlightenment attacks on religion, who merely paid lip service to the authority of the Church and theological truth; (2) Pomponazzi fully believed the Church’s teaching on the immortality of the soul but criticized the Thomist-Aristotelian proofs of it; and (3) Pomponazzi fully accepted both his philosophical and his theological claims and made no attempt to reconcile the dilemmas they posed. (Nor, this final camp adds, should modern scholars.)
the tension he left between philosophy and theology, granting human reason a place
equal to and even superior to that of divine revelation and the teachings of Scripture, Sepúlveda offered a corrective. In accordance with the Fifth Lateran Council’s teaching,
no other doctrine than the articles of faith could be taught as the result of philosophical
reasoning. And this was the case, Sepúlveda concluded, because truth bears a unity such
that philosophical reasoning never leads anywhere except to the principles according to
which God laid the foundations of the world. Against his mentor Pomponazzi,

Sepúlveda held that philosophical conclusions properly reached cannot contradict
theological ones, concerning the immortality of the soul or any other matter. This is not
to say that philosophers are never wrong—far from it. But where they reach incorrect
conclusions, it is not because human reason has led them astray but because they have
strayed from human reason. Sepúlveda even improved on the ideas of Siger of Brabant;
there is not even a sense in which one can superficially speak of a double truth, where
philosophical reasoning contradicts theological reasoning because the purview of the
former stops short of the fullness of what can be known from the latter. Natural reason,
properly employed, allows one even to know and to worship and to obey the will of the
one true God.

281 Martin Pine has convincingly argued that in Pomponazzi’s view the proper place of religion was to teach
common people to live philosophically under the guise of fables. See Pine, “Pomponazzi and the Problem of
‘Double Truth,’” 175.
2.5 Concluding Remarks

The burden of this chapter has been to illustrate Juan Ginés de Sepúlveda’s theological formation. To this end, I have reviewed his course of study toward a *bachillerato de artes* at the University of Alcalá (1510–1513), a *bachillerato de teología* at the University of Sigüenza (1513–1515), and his course of study in pursuing, though not earning, his doctorate in both arts and theology at the University of Bologna (1515–1522). Sepúlveda absorbed aspects of his formal education in a variety of ways, and in a variety of ways he resisted it. At Alcalá he learned the rudiments of logic and discourse, features that can be plainly discerned in his later writings as he builds arguments according to the structures he learned from Peter of Spain’s *Súmulas Logicales*. At Sigüenza, Sepúlveda learned theology through lectures on Thomas Aquinas’s *Summa Theologiae*, a work he continued to esteem highly and cite heavily in his professional career, but from whose arguments his own diverge—slightly, but to enormous consequence. At Bologna, he entered the complex of ideas that I maintain accounted for this divergence: there, the rationalism of Averroes confirmed his robust optimism concerning natural, unaided human reason, while his supervisor Pietro Pomponazzi served as a cautionary tale, his doctrine of “double truth” merely a method for articulating the superiority of reason over revelation while avoiding sanction from church authorities—ultimately, unsuccessfully. Meanwhile, the dictates of the Fifth
Lateran Council and later proceedings initiated by Leo X against Pomponazzi clarified the church’s position on matters of logic and reason and philosophy, revealing the only course available for a faithful son of the church seeking to escape Pomponazzi’s shadow. It was here that Sepúlveda forged his rejection of Pomponazzi’s “double truth,” arguing that the philosophy born of natural reason rightly pursued and the theology born of divine revelation could never be in contradiction when the same Essence served as the ultimate source for both.

This chapter has laid a foundation from which to argue two particular points. First, as Sepúlveda formulated later positions in various polemical engagements, he was not beholden to Aristotle due to theological illiteracy. This counters the prevailing assessment of Sepúlveda’s writings by some among his contemporary opponents as well as by modern scholars that the Cordovan humanist was too much a humanist and too little formed in theology to grasp the terms of the debate.282 I do not suggest that Sepúlveda’s theology or grasp of his sources was perfect; rather I have sought to enumerate several examples of his arguments that draw on Thomas Aquinas’s theology but betray a lack of familiarity with the full extent of Thomas’s doctrine. There is a great gulf between theological illiteracy and perfectly sound theological formation, of which a doctoral degree can serve as an unreliable indicator anyway.283

282 See discussion in 2.1.
283 Luther took his own doctoral degree and cap as a serious charge to teach the Holy Scriptures and address errors in doctrine, but he was well aware that a doctor’s cap alone could not make a good theologian, and
Second: Sepúlveda’s theological arguments are built on a boundless optimism concerning natural reason and natural human capacities to discern the good and obey the natural law. Scholars have broadly observed this trend in late medieval Catholic thought, generally with a focus on Gabriel Biel and Nominalist theology. Sepúlveda arrived at a similar point, but he does not seem to have done so via Biel. Although a catedrático at Alcalá was responsible for lecturing on Biel during the period of Sepúlveda’s study there, the Cordovan’s focus was on Aristotle and Peter of Spain’s Súmulas Logicales as he earned his bachillerato de artes. Nor were Biel’s writings the substance of the formal theological curriculum at Sigüenza or Bologna, and nor is there any indication that Sepúlveda awakened to Biel’s revolutionary insights at some later point in independent study; rather, he continued to cite Thomas Aquinas’s superiority among theologians and referred only sparingly to Biel’s commentary on Lombard’s Sentences. For Sepúlveda, the path ran through the Royal Spanish College at the University of Bologna, through Pietro Pomponazzi and Averroes and the Fifth Lateran Council. He had absorbed Thomas Aquinas’s lessons on natural human reason and the

could often make a poor one indeed. He wrote in his Genesis lectures, “I, too, might state: ‘I have been promoted to a doctorate in scholastic theology, but in the Bible I find very many things that conflict with this theology. Nevertheless, I shall follow the Cardinal of Cambrai, no matter how much the Holy Scriptures may teach the opposite.’ Who would put up with this and not detest such teachers? But they show that they are nourishing in themselves a prodigious hatred of the Holy Spirit, because they carry the spirit of the pope imprinted on their hearts; and this wickedness of theirs comes close to downright blasphemy” (LW 4:220).

284 Heiko Oberman, Harvest of Medieval Theology (Grand Rapids, MI: Baker Academic 2000).
natural disposition to pursue virtue, but if he had absorbed any of these doctrines’
caveats and limitations, the same fell aside as he attempted to answer Pietro
Pomponazzi’s “double truth” with a doctrine that celebrated the achievements of human
reason and his beloved philosophical discipline without excluding revelation or
theological insight as contradictory. For Sepúlveda, there could be no “double truth.”
There was only a single truth, at which philosophical and theological reasoning
converged.

This theological foundation had consequences, however, which the rest of this
dissertation seeks to lay bare. For if natural human reason has the ability to discern the
good and seek God, it also has the responsibility, according to Sepúlveda, to do so. As
such, if a person or a people is out of fellowship with the Christian religion and the
Catholic Church, or is otherwise disobedient to the will of God, they have wantonly
rejected the call of virtue within them.\footnote{Alternatively, some sixteenth-century theologians considered disobedience to God to be the general human condition. Luther, for example, was not shy about admitting, “we are the children of wrath, and all our works, intentions, and thoughts are nothing at all” (LW 51:70).} In the chapters that follow, I describe this
theological system as Sepúlveda built it on the foundations of his experiences at
Bologna, and I show how he deployed this theological system in various situations.

Chapters Three and Five take up the extension of Sepúlveda’s system in various
theologically oriented works, showing how the foundations of his experiences in
Bologna were eventually articulated by him as fully developed doctrine; Chapters Four
and Six, by contrast, explore the consequences of these fully developed doctrines for the way Sepúlveda talked about various peoples he saw in open rebellion against God.

Chapter Three focuses on Sepúlveda’s response to the debate between Erasmus and Luther on the human will’s freedom or bondage. This discussion yields the Cordovan’s clearest statements on grace and human capacities, and demonstrates its roots in Thomas’s theology, unmoored from several of its key distinctions and wedded to Averroistic rationalism. In Chapter Four, I visit an early “practical” application of the consequences of this doctrine: in his Exhortation to Charles V, Sepúlveda urges the emperor to go to war against the Ottoman Turks who have willfully rejected God and impeded the Greek Christians they have conquered from freely seeking truth and Christianity through the liberal arts, and who threaten the same fate for Charles’s subjects in Europe. Chapter Five reviews Sepúlveda’s assessment of Henry VIII’s “great matter,” which occasions Sepúlveda’s clearest discussion on the various kinds of law. His treatment there of natural and divine law follows the paradigm consistently where both emanate from the same source, and so converge in their pursuit of the same truth. Finally, in Chapter Six, I re-interpret Sepúlveda’s most infamous involvement in the Valladolid Debate of 1550–51, where it is the indigenous Americans rather than the Turks who are barbarians, who have willfully rejected God and lost their ability to freely pursue the good. Much attention has been paid to Sepúlveda’s application of Aristotle’s category of the “natural slave” in this debate and the written treatises that serve as our
account of it. My modest proposal in this dissertation is that the words and the category are Aristotelian, but the logic by which Sepúlveda arrives at them are Christian—that is, the result of a toxic Christianity of his own making. Its foundations lay in the particular course of Sepúlveda’s education; we now turn to a fuller statement of his developing doctrine in his answer to Martin Luther, *On Fate and Free Will.*
3. Sepúlveda’s Controversy with Luther: Natural and Divine Law in *On Fate and Free Will*¹

That Sepúlveda in 1526 should be the first Spanish Catholic theologian to write a major treatise against Martin Luther is not especially surprising when one considers the general reception Luther’s writings received in Spain. Local authorities, on the orders of the Inquisitor General, forbade the German heretic’s writings’ possession, their selling, their buying, and naturally their reading. In April of 1521, with the Holy Roman Emperor and Spain’s own king scheduled to hear Luther recant his heretical views at Worms, Adrian of Utrecht, at the time Inquisitor General and later (briefly) pope, issued a series of edicts against Luther’s writings. They “contain heretical errors and many other suspect things about the faith,” he wrote to the Inquisition of Aragon, one of many such missives sent April 7 to the inquisitional authorities under him in the various kingdoms and regions of the Iberian peninsula.² The letter went on to order “under pain of grave censures, as well as civil and criminal punishment, that nobody dare to own, sell, or permit to be sold, in public or private, any such books or any parts of them,” and required a public burning of any such books confiscated or surrendered within three days of the local chapter’s publication of Adrian’s order.³ On April 13, the Council of


Castile further decreed in Charles’s name that “no person sell nor have nor read nor
preach about the books of this heretic nor speak of his errors and heresies either in
public or in secret.” As of the imperial diet on April 18, and Charles’s subsequent Edict
of Worms, all citizens of the empire were likewise commanded to seize Luther’s person
and “destroy his works wherever found.” Spain, then, was in step with the other
European territories in terms of the official prohibition of Luther’s works, but surpassed
other regions’ efficiency by means of the strong centralized systems of the crown and the
inquisition.

None of this is to say that Luther’s works were nowhere to be found in Spain; De
servo arbitrio itself was translated into Spanish the year of its publication, most likely in
Antwerp. The low countries were also a part of Charles’s heritage courtesy of his father
Philip and grandfather, Emperor Maximilian I, and Spanish merchants were regularly in
Flanders on business. These merchants had ample opportunity to add to their cargo
surreptitious copies of Luther’s works as well as those of Oecolampadius; many such
copies were seized at Spanish docks, but, given the records of copies seized elsewhere
and of later reissued inquisitorial condemnations, it is apparent that many such cargoes
passed unnoticed. Still, Sepúlveda himself, being in Rome and in the service of Pope

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4 Translation quoted in Longhurst, Luther’s Ghost in Spain, 15.
5 Translation quoted in Longhurst, Luther’s Ghost in Spain, 15.
6 Longhurst, Luther’s Ghost in Spain, 18.
7 Longhurst, Luther’s Ghost in Spain, 18.
8 Longhurst, Luther’s Ghost in Spain, 15.
Clement VII, had no need to secure a rare Spanish translation of Luther’s work from Antwerp. This is not to say that he made especially close use of Luther’s work in Latin as he prepared his answer to the heretic’s doctrine; Sepúlveda’s charges often stray *ad hominem*, and he repeats rumors against Luther’s character as often as he summons theological reasoning against his positions, arguing that all of Luther’s heresies stem from outlandish innovations he has undertaken in order to satisfy his own base appetites. One such charge Sepúlveda repeats in his 1526 treatise, fresh off the rumor mill, touches on Luther’s marriage to Katharina von Bora in the summer of 1525:

> He himself joined in holy matrimony with a most beautiful young woman from among the virginal sisters, if indeed she was a virgin and he himself had not dishonored her already four years prior, as one hears it said among certain Germans.9

This accusation of debauchery, however, is standard for Luther’s early sixteenth-century Catholic critics.10 Less common (though not unheard of) was an engagement with Luther’s ideas in theological debate.11 Less common still, and the subject matter under investigation in this dissertation, is the content of Sepúlveda’s particular theological engagement with and reply to Luther’s ideas.

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9 “Él mismo se unió en santísimo matrimonio a una bellísima jovencita de entre las virginales hermanas, si es que era virgen y él mismo no la había deshonrado ya cuatro años antes, como se oye decir a algunos alemanes.” Sepúlveda, *Sobre el Destino*, I.12.4.


11 Cardinal Thomas de Vio Cajetan’s series of treatises written at Augsburg after meeting Luther were one such theological response to Luther’s ideas. See Jared Wicks, ed. and trans., *Cajetan Responds: A Reader in Reformation Controversy* (Washington, D.C.: The Catholic University of America Press, 1978).
The task of this chapter is straightforward. Building on the observations from Chapter Two of the insights Sepúlveda gained and the areas where he departed from his teachers, particularly with regard to the theology of Thomas Aquinas’s *Summa Theologiae* and the “double truth” proposed by Pietro Pomponazzi, I review Sepúlveda’s 1526 treatise against Martin Luther, *On Fate and Free Will*, and outline the theological conclusions he draws therein. The subject matter of the treatise, as Sepúlveda immediately introduces it, is “what is in our power.” Martin Luther’s claims concerning the will’s bondage—meaning its inability freely to choose the good—give Sepúlveda an occasion to argue that in fact a great deal lies within our power, including the ability freely to choose the good. Briefly, Sepúlveda contends that the human will prior to grace is free, both to resist evil and to accomplish the good. Integral to Sepúlveda’s argument is that humans not only have the *capacity* to behave well, but also the *responsibility*. It is this corollary concerning human behavior that forms the core rationalization for his later arguments against the Ottoman Turks and, more infamously, the indigenous Americans. It is not simply that they have the *capacity* to behave well; concerning the American indigenous, Bartolomé de Las Casas and Tomás de Mercado agree on this point, and such is the basis for their respective desires to establish missions in the Americas and to deal justly with them. Sepúlveda’s argument, on the other hand,

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12 Sepúlveda, *Sobre el Destino*, I.1.1. The allusion to the late medieval maxim “facientibus quod in se est, Deus non denegat gratiam” is purposeful; the Latin being translated here is precisely “quod est in nostra potestate,” and appears in Spanish as “lo que depende de nosotros.”
hinges on their responsibility to behave well, and he contends that the indigenous
Americans’ failure to comply with the natural law is an abandonment of that
responsibility, whose consequences are so dire that Spain has little choice but to subdue
the populations by force, for the natives’ good as much as for the Europeans’ profit.

Later chapters will take up the theme in Sepúlveda’s writing of responsibility to
cooperate with natural reason’s natural disposition to obey the natural law. The
present task is to review human beings’ capacity for the same. His 1526 treatise against
Martin Luther lays this out plainly. In what follows, I review the work of the only other
scholar to have produced a monograph on Sepúlveda’s On Fate and Free Will (who also
labored to produce the critical Spanish edition of the treatise) (3.1), and then proceed to
investigate two broad questions, namely: how Sepúlveda’s doctrine differed from
Luther’s (3.2), and how Sepúlveda’s doctrine differed from that of Erasmus (3.3), who
holds a more famous stake in this polemic with Luther. The second section takes up the
bulk of the chapter, exploring three questions that more narrowly interrogate the
respective positions of Sepúlveda and Luther: First, what precisely is the nature of what
lies within our power, or quod in se est? Second, how does divine grace aid our natural
capacities, and how does the lack of it impede them? Finally, What is the fitting reward
for exercising these natural capacities, unaided by grace? The same questions will be

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13 See Chapter Four and Sepúlveda’s treatment of the Ottoman Turks in his Exhortación to Charles V, and the
discussion in Chapter Six of his later exhortations to Charles that he make war in the Americas.
asked of Erasmus, whose differences from Sepúlveda allow a number of questions about the controversy’s larger context. As both Sepúlveda and Erasmus claim, for instance, to be standing within the grand tradition of Catholicism, to what extent is either of them representative of Catholic thought, or more representative than the other? To which late medieval or early modern Catholic stream of thought does either belong? Moreover, what light does Erasmus’s treatment elsewhere in Sepúlveda’s thought shed on the Cordovan’s querulous defense of him in On Fate and Free Will, and what effect does Spain’s alternating embrace and rejection of Erasmian humanism have on her proud son as he resides in Italy?

3.1 Joaquín J. Sánchez Gázquez: Sepúlveda’s Semipelagian Theology

Among recent investigations into Sepúlveda’s thought, the only one to expressly concern itself with Sepúlveda’s theology is Joaquín J. Sánchez Gázquez’ treatment of the treatise under review here, the Cordovan humanist’s 1526 On Fate and Free Will. For his doctoral thesis, completed in 2002 at the University of Granada, Sánchez Gázquez analyzed the single massive treatise in the context of the conflict between Martin Luther and Erasmus on the freedom (or bondage) of the human will. Sepúlveda sought to make
this contest between two giants into a triangle, though Luther took little if any notice.14

Sánchez Gázquez has since published a revision of that dissertation, *Los De Fato et Libero Arbitrio Libri Tres de Juan Ginés de Sepúlveda: Estudio de una obra histórico-filosófico-teológica.*15 He has also published a number of articles on Erasmus, Luther, and Sepúlveda,16 and contributed to several volumes of Sepúlveda’s *Obras Completas,* notably translating the massive *On Fate and Free Will* into contemporary Spanish.

As the title of his book hints, Sánchez Gázquez reads the three books of *On Fate and Free Will* as successive treatments of Sepúlveda’s subject material, the freedom of the will, respectively from historical, philosophical, and theological points of view.17 As the Cordovan refutes Luther and defends Erasmus, he notes that the latter did not in fact go far enough:

> And I will not hesitate to attribute to free will much more even than Erasmus, who he [Luther] himself cannot tolerate. I say, therefore, that free will without the peculiar grace of God not only can exert itself to do the good, but can also do the good.18

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14 No acknowledgement of Sepúlveda’s treatise in Luther’s writings has reached my attention, nor any recognition by Sepúlveda of a reaction from Luther, and both men made a point of collecting and preserving their correspondence with important figures of the day.


18 “Y no dudaré en atribuir al libre albedrío mucho más incluso que Erasmo, a quien él mismo no puede soportar. Digo, por tanto, que el libre albedrío sin la gracia peculiar de Dios no solo puede esforzarse por hacer el bien, sino también hacer el bien.” Sepúlveda, *Sobre el destino y el libre albedrío,* III.18.3.
Assessing Sepúlveda’s tremendous optimism, Sánchez Gázquez concludes with a central thesis he will go on to expound in other articles: namely, that the humanist’s position “is dyed a semipelagian shade.”

To fully fly the flag of Pelagius, of course, one must hold that a person can merit salvation and eternal life by way of free will alone, and that Adam’s sin may inspire imitation, but does not affect human nature in a way that requires healing through the mediation of grace. Semipelagianism, though it has taken many different forms (none of them called semipelagianism, until perhaps the sixteenth century), generally admits the necessity of grace, but maintains that the process of conversion and of meriting that grace has its origin in the unaided free will. Sánchez Gázquez argues convincingly that this is indeed the position espoused by Sepúlveda in On Fate and Free Will.

Sepúlveda, like every Western Christian theologian from the fifth century onward, is aware of Pelagianism proper and defends himself specifically against this accusation. He affirms that free will, without gratia peculiaris, cannot obtain salvation. He maintains, however, that even prior to grace the same free will can desire something or not; it can desire to love God and obey the divine precepts; and indeed it can fulfill

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20 The term “semipelagian” was in use at least by the middle of the sixteenth century, when the Lutheran authors of the Formula of Concord (1577) rejected both “gross Pelagians” and “Semi-Pelagians,” and divided them respectively in terms of “who taught that man by his own powers, without the grace of the Holy Ghost, can turn himself to God, believe the Gospel, be obedient from the heart to God’s Law, and thus merit the forgiveness of sins and eternal life,” and those “who teach that man by his own powers can make a beginning of his conversion, but without the grace of the Holy Ghost cannot complete it.” From the article on “Free Will,” Epitome of the Formula of Concord, II.9–10, http://bookofconcord.org/fc-ep.php#II.
21 Sepúlveda, Sobre el destino y el libre albedrío, III.18.6–8; Sánchez Gázquez, Los De Fato, 168–69, 177–78.
the divine precepts—though not entirely or perfectly, as this would only be possible with the aforementioned *gratia peculiaris*. In arguing that free will can fulfill divine precepts even imperfectly, however, he recognizes that he moves beyond Erasmus’s position. But the position he moves to remains problematic, argues Sánchez Gázquez, because he goes on to relate the infusion of the *gratia peculiaris* with the accomplishments of the free will: “when the free will does what is in its power, it finds itself imbued with that grace with which it can fulfill divine precepts in their totality and reach eternal life.” In other words, Sepúlveda performs a sleight of hand. He dismisses the charge of Pelagianism by insisting that free will cannot achieve salvation without the aid of grace; but the very grace that aids it is actually earned by what the free will can accomplish unaided. Not without reason, Sánchez Gázquez calls it “an unquestionably semipelagian posture.”

I agree broadly with Sánchez Gázquez’s conclusions. Sepúlveda’s semipelagianism cannot be gainsaid, and emerges in his later writings as well. However, I am convinced that his semipelagianism is not the only locus of his theology that is worth studying. Rather, the interesting question becomes how Sepúlveda, so certain he could not be charged with Pelagianism, could nevertheless lay out a framework where

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23 Sepúlveda, *Sobre el destino y el libre albedrío*, III.18.3
24 “Cuando el libre albedrío hace lo que está en su poder, se halla imbuido de esa gracia con la que puede cumplir en su totalidad los preceptos divinos y alcanzar la vida eterna.” Sánchez Gázquez, *Los De Fato*, 178.
the unaided free will merits the grace that merits salvation. Sánchez Gázquez recognizes this position and the “doing what is in one” language that accompanies it as a manifestation of the “neo-semipelagianismo” of the Nominalist school and of Ockham and Biel particularly. Yet he gives no close account of Sepúlveda’s training in theology or of his theological source material in On Fate and Free Will in order to establish that Sepúlveda willfully followed that line of thinking, as opposed to simply arriving at it by other steps.26 My concern in this dissertation is to go beyond Sánchez Gázquez’s foundational work in order to outline what I take to be Sepúlveda’s “other steps,” by which he arrived at his semipelagian conclusions—namely, his account of natural and divine law. I demonstrated in Chapter Two that Sepúlveda at first adheres to but subsequently departs from Thomas Aquinas’s theology of natural knowledge of God, or rather natural reason’s ability unaided to know the divine law. The Cordovan insists that human beings are able without any external instruction to know that God is one, an article Thomas specifically acknowledges can only be understood and assented to after some form of guidance. Sepúlveda likewise rejects Thomas’s distinction between an ability to know the moral precepts of the natural and divine law and an ability to accomplish the same. It is this point that is crucial for demonstrating Sepúlveda’s leap into semipelagianism. Ultimately, it is because natural law is accessible by natural reason that the free will is able, by Sepúlveda’s account, to know and desire and

26 Sánchez Gázquez, Los De Fato, 176.
accomplish the good. The causal relationship between free will and grace, which Sánchez Gázquez notices and names semipelagianism, I argue mirrors as well Sepúlveda’s close association between the natural and divine law, as both are modeled on the same eternal law of God by which all things are ordered. The task of this chapter, then, is to build on Sánchez Gázquez’s work and to argue that Sepúlveda arrives at the semipelagian conclusions he espouses because of his fundamental convictions concerning natural, divine, and eternal law. I begin with his attempts in the treatise *On Fate and Free Will* to establish his doctrine and set it apart from the teaching of the notorious heretic, Martin Luther.

### 3.2 Sepúlveda instructs Luther on “what is in one”

The old charge in secondary literature against Sepúlveda, that he answers Christian theology with a vocabulary and conceptual framework derived solely from pagan philosophy, is one he happens to be aware of as he introduces *On Fate and Free Will*. The inadequacy of these critical accounts in understanding Sepúlveda or his

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27 The basic timeline of the 16th-century controversy over grace and free will, as it connects to this dissertation, is as follows: Erasmus published his *Diatribe on Free Will* against Luther in 1524, responding to Luther’s doctrine generally, but also with specific reference to Luther’s 1520 *Assertion* against Leo X. Luther responded with his treatise *On the bound will* in 1525. Both Erasmus and Sepúlveda responded to Luther’s publication in the year 1526, Sepúlveda with his *On Fate and Free Will*, Erasmus with his *Hyperaspistes* [*A Warrior Shielding the Diatribe on Free Will against The Bound Will by Martin Luther*]. It is unclear to what extent Luther bothered to read or respond to either of these critiques, or whether the critics themselves were aware of one another’s respective responses or their contents. Sepúlveda was certainly aware of Erasmus’ 1524 treatise, and had read Luther’s from 1525 (although I shall argue in due course that he did not read it particularly well), but the Spaniard makes no reference to Erasmus’ follow-up *Hyperaspistes*. 228
priorities is apparent, however, from the Cordovan humanist’s treatment of the pagan
philosophy/Christian theology distinction. Rather than anticipate pagan philosophy as a
charge against his own methodology, he actually employs it as his principal attack
against Luther. The Augustinian monk arose, after all, in Germany—a land that
Sepúlveda observes once produced mathematicians and philosophers and theologians of
some repute, but that of late has given itself over “to empty foolishness and to the
pleasures of discourse.”28 Rhetoric and base appetites have swayed Luther to deceive
people with his falsehoods, Sepúlveda argues, and Luther’s latest falsehood, denying
free will altogether, makes use of philosophical reasoning to attack Christian piety and
doctrine.29 Meanwhile, where Luther makes use of Scripture, he does so in isolation from
the Catholic tradition. Being in this way “satisfied to prove his opinion from the
testimony of the Holy Scriptures alone <coughs in disbelief>,” Luther thinks erroneously
“that in this way he would satisfactorily answer a religious matter.”30 Sepúlveda has
thus identified two problems with Luther’s approach to religious polemic: first, he limits
his arguments to philosophy and to the Scriptures, and second, he allows neither of
these to be corrected or elucidated by Catholic tradition. As such, Sepúlveda lays out the
twofold nature of his own response:

28 “A la hueca charlatanería y a los placeres del discurso.” Sepúlveda, Sobre el Destino, I.3.4.
29 Sepúlveda, Sobre el Destino, I.1.4–5, I.3.6–9, I.13.4.
30 “Satisfecho probar su parecer únicamente con el testimonio de las Sagradas Escrituras,” Luther
erroneously believed “que así daría satisfacción a un asunto de tipo religioso.” Sepúlveda, Sobre el Destino,
I.1.9. Cough of disbelief added.
I have decided to treat this subject in such a way that I not only express what the doctrine of the Christian religion demands, but also express, without considering any religious aspect, the great worth of the ancient philosophers’ arguments.31

In other words, Sepúlveda falls into precisely the paradigm his critics use to dismiss him, bringing the writings of pagan poets and philosophers to a theology fight.32 However, he does so not because these are the only resources available to him, but rather because he is convinced Luther has taken these as his source material. Not only should Luther have attended to Catholic doctrine to shape his understanding of these pre-Christian sources, but he even failed to understand them on their own terms. Therefore, when Sepúlveda employs Socrates and Homer as a correction of Luther’s heresy, he does so not because he is unaware of Catholic learning, but to expose Luther’s lack of awareness of any kind of learning.

This entanglement of philosophy and theology in Sepúlveda’s 1526 treatise against Luther is apparent in other ways from its first sentence. Here Sepúlveda proposes to treat “the question of fate and of that which is within our power, which the Greeks call τὸ ἐφ᾽ ἡμῖν, and which the most recent among us call free will.”33 The things

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31 “He decidido tratar ésta de tal forma, que no sólo quede expuesto lo que exige la doctrina de la religión Cristiana, sino que también se comprenda, sin considerar el aspecto religioso, la gran validez que tienen los argumentos de los antiguos filósofos.” Sepúlveda, Sobre el Destino, I.13.6.
32 Lewis Hanke and Enrique Vacas Galindo both put forward versions of this argument; see discussion above in 1.3.1.
33 “La cuestión acerca del destino y de lo que depende de nosotros, lo que los griegos llaman τὸ ἐφ᾽ ἡμῖν y los más jóvenes de los nuestros libre albedrío.” The question in Latin is “de fato et eo quod est in nostra potestate, quod Graeci τὸ ἐφ᾽ ἡμῖν, nostrorum iuniores liberum arbitrium appellant.” Sepúlveda, Sobre el Destino, I.1.1.
that are ἐφ᾽ ἡμῖν have very particular philosophical connotations: they are of primary concern in the first line of Epictetus’ Enchiridion, standard reading for Stoics (and certain Christian monks\(^{34}\)) that included opinion, aim, desire, and aversion under that heading, while excluding body, property, and reputation as outside of one’s power.\(^{35}\) While Sepúlveda was certainly familiar with the Stoics,\(^{36}\) he could also have taken the phrase from the person he seems to mean whenever he refers to “the Greeks,” namely Aristotle, and his discussion of virtue in the Nicomachean Ethics.\(^{37}\) But the things that are in one’s power also have very particular theological connotations, calling to mind the relationship between divine grace and human free will enclosed by the adage, “to the one who does what is in him, God does not deny grace [facienti quod in se est, Deus non denegat gratiam].” I argue that Sepúlveda frames his defense against Luther (and constructs his theology of grace and free will, of human capacity and obligation) on the basis of this phrase, which circumstance produces delightfully reciprocal counter-claims between Sepúlveda and Luther. For while Sepúlveda would argue that Luther, with his

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\(^{34}\) Redacted, of course, to exchange “gods” for “God” and “the sage” for “Paul,” and to eliminate references to Socrates, Chrysippus, and Homer. Michel Spanneut, “Epictète chez le moines,” Mélanges de science religieuse 29/2 (1972), 49–57.

\(^{35}\) The first line of the Enchiridion allows that “There are things which are within our power (ἐφ᾽ ἡμῖν) and there are things which are beyond our power (οὐκ ἐφ᾽ ἡμῖν).” http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0237%3Atext%3Denc%3Achapter%3D1.

\(^{36}\) Sepúlveda, Sobre el Destino, II.2-6, II.12, II.19, III.1. Sepúlveda also notes that he is “certain” that Chrysippus’ authority and teaching count more with Luther than the authority and teaching of Scripture (Sobre el Destino, III.28.2).

\(^{37}\) Aristotle refers to “any action within the agent’s own control (τῶν ἐφ′ αἰτῶν)" in his discussion of virtue, ignorance, and voluntary and involuntary actions. Nichomachean Ethics V.8.3 1135a.
doctrine of the bound will, “has declared war on all religious belief in its entirety and on divine worship,”38 Luther maintained in his 1515 lectures on Romans that the war on faith is rather on the part of the inevitably Pelagian facienti statement, by which “the whole church has almost been overturned.”39

Luther and Sepúlveda stood diametrically opposed in their theological convictions, each incapable of appreciating, let alone embracing, the other’s opinion. But it is a separate question whether they adequately understood one another. Luther’s incapacity for sympathetic reading is famous, but cannot be evaluated with respect to Sepúlveda as no acknowledgement of the latter’s treatise survives. Sepúlveda’s treatise itself, however, constitutes a fair resource for determining the care the Cordovan took to understand his heretical German quarry. As noted above, many of Sepúlveda’s attacks were ad hominem and/or standard Catholic criticisms. He impugned Luther’s marriage, accused him of a desire for notoriety, and, in the case of Luther’s criticisms of clerical abuses, admitted the charge but insisted Luther went too far.40 He even insightfully noted that Luther’s popularity was in no small part due to the fact that people simply feel better about themselves when they hear others criticized. Members of Luther’s audience, Sepúlveda alleged, “very much enjoy the criticisms that are made of

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38 “Ha declarado la guerra a toda creencia religiosa por entero y al culto divino.” Sepúlveda, Sobre el Destino, I.13.4; he makes a similar claim in Sobre el Destino, I.1.11 and I.14.6
40 Sepúlveda, Sobre el Destino, I.12.4–5, I.7.1–2, and I.9.5–8, respectively.
Sepúlveda eventually moved beyond these observations, however, to treat Luther’s arguments concerning the freedom of the human will. The first indication of his careful engagement with Luther is his discussion of how people speak. In *Bondage of the Will*, Luther made occasional references to the fact that words such as “fate” or “necessity” characterize people’s speech across eras and cultures, indicating a general acceptance among people that fate controls events. Luther writes,

> But why are these things abstruse to us Christians, so that it is irreverent and inquisitive and vain to discuss and come to know them, when heathen poets and even the common people speak of them quite freely? …Hence the very common saying on everyone’s lips, “God’s will be done”; and “God willing, we will do it,” or “Such was the will of God.” “So it pleased those above”; “Such was your will,” says Virgil. From this we can see that the knowledge of God’s predestination and foreknowledge remained with the common people no less than the awareness of his existence itself.42

Sepúlveda makes a point of agreeing with Luther’s methodology—what is the practice in all places and epochs and among all people groups is precisely the basis of the natural law that is foundational to his theological system.43 Nevertheless, he disagrees with Luther on the particular point. He admits that the concept of fate pervades history and literature and common usage as Luther claims, but he specifically rejects the idea that

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41 “Disfrutan muchísimo con las críticas que se hacen de otros…como si en tu opinión los pusieses a ellos por delante a aquéllos a quienes criticas.” Sepúlveda, *Sobre el Destino*, I.6.7–8.
42 LW 33:41
when Luther’s “common people” speak this way they mean to indicate an external necessity that controls all events and things. Rather, Sepúlveda contends, people speak in this way about things that happen predictably or according to nature and habit. Jesus employed this understanding of fate when he chastised Peter in the garden of Gethsemane, saying “all who take the sword will perish by the sword” (Matt. 26:52). Those who take up the sword are not mechanistically or necessarily fated to die a violent death; but when such a person does meet such an end, Sepúlveda argues, it is commonly said that such was their “fate.”

However, this close attention to Luther’s argument also reveals precisely the ways in which Sepúlveda fails to read Luther’s argument closely or grasp the Wittenberg reformer’s true meaning. Erasmus in his own treatise had broken the possible opinions concerning free will into three, excluding Pelagius’ opinion, which all three of the opinions would oppose. The first allows free will to desire the good but not accomplish it; the second allows free will no freedom at all except to sin; and the third admits no freedom to the will at all, but attributes all evil and all good worked in a human being to God. When Luther summarizes these positions, however, he insists they are not separate schools of thought at all, but convey the same opinion. As Erasmus

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44 Sepúlveda uses the word *fati* in Latin, *destino* in Spanish, to indicate the concept of fate. *Sobre el Destino*, 1.17.7–8.
identifies the first as “probable” and accuses Luther of the third, the three opinions’ identity in Luther’s view is the basis from which he argues uncharitably throughout the rest of the treatise that he and Erasmus are in agreement, except Erasmus does not understand what he himself has claimed or conceded. But as he attempts to consolidate and explain his opinion, Luther explicitly rejects the language of coercive, mechanistic necessity. When he reviews the opinions as broken down by Erasmus, he tends toward the language of the first, rather than the openly mechanistic third, and when he touches on the topic of necessity, he distinguishes between a necessity of immutability as opposed to a necessity by coercion. For Luther, God’s foreknowledge ordains an immutable necessity, but this does not make God the author of the human will’s evils. Luther is moreover content to leave unexplained the difference between the necessity of immutability and that of coercion, though he affirms one and denies the other. After all, for Luther it is not a question of how much the human will accomplishes, but how much God does. And with respect to salvation, either God’s will accomplishes all, or all is lost. Luther calls it “the one supreme consolation of Christians in adversities” to know that God does all things immutably and cannot be hindered in accomplishing...
salvation. Yet when Sepúlveda arrives to refute Luther, he responds to none of these distinctions, returning instead to paint Luther’s treatise with precisely the strokes of coercive and compulsive necessity.

Moreover, when Sepúlveda moves to correct Luther with Scripture, he brings up biblical passages Luther discusses at length in *Bondage of the Will*, without displaying any awareness of Luther’s treatment of the same. Rather than refute the reading of the passage Luther presents, the Cordovan insists on the reading Luther has rejected, but presents it as though Luther has not thought of the passage at all. Their respective treatments of Ecclesiasticus 15 demonstrate the pattern. The passage seems on its surface to be a full-throated and literal endorsement of free choice, saying of God’s relationship to creation. As Sepúlveda quotes it,

> God in the beginning made man,  
> and left him in the hands of his free will.  
> He added to this commandments and precepts.  
> If you wish to preserve the commandments and always maintain faith, these shall preserve you.

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53 LW 33:43. Naturally Luther does not say “helped.”
55 The NRSV omits the Vulgate’s “adiecit mandata et praecepta sua” from verse 15, a crucial phrase for Luther’s interpretation of the passage.
56 “Dios en el comienzo hizo al hombre, y lo dejó en manos de su libre albedrío. Añadió los mandamientos y preceptos. Si quieres guardar los mandamientos y por siempre mantener un fe grata, éstos te guardarán.” Sepúlveda, *Sobre el Destino*, I.22.4. Sepúlveda follows the Vulgate faithfully, and continues quoting the passage in I.22.5.
Sepúlveda comments that these words are “not ambiguous, not doubtful, not obscure,” and moreover would be “not only superfluous, but also ridiculous” if all were conditioned by necessity. In doing so, the Cordovan not only misses the care Luther has taken in his own language concerning necessity, but fails to account for Luther’s exegesis.

Luther had found two levels in the discussion of human counsel and capability in Ecclesiasticus, noting that although God gave humankind free will in creation, he “added to this commandments and precepts” (Eccl. 15:15). This indicates to Luther that man is divided between two kingdoms, in one of which he is directed by his own choice and counsel, apart from any precepts and commandments of God, namely, in his dealings with the lower creatures. Here he reigns and is lord, as having been left in the hand of his own counsel… In the other kingdom, however, man is not left in the hand of his own counsel, but is directed and led by the choice and counsel of God.

Sepúlveda, however, did not reject this distinction or even acknowledge it. His own brief exegesis of the passage rested on what he took to be its obvious literal meaning and garnered no elaboration. Instead, he proceeded as though the chapter had not occurred to Luther. That Sepúlveda neglected to read Luther’s arguments as closely as he could have done is disappointing, and limits the usefulness of any account of their ideas as a conversation. It does nothing, however, to limit the usefulness of an account of

57 The words are “no ambiguos, no dudosos, no obscuros,” and seem “no sólo superfluas, sino también ridiculas” if all things are controlled by fate. Sepúlveda, Sobre el Destino, I.22.3, 11.
58 LW 33:18–19. It is worth mentioning here that Luther’s discussion of “two kingdoms” is consistent with his fuller doctrine of the two kingdoms (one sacred and one secular) elsewhere, but that this brief mention is not a robust or representative account of that doctrine.
Sepúlveda’s theology of the will’s freedom as it can be drawn from his treatise in isolation. It is to these questions—concerning what is in one’s power, what need the human will has for grace, and what the free will’s efforts can achieve in isolation—that I now turn.

In terms of what is in one according to creation, Sepúlveda argued that free choice is precisely what constitutes the human being. His logic consisted of two pieces: first, that the essential nature of human beings is to be rational, which means being able to discern between goods, and second, that human beings must have the ability to act on their discernment. Consultatio is the word he assigns to the first of these pieces, and it is the first thing threatened by Luther’s doctrine of the bound will. “If our will were not unfixed and free [vaga liberaque],” he submits, then “in vain would God and nature have accorded man the power of discerning [vim consultandi]; and if this were suppressed from the nature of mortals, it does not seem to me that human nature could persist in men.”59 It is the power of consulting or discerning itself that constitutes essential human nature, and it is this power that Luther’s teaching threatens to make superfluous. On this melodramatic note, Sepúlveda ends his treatise; but his anthropology is consistent throughout, and consistently threatened by Luther’s teaching.

59 “Si no fuese mudable y libre nuestra voluntad, en vano habrían otorgado a los hombres el poder de deliberar, que si alguno suprime de la naturaleza de los mortales, no veo yo de qué modo ése puede seguir mantenimiento la condición humana en los hombres.” Sepúlveda, Sobre el Destino, III.31.3, 5
One of the ways Luther threatens Sepúlveda’s anthropology, for example, is when he asserts that the precepts of the law do not provide exhortations for how one ought to act, but rather merely acquaint one with one’s sin. This strikes Sepúlveda as effectively saying “that man is not a rational animal, that is, that man is not man.”⁶⁰ If a person cannot recognize the good, as it would be presented in the law, and order her actions accordingly, then not only are the laws themselves pointless, but so is personhood. Human beings are such because they can order their own actions: “Man is the principle and cause of his actions, and, in reality, to be a man is none other than to possess in oneself the principle of action.”⁶¹ Sepúlveda has the same language for discernment and active potential—both are essential parts of human nature. But is he speaking of human nature in abstract, as created, or is he speaking of human nature as it persists after the Fall? If the former, then what effect would the Fall and original sin have on these human capacities? And if the latter (if, that is, human nature persists in being the principle of its own actions), what diminishing effect does original sin have, if not on the will?

Sepúlveda favored the first of these arrangements; he went on to argue that original sin diminishes, but does not altogether suppress, the freedom of the will.⁶² The

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⁶⁰ “Que el hombre no es un animal racional, esto es, que el hombre no es hombre.” Sepúlveda, Sobre el Destino, III.15.1, 4.
⁶¹ “El hombre es principio y causa de sus acciones y en realidad ser hombre no es sino poseer en sí mismo el principio el principio de actuación.” Sepúlveda, Sobre el Destino, II.13.6.
⁶² Sepúlveda, Sobre el Destino, III.13.4.
particular interference original sin engenders is the inclination to fulfill natural impulses, to the exclusion of anything higher. In fact, the only proper application Sepúlveda allowed for the *necessity* or *fate* he mentioned in his title is to a life lived in complete accordance with these natural impulses. He wrote, for example, of a glutton or drunkard dying of indigestion, or of a greedy and rapacious person dying of violence, that “these lives and deaths are rightly attributed to fate, because they follow one’s natural impulses and are conformed to one’s natural propensities—not because they happen by necessity, but because they occur in the majority of cases.”63 This statement gestures toward one of Sepúlveda’s major polemics against Luther—that the Reformer’s doctrine resolves in necessity.64 For present purposes, however, the important thing to notice is his assignment of natural inclination to the fulfillment of appetites (for food or wealth, in the examples above), and his recognition of the power that these natural inclinations can exert.

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63 “Estas vidas y muertes con razón se denominan fatales, porque siguen sus impulsos naturales y son conformes a su propensión natural, luego no porque así acontezca necesariamente, sino porque así ocurre en la mayoría de las ocasiones.” Sepúlveda, *Sobre el Destino*, I.19.3–6.

64 Luther did not argue for determinism in his treatise *De servo arbitrio* (for the distinct uses of “necessity” within the treatise, and for a discussion of which ones Luther favored and which ones he did not, see Gerhard O. Forde, *The Captivation of the Will: Luther vs. Erasmus on Freedom and Bondage* [Grand Rapids, MI: William B. Eerdmans, 2005], 36ff.). The case can certainly be made, however, that he taught it in his 1520 *Assertion of all the articles of Martin Luther condemned by the newest bull of Leo X*. There he refers to free will prior to the receipt of grace as “in reality a figment, or a title without reality. For no one has it in his power to think anything good or evil, but *all things* (as Wycliffe’s article condemned at Constance rightly teaches) *occur by absolute necessity*” (WA 7: 146, emphasis mine). This raises the question of whether Sepúlveda was ultimately writing against *On the bound will* or against Luther’s teaching as he understood it from other sources (such as the *Assertion* or Erasmus’s *Diatribe* on free will against Luther). As argued above, I believe that Sepúlveda had access to *De servo arbitrio* and its particular arguments but either ignored or failed to comprehend Luther’s particular intentions with the concept of necessity.
These natural inclinations are the consequence of original sin, and, Sepúlveda acknowledged, they provide a force to be reckoned with. But it is possible to overcome them: for this reason, Sepúlveda raised up Stilpo of Megara and Socrates as examples. Reason, he argued, can oppose these natural impulses “in such a way as to change them by effort and custom [consuetudine] into contrary habits [habitus].”  

Stilpo tamed his natural impulses of drinking and womanizing by applying himself to learning, until “no one saw in him even a vestige of appetite.” Socrates likewise “bettered himself with the assiduous practice [consuetudine] of philosophy.” Sepúlveda noted that Luther fails to follow this trajectory; instead of imitating Stilpo or Socrates, the Reformer “not only failed to resist his natural inclination,” but “indulged it with the greatest zeal.” The goal and frequent result of a liberal education is likewise to counteract this, but Sepúlveda observed Germany had been slipping from that standard for some time, leaving behind the liberal arts for the pleasures of eloquence. Given the salutary effect that reason and the application of reason through education can have on one’s ability to overcome these natural inclinations, to what extent did Sepúlveda argue that the

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65 “Que con el esfuerzo y la costumbre los transforma en los hábitos contrarios.” Sepúlveda, Sobre el Destino, I.19.6.
67 “Mejoró con el hábito asiduo de la filosofía.” Sepúlveda, Sobre el Destino, I.19.11.
68 “No sólo no contrarrestó su inclinación natural,” but “la favoreció con el mayor de los afanes.” Sepúlveda, Sobre el Destino, II.18.3-4.
69 Sepúlveda discussed the advantages of a liberal education in Sobre el Destino, I.19.12; he reviewed the disadvantages for Germany’s turn from the priorities of liberal education in I.3.4-6 and I.5.1.
exercise of reason, the resisting of vice, and the cultivating of virtue constitute τὸ ἐφ᾽ ἡμῖν, the things that are in our power?

In Sepúlveda’s view, both the will to resist evil and the will to desire, pursue, and achieve the good are within a person’s unaided power. The hard limit to this, which Sepúlveda identifies as Pelagian, is the ability of the free will, unaided by grace [absque Dei peculiari gratia], to achieve anything and everything it wants; salvation itself requires “divine liberality.” Nevertheless, Sepúlveda was willing to attribute to free will—again, without grace—the ability both to will the good and to accomplish it, recognizing that in this he had gone further in his doctrine and in his optimism regarding the free will than even Erasmus. This ability on the part of the free will has two important and separable ramifications, which Sepúlveda acknowledged and discussed at length, and which are relevant to any treatment of the Spanish humanist’s theological anthropology—both in its abstract discussion and in the particular discussion of any doctrine of theological anthropology with respect to the indigenous Americans. Those ramifications are, first, that the ability both to resist sin and obey the law are within

70 “Liberalidad divina.” Sepúlveda, Sobre el Destino, III.18.6–8.
71 “Non solum conari in bonum posse, sed etiam efficere bonum.” Sepúlveda, Sobre el Destino, III.18.3.
72 This is how I would characterize his theology in 1526—although the New World had long since been discovered and the question of the indios’ intellectual and religious capacities had been the subject of academic discourse for fifteen years, Sepúlveda nowhere appeals to the indigenous Americans in his treatise On Fate and Free Will, either as examples of human nature prior to the reception of grace or as human nature responding to that reception. In this way, his treatise greatly resembles the work of continental theologians such as Luther and Calvin on this question: when in need of an example of human nature prior to the reception of grace, he appeals to pagan philosophers. In Chapter Six I argue that this is his project in Second Democrats and the Apology.
one’s power, and, second, that attending to the things that are in one’s power results in
an infusion of God’s grace—which infusion sufficiently fulfills the requirement of divine
liberality Sepúlveda had stipulated before as necessary for salvation. I shall review each
of these two sets of claims in turn.

Sepúlveda’s argument for the ability of one’s free will to obey the law and resist
natural impulses is apparent both from his articulation of the function of the law, and
from his exegesis of particular passages of Scripture. Concerning the function of the law,
he countered Luther’s position that the law humbles a person (by revealing sin) with the
constant refrain that the law rather teaches people what they are to do.73 The doing of
these things is utterly within human power; this is the thrust of Sepúlveda’s reading of
Deuteronomy 30:11–14. The command Moses gave to the Israelites there is not above
them, but rather nearby, in their hearts and on their lips. When Moses said the law was
not “above you,” Sepúlveda argued he specifically meant that fulfillment of the law’s
commands was not “above your strength.”74 Rather, Sepúlveda maintained the
fulfillment of these precepts was “in your power.”75 One could suggest, on exegetical
grounds, that the Israelites are addressed here, and as such enjoy some measure of
grace—for even if they do predate the particular grace of Christ’s advent, they are

73 Luther’s position is articulated (not unfairly) in Sobre el Destino, III.11.2; a typical instance of Sepúlveda’s
response is articulated in Sobre el Destino, III.11.4.
74 Sepúlveda argues that Moses’s “encima de ti [supra te]” means “encima de tus fuerzas [supra vires tuas].”
Sobre el Destino, III.16.6.
75 “En tu poder [in tua potestate].” Sepúlveda, Sobre el Destino, III.16.6.
nevertheless the chosen people of God and receive by Moses’ mediation God’s own law. Sepúlveda, however, argued that this ability to accomplish the precepts of the law is equally to be found in those who do not occupy the favored position of the Israelites: this is also the position he espoused in his discussion of Romans 2:10–13. Hearers of the law are not necessarily justified, but doers of the law will be (Rom. 2:13). Whereas Thomas Aquinas had interpreted these words to mean that the doers of the law, rather than the hearers, will gain a reputation for justice, Sepúlveda maintained that Paul was indeed teaching about justification before God. Moreover, Sepúlveda argued that Paul meant it is possible “for one who is ignorant of the law to behave rightly by natural instinct.” In other words, the “doers” of the law in Romans 2:13 are not a subset of the “hearers,” but a population comprised of hearers as well as those who have not heard. Even those who had never heard the Law of Moses, Sepúlveda argued, could adequately fulfill its precepts.

The most telling exegesis Sepúlveda engaged in, concerning specifically one’s ability to resist natural impulses, is his account of Genesis 4:7. An obscure verse by any account, the NRSV has the LORD assuring Cain that, “If you do not do well, sin is

76 “Que quien desconoce la ley actúe con rectitude por instinto natural [recte agere sponte naturae].” Sepúlveda, Sobre el Destino, III.12.8–10.
77 Augustine notes that the verse “has produced a number of interpretations, in which each commentator on the Holy Scriptures tries to explain the words in accordance with the Rule of Faith.” On the City of God, XV.7, trans. Henry Bettenson (Penguin Books, 2003). Jerome notes in his Quaestiones hebraicae in libro Genesios that the sense varies widely between Hebrew manuscripts and LXX translations he encounters. Quoted in Vetus Latina: Die Reste der Altlateinischen Bibel, Bd. 1, edited by Bonifatius Fischer (Verlag Herder Freiburg, 1949), 83.
lurking at the door; its desire is for you, but you must master it.” Yet the Latin textual tradition is hardly stable. There are variations on the word translated in the NRSV as “desire,” and there are also variations on the pronoun indicating to whom that desire (or appetite, or turning) belongs. The text available to Sepúlveda identifies this desire as “appetite,” and more specifically as “your appetite” (emphasis mine, here and throughout)—meaning Cain’s. More importantly still, the appetite is not “for you” but rather “below you.” This phrasing allows Sepúlveda to argue that, just as the law is not above you (Deut. 30:12) and out of reach, your appetites or natural impulses are below you and under your control: one’s appetite is “under the power and the command of him who exercises his will.” The phrasing is rare, and the interpretation more so. For the sake of comparison, here is the text as it appears in the writings of a few standard late ancient and medieval points of reference:

Sepúlveda: Sub te erit appetitus tuus, et tu dominaberis illius
Jerome: Sub te erit appetitus ejus, et tu dominaberis illius
Augustine: Ad te enim conversio eius, et tu dominaberis illius
Isidore of Seville: Sub te erit appetitus tuus, et tu dominaberis illius
Thomas Aquinas: Subter te erit appetitus tuus, et tu dominaberis illius

78 The text reads “apetito” and “tu apetito [appetitus tuus]” as opposed to the more common “appetitus eius,” where the referent of the pronoun is sin/peccatum earlier in the verse. Sobre el Destino, III.17.1.
79 The contrast is between “ad te” and “por debajo de ti [sub te].” Sepúlveda, Sobre el Destino, III.17.1, emphasis mine.
80 “Bajo el poder y el mando del que ejerce su voluntad.” Sepúlveda, Sobre el Destino, III.17.1.
81 Sobre el Destino, III.17.1.
83 De Civitate Dei XV.7, Patrologia Latina, volume 41. Augustine uses precisely the same phrasing in his letter, Contra Faustum Manichaeum XXII.9, Patrologia Latina, volume 42.
85 ST, I-II Q.10, A.3, On the Contrary.
Augustine’s translation, the common form of the Old Latin text prevalent among European authors,\(^8^9\) presents the greatest variant with the use of *conversio* (turning) instead of *appetitus*. The referent is still sin, by way of the pronoun *eius*, and the idea of sin’s turning toward Cain led Augustine to comment on Cain’s need to overcome sin precisely by recognizing its reference to him, or ascribing it to himself—that is, by confessing it.\(^9^0\) While the business of sin’s turning forces a uniquely Augustinian set of interpretive gymnastics, brought on by the particular Old Latin text of Scripture available to him, the identification of the turning (or appetite) as belonging to sin (rather than Cain) is exceedingly common in the manuscripts. It is the rendering employed by Jerome’s Vulgate,\(^9^1\) and it is the one employed by Erasmus in his *Diatribe*. Even with this wording, the verse allows too much freedom to the free will for Luther in its suggestion that Cain has the ability to overcome sin’s appetite, specifically.\(^9^2\) But Sepúlveda is able

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\(^8^7\) WA 18: 676. Note that Luther does not leave the identification of the pronoun’s referent to chance, but replaces “eius” with the genitive of possession, “peccati.”

\(^8^8\) WA 42: 199. The Genesis lectures notably return to using the pronoun.

\(^8^9\) *Vetus Latina*, Bd. 1, 36.

\(^9^0\) *Contra Faustam* XXII.9; the point is very similar in *De Civitate Dei* XV.7

\(^9^1\) *Vetus Latina*, Bd. 1, 83.

\(^9^2\) See above. In *De servo arbitrio* Luther argues that Genesis 4:7, as with any law, shows Cain what he should do but cannot do (LW 33: 125, WA 18, 676). A decade later, in his Genesis lectures, he simply mentions that
to take the claim further by referring to Cain’s appetite being below him: *appetitus tuus* rather than *appetitus eius*. Sepúlveda is not the only one using *appetitus tuus*, sharing that phrasing with none other than Thomas Aquinas, but the text is still rare, and the the two diverge in their interpretations. For while Thomas quotes *appetitus tuus* in his *Summa Theologiae*, he does so in the *Sed contra* of the article in question—a section of his writing where he tends to be more focused on a rhetorical point than an exegetical one. As the article under discussion (ST I-II, Q.10, A.3) is “Whether the will is moved, of necessity, by the lower appetite,” Thomas’ priority is only to assert that a movement of the will does not necessarily follow the passion—he does not visit the question, with respect to Cain’s appetite, of whether the passion or appetite necessarily follows the will. Thus, while Sepúlveda shares Thomas’ phrasing, he does not share Thomas’ interpretation: rather, as we have seen, he takes the Lord’s admonition to Cain to mean not that the will is not necessarily controlled by appetites, but that the appetites are controlled by the will, or “under the power and command of one who exercises his will.” This is the exercise that Sepúlveda argued Socrates and Stilpo successfully mastered—and the one he

the verse is often employed “stupidly [stultissime]” to defend free will (LW 1: 263, WA 42, 199). By then, however, an interesting shift is apparent: rather than quoting the verse as referring to sin’s appetite being below [sub] Cain (following the Vulgate), Luther here quotes Genesis as referring to sin’s appetite being for [ad] Cain, thus underscoring his hermeneutical point that the Lord was never literally suggesting that sin’s appetite was under Cain’s control.

ST I-II, Q.10, A.3, Response.

Sepúlveda, *Sobre el Destino*, III.17.1
argued that Luther did not—but it enters Sepúlveda’s theological anthropology as an ability that is common to all, prior to the receipt of grace as well as after it.

Sepúlveda’s argument that the will is in fact free (both to resist evil and to desire and accomplish the good) raises a further question: just what effects do these abilities (and their proper exercise) have on the soul? Sepúlveda answers against Luther that the free will’s exercise, in accord with reason and natural law, has two major effects: it builds good habits in the soul, and it finds its reward in an infusion of divine grace. Against the argument that habits control the will (that is, the only choices the free will can make are choices already in accord with one’s dispositions), Sepúlveda contended that habits “are within human power.” Sepúlveda defended his logic by arguing that, prior to acquiring a virtuous habit, it is also in our power not to acquire the virtuous habit, or to acquire its opposite. People’s habits, good or bad, are not a part of their nature—they cannot be, for Sepúlveda, without undercutting the power of the free will. Nevertheless, nature and virtue are related. Particularly, nature helps with the acquisition of virtue: in particular, the nature all human beings share contains within it “the seeds of virtue” which can be cultivated and developed to their full potential or neglected to the point that they are lost completely. Moreover, a habit once cultivated and acquired can still be lost: for “the capacity always subsists in us, once habits of this type are generated, to

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95 “dependen...de los hombres [esse in hominum potestate].” Sepúlveda, Sobre el Destino, II.21.4, 8.
96 Sepúlveda, Sobre el Destino, II.21.7.
97 “Semillas de virtudes [semina virtutum].” Sepúlveda, Sobre el Destino, II.22.3.
cast them away and to transform them into their contraries by contrary use." Sepúlveda takes an explicitly Nominalist position here. This is not to suggest that Nominalism is or can be reduced to a particular position on justification, though the focus in the last fifty years of Reformation studies on Gabriel Biel’s account of “doing what is in one” can give that impression. Nor is it to suggest that Sepúlveda himself was trained in Nominalism or would have identified as a Nominalist theologian. As shown in Chapter Two, he may have been exposed to the tradition at the University of Alcalá, but his course of study there was limited to the arts, and the effect of Cisneros’ revolutionary tres vías method of teaching scholastic theology would not have been rigorous training for philosophy students in one or more of the three theological schools so much as the development of a robust confidence that all theological schools could be liberally drawn on as resources.

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98 “Una vez generados unos hábitos de este tipo, subsiste siempre en nosotros la capacidad de dejarlos y transformarlos en los contrarios mediante el uso contrario.” Sepúlveda, Sobre el Destino, II.23.1.


100 For more on the tres vías see Chapter Two. The tres vías of the theology curriculum are specifically named as Saint Thomas, Duns Scotus, and the Nominalists. José García Oro, La Universidad de Alcalá de Henares en la
theological traditions, and espoused positions that were rejected by the Nominalist school. His firm identification of the natural law with moral order and eternal divine law,\(^{101}\) for example, would have put him at odds with the Nominalist school’s rejection of an ethical system based on natural law and as well as with the school’s insistence that the moral order which prevails is by no means necessary, since this would devalue God’s sovereign and absolute power to decide that murder and adultery were virtuous acts.\(^{102}\)

In terms of his relation of human free will to divine grace, however, Sepúlveda borrows from Nominalism through and through. “As many times as a man does through free will what is in him \(\textit{quod est in ipso}\),” the Cordovan writes, “so many times is he infused with the grace with which he can accomplish the commands of God and arrive at blessedness \(\textit{felicitatem}\).”\(^ {103}\) Luther is wrong, Sepúlveda insists, to assert that human beings contribute nothing to their own salvation,\(^ {104}\) which error he finds terribly funny since it means the only necessity Luther’s determinism is willing to exclude is the

\[\text{(101) Sobre el Destino, III.14.3} \]
\[\text{(102) Courtenay, “Nominalism and Late Medieval Religion,” 29.} \]
\[\text{(103) “Cuántas veces el hombre mediante el libre albedrío hace lo que depende de él, tantas veces está impregnado de la misma gracia con la que es capaz de cumplir los mandamientos de Dios y salvarse” Sepúlveda, Sobre el Destino, III.19.4. The full phrase in Latin runs: “Quoties homo per liberum arbitrium efficit quod est in ipso, toties suffundi ea gratia cum qua valeat Dei mandata perficere et ad felicitatem pervenire.”} \]
\[\text{(104) Sepúlveda, Sobre el Destino, III.30.1.} \]
necessity of this infusion of divine grace following one’s acting rightly.105 This is a shame, since a relation characterized by necessity between divine grace and what is in one “would be more modest and more pious” in Sepúlveda’s view than Luther’s actual teaching.106 It would also be more in keeping with Scripture, where Sepúlveda argues many passages “defend effort.”107 Christ said that should one open the door to him, he will come in and eat with that person; “What does it mean to open the door to the Lord except that a man do what is in him [facere quod est in ipso] in order to admit God and God’s grace?”108 The “clear and simple sense” of a passage that says, “Return to me, says the Lord of hosts, and I will return to you,” or another that exhorts readers to “Draw near to God and he will draw near to you,” is likewise “do what is in your power [facite quod est in vestra potestate] and I in turn will give to you my grace.”109 This grace of God is necessary for salvation, according to Sepúlveda; but the need for divine liberality does not negate the accomplishments won by the efforts of the human will. “If the inferior cause realizes nothing without the superior cause, it does not immediately follow that the inferior cause has null capacity or that it operates by necessity.”110 Just because one

105 Sepúlveda, Sobre el Destino, III.26.1.
106 “Tendría más pudor, incluso más piedad.” Sepúlveda, Sobre el Destino, III.26.2.
107 “Defiende el esfuerzo [conatum assertit].” Sepúlveda, Sobre el Destino, III.19.4.
108 ¿Qué significa abrir la puerta al Señor sino que el hombre haga lo que dependa de él para dar entrada a Dios y a la gracia de Dios?” Sepúlveda, Sobre el Destino, III.19.5, referring to Revelation 3:20.
109 The “sentido sencillo y claro [intellectus simplex et clarus]” of passages such as Zechariah 1:3, James 4:8, etc., is “haced lo que está en vuestro poder para conmigo y yo por mi parte os regalaré mi gracia.” Sepúlveda, Sobre el Destino, III.19.6.
110 “Si la causa inferior nada realice sin la superior, no se sigue inmediatamente que ninguna sea la capacidad de la inferior o que ésta actúe de forma necesaria.” Sepúlveda, Sobre el Destino, III.23.3.
can do nothing apart from Christ does not mean, Sepúlveda insists, that one actually does nothing.\textsuperscript{111} God also does nothing without the Word;\textsuperscript{112} does this mean that God the Father does nothing?\textsuperscript{113} Nor does divine grace exclude the efficacy of human free will, but rather rewards and completes its efforts. The proper relation between the two, for Sepúlveda, is the one taught by the Nominalists. To the one who does what is in him, God does not deny grace.

One final point of interest is the question, by nature speculative, of what position Luther would have taken at the conference at Valladolid—not the one that interrogated Erasmus’ theology in 1527, but the one that followed his death by five years and interrogated the justice of the Spanish incursion into American territories and the conquest of the region’s people. Bracketing for the moment the myriad political dynamics—Charles V being the author of the Edict of Worms and the victor over the evangelical alliance of the Schmalkaldic League—what might Luther have made of a far-off people who had not heard the gospel, and Christians’ ethical duty toward them? Luther had uncharacteristically little to say about Spain or its enterprises, or about the current events of the day constituted by their encounter with the Americas and expanding empire therein. He did, however, have a coherent view of “common people.” Unlike Sepúlveda, he was of the opinion that the exercise of human reason interfered

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\textsuperscript{111} John 15:5  \\
\textsuperscript{112} John 1:3  \\
\textsuperscript{113} Sepúlveda, \textit{Sobre el Destino}, III.23.1–2.
\end{flushright}
with one’s understanding of God rather than refined it. But if Sepúlveda’s account of human nature generally underwrites his account of the indigenous Americans’ nature particularly, and I maintain that it does, it is fair to ask how Luther might have accounted for the American indigenous peoples’ situation particularly, given the way he accounted for human nature generally.

Martin Luther’s account of reason, philosophy, natural knowledge of God, and God hidden and revealed has received a great deal of critical attention in recent years, much of it pointing to his pivotal place in the history of ideas, and much of it managing to blame him for the course the history of ideas subsequently took. The sweeping nature of such claims necessarily broadens the scope of these works, with little space given to the exegesis of Luther’s writings. Nor is there room here for a robust treatment of Luther’s every mention of philosophy and reason, but I offer representative commentary sufficient to show why Luther’s writings lead me to disagree with Brad Gregory’s arguments that Luther’s anthropology amounted to a rejection of “a free, rational exercise of the virtues in pursuit of the good,” and that Luther’s understanding of a lack of any positive remnant of the *imago dei* in human nature paved the way for

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114 Cfr. LW 33:120, 121, 126, 127.
secularized ethics that vastly departed from the Roman Catholic model. Of course, Gregory does not misquote Luther or poorly represent his doctrine in so far as it is connected to the doctrine of justification, for Luther denies absolutely that humans are capable without the aid of grace to pursue the good of salvation or to merit anything apart from hell and damnation. The question shifts, however, when one takes into account the distinction between the two kingdoms, as Luther introduced it in his discussion of Ecclesiasticus 15. There Luther defended his claim that human beings are not free to render obedience to God’s precepts and commandments, but allows that the passage rightly points to a freedom of the will in the kingdom of humans’ “dealings with the lower creatures.” In that kingdom, human beings are bound by none of the precepts whose function is to show sin, which raises the question of whether Luther would admit to the possible pursuit of a proximate good, where the issues of sin and salvation are bracketed.

The answer lies in Luther’s discussion of heathens, pagans, and common people. He discusses these in a haphazard and situational way, to be sure, and only in so far as they allow him to bolster a point he wishes to make in whatever argument he happens to be having. But it is apparent that there are three key ways these groups function to bolster Luther’s arguments, due to three key conceptions he has about them. First, they

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117 LW 33:118–19.
are easily confounded by the machinations of human wisdom. This is always the point behind Luther’s personification of Reason and his lamentation of the learned class to lead the masses astray. The second point is somewhat of a corollary to the first: for if it is lamentable that the common people can be led astray by Reason, then their condition prior to Reason’s interference was apparently better, in some respect, even if it was never perfect or a sort of original justice. Thus, apart from grace, and apart from the confusing instruction of the learned, human beings are capable of some proximate good, and even a consensus across cultures and eras of what that good is. Third—and most importantly for putting these points back in conversation with Luther’s doctrine of God hidden and revealed—even when the pagans and common people do have a consensus and common practice that is good or otherwise approaches a biblical understanding of the same, Luther contends that they do not fully understand the reasons for the value they place on a cultural institution, such as marriage. The true importance of marriage is hidden with God, to whom pagans have an extremely limited access in their understanding. These limitations are far more pronounced for Luther than for Sepúlveda, who grants wide open possibilities for the natural knowledge of God, demonstrating that Luther’s and Sepúlveda’s doctrinal disagreement is located not only at the point of inception (human freedom of the will) but in practical consequence as well (human responsibility for virtuous behavior).
I have already mentioned one of Luther’s appeals to the wisdom of “the common
people” in his discussion in Bondage of the Will of the way people, across times and
cultures, speak of fate or God’s will. Sepúlveda disputes his exegesis of this language,
but without ever addressing the main context in which Luther brings it up. Luther’s
broader argument is that people used this language and had this understanding only
until human wisdom’s reach exceeded its grasp. “But those who wished to appear wise
went so far astray in their reasonings that their hearts were darkened and they became
fools (Rom. 1:2f.), and denied or explained away things that the poets and common
people, and even their own conscience, regarded as entirely familiar, certain, and
true.” 118 This is always the role of human wisdom, for Luther: never the desire to
understand so much as the desire to appear to have gained profound understanding. 119
And the consequence of this is consistently the suffering, through being led astray, of the
common people. Those who support free choice, Luther contends, have done this,
deploying their doctrine to confuse matters and lead the common people away from
their natural acceptance of events unfolding according to God’s will. Even the use of the
words “free choice” contributes to this sad state of affairs, since on their face they seem

118 LW 33:41.
119 See for example LW 33:120–21. The phenomenon of a disconnect between seeking wisdom and the reason
for seeking wisdom is hardly new. As Basil of Caesarea addressed his student Amphilochius, “What I
admire most about you is that your questions reflect a sincere desire to discover the truth, not like many
these days who ask questions only to test others. There is certainly no lack nowadays of people who delight
in asking endless questions just to have something to babble about, but it is difficult to find someone who
loves truth in his soul, who seeks the truth as medicine for his ignorance” (Basil the Great, On the Trinity, ed.
easy to comprehend. The result is that “the common people are miserably deceived and led astray by that term, since they hear it and understand it in a very different sense from that which theologians mean and discuss.”\textsuperscript{120} The theologians themselves are hardly immune from being led astray by reason, which is how Luther accounts for the strong showing on Erasmus’ side of the polemic of theologians in support of free choice. These may be saints, Luther concedes, but they were as capable of erring (or speaking “according to the flesh”) as were the apostles.\textsuperscript{121}

This comment on the susceptibility to the flesh in the midst of his discussion of human susceptibility to reason’s beck and call raises the issue of Luther’s well-documented pessimism regarding human nature, referred to in his treatise’s title, \textit{The Bondage of the Will}, and foundational to arguments like Gregory’s. But before discussing this pessimism, it is important to note that this susceptibility to be led astray has a \textit{terminus a quo} as well as a \textit{terminus ad quem}. The common people are not only being led \textit{into} confusion, but away \textit{from} a proper understanding they had correctly held. This is another major way in which heathens, pagan poets, and common people function in Luther’s writings; he appeals to them as a source of common, uncorrupted wisdom. This wisdom is sufficient to govern activity in the lower kingdom, and Luther even discusses it in terms of “the common, divine, and natural law which even heathen, Turks, and

\textsuperscript{120} LW 33:68.
\textsuperscript{121} LW 33:74, 84.
Jews have to keep if there is to be any peace or order in the world.”122 The operative phrase here is keeping peace and order in the world; what morality can be known by common people and heathens, Luther contends, is learned through interacting with one’s neighbor and being a member of a society. On the general wrongness of lying, for example, Luther notes that even “the heathen” have the instructive phrase of Quintilian, “A liar must have a good memory.”123 Unencumbered by revelation, “they reached this conviction solely under the influence of what they observed in the conduct of their affairs as citizens.”124 Similarly, these understand that God exists, appreciate the closeness of the marriage bond, and in concert with Mary’s Magnificat celebrate the downfall of the mighty and uplifting of the lowly, to name just a few examples.125

The hard limit to the virtue of the heathens, however, is anything saving or meritorious or indeed free of sin entirely. Luther tacks references to these limits onto most of his references to the group: they are “the heathen, who have no knowledge of God and of His works,” they have “no knowledge of God’s judgment and of conscience,” and they might echo Mary’s Magnificat but “they are not aware of the reason” God should favor the lowly.126 But it is not simply that human nature is neutral and some are advantaged by revelation while others are disadvantaged by the limits of

122 LW 46:27.  
123 LW 1:274.  
124 LW 1:274.  
126 LW 1: 200, 274, 256.
reason. Rather, Luther contends that nature itself and reason itself are inherently, essentially sinful. This does not negate the potential for proximate good in human beings’ dealings with the things of this world in the lower kingdom. Rather, it underscores Luther’s broader point that proximate goodness cannot extend to anything meritorious, since that would be to admit human beings can fulfill the law of God and merit justification without the grace of Christ and the merits of his death. This inherent, essential sinfulness of human nature masks its own misunderstanding of the good, which is part of the reason it can never make progress toward fulfilling God’s laws: any progress is bound together with pride. Luther speaks of this as “the blindness we are born with from our carnal nature,” which leaves us “under the dominion of the most mischievous spirits, so that we are hardened in that very blindness and imprisoned in a darkness no longer human but demonic.”127 One concrete example suffices to demonstrate this confusion. In his Genesis lectures, Luther quotes a pagan poet whose line amounts to the suggestion that fornication is not a sin.128 The poet, of course, is wrong according to Christian teaching, and proves Luther’s broader point about the way sinful nature confounds right understanding: experience “shows that we are born from unclean seed and that from the very nature of the seed we acquire ignorance of God, smugness, unbelief, hatred against God, disobedience, impatience, and similar

127 LW 33:98.
128 LW 1:166.
grave faults. These are so deeply implanted in our flesh...in the will, in the intellect, and in reason, that they not only cannot be fully removed but are not even recognized as sin.\textsuperscript{129} Although Luther goes so far as to say "the pagan must be forgiven,"\textsuperscript{130} he means simply that the pagan could not know better, not that his status is neutral before God.

This, then, is where Luther and Sepúlveda diverge in the practical implications of their respective theologies. Both admit an ability on the part of those who have access to natural reason alone freely to accomplish some sort of good. But whereas Sepúlveda has no objection to identifying that good with the ultimate good of God, so that its accomplishment merits grace and finally salvation, Luther limits this proximate ethical goodness and right understanding to a lower kingdom, denying any human ability to obey the precepts and commandments of the higher kingdom. Moreover, by Luther’s account, human nature and natural reason are tainted with a pride that willfully misunderstands its own sinfulness, to that whenever it thinks to progress and ascend above itself, it only turns more profoundly away from God. What this theological anthropology would have led Luther to conclude about the American indigenous peoples is impossible to say for certain, but it does seem that their cultures and behaviors would never have impressed Luther as a betrayal of their human nature and natural reason’s potential. If he had thought them the worst of sinners, this nevertheless

\textsuperscript{129} LW 1:166.
\textsuperscript{130} LW 1:166.
would have been in keeping with human nature, essentially sinful, except and until the reception of wholly unmerited grace.

3.3 Erasmus’s Diatribe [1524] and Sepúlveda’s De Fato [1526]

That Erasmus and Sepúlveda could both claim to give “the Catholic answer” to the question of free will and yet differ in the substance of their answers should come as no surprise. Recent scholarship has thoroughly established that late medieval and early modern Catholicism was by no means monolithic, and on the particular doctrine of free will Luther insisted there was little consensus either among theologians or even within a single theologian’s own thought. Much as it fit Luther’s rhetorical purposes to claim this, the charge is not unfounded, and Sepúlveda himself indicates the breadth of the disagreement between Erasmus’ opinion and his own. Factors beyond neutral theological inquiry were at play, however, when he did so. A wave of anti-Erasmianism in Spain was about to crest and resolve in an inquisitorial investigation into his

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131 In Spain, the records of the Inquisition testify to only the broadest efforts at standardization; William Christian has shown that “local” varieties in belief and practice persisted before and after the Council of Trent, which “merely ensured the precedence of the Church Universal over local churches. William A. Christian, Jr., Local Religion in Sixteenth-Century Spain (Princeton, NJ: Princeton University Press, 1981), 147.
132 Luther insisted the Fathers “have entirely failed to give any definition of free choice, and [yet] the dogma of free choice is set up under the cover of their authority,” while modern defenders of free choice “take out of the Fathers what the latter, led astray by human weakness, have said in favor of free choice, and even oppose it to what the same Fathers in the strength of the Spirit have elsewhere said against free choice” (LW 33: 82, 84).
teachings, and Erasmus was moreover involved in polemical exchanges with certain of Sepúlveda’s close friends, notably Alberto Pío and Diego López de Zuñiga.

3.3.1 Erasmus and Spain

The relationship between Sepúlveda and Erasmus, and between Sepúlveda’s native Spain and Erasmus, is not itself unfraught. Nor is Sepúlveda’s correction of Erasmus in his treatise against Luther not without context. Open hostilities, however, largely postdate Sepúlveda’s On Fate and Free Will. For example, the conference at Valladolid—the culmination of the Inquisitor General’s formal investigation into Erasmus’ writings and any danger they posed to Christian souls—met in 1527, a year after Sepúlveda published his treatise.133 Sepúlveda’s own first letter addressing Erasmus directly accompanied his Anti-apology against the same in 1532.134 In other words, anti-Erasmianism in Spain was brewing as Sepúlveda composed his response to Luther and its correction of Erasmus, but even at its climax it had hardly issued in a company line for Sepúlveda to follow in the way the Fifth Lateran Council did against Pietro Pomponazzi.135 Meanwhile, in terms of Sepúlveda’s own anti-Erasmian trajectory,

133 For a brief account of the Valladolid Conference and the opinions given in favor of and opposition to Erasmus, see Alejandro Coroleu, “Anti-Erasmianism in Spain,” in Erika Rummel, ed., Biblical Humanism and Scholasticism in the Age of Erasmus (Leiden and Boston: Brill, 2008), 73–92, esp. 85–89.
135 See discussion in Chapter Two.
things were likewise brewing but hardly yet at a fever pitch. Sepúlveda was already acquainted with Diego López de Zuñiga (Stunica) and Alberto Pio, prince of Carpi, his two main allies in criticizing Erasmus (the former on his Greek and the latter on his contributions to Luther’s heresies). Open correspondence with Erasmus concerning these men and Sepúlveda’s work with them, however, did not begin until the early 1530s. Sepúlveda’s On Fate and Free Will occurs in the contexts of these anti-Erasmian movements, then, but serves more as a contributing factor to the sentiments than as their controlled result.

Sepúlveda had lived in Italy since 1515, fully a decade before writing his treatise against Luther and before the Valladolid Conference of 1527 where the Inquisition assessed Erasmus’s writings. He was hardly in the thick of the Spanish theological scene, but he accepted his Spanish heritage with seriousness and pride—and it would have followed him even if he did not. In Spain, however, it was among the monastic orders more than the universities that Erasmus was so unpopular, to the point that Clement VII prodded Alonso Manrique, the same Inquisitor General who re-issued the ban on Luther’s writings in 1525, to conduct an investigation into the suitability of Erasmus’ writings in 1527. Manrique, in turn, delegated the matter to representatives from the universities of Salamanca, Alcalá, and Valladolid, as well as representatives from

\[136\] In 1527, Sepúlveda was refused shelter at the Castel Sant’Angelo during the Sack of Rome on account of his Spanish heritage.

Dominican, Franciscan, and Benedictine monasteries. All of the representatives from Salamanca, most of those from Valladolid, one from Alcalá, and the Dominicans and Franciscans came out against Erasmus, while the rest of the delegates—indeed, half of those in attendance—came to his defense. Alonso Manrique adjourned the conference without a formal resolution after the discussion of only four of the twenty-two propositions they had been commissioned to investigate, due to the threat that the even split and the tensions between the two sides might boil over. As with the later conference at Valladolid (1550–51), the lack of resolution was interpreted as victory by both sides, and both sides continued to advocate their cause informally. Spanish anti-Erasmianism, then, is consonant with Sepúlveda’s thought as expressed in On Fate and Free Will, but Sepúlveda’s criticism of Erasmus is gentler than the opposition Europe’s greatest scholar faced in 1527, and as such the sentiments that culminated in the divisive conference at Valladolid do not seem to have had a controlling influence on Sepúlveda’s thought or writing. When another wave of anti-Erasmianism sentiment swept over Spain’s intellectual landscape, time had sufficiently passed for Sepúlveda to be seen not as Erasmus’s critic but as an Erasmian himself.

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139 Fourteen of the twenty-seven to thirty (attendance varied) representatives voted in favor of Erasmus’ orthodoxy, as recorded by Alfonso de Valdés. Coroleu, “Anti-Erasmianism in Spain,” 86–87.
Sepúlveda’s own trajectory in the 1520s and 1530s of anti-Erasmianism likewise sees gentler expression in 1526 than in his later letters and compositions. In 1532, Sepúlveda wrote to Erasmus and sent along with his letter a copy of his Anti-apology, a document defending Alberto III Pio, the prince of Carpi, from a work Erasmus had written against him, called (as the title of Sepúlveda’s work would suggest) the Apology. Erasmus and Alberto Pio had actually been writing critically of one another from 1525 to the latter’s death in 1531. Briefly, the prince had impugned Erasmus’ learnedness in philosophy and theology, and had argued further that his writings were the seed that grew into the Lutheran heresy. Erasmus in turn accused Alberto Pio of not having authored the writings that bore his own name, eventually naming Sepúlveda and others in the prince’s court as the true authors of his various polemics. Upon the prince’s death, Sepúlveda weighed in to clarify their professional relationship, answering Erasmus’ accusations and supporting Alberto Pio’s own claims. This he would send to Erasmus “not in desire of a fight but as a duty of friendship.” Erasmus, for his part, curtly responded that he had already seen Sepúlveda’s work: “I do not see what could come from responding to such books apart from further discord, of the sort that is

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already excessively present in the world. As such, I have considered it more sensible not to reply.”

In his 1531 open correspondence with Sepúlveda, Erasmus certainly shows remarkable restraint. However, over the next two years he expressed himself more freely in letters to friends. In 1533 he wrote to Viglio Zuichemo, “(Sepúlveda) has a surprisingly good opinion of his book, despite the fact it is extraordinarily stupid. He has read none of my writings, but only exaggerates gossip.” Erasmus expressed a similarly low opinion of the Spanish humanist to John Choler in 1534: “Zuñiga has died, but it seems Sepúlveda, the vainest of all Spaniards, student of Alberto Pio and colleague of Zuñiga himself, will succeed him. I believe you have seen the book he wrote against me, notably stupid and injurious.” The humanist’s irritation certainly proceeded from Sepúlveda’s insistence that Erasmus’s Greek New Testament was riddled with errors, for which he continually tried to offer fraternal correction. Briefly
stated, the two humanists bickered, and in a way that betrayed grudging respect but no underlying warmth of friendship.

3.3.2 The Respective Catholicisms of Erasmus and Sepúlveda

While the semipelagianism of Sepúlveda differed from Luther’s and Erasmus’s positions in ways the Cordovan felt compelled to point out, his position relative to the broader Catholic theological tradition is more difficult to describe. Sepúlveda himself maintained resolutely that his ideas were fully in line with the tradition of the church fathers and the Catholic teachings he had learned over the course of his theological studies. The Roman Catholic Church and its teachings in the sixteenth century, however, were by no means monolithic. As the reforms of the Council of Trent pushed them to become so, Catholic theologians settled on a firm rejection of the Pelagian and semipelagian theology that Protestants had been tiresomely charging them with for decades, and in so doing they agreed with the Council of Orange and Erasmus’ formulation of the doctrine, and rejected Sepúlveda’s position (not, however, by name). In fact, Sánchez Gázquez wryly points out, Sepúlveda’s ability to maintain the position he did, with such zeal and in the very shadow of the curia, is in the end simply an “eloquent proof” of historian Joseph Lortz’s classic thesis that there was rampant abuse
and rampant doctrinal confusion within the late medieval church, and that this contributed in no small way to the reformations Europe experienced.  

Although in such a context he could remain fully convinced of his own orthodoxy, Sepúlveda is rather obviously outside the Catholic Church when compared to the canons and decrees of the Council of Trent or when he is looked upon with the wisdom of close to five centuries’ hindsight, not to mention the publication of the Catechism of the Catholic Church under John Paul II. The theologians at Trent made it plain that human free will was “weakened” and “downward bent,” and that even adults “freely assenting to and cooperating” with their salvation in Christ did so with the preparation of “the predisposing grace of God” that came to them through Christ and “without any merits on their part.” Later, the twentieth-century Catechism would likewise make it abundantly clear that conversion does indeed have its origin in the free will, but more specifically in the free will’s cooperation with prevenient grace, or the illumination of the Holy Spirit, to which one freely responds. For Sepúlveda, by

150 “Prueba elocuente.” Sánchez Gázquez, “Juan Ginés de Sepúlveda y su Semipelagianismo,” 1521: “El hecho de que un autor como Sepúlveda, tan cercano a los círculos curiales y al pontífice y cuyo afán de ortodoxia es un hecho que no necesita de justificación tras la lectura de sus obras, adoptase en la obra que concibió como defensa de la iglesia romana una postura que dicha iglesia había condenado sin ambages casi diez siglos antes es prueba elocuente de tal confusionismo doctrinal, sobre el que ya Lortz llamó la atención como responsable en gran medida de la revolución religiosa que sacudió la cristianidad en los albores de la Edad Moderna.”


contrast, grace is not needed at the beginning of this process, but is a reward that one picks up along the way, after desiring and turning toward God—a movement that in this initial stage depends entirely on one’s free will. Briefly, he is, as Sánchez Gázquez argues him to be, a semipelagian, in contrast to the “moderate Augustinianism” embraced by John Cassian, the Second Council of Orange, Desiderius Erasmus, the Council of Trent, and indeed the contemporary Catholic Church.

3.4 Conclusion: Sepúlveda on quod in se est

For Sepúlveda, Luther goes fundamentally wrong in his estimation of what lies within the power of the human will to accomplish. This is largely due to his misreading of Luther’s qualifications concerning the word necessity—the Wittenberg reformer does not leave the world to a fatalistic, mechanistic determinism; humans are perfectly capable of interacting freely with God’s creation, and it is only with respect to fulfilling God’s commandments that Luther insists on necessity—the necessity of human failure and the necessity of divine election. But had Sepúlveda grasped this distinction, he would have departed from Luther here anyway. By the Cordovan’s understanding,

humans are indeed free with respect to the commandments of God. They are free to apprehend them, and free to obey them. Humans can moreover acquire the habit of doing good; this is due to the “seeds of virtue” that Sepúlveda teaches are present in all people for cultivation toward perfection. People are free to cultivate these (as they are free to resist evil and do good), but they are also free to neglect their seeds until they perish utterly. This is of course what Sepúlveda sees in the 1520s to be going on in Luther’s particular instance as well as in Germany more generally. But I contend that it underlies his accusations against more populations than simply Luther’s Germans; I suggest in chapters four and six that precisely this rhetoric, and precisely this theological anthropology, underlies Sepúlveda’s criticisms of the Ottoman Turks and the indigenous Americans. These groups have the same opportunity as all humans to engage their natural reason and cooperate with their own innate abilities to do the good. They would be helped if, like Charles’s subjects, they lived in a cultural context that celebrated and institutionalized the good. That they do not is unfortunate—so unfortunate, Sepúlveda argues in both cases, that Charles’s forces have little choice but to constrain their savagery and attempt to coerce their obedience to the natural law by making them the subjects of his empire as well.

At this point the central questions driving this study and the connection between Sepúlveda’s 1526 polemic against Luther and his treatises of 1545–1551 against Las Casas should be apparent. Namely, I am asking what importance Sepúlveda’s
dedication to a Nominalist account of justification has for a study of his position on the question of the justice of war and the enslavement of the indigenous Americans. With chapter four’s bridge account of Sepúlveda’s treatise exhorting Charles to go to war against the Ottoman Turks, I argue in chapter six that it makes sense to treat his polemic against Las Casas as another diatribe on the freedom of the human will and investigation into human religious capacities. When Sepúlveda speaks of the indigenous Americans’ fitness for slavery, he recognizes their humanity as having the capacity to understand natural law and behave in accordance with it, but argues that they have fought too long against this natural predisposition to obey God’s will. It is his theological anthropology, and his semipelagianism, that make sense of his arguments for the conquest and enslavement of the indigenous populations of the Americas—not, as others have contended, his adoption of Aristotle’s understanding that “natural slavery” exists as a category and an apt description of the people the Spanish have lately encountered in their travels.
4. Natural and Divine Law among the Barbarians: Sepúlveda’s *Exhortation to Charles V* [1529]

One of the stated purposes of this dissertation is to recontextualize Sepúlveda’s writings and shift the focus away from his conflict with Las Casas as representative of his greater career arc. To this end, Chapter Two reviewed Sepúlveda’s theological formation and context, while Chapter Three took up his response to Luther’s doctrine of the bound will and human beings’ need for the unmerited gift of grace. Subsequent chapters continue this investigation into Sepúlveda’s theology of reason (natural law) and revelation (divine law), arguing over the course of their discussion that this logic is also at the heart of Sepúlveda’s writings on the justice of the Spanish wars of conquest in the New World. In following this course of investigation, I aim to reread the Disputation at Valladolid through the lens of a broader Sepúlvedian theology, rather than reduce Sepúlveda’s thought to his position at Valladolid.

One challenge that must be addressed with respect to this project of recontextualization is Sepúlveda’s own *Exhortation to Charles V* [1529].1 The treatise poses a unique challenge because it is almost impossible to read the *Exhortation* and keep the interpretive lens of Valladolid from taking pride of place. Yet the purpose of

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highlighting these similarities—and they do abound—is not to reduce Sepúlveda’s logic to what we would today call Eurocentrism, even though he does convey a very high regard for Europeans over and against the Ottoman Turks in this treatise of 1529, just as he does over and against the American indigenous peoples in the treatises of the 1540s and 1550s. Rather, the purpose is to uncover the logic by which he arrives at these Eurocentric formulations. In other words, the exercise is to move beyond the facile connection between 1529 and 1551 through the word “barbarian” employed in both the Exhortation and the Apology, and in turn to argue that the reason the Ottoman Turks are barbarians in Sepúlveda’s view is because long neglect of their natural capacity to strive for virtue and for knowledge of God has made them so. The logic of nature and grace exhibited in his reply to Luther furnishes Sepúlveda with his vocabulary for assessing the situation of the Ottoman Turks, just as it will furnish him some decades later with his vocabulary for evaluating the indigenous Americans.

2 Indeed, the Exhortation is either a difficult read or a tremendously satisfying one for anyone already appalled by the lack of egalitarian language and arguments in the Sepúlveda’s most famous (infamous) writings. Parallels and ironies abound between the Cordovan’s 1529 address to Charles V and his 1550 argument before the Junta at Valladolid. While the former counseled that Charles meet the Turkish forces sieging Vienna with his own armies, the second urged Spain under the same emperor to continue to meet the indigenous Americans in the field with conquering force. But the similarities of course move beyond the connection of war being counseled in both cases. The parallel of the chapter titles, for example, is by no means contrived; Sepúlveda employs the term “barbarian” as a moniker for the Turkish forces as well as the indigenous American peoples (see for example Sepúlveda, Exhortación 2.2, 2.3, 7.3, 20.4; Sepúlveda, Apología 2.4, 3.1, 4.1, 5.1, etc.). An additional early statement of the terms of the Valladolid debate occurs in Sepúlveda’s helpful distinction between unjust wars fought for avarice or the desire for power and possession, as opposed to just wars fought in order to counter a received injustice or to recover goods or property taken by violence (Sepúlveda, Exhortación, 2.2). On the other hand, the Cordovan’s lamentation of the terrible possibility that Christians could be enslaved as a result of the conflict reasonably constitutes an irony, given the profitability he sees in the institution of slavery under other circumstances (compare, for example, Sepúlveda, Exhortación 7.1 and Sepúlveda, Apología 22.1–2).
To the end of demonstrating this conclusion, this chapter reviews the way the logic of Sepúlveda’s argument in the 1529 *Exhortation* assumes and incorporates his understanding of human will and human capability, of human perversity and its long-term effects on a culture, and of course his logic of divine and natural law—already explored at length in his writings against Luther. I take each of these themes in turn, and argue that Sepúlveda’s *Exhortation* of 1529 aligns squarely with his response to Luther in 1526. This is not to say that Sepúlveda continues to rail against Luther and his refusal to obey the pope so much as it is to argue that Sepúlveda’s ideas about the Turkish “barbarians” and their lack of civilized practices and institutions echo his treatment of Luther—as a backward and corrupt individual, and as a representative of the backward and corrupted Germany, made so by an extended neglect of natural reason and the natural human disposition toward the cultivation of virtue and right worship of God. The Turks’ barbarian state, as a matter of fact, serves in the *Exhortation* as a cautionary tale for precisely the erring and neglectful Germans Sepúlveda described three years previously in *On Fate and Free Will*.

The continuity here is not perfectly smooth; it is broken somewhat by the way Sepúlveda needs to treat Germany for his rhetorical purposes in the *Exhortation*. The *Exhortation* naturally places the Ottoman Empire squarely in Sepúlveda’s crosshairs to be shamed for their cultural backwardness; Germany, on the other hand, gets a free pass as Charles’ subjects and allies. No longer the backwater pit that bred Luther and his
heresies, Germany is rather one of the nations of “men who distinguish themselves by their physical and mental strength, who do not know what it is to give ground before the enemy.”³ However, the shift in audience and rhetorical strategy more than accounts for this revision of Germany’s standing on the world stage, and the Exhortation in its underlying ideas still bears many connections to the discourse taken up in the treatise On Fate and Free Will. Most importantly, Sepúlveda’s semipelagian theology of divine and natural law appears in 1529 as it does in 1526. He continues to argue that the free exercise of natural reason suffices to bring one to knowledge of the true God, and continues to refer to the divine and natural law interchangeably, as is apparent in his reference to “a natural law, with which the divine law is never in disagreement.”⁴ The primary difference between the two arguments lies in Sepúlveda’s expansion of his comments on the practical effects a vicious or virtuous set of cultural institutions can have on the human ability to discern God.

Sepúlveda demonstrates his commitment to his semipelagian theology and echoes his earlier reply to Luther in three distinct points, reviewed below (sections 4.2–4.4) after a brief excursus expanding on the context of his composition of the Exhortation (section 4.1). First, human nature is disposed, through its created capacity to use natural reason, toward virtue and right worship of God, and pursues these ends nowhere more

³ “Hombres que se distinguen por su fortaleza física y anímica, que desconocen lo que es ceder ante el enemigo.” Sepúlveda, Exhortación, 18.3.
⁴ “Una ley de naturaleza, con la que la ley divina nunca está en desacuerdo.” Sepúlveda, Exhortación, 10.7.
effectively than in the context of European Christians’ free cultivation of the liberal arts (section 4.2). Second, when human nature and freedoms are restricted by poor or altogether absent institutions, a circumstance nowhere more apparent (Sepúlveda argues) than in the context of Turkish rule, the cumulative effect is the stunted growth and eventual perversion of the particular natures of the human beings laboring under these circumstances (section 4.3). Third and finally, when salvation (an acknowledged matter of divine law) is under threat in the civil realm (as it is in the context of Sepúlveda’s writing, on account of the advancing Turkish forces), both natural and divine law coincide insofar as they permit and compel action—in Charles’ case, the undertaking of a just war (section 4.4).

4.1 Overview of the Exhortation’s context and content

Sepúlveda composed his Exhortation to Charles V [1529] in the shadow of two major military conflicts threatening European peace and stability. Certainly he was responding first to the advance of the massive army of Suleiman the Magnificent (1494–1566, his reign beginning in 1520) across Europe and toward the very walls of Vienna, but he was also forced to address the immediate chaotic aftermath of the wars in the Italian states and the Sack of Rome. He finished and presented the treatise as Charles arrived in Italy for his imperial coronation, which inevitably took place in an atmosphere of lingering tensions between the papal and imperial courts. The
momentum of the Ottoman conquest of parts of Europe, the ongoing tensions between Charles V and Clement VII and between Charles V and Francis I, and finally Sepúlveda’s own traumatic experience of the Sack of Rome and his sense of the instability of his own position at the papal court all contribute to the sense of urgency with which he exhorts Charles to action and without which the Exhortation cannot properly be understood.

Suleiman and his armies set out on campaign May 10, 1529, and his forces’ movements already loomed large in a European imagination that drew easy connections between Suleiman’s advances and the Battle of Tours (also called the Battle of Poitiers, 732) or the more recent Fall of Constantinople to the Ottoman forces of Mehmed the Conqueror. Suleiman had become Sultan in 1520 and in the meantime had taken the island of Rhodes from the Knights of St. John (1522) and marched into Hungary to win a decisive battle at Mohács (1526), where Hungary’s king Louis II was killed. Louis II left behind no children, so his sister’s husband, Ferdinand of Austria, assumed his title. The latter happened to be brother to Charles V, a fact Sepúlveda sensibly appealed to in his Exhortation. The local Hungarian nobility, however, appointed the voivode (warlord) of Transylvania, John Zápolya, to the throne, fearing both the rule of an outsider and the

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6 Sepúlveda, Exhortación 7.4 and 21.3
growing power of the Hapsburgs. Suleiman supported Zápolya’s claim, as did foreign powers such as Clement VII, Henry VIII, and Francis I, but Ferdinand was not without his own supporters in Hungary. Both he and Zápolya were crowned king, and Ferdinand’s forces drove Zápolya from Buda in 1527. Ambassadors from Zápolya spent the months that followed suing for Suleiman’s favor and military support in retaking Buda and reinstating Zápolya as Hungary’s ruler. By the time Suleiman marched from Constantinople in May of 1529, he had clarified to an ambassador of Zápolya that the Transylvanian nobleman would be his vassal: “I receive with goodwill your king’s submission to me, whose states, acquired by war and the sword, have hitherto belonged to me and not to him. I hereby make them over to him and further intend to give him the kind of military assistance against the Austrian Ferdinand which will allow him to sleep in peace.” As the campaign progressed, Sultan and vassal met in Mohács and marched together toward Vienna.

Suleiman’s timing was unfortunate in terms of the weather; heavy rains that year forced them to abandon much of the heavy artillery that would have helped to breach Vienna’s walls. On the other hand, his timing was most fortunate in terms of the many distractions facing Ferdinand’s brother and best ally, Charles V. Ferdinand had asked

9 Quoted in Clot, *Suleiman the Magnificent*, 62.
Charles for aid in defending the city as early as 1526, but the latter was busy trying to conclude his conflict with Francis I, a contest between the two leaders over various territories in the Italian peninsula (as well as Navarre and northern France) that had broken out in 1521.\textsuperscript{11} Although the conflict turned in Charles’s favor after his decisive victory and Francis’s capture at the Battle of Pavia in 1525, his troops remained committed as negotiations for Francis’s release and the Treaty of Madrid stretched into early 1526.\textsuperscript{12} The treaty was signed in January, but by March Francis had returned to his own territories and declared the treaty invalid given its draconian terms and the fact that he signed it amid the pressure of his imprisonment in Spain.\textsuperscript{13} He promptly formed a new alliance with the pope and the cities of Venice, and Florence, eventually bringing Henry VIII into the fold as well—the very allies who had supported Charles against him in the battles of the early 1520s (although the earlier conflict had admittedly begun with a different pope on Peter’s throne).\textsuperscript{14} Thus, out of fear that Charles’s power and hegemony now extended too far, the League of Cognac was born. The ensuing conflict


\textsuperscript{12} The imperial troops were engaged at the duchy of Milan as well as the territory of Genoa and Piacenza, mostly in a holding pattern amid increasing tensions as the towns and their people ran out of resources to host them. Mallett and Shaw, \textit{The Italian Wars}, 154–55.

\textsuperscript{13} Mallett and Shaw, \textit{The Italian Wars}, 155.

\textsuperscript{14} Leo X had the papacy until his death in December 1521, at which point Adrian VI was elected and reigned January 1522 until his death and Clement VII’s election in the autumn of 1523. Adrian VI was elected with the conflict between Charles and Francis ongoing and, rather than coordinate and unquestioningly support the emperor he had formerly served as a tutor, sought peace in Europe in light of the Turkish victory in Rhodes. Mallett and Shaw, \textit{The Italian Wars}, 145.
kept Charles from effectively aiding in the defense of Mohács in 1526, occupying his troops with the defense of their positions in northern Italy, and engaging them in extended conflicts in Cremona, Milan, Rome, and Naples. The Sack of Rome in May 1527 led to the imprisonment and effective neutralization of Pope Clement VII, while Francis admitted defeat and withdrew from the conflict with the Treaty of Cambrai in August of 1529. From there Charles moved on to Bologna to meet with the pope and his envoys in order to settle the conflict. Florence, however, remained to challenge Charles’s forces, and as Sepúlveda prepared to accompany the papal envoy to Bologna, it was not clear that Charles would be able to withdraw with any efficiency from the Italian peninsula. Luckily for Ferdinand, who had withdrawn from Vienna and was fretting the Turkish approach and his brother’s preoccupation with the League of Cognac from the relative safety of Prague, the forces of Suleiman the Magnificent were able to sustain their siege for only two weeks (from 27 September to 14 October) at Vienna’s walls before withdrawing as a result of cold weather and depleted provisions, not to mention the desertions caused by these conditions. The city was safe, but Suleiman’s army was not defeated. The threat of his forces’ return lingered and would be on Charles V’s mind as he convened the Diet of Augsburg the following year (June 1530). Meanwhile, the immediate pressure to withdraw from the Italian peninsula was relieved; but one

15 Mallett and Shaw, The Italian Wars, 160–73.
member of the papal court took it upon himself to keep the Ottoman Empire’s threat on
the emperor’s mind and exhort a new course of action.

That papal envoy, Juan Ginés de Sepúlveda, was for his part at the midpoint of
his career in the pope’s service (1523–1536), but found himself considering a change in
careers and scenery. He may have begun writing his Exhortation as early as 1528; he
finished it no later than the autumn of 1529. It was printed that year in Bologna, and
Sepúlveda presented it to Charles in early November. The presentation of the treatise
thus occurred a few weeks after the withdrawal of Suleiman’s forces from Vienna, and a
few months prior to the latter’s February 1530 coronation by Clement VII, a
thoroughgoing humiliation for the pope after the long campaign to expel imperial forces
from the Italian peninsula had failed.17 By the late 1520s, the Cordovan humanist had
established himself already with the publication of several translations of Aristotle’s
works, as well as a translation of Alexander of Aphrodisias’ commentary on the
Stagirite’s Metaphysics, and had gained attention through his arguments against Luther
in On Fate and Free Will. In the months immediately preceding the Exhortation, the pope
had commissioned him to begin working with Cardinal Francisco de Quiñones on a

17 Luna Nájera, “Myth and Prophecy in Juan Ginés de Sepúlveda’s Crusading ‘Exhortación,’” Bulletin for
Spanish and Portuguese Historical Studies 35/1 (2010), 53. Sepúlveda himself refers to the timing of his
presentation with Charles’ arrival for the coronation when he mentions “Italia, donde acabas de llegar con
los mejores y más favorables auspicios, como espero, para el pueblo cristiano [Italy, where you have just
arrived with the best and most favorable auspices, as I hope, for the Christian population]” (Sepúlveda,
Exhortación, 1.3). The observation that the coronation was a humiliation for Clement VII stems from the
series of defeats suffered by the League of Cognac; J. Wickham Legg observes that crowning Charles V
might be “the most bitter mortification” among “the many bitter disappointments and trials which Clement
revision of the Roman Breviary. Yet for all these early accomplishments, Sepúlveda “had not yet finished discovering himself and his place,” and among the reasons for his composition of the Exhortation was doubtless a desire to reach out to a new potential patron and office—or in other words, to “ingratiate himself with the emperor.” His efforts would ultimately bear fruit in 1536, when Sepúlveda entered the court of Charles V in order to take up his duties as the emperor’s royal historian.

That Sepúlveda should extend himself in this way is, at first glance, a surprising move. As he was composing the Exhortation, Sepúlveda’s transition from papal to imperial court was yet several years away, and the Cordovan’s place in Clement’s service seemed secure. The work he took up in assistance to Cardinal Quiñones was yet another admirable commission from the papal court, and Sepúlveda continued to serve the pope loyally and efficiently in the resulting work and in other projects he took up in that window of time. However, the immediate historical context of Sepúlveda’s Exhortation clarifies his prudence in cultivating other options for employment. As noted

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18 Sepúlveda mentions his work with Cardinal Quiñones, and the pope’s particular desire for their collaboration, in a letter to Diego de Neila where he submits to the latter his published Epistolary, recounting his connections and career up to that point. Sepúlveda, Carta 127, Obras Completas IX.2: Epistolario: Cartas 76–139 (1549–1567), trans. Ignacio J. García Pinilla and Julián Solana Pujalte (Pozoblanco: Excmo. Ayuntamiento de Pozoblanco, 2007).
20 For a discussion of Sepúlveda’s efforts with Cardinal Quiñones, see section 6.3 and its discussion of Commentary on the Reform of the Year and the Roman Months; for a discussion of a contemporary project, see chapter five and its extended treatment of Sepúlveda’s defense of papal authority in his 1531 treatise Del rito de las nupcias y de la dispensa.
above, throughout the decade of the 1520s (and well after), Charles and Francis were engaged in their fight for control over various territories, particularly the duchies of Burgundy and Milan. Meanwhile the Papal States, seeking peace in Christendom and an end to foreign occupation of the Italian peninsula generally, but under the leadership of three different popes with three sets of priorities over the course of the decade of the 1520s, made and dissolved treaties with both sides.\(^{21}\) Whereas Leo X supported Charles in the first years of the struggle out of a desire to cultivate an alliance with the emperor against Luther, Charles’s former tutor upon his own election as Pope Adrian VI favored peace in Europe and a united front against Suleiman’s armies. Elected upon Adrian’s death in 1523, Clement VII could appreciate both of these priorities, but his fear of Hapsburg hegemony in the Italian peninsula ultimately guided his own alliances. Broadly speaking, however, all three popes of the 1520s sought peace and unity in Christian Europe.

After Charles V’s victory at Pavia in 1525, however, Clement VII’s desire for peace led to the League of Cognac, which aimed to put the emperor in check. The offensive strategy, however, ultimately precipitated the imperial forces’ sack of Sepúlveda’s city of residence, Rome, in May of 1527.\(^{22}\) The attack was nightmarish, and the pope himself was imprisoned for eight months in the Castel Sant’Angelo. Sepúlveda

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had followed his patron; he occupied a more complicated position than most, however, 
due to his Spanish heritage. Seeking refuge with the rest of the papal court in Castel 
Sant’Angelo, Sepúlveda found himself turned away by Cardinal Orsini precisely on 
account of his nationality.23 In one of the few passages in his later History of Charles V 
where Sepúlveda refers to his own travails as an eyewitness, he recounts:

> Indeed, I too, as a member of the papal court, had gone to take refuge in 
> the castle… Although a little later, that same day, the cardinal Francisco 
> Orsini, who was charged by the pope with the enrollment and 
> preparation of the garrison, forced me to abandon the castle for the mere 
> fact of my being Spanish.24

The Cordovan then fled to Naples, which itself came under siege in 1528. Abandoning 
Naples, he came at Cardinal Cajetan’s invitation to Gaeta, where they worked together 
on exegetical projects.25 He finally returned to Rome in 1529 when the pope assigned 
him to Cardinal Quiñones’ above-mentioned project of revising the Roman Breviary.

Sepúlveda acquitted himself well in both Cajetan’s and Quiñones’ services, but 
the experience with Orsini taught him that his friendship with the pope could only be 
extended so far. Sepúlveda was compelled to see where else his skills might be put to 
use, and the Exhortation was his bold suggestion that they could be of use to an emperor, 
a hope and a gambit that can be seen from the treatise’s opening sentences.

24 “En efecto, también yo, miembro de la corte pontificia, había ido a refugiarme en el castillo… Aunque 
poco después, ese mismo día, el cardinal Francisco Orsini, que por encargo del pontífice alistaba y disponía 
la guarnición, me obligó a abandonar el castillo por el mero hecho de ser yo español.” Sepúlveda, Historia de 
Carlos V, Libro VII, in Obras Completas vol. 2 (Pozoblanco: Excmo. Ayuntamiento de Pozoblanco, 1996), 
VII.10.4
Acknowledging the risk of his boldness in advising an emperor (let alone one who did not expressly seek his advice), Sepúlveda charged ahead with the implication that it would have been far more impertinent of him not to speak:

[It] seems to me one goes against the divine will and all piety, if, in the midst of such a difficult situation, he to whom an idea has occurred, which in his judgment serves the common good, should keep silent, paralyzed by fear or risk.26

From this point of departure Sepúlveda began to explain his reasoning for exhorting Charles to rally his forces and meet his Turkish enemy in battle. His counsel arose from Sepúlveda’s understanding of Charles’s duty to divine and natural law, and his understanding of the consequences of the Turks’ abandonment of the same—themes that undergird all of the arguments in the Exhortation. It is to these themes and to their treatment throughout the Exhortation that we now turn.

4.2 The Rectitude of Human Nature according to the Exhortation

Sepúlveda’s Exhortation follows the structure set by his response to Luther three years earlier in a number of ways, but the focus of this inquiry lies in the demonstrable repetition of his ideas concerning the rectitude of human nature, the corresponding perverse depravity of human nature when encumbered by false religion and institutions, and the discernibility of all these based on the close relationship between

26 “[A] mí me parece que se atenta contra el derecho divino y la religiosidad si, en medio de tan difícil situación, alguien a quien se le haya ocurrido una idea que, a su juicio, tenga que ver con el bien común guarda silencio, paralizado por el miedo o riesgo.” Sepúlveda, Exhortación, 1.1.
natural and divine law. Foundational to the argument is its first point, the natural disposition of the human will toward virtue. Sepúlveda’s principal example of this is Charles’ own subjects, the Christian citizens of the nations within the Holy Roman Empire and the rest of Europe—an unsurprising tactic since in the context of his composition it behooves him to flatter Charles, and since part of his success rests on convincing Charles his people and their way of life are worth fighting to preserve. Also demonstrative of Sepúlveda’s understanding of human nature and its dispositions are his examples of the Greek Christians who have already fallen under the advancing Turkish forces’ rule. These represent both the threat of diminished human capacity as a result of vitiated institutions and leadership (explored further with respect to the Turks themselves in 4.3), as well as the extraordinary resilience of “good” nature, which is key to the fearsomeness of the legendary janissary corps.

Sepúlveda continued in his Exhortation to assume the basic rectitude of human nature, when that nature is cultivated according to virtuous laws and institutions and leadership, and of course the true worship of God in the Christian religion. This understanding emerged in the way that he wrote to Charles about the latter’s imperial subjects. These people, whom Sepúlveda implored Charles to protect, were vulnerable not only to the threat of approaching Turkish forces, but also to the threat of heretical notions at home, such as Christian pacifism. However, just as their vulnerability to armed conquest was mitigated by the defense Sepúlveda here exorted Charles to
provide, so too his subjects’ vulnerability to “false” teachings was mitigated by the formation of their natures in the vaunted institutions of European civilization and the Catholic Church. Specifically, Sepúlveda countered the (heretical, in his view) idea that Christians are in all situations called to peace and not to violence by appealing to Charles’ constituents’ very instinct to reject such a heresy. Charles’ citizens were able, Sepúlveda argued, to tell the difference between internal unrest and external threat, and to conclude that violence was discouraged in one situation but necessitated in the other—a conclusion that effectively countered the heretical pacifist doctrine. The reason they were able to make these discriminating judgments, however, is incredibly telling, and exposes Sepúlveda’s logic of human nature, its dispositions, and its functions. These citizens, Sepúlveda argued,

have imprinted on their nature and inculcated in them by the wisdom and religiosity of their betters the conviction that the wars that men of faith start among themselves are civil and domestic, while those that are begun against the Turks and other unbelievers are entirely in conformity with justice and piety.27

In other words, Charles’ subjects were already formed by the Christian witness that had preceded them for generations. They resisted the innovations of reformers such as Luther and Erasmus because true Christian convictions were “imprinted on their

27 “Tienen impreso en su naturaleza e inculcado por la sabiduría y religiosidad de sus mayores el convencimiento de que las guerras que entablan entre sí los hombres de fe son civiles e intestinas, y, en cambio, las que se entablan contra los turcos y demás infieles son enteramente conforme a derecho y piedad.” Sepúlveda, Exhortación, 7.7. Emphasis mine.
nature." In particular, the conviction was innate to them that war among Christians and war between Christians and outsiders were two different things, and that the latter sort of war was an entirely just and pious enterprise. This seems to suggest that all wars undertaken by Christians against non-Christians are just by their very circumstances and definition, an issue Sepúlveda returned to in this and other writings. Of interest for the present, however, is the strength of theological convictions so “inculcated” that they become part of a person’s “nature.”

If Charles’ subjects were paragons of heresy-repelling virtue in a utopia where all receive the benefit of formation in Christian wisdom, one wonders how so many could have fallen under the influence of Luther’s and other reformers’ teachings. Sepúlveda deftly sidestepped this issue; his only references to internal unrest were his mentions of Charles’ wars with the king of France and with the pope. But the threat of falling away from the perfection embodied by Charles’ subjects did indeed exist, and Sepúlveda spelled out that cautionary tale in his explanation of the Greek Christians’ situation. These, like Charles’ subjects, enjoyed a rich heritage of philosophical wisdom and

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28 It was Erasmus’s pacifism Sepúlveda had in mind particularly, though he did not specifically name him. Exhortación, 7.7.
29 The clearest proof, for Sepúlveda, that all wars undertaken by God’s people against those who adhere to different religious traditions are holy and just is the treatment in the Old Testament of the Israelites’ wars to take and defend the Promised Land. In his discussion of these over the course of the Exhortation, for example, Sepúlveda argues the Israelites “realizaron guerras no sólo de carácter defensivo, sino también ofensivo, por considerar muy justo cualquier campaña destinada a combatir a los infieles y a los que se apartaban del verdadero culto de Dios [undertook wars not only of a defensive character but also of an offensive one, by considering any campaign just that was destined to combat the unbelievers and those who were apart from the true worship of God].” Sepúlveda, Exhortación, 11.2.
30 E.g., Sepúlveda, Exhortación, 20.2.
Christian institutions. Unlike Charles’ subjects, however, the Greeks had already largely fallen under Turkish rule, and in so doing had come to illustrate the threat of human nature’s degeneration under perverse cultural institutions. While the fullness of this degeneration will be discussed in the next section with respect to the Ottoman Turks themselves, the Greeks are treated here as representatives of both the resiliency and dangerous vulnerability Sepúlveda understood to be inherent in human nature.

Among the contrasts Sepúlveda drew between Charles’ empire and the nation of the Turks was the value each society placed on education and the pursuit of learning. He concluded, predictably, that just as Europe tended to produce virtuous people who instinctively grasped Christian doctrine, so the average Turkish subject experienced a debilitating lack of freedom. That circumstance also characterized Sepúlveda’s expectations for what the Greek Christians already conquered by the Turks must in turn suffer. This dynamic effectively revealed the long-term effects of poor laws and poor institutions and general lack of civilization on a people and their ability to perceive and pursue the good; for Sepúlveda, therefore, the Greek situation represented the vulnerability of Charles’ own people should he fail to rally his troops for their defense.

In particular, Sepúlveda contended that literacy and the liberal arts were banned among Turks and Christians alike in Turkish-controlled areas, and that the Turks on this
account had no philosophers, orators, or theologians. The Cordovan exaggerated lamentably here to serve his rhetorical purposes, though this hardly sets him apart from other Renaissance assessments of the Ottoman Empire. The roughly contemporary anonymous account, *Viaje de Turquía*, which appeared in 1557, allowed an awareness of Turkish centers of learning tempered by a persistent sense of European superiority. A dialogue reporting the travels of Pedro de Urdemalas among Suleiman the Magnificent’s cities and subjects, the *Viaje* contradicted Sepúlveda’s account with its details of “infinite” schools in Constantinople and of those schools’ students’ learning in philosophy, astrology, and poetry. Its central character Pedro insisted that these students’ understanding was not profound, but he admitted they still “know more than the Greek and Armenian Christians, who are all of them beasts.” But the point of Sepúlveda’s exaggeration was to connect Turkish education practices to Greek ones, and explain a phenomenon currently ravaging the Greek Christian communities by alleging a Turkish antecedent:

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31 Ibid., 4.2.
32 “Saben más que los griegos christianos y armenos, que son todos bestias.” Fernando G. Salinero, ed., *Viaje de Turquía (La Odisea de Pedro de Urdemalas)* (Madrid: Ediciones Cátedra, 1980), 397; cp. Exhortación 4.2n. Pedro’s faint praise of Turkish learning is further undercut when he describes his professional rivals, other medical doctors: “allá no hay estudios, sino unos con otros se andan enseñando, y quasi por herencia, que el padre dexa la barreta y un libro que dezen en romançe: para curar tal enfermedad, tal y tal remedio; sin poner la causa de donde puede venir; algunos hay que saben arábigo y le[e]n Abizena, pero tampoco entienden mucho. Turcos y griegos no saben letras, sino los medicos que hay todos son echizeros y supersticiosos [There are no studies there, but rather certain ones who go about offering instruction, and it’s almost by inheritance, where the father will pass on his instruments and a book that says in Latin: to cure such an infirmity, such and such a remedy, without ever detailing the condition’s cause; there are some who know Arabic and read Avicenna, but neither do these understand much. Turks and Greeks are illiterate; the few doctors they have are superstitious witch doctors]” (*Viaje de Turquía*, 170–71).
In summary, Greece itself—which so abounded in talents, which was master in another time of all philosophy and good teaching, and which, while it was free, disseminated among the rest of the world of mortals the knowledge of all human wisdom and all the sciences—after, as a consequence of a skirmish among Christian princes, passing into the power of the Turks, has seen itself so submerged in ignorance of all types of texts that only by great hardship can a single person be found throughout the region who has even middling knowledge of the language employed by the ancient masters of wisdom and teaching, whose writings we so admire.33

briefly, for Sepúlveda the alleged suppression of education among the Turkish people had translated directly to their conquered Greek subjects. This resulted, notably, in a deterioration of the Greek language, to the point that the Greeks Sepúlveda referred to would not understand the Greek in which Aristotle wrote.34 As a result of these deplorable circumstances, Sepúlveda argued, Greek Christians were not only forbidden the study of the liberal arts, but had accrued a new and significant linguistic obstacle for doing so, even should their freedom be restored. The significance of this point cannot be overstated, since by Sepúlveda’s logic the liberal arts are “what do most to impel the

33 “En suma, la propia Grecia, que tanto abundó en talentos, que fue maestra en otro tiempo de toda filosofía y buena doctrina, y que, mientras fue libre, difundía entre el resto de los mortales el conocimiento de todo el saber humano y de todas las ciencias, después que, como consecuencia del enfrentamiento entre los príncipes cristianos, pasó a poder turco, se vio tan sumida en la ignorancia de todo tipo de textos, que a duras penas puede encontrarse en toda ella una sola persona que tenga un conocimiento medianamente aceptable de la lengua que emplearon aquellos antiguos maestros de sabiduría y doctrina, cuyos escritos ahora admiramos.” Sepúlveda, Exhortación, 4.3.
34 Although it is hardly fair to expect any language to undergo no changes at all over the course of centuries, Sepúlveda is correct in his assessment of both the shift in the language used by Byzantine Christians and in his description of that shift’s suddenness. Aphaeresis (the loss of a particular sound at the beginning of a word) had been waging a slow assault on spoken and written Greek for centuries, but with the fall of the Byzantine Empire to the Ottoman one in 1453, an influx of Turkish loan words and phrases created different dialects in different areas, corresponding to the degree of Turkish dominance in any given city or village. See especially Geoffrey Horrocks, Greek: a history of the language and its speakers (New York: Longman, 1997), 205–12 and 298–304.
souls of mortals toward true religion and freedom.”35 Without the freedom or ability to immerse themselves in reading and study among ancient masters, the Greek Christians had lost access to what would otherwise naturally cultivate their souls toward the highest good of true religion. Sepúlveda meant what he said when he exhorted Charles to fight “for salvation and liberty and for religion itself.”36 Salvation itself was at risk for the Greeks, and could well be for Charles’ subjects if the Turkish forces continued their advance.

The general population of the Greek Christians, subdued by the Turks and deprived of the liberal arts, served Sepúlveda well as a cautionary tale; but there was a particular subset within that population that he singled out for Charles’s special attention, namely the genizari or jenízaros: the janissaries.37 This elite corps of troops had their origins in a levy on rural Balkan and Greek villages, from which young men between the ages of 10 and 20 were rounded up, often from the baptismal register of the parish priest.38 The rules of the levy forbade the recruitment of any who did not convert to Islam willingly; nor did the recruiters empty a village entirely of its youth, as it was

35 “Lo que más suele impulsar los ánimos de los mortales hacia la religión verdadera y la libertad.” Sepúlveda, Exhortación, 4.2.
36 “Por la salvación y la libertad y por la mismísima religión.” Sepúlveda, Exhortación, 2.4.
also in their interest not to bankrupt their rural charges’ agricultural production.39 Nevertheless, Sepúlveda characterized the levy as a demeaning and unbearable additional tribute demanded of the beleaguered Greeks and other conquered Christians:

From these unhappy ones not only is tribute demanded, which they can hardly satisfy even with their continuous effort and hardworking labor, but the most attractive and those with the best character among their young people are being snatched from their unfortunate parents, who cannot even utter their complaint openly, so that these might from their youth renounce the Christian religion and be educated in the false religion of Mohammed, and so that, once they have reached the age of military service, they might become supporters of and servants to the royal tyranny—they call these janissaries—not to mention the principal enemies of Christendom in their wars against us.40

There are a number of observations worth making here. First, Sepúlveda referred to the kidnapped youths as children, whose primary function was to bereave their parents. Such heartbreak was one more burden Charles’s subjects could expect from a successful Turkish incursion, and therefore one more reason for Charles to rouse himself to war and prevent his enemies’ advance. Second, Sepúlveda characterized the conversion these children underwent as forced, involving the renunciation of Christianity and their “[being] educated in the false religion of Mohammed.” Therefore, not only were Eastern

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39 Goodwin notes dryly that the choice between life and death could perhaps be considered a matter of free will “in a period of history when religion was a passion and martyrdom willingly endured.” *The Janissaries*, 34.
40 “A estos infelices no sólo se les exigen tributos que a duras penas pueden satisfacer con sus continuos sudores y esforzados trabajos, sino que también los hijos más agraciados físicamente y con más carácter les son arrebatados a sus desventurados padres, que ni siquiera pueden proferir abiertamente una queja, para obligarlos a renunciar en le niñez a la religión Cristiana y educarlos en la falsa religión de Mahoma, y para que, una vez llegados a la edad military, se conviertan en secuaces y servidores de la tiranía real—ellos los llaman jenízaros—y en los principales enemigos de los cristianos en las guerras contra nosotros.” Sepúlveda, *Exhortación*, 6.2.
Christians held back from deepening their faith through study, but these unlucky ones were forbidden the profession of their ancestral faith at all. Surely, Sepúlveda implied, Charles would not expose his imperial subjects’ children to this fate and the risk it posed to their salvation.

Sepúlveda’s final noteworthy claim in this brief account, however, is the particular fearsomeness of these kidnapped and converted elite troops once they have been raised to adulthood. His warning that they “become supporters of and servants to the royal tyranny” reflected the reality that the janissaries often served as an elite praetorian guard to the Sultan.41 This reinforced his claim that the Turks labored under a tyrannical government; he observed later in On the Monarchy that the difference between good kings and bad tyrants was that “the king is protected by a guard of his own subjects, while the tyrant is protected by one made up of foreigners, owing to the fact that the king reigns over persons who accept him, and the tyrant over those who do not want him.”42 His claim that they likewise became “the principal enemies of Christendom in their wars against us” was also not without merit.43 However, his emphasis on the fearsomeness of the janissaries in battle was not merely a dire warning of a potential fate.

41 The sultan had first choice of the youth taken in the levies and naturally selected the best for his service. Goodwin, The Janissaries, 32.
42 “El rey está protegido por una guardia de sus propios súbditos, mientras que el tirano lo está por una de extranjeros, debido a que el rey manda sobre personas que lo aceptan, y el tirano sobre quienes no lo quieren.” Sepúlveda, Acerca de la Monarquía, trans. I. J. García Pinilla, in Obras Completas, vol. VI (Excmo. Ayuntamiento de Pozoblanco, 2001), I.10.3.
he here exhorted Charles to avoid; it also complemented Sepúlveda’s argument for the inferiority of the Turkish armies. Their best troops, he suggested, were the Europeans they had kidnapped. But how could Sepúlveda maintain his image of the janissaries’ skill and ferocity, and yet insist they were no excuse for Charles to hesitate to meet his enemies in the field? His solution to the quandary drew yet again on his argument for the effects of one’s cultural context on the freedom and ability of human nature and one’s reason.

Sepúlveda admittedly navigated a difficult tension here, emphasizing the threat that the janissary forces posed as the Christians’ “principal enemies,” yet not wanting to emphasize their fearsomeness so heavily as to undercut the force of his Exhortation by presenting a legitimately intimidating obstacle to Charles’ success. As such, Sepúlveda moderated his comments later in the treatise, admitting again that these were the Turkish army’s best troops (their primary strength being a comparative lack of cowardice), but asserting that they were nevertheless “very small in number and not even comparable to the average soldier in our armies.”

Thus he established a hierarchy in which Charles’s European troops were the best, the European-born janissaries occupied a space somewhere below the skillset of the average imperial soldier, and the Turks with their Asian heritage ranked lowest. This schema fit nicely with Sepúlveda’s broader argument for the ill effects of a backward culture on its citizens: Charles’s

44 “Pocos en número y ni siquiera equiparables al tipo medio de los nuestros.” Sepúlveda, Exhortación, 17.1.
troops, with their European heritage and Christian institutions, were admirable in this regard. The janissaries, with European heritage but deprived of European customs and Christian institutions, were still better formed than Charles’s Turkish enemies, who occupied the lowest level in this estimation, but even they could not compare to Charles’s own army. In this way, the janissaries were an analog for the above-mentioned Greek Christians under Turkish rule; while the latter had not necessarily been forced to convert, their access to wisdom and learning and other European freedoms had been severely limited, with catastrophic cultural effects already apparent in the short term. Vicious cultural institutions, Sepúlveda argued, brought deleterious consequences that could be seen within a generation. In the case of the Greek Christians, this led to their religious freedom being restricted or taken away altogether, with tragic consequences for their salvation. The same fate, the Cordovan suggested, could befall the people under Charles’s rule if the emperor should fail to act and face the Turkish threat head on.

4.3 The Potential for Human Depravity in the Exhortation

Sepúlveda’s discussion of the janissary corps reveals his conviction that human nature, essentially good and disposed toward virtue, can be degraded little by little when subjected to vitiated institutions and settings. In other words, if the right circumstances can have an overwhelmingly positive cumulative effect on human nature and will and capability, all of which ultimately allows it to flourish according to its
natural disposition, then Sepúlveda saw a corresponding overwhelmingly negative cumulative effect on the same, particularly if a people or culture should find themselves in the wrong circumstances. Accordingly, as he continued to discuss the inveterate uprightness of human nature in contexts such as Charles’ empire and its Greek and Roman antecedents, he found a suitable contrast to this rectitude in the nature of the Turks and their ancestors. Sepúlveda argued the Turks were exerting a vitiating influence on the conquered Greeks, suppressing and assaulting their fundamental rectitude by demeaning their circumstances; he saved his discussion of that vitiating influence’s full effects for Turkish civilization itself (or lack of it, in Sepúlveda’s view). Sepúlveda maintained the perversity wrought by these debilitating effects fell under the headings of two major themes: first, the historic cowardice (or outright incompetence) of Turkish leaders, and second, the backward nature of their laws and cultural institutions. Both of these will sound familiar to readers of Second Democrates and its discussion of the Aztecs’ cowardly behavior when Montezuma was captured, not to mention Democrates’ derision of their institutions and practices. In the immediate context of his comments, however, Sepúlveda was far more concerned with providing a contrast in order to highlight and flatter Charles’ exceptionally virtuous leadership, as well as the strengths of Christianity as chief among the empire’s cultural institutions.

45 As will shortly become clear, Sepúlveda is less than careful in identifying the origins of the armies sieging Vienna, variously drawing connections between the Turks and the Trojans, Persians, and Asians generally. 46 See especially Sepúlveda, Demócrates Segundo, I.10.1–3.
Sepúlveda was willing to trace the cowardice, or incompetence in other respects, of the Turks and their leaders back to ancient history. He cited the Trojan War as the progenitor of European-Asian conflicts—even going so far as to claim an etymological relationship between Turk and Trojan, “from just a slight variation in the term”\(^47\)—before settling on the Greek wars against the Persians as the conflicts’ true antecedent. Greek military history directly informed Sepúlveda’s understanding of the forces of his contemporary Holy Roman Empire, as in either case he found himself discussing the reality of “the inhabitants of the part of the world we call Europe, against the peoples of Asia.”\(^48\) His first example is Xerxes I, whose sin was hubris. Although Xerxes overcame the Greek forces at Thermopylae and seems poised to invade the Greek territories with an overwhelming force, the true moral of his story in Sepúlveda’s view was not his terrible entrance into European territory but how “indigna y vergonzosa fue su salida [unworthy and shameful was his exit].”\(^49\) Moreover, just as in the Greeks’ victorious encounter with Xerxes I, Sepúlveda assured Charles, even small European armies could

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\(^{47}\) “Con una ligera variación del término.” Sepúlveda, Exhortación, 14.1. Although the city of Troy was in what is now modern day Turkey, the region only came under Turkish rule at the end of the 13th century. Far more common among 15th- and 16th-century Europeans was the idea that they themselves were the descendants of the exiled Trojans. See Terence Spencer, “Turks and Trojans in the Renaissance,” *The Modern Language Review* 47 (1952): 330–33.

\(^{48}\) “Los habitantes de la parte del mundo que llamamos Europa, contra los pueblos de Asia.” Sepúlveda, Exhortación, 13.3.

\(^{49}\) Sepúlveda, Exhortación, 14.3.
be trusted to beat the far larger forces of Asian provenance. The Asian/Turkish enemy was in the end “contemptible even next to our women.”

In addition to the inherent general virtue and strength of Greek (European) forces next to Asian ones of even far superior numbers, Sepúlveda assured Charles that his forces had the advantage of fighting against enemies whose ultimate legacy is cowardice. In support of this point he listed Darius I (or Darius the Great), Darius III, Antiochus III, and Pharnaces II. Darius I campaigned against the Athenians and suffered defeat at the Battle of Marathon in 490 BCE, prompting his son Xerxes I’s subsequent campaigns and ultimate defeats. But, “so that no one might place blame for this sizable cowardice on the epoch in question or the manifest lack of ability in this king or that general,” Sepúlveda moved further ahead in history to consider the later Persian ruler Darius III. The latter met Alexander the Great in the field, but could hardly withstand him:

Alexander had hardly deployed his forces before achieving a favorable result, for they say that at the first encounter in the Adrastean fields he conquered six hundred thousand Persians and Asians with their king at their head, and that, after ravaging them so, he put them to flight.

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50 “Despreciable incluso para nuestras mujeres.” Sepúlveda, Exhortación, 14.5.
51 Darius I was the father of Xerxes I and suffered defeat by the Greeks at Marathon. Darius III fell to the invading armies of Alexander the Great. Antiochus III was overthrown by the Roman consul Manius Acilius Glabrio. Pharnaces II was defeated by Julius Caesar.
52 “Para que nadie vaya a achacar la culpa de tamaña cobardía a la época en cuestión o a la incapacidad de unos reyes o generales concretos.” Sepúlveda, Exhortación, 15.1.
53 “Ni ante tamaño despliegue de fuerzas dejó de obtener Alejandro un resultado favorable, pues se dice que al primer encuentro en los campos Adrasteos venció a seiscientos mil persas y asiáticos con su rey a la cabeza, y que, después de causarles un gran estrago, los puso en fuga.” Sepúlveda, Exhortación, 15.3.
Nor, Sepúlveda insisted, was the cowardice of Persian and Asian troops and leaders a feature pertaining solely to the generations that faced the forces of the Greeks—the ancestors of the Turks showed plenty of cowardice in confronting Latin forces as well.  

Antiochus III and his forces “fled at the first encounter, leaving a rich camp to the mercy of the conquerors, and… the king himself was at the head of those who fled.”

Sepúlveda rounded out his account with the story of Pharnaces II, whose exceptionally prompt loss at the Battle of Zela inspired Julius Caesar’s summary statement of Veni, vidi, vici. In all cases, Sepúlveda argued, the thread connecting the defeated kings and generals was their massive armies, their Asian provenance, and their lack of courage in the face of danger, factors that should only encourage Charles as he contemplated facing the vast numbers of the Turkish armies.

Poor leadership was certainly a cause, in Sepúlveda’s mind, of the degeneration of Turkish society, and one he emphasized in order to draw a sharp contrast between the decrepitude of Charles’s enemy and the far more vigorous and virtuous Europeans who found themselves under good, strong Hapsburg leadership. However, equally to blame for the backwardness of society, Sepúlveda argued, was the backwardness of the Turkish laws and institutions that shaped it. As such, he pointed to “one of the most

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54 Sepúlveda, Exhortación, 16.1.
55 “Huyeron al primer encuentro dejando un rico campamento a merced de los vencedores, y...el propio rey se puso a la cabeza de los que huián.” Sepúlveda, Exhortación, 16.2.
56 Sepúlveda, Exhortación, 16.3.
execrable” among their few laws as a representative case: namely, an estate tax.⁵⁷ The sultan, Sepúlveda alleged, received a portion of a dead man’s inheritance alongside the rest of his heirs, as if the sultan were one of his sons.⁵⁸ Sepúlveda called this a “new type of tyranny” and an “intolerable avarice,” noting that in former times tyrants occasionally robbed their citizens in this way by caprice, but only the Turks saw fit to codify such outrage as law.⁵⁹ Sepúlveda connected the Turkish people’s inability to resist these circumstances to another feature of their society he found horrifying: their lack of a noble class. Sepúlveda himself admired the feudal European class system, under which “good and just kings assigned members of the nobility rank according to their valor.”⁶⁰ Given the Turks’ apparent lack of such a system, Sepúlveda could only imagine that the people living under the sultan’s power were hardly better than slaves—under whom the conquered Christians would in turn find themselves “the miserable slaves of slaves and wretched apprentices of serfs.”⁶¹

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⁵⁷ Sepúlveda, *Exhortación*, 4.5.
⁵⁹ “Nuevo tipo de trianía... intolerable avaricia.” Sepúlveda, *Exhortación*, 5.2.
⁶⁰ “Reyes justos y buenos les otorgaron [a la nobleza] el premio correspondiente a su notable valor.” Sepúlveda, *Exhortación*, 5.3.
4.4 The Relationship of Divine and Natural Law in the Exhortation

Given the stark and dramatic terms in which Sepúlveda articulated the danger facing Charles’s subjects—suggesting that the cumulative effects of a Turkish victory could not only destroy Europeans’ present access to Christianity but their future chances as well of recovering that access—it is not surprising that he sought to head off any objection that salvation was a worry distinct from the realm Charles governed. And in so doing, Sepúlveda laid out his understanding of the spiritual and civil realms, and the divine and natural and civil laws at work in them. His argument in the Exhortation, not unrecognizable from other iterations under examination in the chapters of this dissertation, nodded toward the distinction between these two areas before ultimately arguing for their common root and overlap. In particular, Sepúlveda was preoccupied with proving (with reference to Jesus, Abraham, Saul, and the apostles Peter and Paul) that wars that are just according to the natural law are not only permitted but compelled by the divine law.

Sepúlveda’s initial example of Christ is paradigmatic and sets the tone for the rest of the discussion. It was also important territory for the Cordovan to cover, since the nonviolence Jesus preached also served as his opponents’ principal example for why Christians should not go to war. Sepúlveda conceded the point that Christ “did not
confront the violence of the Jews…nor did he avoid a shameful death."62 However, he urged Charles to take careful note of the words with which Christ did these things. After quoting John 18:36 and Jesus’ admission that his kingdom was not of this world—for otherwise his disciples would fight in his defense—Sepúlveda explained:

> With these words he clearly demonstrated that there are two kingdoms: that of souls, which can be called spiritual, proper to priests and administered by Christ—and the civil one, which is governed by laws emanating from the good judgment of men, which good judgment is given to us by God63 so that we might enjoy a happy and upright existence. To this latter environment belongs your kingdom and that of other kings and princes.64

Already in his above admission of the distinction between the civil and spiritual realms, Sepúlveda had laid the groundwork for their common source and considerable overlap. Despite noting that one was the purview of priests while the other belonged to Charles himself and “other kings and princes,” Sepúlveda noted a common source for each. The spiritual realm of priests was more accurately understood, he suggested, to be “administered by Christ,” while the laws of the civil realm emanated from the “good

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63 Although the Spanish edition has “Christ” here, the Latin edition speaks of wisdom “quae data est nobis a deo.” I have followed the Latin version in my rendering of Sepúlveda’s meaning, though I argue below that he uses “Christ” and “God” interchangeably, a point implicitly supported by the Spanish translation.

64 “Con esto dejó claramente demostrado que hay dos reinos: el de las almas, que muy bien puede llamarse spiritual, propio de los sacerdotes y ostentado en aquel entonces por la figura de Cristo, y el civil, que se rige por leyes emanadas del buen juicio que Cristo nos ha otorgado a nosotros, los hombres, para que llevemos una existencia recta y feliz; a este último ámbito pertenece tu reino y el de los demás reyes y príncipes.” Sepúlveda, *Exhortación*, 10.2.
judgment...given to us by God.” In each case, Sepúlveda cited a divine source of wisdom. That divine wisdom should underwrite the government of the spiritual realm is hardly an idea that needs unpacking, and it is not one Sepúlveda spent any space in this treatise exploring in depth. Nor was it controversial among other sixteenth-century figures to suggest in a general way that the God who created nature presided over its courses as well. Where Sepúlveda recognized the need to develop supporting arguments was rather the coincidence of the divine and natural laws, and the way just war constitutes a fulfillment of each. To this end, he drew Charles’ attention to additional biblical archetypes who taught or typified obedience to both divine and natural law, and in doing so he sought to indicate the legitimacy of undertaking war as God’s people.

Searching for an archetypal figure who typified obedience to both the natural and divine law, Sepúlveda moved from Christ to Genesis 14, and offered Abraham for Charles’s consideration. Using the campaign against Chedorlaomer and the other allied kings the patriarch made war against, Sepúlveda argued that even “a man so observant of the natural law and so scrupulous a fulfiller of the divine will as Abraham” took up arms against the allied kings who had taken his nephew prisoner. His description of the patriarch here is significant. He did not bother to substantiate his above-quoted reference to Abraham’s obedience to both the natural and divine orders so much as he

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presented the same as an obvious point with which all exegetes would presumably agree. The argument that in Sepúlveda’s view needed pressing was not that Abraham obeyed both the natural and divine law, but rather that he executed the particular undertaking of going to war in obedience to divine as well as natural law. Sepúlveda pointed out that the reason Abraham pursued the allied kings mentioned in Genesis 14 was that these had themselves engaged in an offensive war and carried off “substantial spoils and a great number of prisoners, among whom was found Lot.” This coincided with the reasons he gave elsewhere in the treatise (and in other treatises) that constituted a just war, which he listed as follows: “in order to recover by force (when it is not possible to do so by law) what has been taken, or even to repudiate injustices and to repel an attack.” Therefore, Abraham’s pursuit and even his retaliatory “great massacre” of the enemy’s forces were in keeping with the natural law that allows the correction of injustice by force. That the enterprise was also in keeping with the divine law was apparent, Sepúlveda argued, from Melchizedek’s subsequent appearance and

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67 This raises the interesting question of what Sepúlveda’s portrayal of Abraham as fulfiller of both the natural and divine laws would have looked like had the Cordovan been commenting on Genesis 22 as opposed to Genesis 14. I have not yet encountered a passage where Sepúlveda wrestles with the justice of Abraham’s near-sacrifice of Isaac.

68 “Un sustancioso botín y un gran número de prisioneros, entre los que se encontraba Lot.” Sepúlveda, Exhortación, 11.1.

69 “Para recuperar por las armas, cuando no es posible hacerlo por el derecho, lo que les ha sido arrebatado, o bien para repeler las injusticias y rechazar un ataque.” Sepúlveda, Exhortación, 2.2.

70 “Gran masacre.” Sepúlveda, Exhortación, 11.1.
blessing of Abraham in the offering of bread and wine. With Melchizedek’s approval, Abraham was truly a fulfiller of both divine and natural laws.

Sepúlveda was so committed to his argument that the divine law does not differ from the natural law in giving permission to oppose injustice with violence that he appealed to the confrontation between Saul and Agag and characterized the former’s behavior in not killing the latter as going against the divine command. Saul, waging one of the many wars featured in the Old Testament against “the impious enemies of the Jews,” went to battle against the Amalekites, “a people accused of having intercepted the Jews on their way out from Egypt.” In defiance of the divine command to attack Amalek and “kill both man and woman, child and infant, ox and sheep, camel and donkey” (1 Sam. 15:3), Saul took the Amalekite king Agag captive and likewise spared the best of the sheep and cattle (1 Sam. 15:9). Confronted by the prophet Samuel, Saul insisted he had not relented but merely delayed, in order to execute Agag and sacrifice the Amalekites’ best animals before the LORD (1 Sam. 15:15). Nevertheless, Samuel announced (and Sepúlveda, in his telling, emphasized) that Saul had not obeyed the divine command, and so by divine command had lost his claim to rule Israel as its

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71 Sepúlveda, Exhortación, 11.1.
72 In the context of 1 Kings 15, this is a fair assessment; the prophet Samuel resolved Saul’s disobedience by executing Agag himself (1 Kings 15:22–23).
73 Saul, in one of his many campaigns against “los enemigos impíos de los judíos,” fought the Amalekites, “un pueblo al que se acusaba de haber interceptado el camino a los judíos en su salida de Egipto.” Sepúlveda, Exhortación, 11.3. See 1 Kings 15, Exodus 17:8–16, Numbers 14:45, and particularly Deuteronomy 25:17–19.
Sepúlveda argued that the divine law of the Scriptures condoned such retaliatory war as just, noting that the Jews “undertook wars not only of a defensive character but also of an offensive one, by considering any campaign just that was destined to combat the unbelievers and those who were apart from the true worship of God.” Sepúlveda frequently referenced the wars undertaken by God’s people in the Old Testament as an analog for Spain’s conquests in the New World; likewise, his writings on indigenous Americans feature the idea raised in the *Exhortation* that impiety against the God of Jews and Christians effectively constituted an injury to God that the people of God can legitimately avenge by declaring just war against unbelievers. For the present, however, it is sufficient to note Sepúlveda’s appeal to Saul’s story as illustrating the compatibility of divine and natural law. The Cordovan saw proof in the story not only that the divine law permitted the same just war that natural law counseled, but, moreover, that refraining from this war constituted disobedience to and a breach with the divine law. Such restraint, he argued, was not the mercy or the love of one’s enemies that characterized the more perfect spiritual way of divine law; it was rather merely to leave injustice unanswered and unpunished, which was to perpetuate further injustice. He compared this to the absurdity of leaving civil offenses unanswered and argued his opponents must think any employment of the secular arm went against divine law:

75 “Realizaron guerras no sólo de carácter defensivo, sino también ofensivo, por considerar muy justa cualquier campaña destinada a combatir a los infieles y a los que se apartaban del verdadero culto de Dios.” Sepúlveda, *Exhortación*, 11.2.
“Effectively, according to their marvelous point of view, they should believe that those who persecute criminals and scoundrels with legitimate penalties are violating religion. To think in this way, this indeed is impiety and criminal.”

In order to drive home his demonstration of the scope of divine law and its compatibility with the waging of just war as defined by the natural law, Sepúlveda moved to the New Testament references by Peter and Paul concerning the duties of believers to the civil realm. Not content simply to underscore the injunction that “every person be subject to the governing authorities” (Rom. 13:1), however, Sepúlveda argued that the apostles urged God’s people specifically to support their secular rulers’ military efforts. He connected the general support for a secular ruler of various New Testament accounts to the particular duty of supporting that ruler’s just war, using an argument whose logic can be divided into three points: (1) Secular rulers are installed by God to punish evildoers, a point Sepúlveda proof-texted immediately with 1 Peter 2:14 and the apostle’s description of governors as “sent by [God] to punish those who do wrong and to praise those who do right.” (2) The purpose of just war is likewise to punish evildoers, and, per 1 Peter 2:14, earns glory (praise) for the soldiers, military, and nation who have done right. (3) Taxes support the work of rulers in punishing evildoers

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76 “Efectivamente, según su maravilloso punto de vista, deben creer que violan la religión quienes persiguen a criminales y desalmados con legítimas penas. Pensar así, eso sí que es impío y criminal.” Sepúlveda, Exhortación, 8.5.
77 Sepúlveda quotes this passage in Exhortación, 12.2.
78 1 Peter 2:14, NRSV. Sepúlveda quotes this passage in Exhortación, 12.1.
(Romans 13:6), both domestically and in just wars, and Paul as well as Christ urge their followers to pay taxes.⁷⁹ Therefore, Sepúlveda concluded,

Submission to kings in military matters is a duty with which the subjects must fulfill at the very least by paying taxes, according to the commandment of Christ and Paul that stipulates this. Whatever this duty implies, one must fulfill it.⁸⁰

The appeal to taxes and Christians’ duty to pay them solves an interesting problem that Sepúlveda had crafted for himself. For, if indeed the divine law compels Christians to support and participate in the just wars prescribed by the natural law, as Sepúlveda argued above in the cases of Abraham and Saul, how is this to be accomplished, given that not all subjects of a given king or emperor can serve in his army? By this logic, only enlisted men could truly fulfill the divine law. Therefore Sepúlveda broadened his definition and democratized the participation in a kingdom or empire’s military effort, arguing that everyone “at the very least” supported this effort by paying taxes.

This compatibility of the natural and divine laws—and the ability of everyone (at least all taxpayers) to obey each—returns to Sepúlveda’s original argument in support of a common root and authority in both the spiritual and civil realms. He introduced this compatibility in the context of the natural law’s very definition, which he gave in the context of his explanation of how to recognize a just king. (Unsurprisingly, his

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⁸⁰ “La sujeción a los reyes en materia militar es un deber con el que han de cumplir los súbditos en no menor medida que con el pago de tributos, a tenor del mandato de Cristo y Pablo que así lo estipula. Implique lo que implique ese deber, ha de cumplirse.” Sepúlveda, Exhortación, 12.3.
evaluation has to do with the punishment of injustice. But, Sepúlveda argued, concerning the ability to recognize a king’s correction of injustice and judge him accordingly to be a good king, what else was this than “a law of nature, with which the divine law is never in disagreement, for what other thing is nature, but a constant order of causes ruled by God as the first cause and the moderator of the rest?”⁸¹ The question that precipitated this conversation—what is justice, or what makes a just king—is not one to which Sepúlveda was willing to admit a variety of possible responses. Not unlike the difference between an orthodox call for just war and the unorthodox priorities of pacifism, between which Charles’ above-mentioned subjects were able to differentiate, having been steeped in righteousness for generations, a just king was likewise simply apparent, as one who was in tune with the natural order that God presides over and moderates.

If, on the other hand, this and other matters were not apparent, it was on account of the unnamed pacifist (sc. Erasmus) whose doctrine Sepúlveda railed against throughout the Exhortation, even charging that the author of a pacifist doctrine “is himself a more terrible and hostile enemy of the Christian religion than, if not all heretics that are and have been, then at least the Turks themselves, to whom he has

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⁸¹ “Una ley de la naturaleza, con la que la ley divina nunca está en desacuerdo, pues ¿qué otra cosa es la naturaleza, sino un orden constante de causas regidas por Dios como causa primera y moderadora de las demás.” Sepúlveda, Exhortación, 10.7.
given such great help." It was on account of this confounding innovation of pacifism that Sepúlveda felt the need to produce the above litany of examples. Abraham, Saul, the apostles, and even Christ himself helped him to clarify those things that "the trickery and snares of this monster" had obscured, namely, the coincidence of the divine and natural laws in approving the just war Sepúlveda exhorts Charles V presently to undertake.

4.5 Concluding Remarks

Two assessments are due here. First, the question of the effect the Exhortation had on Charles’s subsequent movements, and the resolution of the tensions occasioned by the presence of Suleiman the Magnificent’s troops and his endorsement of Charles’s brother’s rival as Hungary’s king, requires an answer. Second, I must articulate concisely the sense of continuity between the arguments of the Exhortation and Sepúlveda’s formation and earlier writings, and between the Exhortation and his later arguments concerning human nature, its capabilities, and the relation of these to human salvation. Lack of evidence hampers the first, while the second revisits the themes of

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82 “Es un enemigo de la religión cristiana más funesto y hostil que, no digo ya todos los herejes que son o han sido, sino incluso que los propios turcos, a los que tan gran ayuda presta.” Sepúlveda, Exhortación, 12.4.
83 “Los engaños y asechanzas de este monstruo.” Sepúlveda, Exhortación, 12.5.

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grace and free will, comparing their function in his *Exhortation* with the uses to which he puts them in other writings.

### 4.5.1 Charles V and the Defense of Europe

The particular lack of direct evidence that hampers the first discussion revolves around the private mind of Charles V. No extant acknowledgement has come to my attention that the *Exhortation* served as a tipping point in Charles’s thinking, or that Charles indeed responded to or acknowledged it at all. That said, the emperor’s actions heed Sepúlveda’s counsel precisely. Charles had betrayed a reluctance to pursue war in Hungary as late as 1527, but his movements subsequent to his coronation by the pope in 1530 follow the paradigm Sepúlveda laid out, resolving his civil conflicts with other European leaders and mustering his forces to proceed to Vienna. Charles had written to his brother Ferdinand in 1527, for example, advising him to make peace with Suleiman’s forces, rather than “undertaking a war, and submitting yourself to fortune.” However, the arrival of Sepúlveda’s treatise coincided with the arrival of Suleiman’s forces at Vienna’s gates in the autumn of 1529. The latter certainly had, so to speak, an effect on the landscape, and on Charles’s priorities.

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Sepúlveda had advised in the *Exhortation* that Charles “be done with your vacillations and delays, and, by leaving aside some wars that—to tell the truth—result in few gains and less dignity, and give back to Christians much desired peace...[For] to this mission your duty as emperor calls you, and to it your veneration not only of your country but toward your God and toward religion as well exhorts you.”85 The treatise advocated in no uncertain terms that Charles shift his priorities entirely, from internal struggles in Europe to the threat at the edges of Ferdinand’s border. But Suleiman had also penetrated further into Hungarian territory by 1529, if ultimately unsuccessfully, than he had when Charles wrote his conciliatory words to Ferdinand in 1527. In other words, by 1530, Sepúlveda may not have convinced the emperor to undertake a new course of action so much as he told the emperor what he wanted by then to hear and outlined the movements Charles wanted to take anyway. Either would have been an effective maneuver politically. In any event, Charles resolved his war with the League of Cognac, set out to reconcile the religious disunity of his realm and restore its peace, and began to rally forces to defend central Europe against future incursions by Suleiman’s armies. His implementation was timely, for within three years Suleiman would indeed be marching across Hungary again.

85 “Acaba con todas tus vacilaciones y demoras y, tras dejar a un lado unas guerras que—a decir la verdad—reportan pocas ganancias y poca dignidad y devolver a los cristianos la ansiadísima paz...[Porque] a esta misión te llama tu deber de emperador, a ella te exhorta tu veneración no sólo a la patria, sino también a Dios y a la religión.” Sepúlveda, *Exhortación*, 21.2.
Sepúlveda needed no particular oracular capacity to see the present campaigns in the northern regions of the Italian peninsula winding down. The War of the League of Cognac, largely resolved with the imprisonment of Clement VII after the Sack of Rome (1527), Francis I’s agreement to the Treaty of Cambrai (5 August 1529), and the final negotiations with Clement and coronation of Charles at Bologna (1529–30), finally and truly ended with the siege of Florence from 1529 to 1530. Although originally allied with Pope Clement VII as a part of the League, the Florentines had taken advantage of the Sack of Rome to sever ties with the pope and their Medici rulership, establishing a republic instead.86 This republic continued to resist the imperial forces, but part of Charles’s and Clement’s reconciliation at Bologna involved coordinating plans to attack Florence together and reassert the Medici family.87 Charles’s commander, the Prince of Orange, laid siege to the city for ten months and, though killed in battle, secured its surrender in August 1530.88

This turn of events freed Charles to channel troops, resources, and energy toward the defense of Europe from the Turkish threat, but upon the withdrawal of Suleiman the Magnificent (largely on account of weather) in October of 1529, the threat to Vienna was no longer immediate. Nevertheless, Charles took Sepúlveda’s advice almost to the letter, as he turned from the settlement of the military conflict that had

raged for the better part of a decade within Europe and sought to address the religious
unrest that had been unsettling his lands for even longer. If he could accomplish this, he
could face Suleiman’s next attempt with the support of the German princes and imperial
cities; however, Sepúlveda’s advice to quell the Lutheran heresy was much more easily
spoken than accomplished. Hence on 20 June 1530, the Diet of Augsburg opened, with
Charles stating his priorities to settle the Lutheran schism and rally support for a
coordinated effort against the Ottoman forces, in addition to the less frequently covered
matters of handling issues relating to currency, imperial policy, imperial criminal code,
and the Gravamina and other supplications of the day. In practice, however, the focus
of the imperial diet remained on the religious question, and the legacy of its sessions
became the Augsburg Confession presented by Philip Melanchthon, the Fidei Ratio
hastily composed and submitted by Zwingli (who had not been invited), and the
Tetrapolitan Confession composed by Martin Bucer and supported by the delegations
from Strasbourg, Memmingen, Constance, and Lindau. The latter two documents were
not even allowed to be read at the diet, but manifested nonetheless the fragmentation of
the Protestant cause. The Augsburg Confession received a theological confutation
courtesy of John Eck and his colleagues, but Charles refused to hear Melanchthon’s

89 Gottfried G. Krodel, “Law, Order, and the Almighty Taler: The Empire in Action at the 1530 Diet of
91 Lindberg, The European Reformations, 240.
defense, or Apology to the Augsburg Confession, and the emperor’s formal endorsement of the Confutation closed discussion on the religious unity of the German territories—though notably without resolving it. When Charles dismissed the electors and princes and other representatives in September 1530, the questions of reform and religious unity remained in a holding pattern, awaiting a general church council rather than an imperial one.

But what about Charles’s other stated purpose for the Diet of Augsburg, namely, a discussion of the German princes’ support for an imperial army to answer Suleiman’s forces and the Sultan’s apparent intentions to seize control of much of Europe? Charles had initially intended to request a taxation of their lands in order to provide for the defense of Vienna (at least) and to fund a crusade against Suleiman’s forces (at best).

But on this score, too, the postponement of any restoration of religious unity in Germany was potentially catastrophic. The issues were linked on June 22, when the Reichsrat of the diet ruled (and the emperor agreed) that no progress could be made in discussions about the Ottoman armies and preparation for war until the religious issue was settled.

The public presentation of the Augsburg Confession on June 25, despite the major players’ agreement that the religious questions would be handled in closed sessions,

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92 Lindberg, *The European Reformations*, 239.
94 Ferdinand had even suggested the lands of recalcitrant Protestant princes be confiscated and sold to raise and provision an army against Suleiman’s forces. James Reston, Jr., *Defenders of the Faith: Charles V, Suleyman the Magnificent, and the Battle for Europe, 1520–1536* (New York: Penguin, 2009), 306.
precluded an efficient handling of the religious dissenters and ensured the drama of the Confutation and Apology to come.\(^9^6\) Therefore the closing of the diet without a full resolution of the religious questions meant Charles could not secure approval for his request of military support either. It would be inaccurate, however, to conclude the protracted religious wrangling precluded all progress. Charles requested as early as June 28 that a committee should be formed to consider responses to the Turkish forces’ presence.\(^9^7\) The result of the committee’s work, however, was “a halfway measure,” by which Charles was able to secure *eilende Hilfe* [hurrying help] but not *beharrliche Hilfe* [steadfast help].\(^9^8\) The difference meant the money the delegations voted in 1530 to allot toward Charles’s resolution of the “Turkish problem” was not released until 1532, when Ottoman forces marched within sight of imperial ones.\(^9^9\) Moreover, the failure to resolve religious tensions at Augsburg, coupled with the emperor’s formal opposition to the Protestant cause, had led to the formation of the Schmalkaldic League, a reassertion of the free imperial cities’ and German princes’ intention to come to one another’s military aid should Charles seek to reassert Catholicism by force. One need look no further than the battle of Kappel, where Ulrich Zwingli was killed on 11 October 1531, to know that


\(^{9^9}\) Tracy, “The Habsburg Monarchy in Conflict with the Ottoman Empire, 1527–1593,” 12.
the threat of imperial intervention in Protestant lands persisted and animated the need for such a league.  

Sepúlveda’s own disappointment with the proceedings at Augsburg was palpable in his treatment of what he called “The Diet of Germany” in his chronicle of Charles’s reign:

But after a long and profound debate over the religious question at the Diet of Germany, once he arrived at the conclusion that it could not be resolved without involving the ecclesiastical authority, he postponed the problem until a general church council could be celebrated among the Christians and continued on to Flanders and his other dominions in the Low Countries, with the intention of celebrating the States General. And being occupied with these matters, the serious and alarming news that flowed in daily with respect to the movements of the Turks and the enormous size of their forces, on land as well as sea, forced him to return to Germany and take up the matter of war. And although it still was not known with a great deal of certainty what they intended to do, he judged, nevertheless, wisely, owing to the magnitude of the danger, to undertake to provide for whatever emergency; on the one hand, preparing the hearts of the German lords, should it come to that, to repel the war, and on the other, putting together a force in order to defend Sicily and the coast of Italy.

100 The Schmalkaldic League had taken subscription to the Augsburg Confession as its symbol of unity, and as such Zwingli and the Swiss cities and cantons connected to him were not a part of that alliance. After their defeat at the battle of Kappel, however, the Schmalkaldic League was their only resource for military protection against the emperor’s armies. Carter Lindberg, The European Reformations, 241–42.

101 “Pero tras un largo y profundo debate de la cuestión religiosa en la Dieta de Alemania, una vez que se llegó a la conclusión de que no se la podía resolver sin contar con la autoridad eclesiástica, pospuso el problema hasta la celebración de un concilio eclesiástico general de los cristianos y continuó hacia Flandes y demás dominios suyos en los Países Bajos, con el fin de celebrar Estados Generales. Y estando ocupado en estas cuestiones, las graves y alarmantes noticias que a diario le llegaban en relación con las tentativas de los turcos y el enorme incremento de sus fuerzas, tanto terrestres como navales, le hicieron regresar a Alemania a ocuparse de una cuestión bélica. Y es que aunque todavía no se sabía con demasiada certeza qué era lo que se proponían, juzgaba, no obstante, prudente, debido a la magnitud del peligro, empezar a prevenirse para cualquier emergencia; de un lado, preparando los ánimos de los señores alemanes para, llegado el caso,
Sepúlveda’s account here is far more an elegy to a ruler he admired (and profited from praising) than it is a source-based account in the much later developed style familiar to historians who practice their discipline in the wake of Leopold von Ranke and other nineteenth-century Germans. Charles’s decision, as Sepúlveda reported it, to “return to Germany and take up the matter of war” and “undertake to provide for whatever emergency,” led him to convene the 1532 Diet of Nuremberg. The diet effectively established legal toleration for Protestantism within the empire, allowing it to flourish over the next decade. It also secured the support Charles needed upon the return of Suleiman’s forces to Hungary.

By the time Suleiman set off on a new campaign on 25 April 1532, Ferdinand had used the funds secured by Charles to build four new bulwarks around the walls of Vienna. Charles, freed by the accord signed at Nuremberg from following through on his own threats to deploy military action against the Lutherans, raised small Spanish and Italian armies and sent them to defend Vienna, where he joined his brother. Suleiman, however, was delayed at Güns, a small town and fortress in Hungary a
hundred kilometers southeast of Vienna, which was defended by just 800 soldiers but that managed nevertheless to delay Suleiman’s armies by four weeks, until the same August rains arrived that had hindered his siege of Vienna in 1529.\textsuperscript{106} When Güns finally surrendered, Suleiman surprised the Habsburgs by turning his forces not northwest toward Vienna but east toward Styria, a duchy in the southeast of Austria that he proceeded to ravage for weeks.\textsuperscript{107} Charles, bewildered, remained behind the walls of Vienna, in all likelihood foiling Suleiman’s plan to draw him out to battle in the open countryside where the Turkish cavalry would have the advantage. In November 1532, Suleiman returned to Constantinople, and both sides celebrated victory.\textsuperscript{108}

It appears, then, that Charles heeded Sepúlveda’s \textit{Exhortation} in its general thrust and accomplished its broad aim of defending Europe. He also ignored certain particulars and failed to follow through on the most ambitious of the goals set for him by the treatise. He put aside, for example, Sepúlveda’s advice that he not worry about raising funds in advance but rather make haste and trust that the spoils from his defeat of the Turks would feed his troops, relying instead on negotiations and taxation of German princes and cities in imperial diets at Augsburg and Nuremberg.\textsuperscript{109} Ultimately, Charles considered it worth dedicating an average of 190,000 \textit{gulden} raised each year

\textsuperscript{106} Clot, \textit{Suleiman the Magnificent}, 84–85.
\textsuperscript{107} Clot, \textit{Suleiman the Magnificent}, 85.
\textsuperscript{109} Sepúlveda must have been convinced Charles would easily push Suleiman back across his own borders; he would not have advocated the pillaging of Austria or Hungary. \textit{Exhortación}, 19.5.
between 1530 and 1551 toward protecting the Hungarian border.\footnote{Tracy, “The Habsburg Monarchy in Conflict with the Ottoman Empire, 1527–1593,” 11–12, 15.} The indecisive landwar continued for decades, and the \textit{Lange Türkenkrieg} of 1593–1606 ended in treaty and stalemate.\footnote{Tracy, “The Habsburg Monarchy in Conflict with the Ottoman Empire, 1527–1593,” 3.} Charles’s efforts, in summary, addressed Sepúlveda’s urging that he save Europe and rescue Ferdinand, but he never became “proprietor of most opulent Asia Minor” as the man he later hired as chronicler had foretold.\footnote{“Dueño de la opulentísima región de Asia Menor.” Sepúlveda, \textit{Exhortación}, 21.5}

### 4.5.2 The Place of the \textit{Exhortation} among Sepúlveda’s writings

A second assessment due here is some concluding remarks on the continuity of the \textit{Exhortation to Charles V} with Sepúlveda’s observed affinity for defending the unity of philosophical and theological truth, forged in the aftermath of the Fifth Lateran Council (see section 2.4), and with his response to Luther’s teaching that grace necessarily precedes any pursuit of good by the human will (Chapter 3). In summary, throughout the \textit{Exhortation}, Sepúlveda maintains his line of reasoning from \textit{On Fate and Free Will} in 1526, arguing for the essential compatibility of divine and natural law through the natural capability of human reason to discern and fulfill the divine commandments. His clearest example of natural reason’s capacity for revelaing divine reality is his extended lamentation of the situation of the conquered Greek Christians. Their upward journey of learning and contemplation through the liberal arts—the discipline that does the most to
“impel the souls of mortals toward true religion and freedom”—had been severely limited since their capitulation to Turkish power. Sepúlveda gives no explicit treatment in the treatise of the doctrine of grace, but the description of the role of wisdom and the liberal arts, and the importance Sepúlveda attaches to it, fits with the semipelagian doctrine he expounded in On Fate and Free Will and moreover is evocative of the language from that treatise of the seeds of virtue existing within the human soul, only in need of cultivation. Sepúlveda’s emphasis on the importance of one’s environment—the cultural and institutional setting of a soul under cultivation—likewise recalls the discussion in On Fate and Free Will where Sepúlveda explained Germany’s descent into doctrinal confusion with reference to cultural decline on a larger scale. In his Exhortation, Sepúlveda doubled down on this notion, citing dire consequences for the salvation of Charles’s subjects should he neglect his duty to meet and repel the Turkish armies that threaten Europe. Such neglect would effectively allow the strong and virtue-producing institutions of European Christendom to be replaced with Turkish institutions (or their lack of them), and the fate of the Greek Christians would be the fate of the German Christians as well.

113 Sepúlveda, Exhortación, 4.2.
114 Sepúlveda, Exhortación, 4.2.
The *Exhortation* is, as mentioned above, a transitional document, nodding toward Sepúlveda’s service beginning in the mid-1530s as Charles V’s royal historian. However, Sepúlveda remained in Clement VII’s papal court for some years before changing patrons, and in the ensuing years produced his treatise on Henry VIII’s “Great Matter” (see Chapter Five) and contributed to Cardinal Quiñones’ work on the revision of the Roman Breviary. These works continued to build on and expose Sepúlveda’s theology of human nature’s inborn capacity for virtue apart from the grace of revelation, and the particular blameworthiness of the human nature that fails to achieve that potential, which he deploys to stunning effect in his argument that Spanish forces are obliged to overwhelm and conquer the American indigenous populations in order to civilize and save them. In particular, the treatise *On the Marriage Rite and Dispensation* [1531], to which I turn in my next chapter, brings even more explicit theological language and reasoning to the central problem of this dissertation by adding considerations of papal authority and canon law to his discussion of the contents of natural and divine law.

In some ways, too, *On the Marriage Rite* constituted a surprising about-face from the *Exhortation* he had composed two years earlier. Specifically, the importance of a prince’s authority over his subjects continued to infuse Sepúlveda’s writing, but the prince whose authority gained the spotlight was no secular emperor but the supreme pontiff, invested by God with an authority above all secular princes. The rhetorical strategy of each treatise, however, goes a long way toward explaining the discrepancy. If
Sepúlveda had stressed the pope’s universal authority in the Exhortation, it would have undercut his flattery of Charles’s authority and his appeal to the emperor to take responsibility for his subjects and rally his forces to war against the Turks. If he had set the pope’s authority in tension with the emperor’s in On the Marriage Rite, it would have undercut his appeal to another secular ruler, Henry, to abide by the pope’s decision about his marriage to Catherine of Aragon.

The opportunism of the discontinuity—the flattery of the emperor when addressing the emperor, the flattery of the pope when suing on behalf of the pope’s interests—opens Sepúlveda to the criticism, familiar from the literature reviewed in Chapter One, that he was in all things opportunistic, that none of his writings reflect anything more than an obsequious toadying toward his patron, whoever that happened to be at any given moment. But this is to be expected; it is precisely what he was hired to do, and the fact that Sepúlveda was doing a job does not diminish the significance of the materials he drew on in order to do it. My comparison shows that even among his very separate tasks of answering Luther’s theology, exhorting the emperor to war, and counseling Henry to obey the pope, Sepúlveda built his arguments from a strikingly similar foundation. In every instance, he argued God’s creation is so ordered that human beings have access to natural reason by which they can cultivate virtue in themselves and pursue the highest good of true religion. Sepúlveda’s writings against Luther expounded these doctrines in terms of systematic theology (grace, free will, virtue), and
hinted that this natural human disposition toward the pursuit of virtue could be diminished in an adverse environment. The *Exhortation* expanded on the latter suggestion, lamenting the situation of Greek Christians under the poisonous effects of Turkish rule and worrying that the same fate could befall Western Christians if Charles and his troops did not halt the Turkish progress. Against the backdrop of contemporary events and threats, then, Sepúlveda unfolded his doctrine of what human flourishing is possible as a result of the natural reason inherent in human nature and its propensity to pursue virtue in accordance with the natural law and ultimately seek God and salvation.

This cooperation with natural law in the reaching toward and meriting of grace, suggested in Chapter Three as a semipelagian tendency on Sepúlveda’s part, raises the question of just whether and how the Cordovan would ultimately draw a distinction between reason and revelation, between the natural law inherent in human instinct and understanding and the divine law revealed in the Old and New Testaments. Happily, in his next publication, the 1531 treatise *On the Marriage Rite and Dispensation*, Sepúlveda arrived at an explicit treatment of exactly these themes. The immediate aftermath of his audition of his talents and services before the Holy Roman Emperor saw not a transition to the imperial court for Sepúlveda but a recalling of his services to Rome, aiding the Cardinal of the Holy Cross Francisco de Quiñones. His explicit task was to assist the cardinal in the revision and reformation of the Roman Breviary, but this was not his new supervisor’s only priority. Cardinal Quiñones was also a relative of Charles V and the
ambassador of his interests to the papal court—and in the late 1520s, the emperor’s interests lay in the defense of his aunt, the Spanish queen of England, from her king’s suit for their marriage’s dissolution. In this context, Sepúlveda endeavored to serve Quiñones, and by extension the emperor as well as the pope, by compiling the necessary points from canon law and other sources in order to determine the appropriate ruling for Henry’s case. Over the course of this discussion, he raised the question directly of how natural law, divine law, and canon law compare, and whether they overlap in purview. It is to these questions and Sepúlveda’s treatment of them we now turn.

5. Divine and Natural Law in Marriage and Divorce: Sepúlveda Weighs in on “The King’s Great Matter”

Sepúlveda composed and published his treatise against Luther from within the papal court, where he worked as an official translator of Aristotle’s works.¹ His years in Clement VII’s service also witnessed the early stages of another defining Reformation controversy, as Henry VIII of England began to study canon law and solicit the opinions of theologians and jurists on the matter of divorce.² Ultimately, the king’s question concerned the validity of his marriage to Catherine of Aragon, who had previously been married to his older brother Arthur. Arthur, married by proxy to Catherine in 1499 and finally united with her when he gained the age of consent, died the second of April 1502, still at the age of fifteen.³ Within months, young Henry had been assigned his brother’s titles and his place in the English royal succession; in 1509, his father having died, Henry gained both the English crown and, courtesy of a bull of dispensation from Julius II, his brother’s widow.⁴

Julius’s papal dispensation was destined to become the center of the controversy. Had it ever really been the pope’s to grant, in the face of biblical prohibitions against

“uncover[ing] the nakedness of your brother’s wife” (Lev. 18:16)? The answer to this question had to be a close and searching analysis of ecclesiastical law, as well as the divine law of God revealed in the words of Scripture, and finally the natural law. Henry’s court solicited opinions far and wide from the universities and religious orders of Europe. One of the responses they received (though “solicited” would not necessarily apply here) was Sepúlveda’s treatise On the Marriage Rite and Dispensation [1531]. The treatise is of interest in its capacity as a Spanish Catholic answer to the question of whether Henry could rightly put away his Spanish Catholic queen. Its conclusion that Henry should not do so is hardly surprising: little else besides the “unconditional defense of the queen” could have so forcefully united Sepúlveda and Luis Vives, Francisco de Vitoria, Cardinal Cajetan, and diverse others in their opinions. But Sepúlveda’s method for arriving at this conclusion involved an extended, abstract discussion of natural, divine, civil, and pontifical law, and the pope’s authority to interpret all of these. In other words, in On the Marriage Rite and Dispensation, Sepúlveda turned his attention directly to the themes that I have argued underwrite his position in the treatise against Luther. Having identified an implicit relationship between these

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5 Juan Ginés de Sepúlveda, Del rito de las nupcias y de la dispensa, trans. J. M. Rodríguez Peregrina, Obras Completas, Vol. 6 (Excmo. Ayuntamiento de Pozoblanco, 2001), 134–82. Referred to hereafter as Sepúlveda, Del rito de las nupcias.

themes in the previous chapter, the task of this chapter is to follow Sepúlveda’s logic as he engages and relates the natural, divine, and ecclesiastical laws directly.

In what follows, I provide additional context for the conflict brewing in England, then turn to Sepúlveda’s involvement by way of his 1531 treatise. I explore the immediate context of his writing and detail his responses to the major questions Henry’s court had raised: first, the interpretation and harmonization of Leviticus 18:16, Leviticus 20:21, and Deuteronomy 25:5–10; and second, the authority of the Pope to adjudicate on such a matter. Under the heading of the first come not only questions of biblical interpretation but also the history and interpretation among popes and scholastic theologians alike of marriage laws concerning consanguinity and affinity, categories whose intricacies were familiar to Sepúlveda. Meanwhile, under the heading of the second question, Sepúlveda explored not only the pope’s authority to decide a matter in the English courts (for which he has, not without reason, been referred to as an ultramontanist\(^7\)), but the extent to which the pope has the ability to make exceptions in the interpretation and application of natural, divine, civil, and ecclesiastical law more generally. The weight Sepúlveda assigned to this last matter is considerable, and the space he dedicated to its exposition gives explicit voice to what I argue implicitly informs his polemic against Martin Luther—namely, the close relationship Sepúlveda

\(^7\) Ángel Losada, “Juan Ginés de Sepúlveda (Su polémica con Fray Bartolomé de Las Casas,” Cuadernos de Investigación Historica 2 (1978), 552.
saw between these systems. After visiting the later career of *On the Marriage Rite and Dispensation* in the context of Mary Tudor’s 1553 succession to the English throne, marriage to a Spanish prince, and reassertion of papal authority in her realm, a concluding section expounds the implications these arguments have for Sepúlveda’s coming polemic against Bartolomé de Las Casas, where I argue that his convictions about natural law, and his resulting semipelagian convictions about the natural intellectual and religious capabilities of human beings, profoundly informed his view of the indigenous populations of the Americas and the justice of their conquest and subjection to Spanish authority.

### 5.1 The King’s Great Matter

That Henry VIII would begin to be disturbed in the late 1520s by the amount of authority the pope could exercise was, to say the least, unexpected. Even if the Hunne affair and ensuing crisis of 1514–1515 gave hints of the anticlerical and reforming spirit to come, Henry’s response to Martin Luther’s theology in the years that followed dampened any expectation that a Henry-centered reformation of any sort in England was a foregone conclusion. And although some scholars have argued recently that Henry was indeed consistent in his theology throughout his life, only growing or developing in his realization of how out-of-step Rome was with that theology, this

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conclusion ignores much objective evidence, not to mention Henry’s own assessment of
the early 1530s as a time of upheaval and conversion in his life and in his theology.9
Henry’s worry about the fact of his failure to produce a viable male heir with his queen
Catherine of Aragon, then, was couched in a certain irony: for it was within his
enterprises as a theologian that he framed his scruple as a theological question, and
ultimately broke fellowship with the Roman Catholic church—when in the first place his
enterprises as a theologian had been encouraged by Rome, and had as their original
priority, naturally, the defense of Rome and her church.

Pope Leo X had in fact assigned Henry the title *Fidei Defensor* in 1521 after he
issued his withering *Defense of the Seven Sacraments* against Luther’s *Babylonian Captivity
of the Church*. The text took Luther to task precisely for his presumptuous preference of
Scripture over the wisdom of the Church. For example, the Wittenberg theologian had
argued that Christ never instituted marriage in the Scriptures and never gave it a sign or
said it conveyed grace, and concluded from this argument that marriage must not be a
sacrament. The *Defense* railed in response,

> And how knows he this? *Because* (says he) *we read it not*. O strong Reason,
and Mother of many Heresies! ...You admit no Sacrament, unless you

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9 Richard Rex very clearly breaks down the varying schools of thought concerning Henry’s conversion—that
he began a Catholic and ended a Protestant, that he was always consistently a Catholic with little use for a
pope, and more recently, that Henry was a consistent Erasmian throughout his life. Rex takes on this last
thesis explicitly and raises a number of inconsistencies between Henry’s theology and practice and those
taught and espoused by Erasmus of Rotterdam. His own conclusion is that Henry would have rejected any
argument for consistency, and argues that the king’s conversion in the 1530s revolved around a new
understanding of royal power, papal power, and their respective spheres of influence. Richard Rex, “The
read its Institution in a Book! What Book has he ever writ who instituted all? Concerning some Things, (says he) I believe Christs Evangelists: Why then does he not, in some Things, believe also the Church of Christ; which is by Christ himself preferred to all the Evangelists, who have been only Members of the Church? Wherefore, if he confides so much in one, why does he distrust all together?¹⁰

Henry did not here defend the Pope’s authority specifically, preferring to affirm instead the plenary witness of Scripture and the authority of all the church’s “members”—presumably including saints, theologians, councils, and popes down through the centuries. Even so, the irony of his position did not go unnoticed. The opening scene of Pedro Calderón de la Barca’s seventeenth-century¹¹ play The Schism of England depicted Henry writing this very treatise, this very article in defense of marriage, when in a vision he beheld the specter of Ann Boleyn and found his labors erased themselves. As Henry explains to Wolsey, who comes upon him when he awakens from the vision:

So I was writing; and the subject was
The sacrament of marriage, when, alas,
My head grew heavy and my wit was dulled
By sleepiness. Scarcely had I succumbed,
When I saw a woman enter by the door…
She came towards me, and I was perturbed
At seeing her, and contemplating her
I could not go on writing—to be precise,
However much I wrote and noted down

¹⁰ Henry VIII, Assertio Septem Sacramentorum or Defence of the Seven Sacraments, ed. Louis O’Donovon, S.T.L (New York: Benziger Brothers, 1908), 364. All italics original.
¹¹ The date is vague by necessity; the play may have been written and performed as early as 1627, while scholars have variously hypothesized composition dates in the 1630s and 1640s. See Ann L. Mackenzie, “Introduction: La Cisma de Inglaterra: the date and circumstances of its composition,” in Pedro Calderón de la Barca, The Schism of England (La cisma de Inglaterra), trans. Kenneth Muir and Ann L. Mackenzie (Warminster: Aris & Phillips, 1990), 1–13; the author argues there for the early date of 1627.
With my right hand, my left hand would erase.\textsuperscript{12}

Calderón de la Barca employed verse to express a fair question. How could Henry go back on his early orthodoxy and apparent obedience? The *Defense of the Seven Sacraments* had ridiculed Luther for seeming to take his own advice and wisdom over the tradition of the church. How then could Henry arrive at a place where he wondered whether he, too, perhaps accounted for the same sort of exception to the church’s wisdom—such that he, and not the pope who had granted him the dispensation by which he married his brother Arthur’s widow, was the better reader of Leviticus and canon law?

If Henry’s brooding on Leviticus and the validity of his marriage with Catherine of Aragon had much to do with his increasingly unwieldy infatuation with Ann Boleyn,\textsuperscript{13} the official party line was nevertheless that he feared for his realm’s future stability given the absence of a male heir. Of the six children he conceived with Catherine, only Mary Tudor lived through her infancy. This was not precisely the strictly childless state Leviticus threatened, but neither was it a particularly desirable outcome from Henry’s point of view. A female heir, in his and most sixteenth-century eyes, was not as stable an assurance in the matter of succession as a male heir. The author of *A Glasse of the Truthe*, a text in line with Henry’s views if not actually written


\textsuperscript{13} The timeline of Henry’s dalliance with Ann and its relationship to his growing earnestness in seeking an official separation from Catherine is contested to say the least. Not without a note of humor, Crabités alludes thusly to the disagreement among historians: “Certain writers make it almost an article of faith to prove that the scruples of Henry preceded his proposal of marriage to Anne Boleyn.” Pierre Crabités, *Clement VII and Henry VIII* (London: Routledge, 1936), 31. That timeline is immaterial here; however pure or boorish Henry’s motives, I am ultimately only concerned with his reasoning and the reasoning of his court.
by him, agreed, avowing that “the establysshement of titles is nat so surely rooted nor yet so entierlye mainteyned by the female as by the male.”14 Anticipating precisely the conflict that would arise when Mary came into the succession and prepared to marry Philip II of Spain, the anonymous author located this weakness of the female heir in her need for a husband, who would eventually, inevitably, subsume her rule: “[I]f the female heyre…chaunce to rule, she can nat continue longe without an husbande, which by goddes lawe, muste than be her gouernour and heed, and so finally shall directe this realm.”15 This worry about the female heir’s potential for maintaining control of her realm in the presence of a husband who would turn her immediately into a wilting violet if she were not already so by constitution—however chauvinist it seems to modern, egalitarian sensibilities—was a very real force in the sixteenth century. It carried so much weight, that when Mary did wed Philip, he had to stand on her left, “the place traditionally reserved for a royal consort in relation to a king.”16 When new coinage was issued with the new monarchs’ images, Philip again occupied the left, in a consistent and “coded response to political opposition.”17 The opposition to Mary and Philip’s union was complex in motivation, but fear of Philip’s undue husbandly

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14 A Glasse of the Truthe, Early English Books Online, image 4 of 41.
15 A Glasse of the Truthe, Early English Books Online, image 3 of 41.
influence was undeniably a major factor in movements such as the Wyatt Rebellion, and historians have been divided as to the ultimate effect on Mary and her sovereignty that Philip’s influence ultimately had.

As a result of the various political and personal motivations reviewed above, Henry began as early as 1527 to question the validity of his marriage to Catherine. He soon asked the question formally, and his court sent letters throughout his realm and abroad, so that a “galaxy of Greek and Hebrew scholars, Christian and Jew, of theologians and canonists, of religious houses and universities, first in England and then on the continent, would be called upon to provide evidence for the king.” Among this galaxy of international responses, there is a natural temptation to make facile connections between the various parties espousing various arguments and their kingdoms of origin or, more broadly speaking, the authority-bearing institution or

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20 As late as the summer of 1526, all was calm by outward appearances. Erasmus praised the union of Henry and Catherine as a model of marital harmony in the preface of his treatise, *The Institution of Matrimony*, dedicated to Catherine. He wrote, “But if in my picture of matrimony I have shown myself a poor artist, in the saintliness of your character one can find the perfect model of a most holy and blessed marriage. Do not suspect me here of flattery. What we admire and praise in you does not belong to you, but is a gift from God. The valiant qualities of your mother Isabella, the former queen of Spain, were celebrated throughout the world. Her spotless character was truly the sweet savour of God in every place. Your qualities are known to us from closer at hand; from them we can form some idea of her virtues also, just as we recognize the skill of a painter from his picture. We expect a work no less perfect in your daughter Mary. For what should we not expect from a girl who is born of the most devout of parents and brought up under the care of such a mother? I pray that the Lord may preserve this happy state to the benefit of the whole Christian world.” Desiderius Erasmus, “The Institution of Christian Matrimony,” trans. Michael J. Heath, in John W. O’Malley and Louis A. Perraud, eds., *The Collected Works of Erasmus: Spiritualia and Pastoralia*, vol. 69 (Toronto: University of Toronto Press, 1974), 214.
person with whom their loyalties lay. In this model, the English theologians divided depending on whether their loyalty was to Henry’s court or to the Pope’s in Rome; meanwhile, the Roman opinion was a foregone conclusion, and Spanish theologians and canon lawyers inevitably argued the case that favored Queen Catherine, one of their own. Though not perfect—Luther, generally liable to support others’ attempts to subvert papal authority, disapproved of Henry’s proposed separation22—these facile connections actually hold up irritatingly well under further scrutiny. But that does not mean further complexities worthy of study are lacking in any degree among the various persons and their arguments. The fact that Catholic humanists, theologians, and jurists arrived at the same conclusion—coming to the “unconditional defense of the queen”23—does not imply that the steps they took to arrive there were precisely the same. In the context of the present argument, those differences are more intriguing still as they provide an opportunity to unpack not only how Sepúlveda reasoned concerning natural, divine, and ecclesiastical law, but how he reasoned differently from some among his peers on those topics. Before turning to a review of the positions taken and arguments employed in Sepúlveda’s treatise On the Marriage Rite and Dispensation, then, I briefly review the representative response of Cardinal Cajetan, in order to establish Sepúlveda’s as a Catholic contribution, not the Catholic contribution.

5.2 Cardinal Cajetan: Three Comments on Henry VIII

Cajetan addressed the marriage between Henry and Catherine in his commentary on Thomas Aquinas’s *Summa Theologiae*, his 1530 treatise addressed to Clement VII, *De coniugio regis Angliae cum relicta fratri sui*, and his 1534 open letter to Henry, *Ad Serenissimum angiae regem fideique defensorem, henricum eius nominis octauum: de coniugio cum relicta fratris sententia*. The latter two texts are obviously contemporary with the drama surrounding Henry’s break with Rome; “The King’s Marriage,” like Sepúlveda’s *On the Marriage Rite*, was composed before Henry acted decisively. The comments in the *Summa* commentary, on the other hand, preceded the airing of Henry’s scruples—its last volume left the printers in 1522. Each text exhibits subtle variations from Sepúlveda’s approach. In the first, Cajetan made a case from the historical record that Sepúlveda later passed over in near silence. In the latter two, “The King’s Marriage” and “Marriage with a Brother’s Widow,” which I review together since they make use of the same arguments, Cajetan considered the relationship between divine and natural law, and the sovereign authority of the pope, in each case making arguments that differed slightly from those of Sepúlveda.

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Cardinal Cajetan mentioned Henry and Catherine first in his commentary on Thomas Aquinas’ *Summa*, printed in successive volumes from 1508 to 1522. His observation came in his comments on the *Secunda Secundae* and its treatment of virtues and vices, specifically lust (*ST* II-II, Q.109), and, more specifically still, the relation between incest and lust (*ST* II-II, Q.109, A.9): a *locus classicus* for the discussion of consanguinity and affinity. Given that consanguinity and affinity were generally considered to be obstacles to matrimony, Thomas’s discussion allowed Cajetan to raise the question of whether the laws governing degrees of consanguinity and affinity were rightly relaxed by Pope Julius II for Henry and Catherine. But these were not the only monarchs whose case allowed Cajetan a discussion of the issue at hand with reference to public figures: Julius predecessor, Alexander VI, had issued the same dispensation on behalf of the king of Portugal and Catherine’s sister María in 1500.

The complexities of the Iberian case began with two brothers in the Portuguese royal family, Afonso (d. 1491) and Manuel, who, like Arthur and Henry, were heirs to the throne. Afonso, like Arthur, died before he could become king—but after having married the oldest daughter of Isabella and Ferdinand, and Catherine of Aragon’s oldest sister, Isabel, in 1490. Manuel, like Henry of England, in due course became king of Portugal (1495) and married his brother’s widow (Isabel) in 1497. Isabel in turn died in

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childbirth the following year. Manuel subsequently married María, the third of Isabella and Ferdinand’s daughters (after their first, the late Isabel, and their second, Juana, married to Emperor Maximilian’s son Philip, and their youngest besides Catherine). In other words, Isabella and Ferdinand’s oldest daughter married two Portuguese princes in turn, while the second of those Portuguese princes married two of Isabella and Ferdinand’s daughters—and later one of their grandchildren (Leonor, the daughter of the aforementioned Juana and Philip).

Cajetan reviewed the situations of Henry and Catherine and Manuel and María with respect to the conclusions Thomas Aquinas had drawn in his discussion of affinity and consanguinity in the Summa. Thomas had concluded in this article that incest was indeed a determinate species of lust, and defined incest as the particular species of lust

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26 Her child with Manuel survived his tragic birth, but only until the age of two, and nevertheless offers a fascinating footnote. Sepúlveda refers to him in his History of Charles V as “the hope of all Spain and all its kingdoms” (I.39.1). This is because, prior to his death in 1500, Miguel was the heir to not only the Portuguese throne (from his father Manuel) but also the unified kingdom of Spain, inheriting the thrones of Aragon and Castile (through his mother Isabel, the oldest child of Isabella and Ferdinand once their eldest and only son Juan had passed away in 1497). When Miguel died, the lines of succession diverged again. The Portuguese throne would go to an as yet unborn child of Manuel (Juan III), while Aragon and Castile would remain unified and pass to Isabella and Ferdinand’s next oldest child, Juana. Known to history as Juana la Loca, her rule would be assigned to her son Charles. A Hapsburg by virtue of his father Philip, Charles would go on to secure not only Spain and a variety of Hapsburg kingdoms and territories but the Holy Roman Empire as well. Had his cousin lived and taken not only Spain but Portugal and their empires as well, the encounter with the Americas might have looked very different—for better or for worse. Likewise, Charles’ diminished stature for lack of a Spanish kingdom and American empire may have removed him from anyone’s serious consideration when his paternal grandfather Maximilian died and election proceedings for a new Emperor began. Had Charles gained neither Spain nor the Holy Roman Empire, but perhaps nurtured his ailing mother in quiet retirement, the course of European history may have run very differently indeed.
that “consists in the misuse of a woman who is related by consanguinity or affinity.”

He listed three reasons in support of this conclusion: first, it disregards the natural respect one should have for one’s parents and by extension those descended from them; second, relatives tend to live close to one another, and if sexual relations were not prohibited among them, they would hardly have a chance to think of anything else; and third, marriage between relatives would hinder them from having many friends, as the brothers-, sisters-, mothers-, and fathers-in-law brought into the family would not be new additions but redundant ones. While the third reason credited Augustine’s logic, Thomas cited Leviticus 18 as his authority for the first two, which gave Cajetan the opportunity to raise the question of whether human authority can ever appropriately subvert the seemingly clear prohibitions given there. Human authority cannot do so, Cajetan argued—but papal authority can. Thus the dispensations that granted Henry’s and Catherine’s union, and Manuel’s and María’s, were valid. Cajetan’s logic here is important for comparison with Sepúlveda’s, since both agree that popes indeed have authority to dispense with the laws of consanguinity and affinity detailed in Leviticus. Cajetan’s argument, however, hinges on these dispensations belonging to divine and

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29 Thomas quotes The City of God, xv.16.
human laws; he excludes the natural law from the pope’s authority. Sepúlveda, on the other hand, argued that the natural law can indeed be subject to papal interpretation, application, and dispensation.

Cajetan explains his logic of the relationship between divine and natural law and the pope’s authority further in the treatises that directly address Henry’s situation. The upshot of his mention of Henry and Catherine in his Summa commentary, however, is that he compares the monarchs of England and the analogous circumstances in Portugal as parallel examples at all. Sepúlveda, by contrast, did not include the dispensation Manuel and María received anywhere in his arguments throughout On the Marriage Rite. The Cordovan does, however, bring up Manuel and María in his chronicle of Charles V’s reign, composed after he entered Charles’s service and unpublished until the Academia de la Historia’s edition in 1780. In his History of Charles V, Sepúlveda reviewed the extended family of his central subject, observing dryly that María’s wedding with Manuel took place “after the death of her sister, by an indulgence of the Supreme Pontiff, which is called a dispensation.” His very next line referred to Catherine’s union with Arthur and then Henry, and his silence on her own dispensation

31 Cajetan, Summa totius theologiae S. Thomae de Aquino. Secunda Secundae Partis, 370. While Thomas himself would naturally have been unaware of these examples, Cajetan brings them up in order to argue that precisely this sort of dispensation of the moral or positive law given in Leviticus is consistent with Thomas’s thought. See also Scarisbrick, Henry VIII, 166.
32 Ángel Losada described the manuscripts and the history of the edition published in 1780, which at the time of his writing was the only edition. JG5 a través de su Epistolario y nuevos documentos, 375–78. Sepúlveda’s Obras Completas now includes a critical edition of the chronicle, in volumes 1, 2, 10, 12, 13, and 14.
and its associated troubles is deafening. What connects Henry and Catherine with Manuel and María in this passage from the chronicle is not the licitude of their respective dispensations, but rather the mere biographical fact of both women being Charles’s aunts. Sepúlveda has no particular desire to retread the grounds of arguments that fell on deaf ears.

In his later treatments of Julian II’s dispensation from the 1530s, the first addressed to Clement VII and the second to Henry VIII, Cajetan’s arguments and Sepúlveda’s mirrored one another more closely. Both read the same complementary relationship between Leviticus and Deuteronomy, presenting the passages as a Levitical prohibition and its Deuteronomic exception. Leviticus prohibited sexual union between a man and his brother’s wife, while Deuteronomy sanctioned it under a specific set of circumstances: that the woman in question had been widowed by the brother, that no children had been produced by the first union, and that the woman still be of childbearing age.34 Both Cajetan and Sepúlveda likewise appeal to the weight of the greater common good as a reason for Henry and Catherine to stay together. Catherine and Arthur wed “for the maintenance of bonds of peace and friendship” between Spain and England, and Julius’s meant for the marriage sanctioned by his dispensation “to further preserve this same bond of peace and friendship.”35 Both Cajetan and Sepúlveda

35 The language of Julius II’s bull (December 26, 1603) is quoted in Jared Wicks, ed. and trans., *Cajetan Responds*, 177.
argued that the need for peace between England and Spain was even greater in their own time, as the danger of war had increased substantially.36

Both Cajetan and Sepúlveda also supported the authority of the Pope to decide such matters. Since they rejected the argument from Henry’s court that the Deuteronomic vision of levirate marriage had since expired, the natural authority figure to adjudicate on such a matter of divine law was the Supreme Pontiff.37 Sepúlveda, however, in bolstering this claim, preferred to list biblical analogues to the Pope, citing for example Noah and Lot.38 Cajetan, on the other hand, appealed to a passage Sepúlveda never cited in his On the Marriage Rite, despite his marked preference for Deuteronomy: “if a judicial decision is too difficult for you to make...then you shall immediately go up to the place that the Lord your God will choose, where you shall consult with the levitical priests and the judge who is in office in those days; they shall announce to you the decision in the case.”39 That this passage never even occurs to Sepúlveda does not revoke his credentials as a supporter of papal supremacy, but it does puncture the argument that the defense of the pope’s plenary authority was the driving force behind his every argument. If such were the case, one would expect him to know and react to contemporary arguments for the same, whether with approval or derision.

36 Cajetan, “The King’s Marriage,” Cajetan Responds, 185; Sepúlveda, Del rito de las nupcias, III.10.2–4.
37 Cajetan, “The King’s Marriage,” Cajetan Responds, 187; Cajetan, “Marriage with a Brother’s Widow,” Cajetan Responds, 244; Sepúlveda, Del rito de las nupcias, II.4.5.
38 Sepúlveda, Del rito de las nupcias, III.3.2 and III.3.4, respectively.
39 Deut 17:8–9, NRSV. Cajetan, “The King’s Marriage,” Cajetan Responds, 187; Cajetan, “Marriage with a Brother’s Widow,” Cajetan Responds, 244.
More importantly, in his later treatises on Henry’s “Great Matter,” Cajetan reviewed the arguments from natural and divine law concerning the appropriateness of marrying one’s sister-in-law. While the result of his reading of Leviticus and Deuteronomy was a conclusion shared by Sepúlveda, that Henry should not persist in his suit to dissolve his marriage with Catherine, Cajetan nevertheless argued for an understanding of the arrangement between divine and natural law that differed subtly from Sepúlveda’s own. Sepúlveda’s reading of this arrangement is distinct and supports his semipelagian theology; divine and natural laws are compatible with one another because natural reason allows the person who uses it well to perceive the divine law naturally and obey it. In the particular instance of Henry’s marriage to his brother’s widow, this led him to argue that the natural law, like the divine law, generally prohibits unions of affinity, but that dispensations can be made when unique circumstances require it. Cajetan argued differently. Rather than begin with the principle that the natural law generally condemned the sorts of union under discussion, Cajetan maintained that the natural law regarded these unions as evil in some cases and acceptable in others, so that the divine prohibition in Leviticus did not share the radical continuity with the natural law that it did for Sepúlveda. Instead, he argued, such unions were not “intrinsically evil” by the natural law, but rather, in the context of the divine law, “became evil by the authority of the law-giver who laid down the
prohibition.”  

In other words, for Sepúlveda, Leviticus’s prohibition of sexual intercourse with one’s sister-in-law affirmed a precept known through the natural law. For Cajetan, Leviticus created the precept.

The sort of marriage under consideration, Cajetan argued, differed from such sins as blasphemy, perjury, lying, adultery, rape, and theft; such sins, he allowed, were indeed “intrinsically evil.”  

Although “reverence is due by natural piety to one’s sister-in-law,” assigning a general moral baseness to the union by nature itself, modifying conditions can overcome this baseness.  

The Deuteronomic exception to the Levitical prohibition is simply one such example of the convergence of enough modifying conditions.  

Deuteronomy’s particular conditions cannot be the only ones whose good overcomes the moral baseness of such a union, however; otherwise, the divine law would be subverting the natural law, and so would the pope in upholding an exception to the natural law.  

This, on Cajetan’s reading, would be inappropriate: “It would be utterly alien to Christianity for the Pope to abrogate in whole or in part even the least requirement of divine or natural law. Doing this is reserved to the divine lawgiver and Creator.”  

Sepúlveda, on the other hand, does not begin to envision such distinctions.

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41 Cajetan, “Marriage with a Brother’s Widow,” Cajetan Responds, 243.
42 Cajetan, “The King’s Marriage,” Cajetan Responds, 182.
43 Cajetan, “The King’s Marriage,” Cajetan Responds, 182.
44 Cajetan, “The King’s Marriage,” Cajetan Responds, 182–84; Cajetan, “Marriage with a Brother’s Widow,” Cajetan Responds, 243; Cajetan, Summa totius theologiae S. Thomae de Aquino. Secunda Secundae Partis, 370.
45 Cajetan, “The King’s Marriage,” Cajetan Responds, 185–86.
between divine and natural law. As was shown in the discussion of the Cordovan’s
departure from Thomas Aquinas, Sepúlveda eliminates the distinction by assuming that
natural reason, rightly exercised, apprehends the divine law without fail.46 Thomas
Aquinas did allow for such a distinction, arguing for example that there were realms of
natural law where the church simply had no authority to overrule, such as the instance
of infidel dominion. Cajetan, in his contention that the pope’s authority would not
extend to a matter of natural law, seems to have absorbed this dictum from Thomas’s
Summa more effectively than Sepúlveda did.

5.3 Sepúlveda against the Henrician Court

Sepúlveda’s subtle differences from Cajetan aside, his arguments were more
sharply thrown into relief against the contentions of those who supported Henry’s suit
for an annulment of his marriage to Catherine. The language Henry’s court began with
in order to pose the problem inherent in that marriage was drawn from precisely the
source Cajetan and Sepúlveda felt compelled to cite in response: Leviticus.47 Under the
general warning to the Israelites in the desert not to “approach anyone near of kin to
uncover nakedness” (Lev 18:6 NRSV), one finds the particular commandment against so
approaching the wife of one’s brother: “You shall not uncover the nakedness of your

46 See discussion in Chapter Two.
47 See Scarisbrick, Henry VIII, 163–77; also Henry Ansgar Kelly, The Matrimonial Trials of Henry VIII (Stanford,
brother’s wife; it is your brother’s nakedness” (Lev 18:16, NRSV). But added to this fairly straightforward decree was a threat more ominous still. The Levitical law continued, “If a man takes his brother’s wife, it is impurity; he has uncovered his brother’s nakedness; they shall be childless” (Lev 20:21, NRSV). For Henry, five of whose six children with Catherine had died in infancy,\textsuperscript{48} the words were more than enough to generate a scruple. The argument from Henry’s side proceeded on the simple notion that God’s word had forbidden such a union and so it was by no means to be attempted. The Divine from the dialogue \textit{A Glasse of the Truthe} allowed,

> The worde of our lorde god is mooste sure and euer abydeth. Syns that so is infallible, it must nedes folowe, that it, which he ytterly forbyddeth in the negatiue, may no wyse be attempted. Thanne in this case, that is to saye. A man ought nat to mary his brothers wife: It is in the Negatyue forbidden, in the Leuityke bothe .xvij. and .xx. chapitres. And therefore in no wyse hit is to be attempted, specially with vs that by chrysten people.\textsuperscript{49}

And this was not simply a law for the Jews—the Divine’s concluding assurance that this sort of union should “specially” not be practiced among “vs that by chrysten people” stems from the identification of Christians as those who have “come among the Jews.”

In response to Leviticus’ commandment, “you shall…commit none of these abominations, either the citizen or the alien who resides among you” (Lev 18:26, NRSV), the Divine asserts “that god dothe nat prohibite these offences only to the Iewes, but also

\textsuperscript{49} \textit{A glasse of the truthe}, Early English Books Online, image 8 of 41.
to al maner of people.” However, clear as it may be, and clear in its application to all people including Christians, this interpretation ultimately needed to withstand a seemingly contradictory decree in Deuteronomy covering the circumstance of brothers who “reside together” (Deut 25:5, NRSV). If one of the brothers should die childless, “[the widow’s] husband’s brother shall go in to her, taking her in marriage, and performing the duty of a husband’s brother to her” (Deut 25:5, NRSV). The justification for this, however, is specifically “so that [the dead brother’s] name may not be blotted out of Israel” (Deut 25:6, NRSV); Henry’s side capitalized on this specificity, arguing Deuteronomy applied in its literal sense only to Israel, while Christians should look to interpret it mystically. To this effect the Divine repeated a gloss from Augustine:

Euery preacher of the worde of god is bounde so to laboure in the gospel, that he styre up sede to his brother departed, that is to Christ, whiche dyed for vs.51

Seeing as any seed Henry was obliged to stir up belonged to future generations of the Church raised up in the service of Christ, Deuteronomy could not be referred to his situation with Arthur and Catherine. The Levitical law was “a precepte and a direction,” the Divine concluded, “by whiche we christen menne ought to lyve by, and the lawe Deuteronomyke a thinge ceremoniall, which is abolytte” and no more applicable in its literal sense.52 The Levitical prohibition stood, and Julius II’s dispensation, with no help

50 A glasse of the truthe, Early English Books Online, image 11 of 41.
51 A glasse of the truthe, Early English Books Online, image 9 of 41. See also Scarisbrick, 165.
52 A glasse of the truthe, Early English Books Online, image 14 of 41.
from Deuteronomy, flew in its face. Henry, in conflict with the divine law, could only see his stillborn sons in the light of Leviticus’s curse.

Sepúlveda, however, like Cajetan, was aware of a comment Augustine had gone on to make in his Questions on the Heptateuch—a comment that “the Henricians who used him had to forget.” There Augustine did not appeal to any spiritual interpretation of Deuteronomy, but sought to harmonize the duty of Levirate marriage with the prohibition from uncovering one’s brother’s nakedness. Following Augustine, Sepúlveda read Deuteronomy as an exception to the general Levitical rule. Leviticus, Sepúlveda and Augustine suggested, spoke generally to a situation where the first brother was still alive. A man should not endeavor to sleep with his brother’s wife under any circumstance while this was the case: whether they were separated through the course of the normal working day or through conflict—even if the wife had been divorced on account of adultery, she remained off limits to her husband’s brother. Read together with the passage from Deuteronomy, Sepúlveda and Augustine found that Leviticus also prohibited a man from having relations with his brother’s wife after his brother’s death, when it happened that the latter had had children with the woman in question. But Deuteronomy clearly revealed, they argued, that the Levitical prohibition

53 Scarisbrick, Henry VIII, 168.
54 Sepúlveda, Del rito de las nupcias, III.6.3
did not stand in the way of a brother dutifully marrying his brother’s widow in the case
of no heirs having been produced.\textsuperscript{55}

So, like Henry’s advocates, Sepúlveda concluded that Deuteronomy did not
contradict Leviticus; but unlike Henry’s advocates, Sepúlveda still saw Deuteronomy as
having a viable hold on the lives and conduct of Christians. The practice of Levirate
marriage, far from being prohibited in the divine law that had been codified in Leviticus,
was itself codified in Deuteronomy, and attributed “great infamy to any who may not
have obeyed this divine precept” (cf. Deut 25:7–10).\textsuperscript{56} Moreover, Judah’s sons modeled
the behavior “even before it had been given as a law,” leading Sepúlveda to argue that
the practice of raising up offspring through a deceased brother’s wife “was in vigor at all
times prior to the evangelical law,” prior to the giving of the Levitical law and
afterwards confirmed in Deuteronomy.\textsuperscript{57} Nor did it ever stop being practiced by Jews,
Sepúlveda added, noting testimony that had reached his ears from the Jews of Rome’s
synagogues. “Although it may seem superfluous when treating such a clear point to
appeal to unnecessary witnesses,” he wrote, with a characteristiclly sad lack of
respectful deference for Europe’s Jewish population, “this very year, in this very city,
[the Jews] testified that a case had been presented to them of one of their own who took
as wife one who had been left behind by his brother without issue, a practice that,

\textsuperscript{55} Sepúlveda, \textit{Del rito de las nupcias}, III.6.6; see also III.6.2–3, I.18.3
\textsuperscript{56} Sepúlveda, \textit{Del rito de las nupcias}, III.6.1
\textsuperscript{57} Sepúlveda, \textit{Del rito de las nupcias}, III.6.4
surely, they would not have made use of if that particular law had been abrogated among them at any time.” And, just as the practice of Levirate marriage had apparently not been abrogated among the Jews, so too had it never been revoked among Christians—or else the rest of the Old Testament laws concerning marriage, including the prohibition against taking a brother’s wife as one’s own in the first place, would likewise have to be ignored as not obtaining among Christians.

The force of Sepúlveda’s argument concerning Deuteronomy, and its logical conclusion, is that not only is the marriage of one’s brother’s widow permissible among Christians—it is even required. In context, the law is presented as a duty, and shame and infamy await the one who does not fulfill it. Given Sepúlveda’s argument that the practice was never prohibited, the assumption seems viable that the dutiful aspect of its practice remains in place as well. Sepúlveda does not clarify this point, contenting himself simply with showing that the Scriptures do not categorically prohibit marriage with a brother’s widow, when read properly and in context of one another and the interpretation of the fathers. However, the divine law as codified in Leviticus had led to the categories of consanguinity and affinity, which still obtained in the positive or

58 “En este punto, aunque quizá parezca superfluo en un asunto muy claro recurrir a testigos no necesarios, sin embargo, podría invocar el testimonio de la sinagoga de los judíos, que observa religiosamente aquel precepto hasta hoy día, como aprendimos recientemente en Roma recabando información de los más versados en la ley de los judíos, quienes, este mismo año, en esta misma ciudad, atestiguaron que se les había presentado el caso de que uno de ellos tomó por esposa a la que había sido dejada por su hermano sin descendencia, una práctica de la que, seguramente, no harían uso si aquella ley hubiese sido derogado alguna vez entre ellos.” Sepúlveda, Del rito de las nupcias, III.6.7.

59 Sepúlveda, Del rito de las nupcias, III.6.8.
ecclesiastical or canon or pontifical law (Sepúlveda used the terms interchangeably) that brought the wisdom of theologians, councils, and popes to bear on daily Christian life and practice. Sepúlveda accepted these categories as having a place in divine and ecclesiastical law, and as such his argument from Scripture, however decisive, was brief and served as an afterthought toward the end of the treatise. Of far more interest to him was Henry’s second question. Setting aside the text in Leviticus that gave the English king scruples about his marriage, Sepúlveda took up the question of whether the pope has authority to issue a decision in such a matter in the first place. More specifically, Sepúlveda addressed the question of whether and in what circumstances the pope has the authority to grant dispensations.

Sepúlveda’s general concept of dispensation, and his justification for its practice, echoes strands in both Plato’s and Aristotle’s thought. He began in On the Marriage Rite with a hyperbolic argument, basing a ruler’s authority to issue dispensations from her society’s written laws (according to her own wisdom and circumstance) on the fact that entire societies have existed and continue to exist that rely only on the wisdom of rulers or ruling councils, with few if any written laws. Yet, even though this appeal to the wisdom of a ruler or ruling council seems to have served these societies well, Sepúlveda admitted that, generally speaking, societies do need written laws. By way of illustration,

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60 Sepúlveda, Del rito de las nupcias, II.2.4. Sepúlveda cites the practices of Venice and, vaguely, Asia and Africa.
he cited approvingly the difference Plato argues exists between human princes and
queen bees: “[K]ings do not arise in cities in the natural course of things in the way the
royal bee is born in a bee-hive—one individual obviously outstanding in body and mind
and capable of taking charge of things at once. And therefore it seems men gather
together and work out written codes, following in the steps of an authentic state, as is
fitting.”61 The guidance of the written laws is what enables justice and equity in a
society. But Sepúlveda quickly added that this is a reciprocal relationship—not only do
princes rule justly because they are guided by just laws, but laws are applied justly
because they are moderated by wise princes.

Sepúlveda rooted this latter claim in an explicit appeal to Plato, who issued a
helpful comparison in The Statesman between a ruler and a ship’s captain who “keeps
watch over his sailors, using as a guide not written rules but his ability.”62 For Plato, and
for Sepúlveda, the key connection between the ship captain’s situation and the
statesman’s was that statecraft, like the captain’s “ability,” was a skill or art learned by
practice and study. The rules governing it can be expressed generally, but it is
impossible to cover every circumstance and eventuality with written laws. Indeed,

61 “Puesto que…no nace un rey en las ciudades como en los enjambres de las abejas, de forma que,
immediatamente, desde el mismo principio él supere a los otros por la constitución de su cuerpo y de su
alma, es necesario que se pongan de acuerdo quienes redacten las leyes normativas, andando tras los pasos
de un Estado auténtico, como es conveniente.” Sepúlveda, Del rito de las nupcias, II.3.2; Plato, The Statesman,
301e.

62 “Conserva a sus marineros usando como ley no escritos ningunos, sino su propia habilidad.” Plato, The
Statesman, 296e-297a; Sepúlveda, Del rito de las nupcias, II.2.2

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Sepúlveda observed, the very idea behind written laws governing any discipline or behavior is to express what is good for all practitioners generally, not what is necessarily right for a specific one.63 Meanwhile, if rulers were to understand the general law as applying to every possible circumstance and eventuality, even “the greatest law would deliver the greatest injustice.”64 In such instances, a ruler must have the flexibility to dispense with what was written to codify justice—precisely in order to serve justice better.

But the authority to make exceptions is not sufficient to serve justice—the ruler in question must also have the proper formation and habituation in the political craft to act well in this capacity. In this way, although Sepúlveda explicitly cited Plato, he also relied heavily on Aristotle. Particularly, he drew on the link Aristotle argued necessarily exists between ethical formation and political practice at the close of his *Nicomachean Ethics*.65 There Aristotle spoke generally about the education of youths and their training in virtue, which he admitted is difficult if the youths are not brought up under just laws in the first place—“for to live temperately and hardly is not pleasant to most people, especially when they are young.”66 But to habituate a young person in justice, to raise her steeped in just laws, is to train in her a sense of justice: to cultivate the soul “by

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63 Sepúlveda, *Del rito de las nupcias*, II.2.1
64 “Si las leyes siempre hubiesen de ser observadas al pie de la letra, muchas veces se daría en el Derecho más elevado la mayor injusticia.” Sepúlveda, *Del rito de las nupcias*, II.2.5
means of habits for noble joy and noble hatred, like earth which is to nourish the seed.”67

Drawing on Aristotle’s image of a cultivated appreciation for what is noble, and on
Plato’s image of the ship’s captain’s collected experience and sense of his craft,
Sepúlveda laid out his own understanding of the ruler whose wisdom and experience
guide her not only in upholding the established, written law, but in knowing that law’s
aims well enough to make the occasional exception to it as well.

Such exception Sepúlveda called “dispensation.” His technical definition was as
follows: “the prudent relaxation of a common law by reason of a necessary or just
cause.”68 The ability to recognize such a necessary or just cause was moreover analogous
in his thought to the habituation of Aristotle’s student or the craft of Plato’s captain. It is
the ability to discern what is right for a particular person, moment, or circumstance,
with respect to (but also regardless of) what the law prescribes. Sepúlveda agreed with
Plato and Aristotle that this ability came from study and habituation—but he argued as
well that there was an additional divine dimension to this princely wisdom. Such a
dimension was certainly suspected, if not known, by Plato. When contrasting kings with
bees and arguing for the necessity of written laws, Plato had described this activity, after
all, as “following the footsteps of an authentic state, as is fitting.”69 This comment
implicitly touches on Plato’s accounts in the Timaeus of the forms, or in the Republic of

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68 “La prudente relajación de un Derecho común con motivo de una causa necesaria o útil.” Sepúlveda, Del rito de las nupcías, II.1.2
69 Sepúlveda, Del rito de las nupcías, II.3.2; Plato, The Statesman, 301e.
the divided line between the sensible and intelligible realms.\textsuperscript{70} Perfection in justice, or an “authentic state,” exists, and is imperfectly intelligible from the natural, material world, though the discipline of philosophical contemplation helps with this.

Sepúlveda, in the tradition of many Christian Platonists, understood this ultimate perfection to be God—but he took this understanding a step further and concluded that this ultimate perfection itself actively reaches into the natural, material world to guide the princes’ deliberations. As Rodríguez Peregrina has argued, in Sepúlveda’s view, when princes and kings and other supreme authorities exercise their rule, they were “attended by God.”\textsuperscript{71} Not only do legislators “follow in the footsteps of the authentic state”; not only do rulers formed by just laws gain a sense for true justice—but God actively guides the decisions of princes in order to make them more just. As Sepúlveda framed it, “[T]he spirits of just kings and princes are conducted and often revoked in the establishment or administration of the entire State more by a divine impulse than by human deliberation,” and “God is far more preoccupied with them than with private persons.”\textsuperscript{72} For Sepúlveda, this was necessarily a universal conviction—for he saw it in the conclusions of “the most intelligent men of all times,” or

\textsuperscript{71} Rodríguez Peregrina, “Tratadista de Derecho Canónico,” 284.
\textsuperscript{72} “Los espíritus de los reyes y principes justos en el establecimiento o administración de todo Estado son conducidos y a su vez revocados a menudo más por un impulso divino que por deliberación humana, y...Dios se preocupa mucho más por ellos que por los hombres particulares.” Sepúlveda, \textit{Del rito de las nupcias}, II.3.4.
in other words the four great eras: Homer, the philosophers, the Old Testament, and Augustine. Homer codified the idea in “the discourse of that magnificent Homeric king, Nestor, concerning the dream.”

If it appeared in Homer, it was likewise “impressed on men” as common wisdom; the authority of great philosophers added to its gravity, and the words of Scripture finally confirmed, “The heart of the king is in the hands of God.”

Augustine, Sepúlveda argued, authoritatively taught, “The king has the representation of God just as the bishop has that of Christ.” All sources of authority agreed, as far as Sepúlveda was concerned, that rulers on earth have more direct access than most to God and the guidance of God’s perfect wisdom.

These two arguments come together in order to ground Sepúlveda’s argument for the pope’s particular authority to issue dispensations. For if indeed laws are such that they describe what is good for society generally, but need an authority who will apply them flexibly on account of the variety in persons, times, and circumstances—and if this is a part of God’s plan for social order such that God commits to guide this authority in wisdom and discernment—then surely the pope would exercise this

73 “El discurso del magnífico rey homérico, Néstor, sobre el sueño.” Sepúlveda, Del rito de las nupcias, II.3.4; The Iliad II.1–99. Presumably Sepúlveda referred here to the speech Nestor makes in response to Agamemnon’s sharing of his dream and ensuing sense of urgency to attack Troy forthwith and at full strength. Nestor urged his colleagues on with the logic of Agamemnon’s greater likelihood, given his status, to receive word from the gods: “If any other Achaean had told us of this dream/ we’d call it false and turn our backs upon it./ But look, the man who saw it has every claim/ to be the best, the bravest Achaean we can field” (Iliad II.95–99).

74 “Impresa en los hombres.” Sepúlveda, Del rito de las nupcias, II.3.5; Proverbs 21:1.

75 “El rey tiene la representación de Dios como el obispo la de Cristo.” Sepúlveda, Del rito de las nupcias, II.3.5; Augustine, vet. et nov. test, Q. 35.
authority and channel this wisdom in the highest degree. For God through Peter and
Paul had ordered subjection to rulers of state,76 and Christ himself made Peter and his
successors “the head of the Church and the Christian republic with all power [summa
potestate].”77 Hence, if Christians are to recognize authority in secular rulers, they are to
recognize the pope’s authority as being higher still. And this is not merely general
authority, but the specific authority to issue dispensations—to moderate and overrule
even a secular ruler’s decisions or the laws of that ruler’s land. For not only is the pope
the one “whom Christ wished to be in his [Christ’s] place among men”; he is also the
one on whom Christ conferred the keys of the kingdom and the authority to bind and to
loose.78

Sepúlveda’s commitments become apparent from he persistence in interpreting
Matthew 16:19, notably inverting the phrasing in order to emphasize the pope’s
authority to loose (dispense):

[W]hat power, in the end, is it right to consider that one is marked [with]
to whom Christ handed over the keys of the heavenly kingdom and to
whom he conferred maximum authority with the words, “Whatever you
loose on earth will also be loosed in heaven; and what you bind, bound”?
…I[t] is impiety to doubt that the Supreme Pontiff, whom we call the
Pope, was assigned by God a power much higher than that of all the
kings and princes, to promulgate, repeal, harden, and soften laws. What
then is to bind and to loose but to create laws and to regulate them by

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77 “Puso al frente de su Iglesia y de la nación cristiana con plenos poderes.” Sepúlveda, Del rito de las nupcias,
II.4.4.
78 “Quiso que estuviese en lugar de él entre los hombres.” Sepúlveda, Del rito de las nupcias, II.4.4; Matthew
16:19.
virtue of his wisdom and will, or, even, if the point demands it, to repeal
them? Or what else would the words “what you bind on earth” mean, if
not that whatever law you might give to men will be confirmed by the
authority of God and will be ratified; whatever law you repeal, or that
you might relax in part, will be relaxed in the court of God; in summary,
that whatever thing you might determine by just reason, as much at the
general as at the particular level, will be ratified?79

Sepúlveda argued that the keys to the kingdom that were given to Peter (and, if to
Peter, then to his successors) carry with them the authority that is given to all rulers—to
be flexible when interpreting laws promulgated for the general good and when applying
them to the particular situation. But not only does the pope rank among rulers who have
been afforded this power; according to Sepúlveda, the pope ranks above them, with
power and authority “higher than that of all the kings and princes.”80

This sufficiently reveals Sepúlveda’s answer to the question before Henry’s court
concerning papal authority. In his robust defense of the same, Sepúlveda simultaneously
justified the authority of Julius II’s original dispensation as well as Clement VII’s
authority for deciding the current matter in Rome. He was absolutely one of the
“modernes” complained of by the Divine in A Glasse of the Truthe, “whiche somewhat

79 “¿De qué poder, en fin, es lícito considerar que está revestido aquel a quien Cristo entregó las llaves del
reino de los cielos y le confirió la máxima autoridad con las palabras: ‘Lo que desatares sobre la tierra será
desatado también en los cielos; y lo que atases, atado’? …es una impiedad dudar de que al Pontífice
Máximo, a quien llamamos Papa, le fuese asignada por Dios una potestad, mucho mayor que la de todos los
reyes y principes, de promulgar, derogar, endurecer, y suavizar leyes. ¿Qué es, pues, atar y desatar, sino
crear leyes y regularlas en virtud de su sabiduría y arbitrio, o, incluso, si el asunto lo exige, derogarlas? O
¿qué otra cosa significan las palabras ‘lo que ates sobre la tierra,’ a no ser aquello de que cualquier ley que
otorgares a los hombres será confirmada por la autoridad de Dios y será ratificada; cualquier ley que
derogases, o que suavizares en parte, será relajada en el tribunal de Dios; en suma, cualquier cosa que
determinares por una causa justa, tanto a nivel general como particular, será ratificada?” Sepúlveda, Del rito
de las nupcias, II.4.4–6.
80 Sepúlveda, Del rito de las nupcias, II.4.5.
flattereth the popes authoritie,” as opposed to the more trustworthy “olde auncient doctours” who, in the Divine’s view, take a less extravagant view. But the question is not one of simply whether the pope is the highest earthly authority—in other words, whether the pope can overrule the king of England and anyone else he likes—Sepúlveda’s support for papal authority, after all, did not set him apart from Cardinal Cajetan’s answer to all of the same points. Rather, the question that sets Sepúlveda apart is whether the pope can take it upon himself to overrule the laws of God and nature. Concerned to address precisely these questions, Sepúlveda turned his attention to delineating all of the various different kinds of law, and the extent to which the power of the pope obtained in each case to issue dispensations.

5.4 Sepúlveda and the Various Kinds of Law

As the pope’s resident philologist began his treatment of the various divisions under the general heading of “law,” it was in the context of having already visited the various laws that stipulate impediments to marriage (the material of Book I), and with the intention of moving on to treat the pope’s power to dispense with all of these:

Given that laws cannot be reduced to a single kind, but rather one is natural, another civil, one divine, the other pontifical, we shall continue by speaking on what each one of these is like, and how far the power of the pope extends in each case, so that, when the laws concerning matrimony and dispensations of the same (on whose account we have

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81 A glasse of the truthe, Early English Books Online, image 17 of 41.
In addition to facilitating Sepúlveda’s project of answering the English court, however, this move is also of key importance to the project of determining the precise relationship he understood those various divisions to have with one another—whether that relationship is a strict hierarchy or perhaps allows for considerably more overlap, and most importantly, whether the reason for their overlap is because of the high capacity Sepúlveda allows for natural reason to discern the contents of the divine wisdom.

The major divisions in law for Sepúlveda—none of which are unique terribly controversial with respect to their general definition—are natural, civil, divine, and pontifical, as rehearsed above. He takes his definition of the natural law from Cicero, calling it “that which is implanted in us not by an opinion, but by a certain innate force.” The natural law subdivides into what humans are taught by instinct and what by reason. The first is what humans share with animals—that is, the instinct for self-defense, care of offspring, etc.; and the second is the law of nations [ius gentium], which involves the cultivation of religion, the veneration of one’s homeland, hospitality toward

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82 “Por lo demás, puesto que las leyes no se reducen a un solo tipo, sino que una es natural, otra civil, la una divina, la otra pontificia, hablaremos a continuación de cómo es cada una de éstas y hasta dónde puede llegar en cada tipo la potestad del pontífice, para que, cuando se reflexione particularmente sobre las leyes del matrimonio y la dispensa de las mismas, por cuya causa hemos asumido toda esta disertación, nos sea más fácil el procedimiento de debater sobre cada una.” Sepúlveda, *Del rito de las nupcias*, II.5.1.

83 This last could also be called canon law, positive law, or ecclesiastical law—Sepúlveda uses all of these terms, and uses them interchangeably, but most frequently refers to “pontifical law [ius pontificium].”

84 “Es ley natural...la implantadano por una opinion, sino por una fuerza innata.” Sepúlveda, *Del rito de las nupcias*, II.5.2; Cicero, *De Inventione*, II, 53, 161.
ambassadors, and other dispositions that have been “inculcated in us not by instinct, but rather by reason, which nature implants as a guide and ally.”85 All “correctly organized cities or kingdoms” share these dispositions, and from the shared fountain of ius gentium each city draws and deduces its civil laws.86 Sepúlveda notably excluded from this assessment those people groups who were “so barbarian and savage that they seem to have completely abandoned civilization,” echoing the paradigm he established in his treatment of the free will against Luther, whereby the abuse of natural reason devolved into barbarianism, which in turn caused further neglect of natural reason and devolved into further savagery, even the seeming abandonment of one’s civilization [humanidad] altogether. But among cities and states who rightly draw from the common heritage of the natural law, little difference is to be found in the way they regulate their societies. Civil law might differ among cities and nations and kingdoms for a number of reasons, but civil law essentially operated in Sepúlveda’s mind as an extension of the natural law. Any serious contradiction between natural law and civil law, Sepúlveda diagnosed as “fatuous or tyrannical” and manifestly not worthy to be called law at all.87

85 “Nos han sido inculcadas no por los instintos, sino más bien por la razón, mediando la naturaleza como guía y aliada.” Sepúlveda, Del rito de las nupcias, II.5.3.
86 “Ciudades o reinos correctamente organizados.” Sepúlveda, Del rito de las nupcias, II.5.4–5. He notably excluded from this assessment those people groups who were “tan bárbaras y salvajes que parezcan haber abandonado por completo la humanidad,” echoing the paradigm he established in his treatment of the free will against Luther, whereby the abuse of natural reason devolved into barbarianism, which in turn caused further neglect of natural reason and devolved into further savagery, even the seeming abandonment of one’s humanity altogether.
87 “Necia o tiránica.” Sepúlveda, Del rito de las nupcias, II.5.5.
Sepúlveda defined divine law, on the other hand as “that which is contained in
the Holy Scriptures”—and he subdivided along predictable lines into the “ancient” and
the “evangelical law.”88 The old divine laws, under which heading Leviticus and
Deuteronomy naturally fall, raise the question of whether the Incarnation suspends or
confirms them. Sepúlveda cited Cajetan for his answer: “they do not bind, except to the
extent that they have been accepted by the Church.”89 While he weighed and judged the
Old Testament in this way according to canon law, whether its various aspects still
obtain or no longer bind Christians, so that he effectively kept the moral law and
rejected much of what he designated juridical, Sepúlveda understood the words of
Christ and the apostles in the New Testament to have been wholly adopted by the
church. In fact, the transition between evangelical law and canon law was in Sepúlveda’s
mind so seamless, that when Christ or the apostles had not addressed something, he
advocated looking to canon law in order to see what they would have said. Concerning
the categories of consanguinity and affinity, for example, Sepúlveda admitted “there is
nothing to be found in the New Testament to support that Christ or his apostles ever
made any mention of it. Hence the shrewdest theologians think that all the laws of this

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88 “El que está contenido en las Sagradas Escrituras.” Sepúlveda, Del rito de las nupcias, II.6.1.
89 “No atan, a no ser que en la medida en que han sido asumidas por la Iglesia.” Sepúlveda, Del rito de las
nupcias, I.19.4.
type in the times of the gospel must correspond to ecclesiastical decrees.”⁹⁰ Sepúlveda, along with those he deems to be “the shrewdest theologians,” affirmed quite simply that canon law is the fullness and extension of the evangelical divine law followed and taught by Christ and the apostles.

All of the categories visited up to this point feature impressive overlap. After all, when one understands that God is the author of both Scripture and creation, divine and natural law are found to have one and the same authority behind them.⁹¹ Likewise, canon law accepts from the old divine law what continues to be rightly observed by Christians, and codifies the fullness of the evangelical law. And given divine law’s confluence with the natural law in terms of their shared source, Sepúlveda thought it right to affirm that pontifical law draws on the natural law as well.⁹² Because of this extensive overlap, however, Sepúlveda chose to define pontifical law as referring “principally to regulations relative to the sacraments, ceremonies, and the rest of divine worship and liturgy.”⁹³ Although he listed its sources as the writings of various popes, councils’ decrees, patristic writings, Scripture, and natural law, he defined its scope in

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⁹⁰ “No se encuentra en el Nuevo Testamento que Cristo o los apóstoles hiciesen en absoluto mención alguna. De ahí que, en los tiempos evangélicos, los más agudos teólogos piensan que todas las leyes de este tipo hay que referirlas a decretos eclesiásticos.” Sepúlveda, Del rito de las nupcias, I.19.1–2.
⁹¹ Sepúlveda, Del rito de las nupcias, II.6.1.
⁹² Sepúlveda, Del rito de las nupcias, II.6.2.
⁹³ “Se refiere principalmente a las disposiciones relativas a los sacramentos, ceremonias, y el restante culto a Dios y a liturgia.” Sepúlveda, Del rito de las nupcias, II.6.2.
essence as touching the sacraments and ceremonies of the church, subject matter to which the other sources of wisdom do not extend.

To consider the question around which Sepúlveda built the second of his three books comprising *On the Marriage Rite*, what power does the pope have to dispense with any of these sources of authority? Sepúlveda had already made the case at the opening of Book II that the power of dispensation must be afforded in all situations to someone; but the situations he dealt with all referred ultimately to states.94 His logic held that laws govern general cases and aspire toward the general good. The recourse to dispensation was necessary, then, precisely because cases are particular by nature; no “general” law can cover the particular needs of every person, moment, and circumstance. This logic is eminently plausible when referred to statecraft and other human systems. However high a view one has of secular authority (and Sepúlveda harbored rather a high view), the finitude of human beings explains the limitations any legal system they invent would necessarily have. Of course a head of state should have the power to make decisions that serve the good of a particular person or situation, even if this means a “prudent relaxation” of the laws that normally govern that state.95 Following Sepúlveda’s logic, however, the pope, as head of Christ’s state the church, should have the highest authority of all to determine what laws need prudent relaxation to preserve

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94 Sepúlveda, *Del rito de las nupcias*, II.1.1–4.7; II.7.2.
95 Sepúlveda, *Del rito de las nupcias*, II.1.2.
justice in the world. But when the author of a system of laws is neither a single human being nor a body of humans—as in the state—but rather God, can the pope really be understood to have authority to dismiss, circumvent, and dispense with the laws of nature? The divine laws of Scripture?

When modern readers consider the laws of nature, often what comes to mind is a law such as gravity—which it would be quite absurd for a pope or any human to attempt to suspend by decree. Sepúlveda’s definition, however, referred not to laws of gravity and motion and energy, but to things that are implanted in humans by some innate force. He then argued that nature so understood has axioms that would be no less absurd for logic to attempt to circumvent. If the mathematical formulation “things that are equal to the same thing are likewise equal to one another” is unassailable, so too is the formulation from nature, “all good is to be sought, all evil avoided,” and likewise, “virtue must be cultivated, vice, conversely, rejected.” Such formulas are, like axioms in math, the sources from which theorems proceed or natural law takes shape. They are eternal, and no pope could dispense with them. However, Sepúlveda continued, there is a difference between math and natural morality: in math, both the axiomatic principles and the theorems logically deduced from them are “eternal and necessary; the laws of

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* Sepúlveda, Del rito de las nupcias, II.4.4–7.
* Sepúlveda, Del rito de las nupcias, II.5.2.
* Sepúlveda’s two axioms of natural law are, first, “todo bien ha de ser buscado, todo mal rehuido,” and second, “la virtud ha de ser cultivada, el vicio, por el contrario, rechazado.” Sepúlveda, Del rito de las nupcias, II.12.1.
nature do not all have this solidity.” Sepúlveda admitted that there were foundational principles in natural law that it would be “considered a sacrilege to touch,” even for a supreme pontiff; yet there is a second order of natural laws deriving from those principles to which the popes have a certain responsibility. Therefore, at least in theory, the popes can indeed rule on (and dispense with) matters of natural law.

Relevant to Henry’s case, Sepúlveda understood matters of incest, consanguinity, and affinity to be forbidden in principle by the natural law. Particularly the laws prohibiting parents from marrying children (or any on what Sepúlveda referred to as a “direct line [recta linea]” of ascendancy or descendancy) seem to be deeply ingrained. He referred to Aristotle’s example of a horse that mounted its mother and subsequently threw itself off a cliff, a story that Thomas Aquinas also used to make the same point, arguing that even certain animals “have a natural respect for those that have begotten them.” Scotus confirmed for Sepúlveda as well the principle that consanguineous ancestors and descendants are prohibited from marrying by natural law. And yet, Sepúlveda was able to furnish an example when even this law was suspended for the greater good, if from an unlikely source:

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99 “En matemáticas, tanto los principios como las restantes cosas que de ellos emanaron son sempiternos y necesarios; las leyes de la naturaleza no tienen todas esa solidez.” Sepúlveda, Del rito de las nupcias, II.12.2.
100 “Las primeras, que ni siquiera pueden ser modificadas en algún sentido, se considera un sacrilegio tocarlas.” Sepúlveda, Del rito de las nupcias, II.12.3.
101 Aristotle, De Animalibus, ix, 47; Sepúlveda, Del rito de las nupcias, I.12.1.
102 Thomas Aquinas, Summa Theologiae, II–II, Q.154, A.9, ad 3.
103 Sepúlveda, Del rito de las nupcias, I.19.3.
For they who condemn the action of the daughters of Lot—who, in order to reestablish the human race, which they believed to be extinguished, sought union with their father during his drunkenness—censure primarily their credulity and levity, because, with the disappearance of the people in a small territory, they believed that all people, excepting themselves, had been annihilated; and later because, even had what they believed been true, they should not have proceeded without asking their father or God himself concerning that which abrogated for a time the natural and divine law.104

The daughters’ incest is rightly criticized, but not because it was incest; rather, Sepúlveda contended, the daughters are criticized because they were misguided in the first place about the looming extinction of humanity, and in the second place as well because they neglected to ask the authority placed over them. Their father, Lot, had a particular authority over them as the head of the household and, effectively, as default head of the entire (annihilated) town, to uphold or relax the demands natural law. And in case Lot’s particular authority to offer a “prudent relaxation” of such matters does not sound familiar enough, Sepúlveda continued:

Moreover, who will say that Lot, a very pious and wise man, in circumstances so adverse as these for the human race, which was on the point of disappearing, would not reflect and give himself a dispensation to beget without sin sons with his daughters—that is, who would not

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104 “Pues quienes condenan la acción de las hijas de Lot, que, para restablecer el género humano, al que creían extinguido, buscaron el concubito con su padre durante su embriaguez, éstos censuran, primero, la credulidad y ligereza de éstas, porque, con la desaparición de la gente de un pequeño territorio, creyeron que todas las personas, excepto ellas, habían sido aniquiladas; y luego, porque, aunque fuese verdad lo que creían, no debían, sin embargo, proceder sin consultar a su padre y al propio Dios en aquello que les vetaba a un tiempo la ley natural y la divina.” Sepúlveda, Del rito de las nupcias, III.3.4.
interpret that such action would not go against, but in accordance with the law of nature and of God?\textsuperscript{105}

In other words, Lot, in the same alternative reality where he is the last man on earth, has an authority analogous to that of the pope. But his decision to relax the laws of nature generally in effect in order to have marital relations with his two daughters—in defiance of Aquinas, Scotus, Leviticus, and Aristotle’s horse—would also somehow be “in accordance with the law of nature and of God.”\textsuperscript{106} In these very particular, very dire circumstances, the foundational premise, “all good is to be sought; all evil, avoided,” would call precisely for the sexual union of ancestors with descendants that it usually forbids. The authority Sepúlveda argued that Lot (and by extension the Pope) enjoyed to dispense with the natural law was actually an authority to determine when the secondary precepts of the natural law were in conflict with the primary ones, and to call the people under his authority to an obedience of these primary principles.

If even the prohibition against union between father and daughters could be dismissed under the right circumstances, it is no surprise that Sepúlveda also found the laws of consanguinity and affinity that emanate from this principle to be likewise subject to suspension and dispensation. Marriages between brothers and sisters are of this

\textsuperscript{105} “Por lo demás, ¿quién dirá que Lot, un hombre muy piadoso y prudente, en circunstancias tan adversas como aquéllas para el género humano, que estaba a punto de desaparecer, no reflexionará y se daría a sí mismo dispensa para procrear sin pecado hijos con sus hijas, esto es, que no interpretaría que ello no iría contra, sino de acuerdo con la ley de la naturaleza y de Dios?” Sepúlveda, \textit{Del rito de las nupcias}, III.3.5, emphasis in translation mine.

\textsuperscript{106} Sepúlveda, \textit{Del rito de las nupcias}, III.3.5.
“emanating” type, since they are normally prohibited by an extension of the respect people naturally have for their parents. Yet these marriages, too, might become allowable in the face of the greater societal good: namely, necessity and the scarcity of humankind, conditions Sepúlveda identified as governing the world immediately after creation and immediately after the flood.107 After the latter adventure, Sepúlveda argued, Noah acted in the place of the pontiff and was able to authorize the needed unions between brothers and sisters and cousins among his descendants in order to repopulate the earth.108 Such was indeed contrary to human nature—or it would have been, had not a worse evil still been the only other option. “Evil, certainly,” Sepúlveda admitted, “if there had not been an evil much worse and more pernicious to nature, which would be to consent to the extinction of all human nature.”109 The unnatural unions among Noah’s descendants were permissible as an instance of the greater societal good—or at least the lesser of societal evils. What he, as pontiff, “loosed” on earth, was likewise loosed according to the primary axioms of the natural law, and the eternal law of God’s will.

These exceptional situations allowed Sepúlveda to explore the question of whether there are discrepancies and contradictions between natural law and divine and pontifical law—since divine and pontifical law clearly forbade these unions and natural

107 Sepúlveda, Del rito de las nupcias, I.14.2.
108 Sepúlveda, Del rito de las nupcias, III.3.2.
109 “Ciertamente; un mal, si no hubiera otro mucho peor y más pernicioso para la naturaleza, como sería el de consentir la extinción de toda la naturaleza humana.” Sepúlveda, Del rito de las nupcias, III.3.3.

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law, apparently under some circumstances, allowed them. Again, he fell back on the argument for exceptional circumstances: citing Augustine, he found that these marriages had once been allowed by the natural law, until the circumstances under which humanity could thrive evolved and became different.\textsuperscript{110} Then, “after necessity and such causes had disappeared, the consideration was taken of a principle of extending love, so that there might be more connections of relation and of love by which men might be bound, if among some the relationship of blood used to awaken affection, while among others, affinity did so.”\textsuperscript{111} The secondary principles of the natural law, then, evolved in response to evolving circumstances, and posed no contradiction to the divine laws of Leviticus or the papal laws of consanguinity and affinity. As such, Sepúlveda’s question became not \textit{whether} the pope, like Lot, can grant permission for such laws to be broken without sin—but \textit{under what circumstances} such dispensation is warranted. The best reason to have sexual relations with a close relative, according to Sepúlveda, remained the “reestablishment of the human race in the midst of an extreme scarcity of men.”\textsuperscript{112} This was not the case for plague-ravaged Europe or even sweating sickness-ravaged England, and it was not the logic Julius II drew upon when issuing the

\textsuperscript{110} Augustine, \textit{City of God}, XV.16.
\textsuperscript{111} “Pero después de haber desaparecido una necesidad y causa tales, se tomó en consideración el principio de extender el amor, para que hubiese más vínculos de parentesco y de amor por los que los hombres se ligaran si, entre unos, despertaba el afecto el parentesco de sangre y, entre otros, lo hacía la afinidad.” Sepúlveda, \textit{Del rito de las nupcias}, I.14.3.
\textsuperscript{112} “El restablecimiento del género humano en medio de una escasez extrema de hombres.” Sepúlveda, \textit{Del rito de las nupcias}, III.4.2.
dispensation that allowed Henry and Catherine to marry. However, the runner-up reasons were more applicable to the present circumstances: namely, the propagation of religion and the good of society.\footnote{Sepúlveda, \textit{Del rito de las nupcias}, III.4.2, 4.5.} In this respect, Sepúlveda and Cajetan agreed; the motivation behind Julius’s dispensation was no less than
to reaffirm benevolence between great and powerful monarchs with the reestablishment of the bond of affinity that either had completely disappeared, or, at least, had been sufficiently remitted—since the former affinity (which should have been the common assurance of a stronger relationship) had not produced any descendants—and in order to suppress the grounds between these two Christian kingdoms of land and sea that formerly had been the cause of much warfare.\footnote{“Para que se reafirmara la benevolencia entre grandes y prepotentes reyes con el restablecimiento del vínculo de afinidad que o había desaparecido por completo, o, al menos, había remitido bastante, al no haberse intentado tener descendencia alguna de la anterior afinidad que fuese prenda común de un parentesco más fuerte, y para que se suprimieran las causas que entre los reinos cristianos de éstos, por tierra y por mar, en alguna ocasión habían suscitado grandes guerras.” Sepúlveda, \textit{Del rito de las nupcias}, III.8.3.}

In other words, the dispensation issued by Julius II that allowed Henry and Catherine to marry in the first place was precisely for the good of society, uniting as it did the great powers of England and Spain and keeping these from making war with one another. This had been the original intention behind the betrothal of Arthur and Catherine; after the former’s death, all parties involved sought to reestablish the bond that had originally been intended by this affinity.

The capacity of a pope to rule in matters of divine and pontifical law are analogous to Sepúlveda’s justification for the papal power to dispense with matters of natural law—and the reasons and circumstances that allow and demand such a
dispensation are also comparable. Sepúlveda made the case, following Scotus, that the prohibition against marriages between parents and children is proper to natural law, while the prohibitions against other unions of consanguinity or affinity, though related to this, are more properly understood to be aspects of divine and ecclesiastical law.

Sepúlveda had made clear in his discussion of the relevant passages from Leviticus and Deuteronomy that the divine law did not actually prohibit such unions as Henry’s and Catherine’s; he did not see these two texts as coming into contradiction, nor did he feel the need to dismiss Deuteronomy’s literal sense in favor of a spiritual one. The divine law allows for Levirate marriage; the problem is, pontifical law favors the prohibitions of marriages based on consanguinity and affinity, and so forbids the practice.

Canon law’s concern for matters of affinity began not with the church itself but with Roman law’s category of adfinitas. In the wake of the Edict of Milan, integration of Roman law with canon law and church practices began; so in AD 314 the Council of Neocaesarea specifically forbad marriage between a woman and her brother-in-law. Ultimately fifteen councils confirmed and reaffirmed this decision, and Henry’s “friends” found as many as were available. Yet despite the preponderance of testimonies on the side of doing away with any practice of Levirate marriage, Sepúlveda found precedent to be on his side in the example of Innocent III and the Livonian


\[117\] Only Neocaesarea, Agde, Tribur, and Toledo could be adduced at the time. Scarisbrick, Henry VIII, 164.
converts, which precisely illustrated the ability of a pope to issue a dispensation from
the exigencies of pontifical law—not just generally, but in the particular case of Levirate
marriage itself.

In this respect, in place of a law, a decree of Innocent III has come down
to us, who, by dispensation permitted certain Livonians to keep their
wives, even once converted to Christianity, whom they had married
while pagans and who had been left without children by their dead
brothers. He prohibited, however, that in the future they should celebrate
such nuptials; from this we should infer that what the divine law
permitted in another time for reasons of the moment is now prohibited in
the time of Christians, except when a pope issues a dispensation for a
justifiable cause.118

If Innocent had justifiable cause to issue a dispensation for a few Livonian converts—
these being “unknown men”—for the sake of encouraging them in their conversion to
Christianity, then surely, Sepúlveda argued, Julius II could issue the same dispensation
for the greater good of society and the encouragement of good will between great and
famous monarchs.119

Whether natural, divine, or pontifical law, Sepúlveda concluded that indeed the
pope has the authority to issue dispensations, as long as there is a worthy cause guiding
him in making this decision. But ultimately, he referred to this as simply a different kind

118 “A este respecto, en lugar de una ley, nos ha llegado un decreto de Inocento III, que por dispensa
permitió a unos livonienses conservar, una vez convertidos al cristianismo, a sus esposas, con las que ellos
se habían casado siendo paganos y que habían sido dejadas sin hijos por los hermanos muertos. Prohibió, no
obstante, que en el futuro se celebrasen tales nupcias; de ello se infiere que aquello que por Derecho divino
estaba permitido en otro tiempo por razón del momento quedó prohibido en tiempos de los cristianos,
excepto cuando el pontífice otorgaba dispensa por una causa justificada.” Sepúlveda, Del rito de las nupcias,
III.7.5.

119 He called the Livonians “hombres desconocidos” in order to contrast them with the well known
monarchs of Spain and England. Sepúlveda, Del rito de las nupcias, III.8.3.
of law, which underlies all other laws and which dispensation honors when the
established law can be only imperfectly applied:

Effectively, although dispensation might seem to be contrary to laws and
institutions, nevertheless if we examine its essence with the utmost
meticulousness and attention, we shall find that it is itself nothing other
than a kind of law. As a law it is not consigned by writing to books or
graven on bronze or marble tablets; it is rather one that, derived from
eternal law and graven in the spirits of just and wise princes, when the
situation demands it, comes to dispense to each citizen in particular
according to the merits of each one—that is, it distributes and divides out
the things that, in the severity of the written laws, might seem to have
been denied.120

Here, however, Sepúlveda revealed an additional layer to his thinking. The “kind of
law” that governs the provision of dispensations is derived from the “eternal law” and is
“graven in the spirits of just and wise princes.” In other words, when the pope issues a
dispensation (such as Julius’s bull allowing the marriage between Henry and Catherine),
he does so not in defiance of codified laws but in concert with eternal law, which is the
underlying principle from which the justice of all natural, civil, divine, and ecclesiastical
laws emanate, and which dictates the “greater good” that should be followed when
these systems do not cover the specific circumstances of a particular case.

120 “Efectivamente, aunque la dispensa parezca ser contraria a las leyes e instituciones, sin embargo, si
examinamos su esencia con más minuciosidad y atención, hallaremos que no es otra cosa más que una
especie de ley, no consignada por escrito en los libros ni grabada en tablillas de bronce o de mármol, pero
que, derivada de la ley eterna e impresa en los espíritus de los príncipes justos y sabios, cuando la situación
lo requiere, viene a dispensar a cada ciudadano en particular según los merecimientos de cada uno, esto es,
distribuye y reparte las cosas que, en la severidad de las leyes escritas, puede parecer que están negadas.”
Sepúlveda, Del rito de las nupcias, II.1.3.
As hinted in the idea that it is imprinted on the spirits of just and wise princes, the eternal law is ultimately tied to right reason. Sepúlveda drew on Augustine for his definition here, arguing eternal law is “the divine reason or will of God, which prescribes that the natural order be maintained and prohibits that it be altered; said law is not contained in any writing, but in the divine wisdom.” However, for being located in the divine wisdom, its accessibility is not limited to God alone. Rather, this is the same justice and wisdom that Sepúlveda argued rightly ordered societies (including the church) draw on in order to formulate laws and judge cases—it is “natural reason,” after all, that “imprinted the law on the minds of men.” As an example, Sepúlveda took the case of a child whose father was a traitor to the state. The letter of divine law dictates the honoring of one’s father and mother (Ex 20:12), but in a situation of truly great danger to the state, Sepúlveda argued that the child’s duty is to betray his parent. This admittedly goes against the precept of divine law, but “it probably will not violate the eternal law and right reason.” It is this recourse to eternal law, by way of rightly ordered natural reason, that Sepúlveda believed the pope had and that he believed allowed the pope to discern the greater good of any given situation and act accordingly. This ability

121 “La ley eterna es, como testimonia Agustín, la razón divina o la voluntad de Dios, que prescribe que el orden natural sea mantenido y prohibe que sea alterado; dicha ley está contenida no en un escrito, sino en la divina sabiduría.” Sepúlveda, Del rito de las nupcias, II.17.1; Augustine, Against Faustus, 22.27.
122 “La razón natural…imprimió la ley en las mentes de los hombres.” Sepúlveda, Del rito de las nupcias, II.19.7.
123 “Probablemente no violará la ley eterna y la recta razón.” In Latin: “fortassis tamen legem aeternam rectamque rationem non violabit.” Sepúlveda, Del rito de las nupcias, II.23.1–2.
underwrote the general power of dispensation that any pope might exercise, and it
certainly justified Julius II’s decision to allow the marriage between Henry and
Catherine. In no less a way, it justified Clement VII’s decision to uphold the marriage.
For, Sepúlveda concluded, “What could be more just...than the concord of Christian
rulers and peace between great kingdoms?”124 What cause more just than friendship,
familiarity, and the requirement of society? What, indeed, in the midst of the turbulent
times of the 1520s and 1530s, could be more defensible than “not only to reaffirm the
marriage, but even to prohibit, with the greatest ecclesiastical penalties and as many as
custom would impose, that any should perturb for any more time the public peace of
Christianity by supporting this cause or entering into polemic concerning this
question.”125 Given the many challenges pope and emperor face from Luther’s followers
and from military powers within and without Christendom, the last thing Sepúlveda
wanted to see was an uptick in enmity between two Catholic Christian nations by way
of express disobedience to papal authority.

124 “¿Cuál puede ser más justa o más conforme a la sociedad que la concordia de los príncipes cristianos y la
paz entre los grandes reinos?” Sepúlveda, Del rito de las nupcias, III.8.5.
125 “No sólo para reafirmar el matrimonio, sino incluso para prohibir, con las penas eclesiásticas más grandes
de cuantas es costumbre imponer, que nadie perturbe por más tiempo la paz pública de la cristianidad
moviendo esta causa o entrando en polémica con esta cuestión.” Sepúlveda, Del rito de las nupcias, III.10.4
5.5 Sepúlveda and the Succession of Mary Tudor

One final question concerning Sepúlveda’s *On the Marriage Rite and Dispensation* remains to be raised: namely, the implications of the treatise’s publication (in its original Latin) by an English press in 1553. Scholars generally narrate the “crisis” of July 1553 and Mary’s succession as either a religious or a legitimist conflict. The uprising in East Anglia that swept Mary to the throne and Jane Grey from it can be (and has been) read as a resurgence of Catholic devotion against Edward’s reign and the prospect of continuing Protestant power (thus, essentially a religious conflict), or a fight to honor Henry’s will and his intentions for the line of succession over Edward’s (essentially a legitimist conflict). Sepúlveda’s argument for the legitimacy of Henry’s marriage to Catherine and the authority of the pope over any other to interpret its legitimacy fits neatly with either of these models. His defense of Catherine was a defense of Mary’s mother and her legitimacy as an heir; his defense of papal authority, based on the accessibility of the eternal law to natural reason rightly engaged but culminating in the

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126 Anna Whitelock and Diarmaid MacCulloch, “Princess Mary’s Household and the Succession Crisis, July 1553,” *Historical Journal* 50/2 (2007): 265–68. Whitelock and MacCulloch identify Jennifer Loach as a representative proponent of the religion thesis, arguing that she “defines the succession crisis in essentially religious terms. As the supporters of Jane emphasized Mary’s Catholicism, Loach argues that it was not surprising that it was the Catholic gentry of East Anglia and the Home Counties who actively, and spontaneously, supported Mary” (267). MacCulloch, on the other hand, takes responsibility himself for the legitimism thesis, a traditional claim that Mary’s supporters principally shared her resentment of plans, especially by Northumberland, to subvert Henry’s plans for the Tudor succession (267). They go on to detail more recent research that admits both dynamics factor into the uprising and it is impossible to argue for one or the other exclusively, then submit a new argument that discounts the importance of any spontaneous East Anglian uprising and credits instead the fierce loyalty of Mary’s own household (267–68).
assertion that the pope was a trained statesman granted the authority to bind and to
loose, was a staunch defense of Catholicism and its hierarchy.

The frontispiece for Sepúlveda’s treatise rather gives away the context of its
publication: beneath title and author run the words *Excusum Londini in aedibus Ioannis
Cawodi, typographi Regiae Maiestatis. Anno 1553, Mense Novembri.*\(^{127}\) That it was printed in
November already places it in the aftermath of the succession crisis, but the designation
of John Cawood, *typographi Regiae Maiestatis,\(^{128}\) reveals the specific responsibility of

\(^{127}\) So reads the copy belonging to the Henry E. Huntington Library and Art Gallery of San Marino, CA,
which is fully digitized and available through Early English Books Online.

\(^{128}\) The treatise’s printer, John Cawood, had been a printer for about three or four years prior to his elevation
under Mary; the queen granted his patent formally at Westminster on 29 December 1553, giving Cawood
“the office of our printer of all and singular our statute books, acts, proclamations, injunctions, and other
volumes” (quoted in Joseph Ames, *Typographical antiquities*, vol. II, 786). Cawood was being rewarded for his
“good, true, and acceptable service” with the vacated office of Richard Grafton, who “had forfeited it by
printing a certain proclamation setting forth, that one Jane, wife of Gilford Dudley, was queen of England,
which Jane is indeed a false traitor, and not queen of England” (Ibid., 786). Grafton himself, described by
Eamon Duffy as one of the “key protestant printers” (Duffy, *Fires of Faith*, 58), had hardly enjoyed a career
free of tumult. He had an early brush with royal displeasure in his publication of the Matthew Bible in 1537.
Henry’s views on the profitability of translated Scripture certainly ebbed and flowed over the years.
Although in 1523 he had written to the dukes of Saxony that he “[did] not deny that it is good that the holy
scripture be read in whatever language” (emphasis mine), nevertheless he argued that they should
discourage Luther from circulating a version of the Bible that was too tainted by his own distorted ideas
(Richard Rex, “The Religion of Henry VIII,” 3). However, Henry’s 1530 position on a Bible in English was
simply “that it was unnecessary for the people to read in the Bible what they could hear from the preachers”
(Jasper Ridley, *Thomas Cranmer*, 125). Nevertheless, by 1534 this distaste was “noticeably diminished” under
Cranmer’s and Cromwell’s influence, and official talk of a royally authorized English translation began
(Dickens, *The English Reformation*, 152). The Matthew Bible was finished in this atmosphere: it had been
prepared almost in full by William Tyndale prior to his arrest in 1535 at Antwerp on charges of heresy;
because Tyndale’s name could not be openly associated with it, it was finished under the pseudonym
Thomas Matthew. Grafton and his associate had it printed in Antwerp, and Grafton would ultimately work
together with Cranmer and Cromwell to play a role in its printing and dissemination in England (Dickens,
*The English Reformation*, 154). However, Henry’s own permission and approval were tenuous, and Grafton
would pay for his prematurity with six weeks’ imprisonment and the instructions upon his release “that he
should neither sell nor imprint, or cause to be imprinted any more bibles until the king and the clergy
should agree upon a translation” (Ames, *Typographical antiquities*, vol. I, 508). Grafton’s Protestant piety,
however, is not what precipitated his fall from grace as royal printer—this was rather due to his dutiful
exercise of his office in publishing the proclamation of Jane Grey’s succession to the throne. This was likely
Mary’s regime for the treatise’s autumn appearance. Sepúlveda’s account of the validity of Henry’s marriage to Catherine, and by extension Mary’s legitimacy, therefore appeared well within the first three years of Mary’s reign and in the context of their comparatively heavy concentration of Marian propaganda. It appeared within the wave of print propaganda that included Mary’s own confession of faith, John Dudley the Duke of Northumberland’s speech upon the scaffold, and a number of treatises against sedition, including John Christoferson’s *Exhortation* against those engaged in the Wyatt rebellion of 1554.

T. A. Birrell has noted the “very long errata list” as evidence that Cawood “made a very bad job of the printing,” and hypothesized that the publication had far more to do with Mary’s sentimentality than any demand in the market forces. This is undoubtedly true, and without access to a personal copy of the treatise owned and studied and marked by Mary, little evidence could be furnished to argue which passages spoke most deeply to the last Catholic queen of England. However, I think Birrell’s limitation of the scope of Mary’s publication order to the idea that “what always

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129 Duffy, *Fires of Faith*, 60.
lay on her heart was the divorce of her mother and her own degradation to the status of a royal bastard by the act of an English parliament” misses the grander correspondence Sepúlveda’s ideas had with Mary’s vision of her regime.132

First of all, in writing, Sepúlveda defended the dignity not only of Catherine—“a rare example of purity and of all virtue”133—but of Henry as well, calling him “the best and most religious,” and reproaching “the resolution of those who have begun to argue this theme, to the point of imbuing in him…the scruple that it would be unseemly and against religion for him to retain his queen Catherine.”134 In other words, Sepúlveda did not pit Henry against Catherine in the divorce proceedings, but rather laid the blame squarely on certain advisors who did not have the king’s or the realm’s best interests at heart.135 This was an important position for Mary, whose authority rested on the legitimacy of her father’s will and so on her ability to honor his authority and intentions—even in reinstating the authority of the pope and Catholic church that Henry had usurped.

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132 Birrell, English Monarchs and their Books, 23.
133 “Ejemplo raro de pudor y de toda virtud.” Sepúlveda, Del rito de las nupcias, III.8.1.
134 “Por ello, es much más reprobable la resolución de aquellos que comenzaron poco ha a disertar en relación con este tema, hasta el punto de imbuirle al óptimo y religiosísimo Enrique, rey de Inglaterra, el escrúpulo de que no fuera a parecer que actuaba contra la religión si retenía a la reina Catalina, ejemplo raro de pudor y de toda virtud, con la que se casó tras haber quedado viuda de su hermano Arturo; si bien a la muerte de éste, no sólo él la había dejado sin hijos, sino que incluso el matrimonio había quedado sin consumar, cosa que la reina siempre ha confesado, y que el propio rey Enrique, que no puede desconocer la verdad, según tengo oído, no niega.” Sepúlveda, Del rito de las nupcias, III.8.1.
135 Sepúlveda refused to accuse anyone specifically. Del rito de las nupcias, III.8.1, III.10.2.
Second, Sepúlveda’s argument for the greater good of society hinged upon the union of England and Spain, as consummated in the marriage of Henry and Catherine. Mary had every reason to embrace such an argument since she sought a union with Philip II of Spain—a proposal that encountered fierce resistance, within parliament as well as without, most notably in the Wyatt rebellion.\textsuperscript{136} When Wyatt spoke at Maidstone in Kent on January 26, 1554, of his plan to resist Mary, his intention was given specifically as the prevention of her marriage to Philip.\textsuperscript{137} Even John Ponet’s \textit{Short Treatise} predicted that Spain would shortly be invading and enslaving England, a terrible fate given Spain’s “history of abusing its colonial possessions.”\textsuperscript{138} Hence the queen had ground to make up in terms of convincing her subjects that such a union was indeed for the general good. But more than that: although protocol was put in place to ensure that Philip would not become sole regent of England after Mary’s death,\textsuperscript{139} the motif of the union between England and Spain was so prominent that Mary may have been “self-consciously repeating and commemorating the earlier Tudor diplomatic success [of Catherine’s marriage to Arthur] in her own marriage.”\textsuperscript{140} The Winchester Cathedral, where Mary and Philip celebrated their wedding, was in fact decorated after

\textsuperscript{136} Thorp, “Religion and the Wyatt Rebellion,” 363–64.
\textsuperscript{137} Thorp, “Religion and the Wyatt Rebellion,” 375.
\textsuperscript{139} The marriage treaty explicitly rejected the possibility of Philip holding Mary’s regency \textit{de jure uxoris} or as “tenant by courtesy of the realm.” Samson, “Changing Places,” 772.
\textsuperscript{140} Samson, “Changing Places,” 762.
the fashion of St. Paul’s, where Catherine and Arthur were married, according to contemporary accounts of their wedding in 1502.141

Given Mary’s intentions to reassert the authority of the pope and the Catholic church in England, to recapitulate the unity of England and Spain through a marriage of the two nations’ royal houses, and to assure her subjects that these things were being done with the greatest good of the realm in mind, it is no great stretch of the imagination to surmise that Sepúlveda’s treatise constituted more for her in 1553 than simply a voice against those who bullied her mother.

5.6 Concluding Remarks

Sepúlveda’s robust defense of papal authority in On the Marriage Rite and Dispensation was certainly consistent with aspects of his argument against Martin Luther, and the position will likewise make an appearance in his polemic against Bartolomé de Las Casas. Roma locuta est, causa finita: Rome has spoken, the matter is settled. Leo X excommunicated Luther and banned the teaching of his heretical ideas; Julius II issued a dispensation allowing Henry’s marriage, not only as a suitable option within the scope of his powers to allow, but as the right and just and best decision for the greater good of society; Alexander VI authorized the settlement of Europeans and the propagation of the Christian faith in the Americas. The Cordovan humanist and

141 Ibid., 762.
theologian espoused his polemical positions consistently, and consistently on the side of already-issued papal decisions. However, attention to Sepúlveda’s understanding of law generally and its various subcategories particularly reveals an additional, far more interesting level to his theological consistency—and one far more satisfying than the facile conclusion that he simply allied himself with the biggest person in the room. The key concept from Sepúlveda’s 1531 treatise *On the Marriage Rite and Dispensation* for discussing this additional layer to his thought is his understanding of the interaction between natural law and natural reason.

Sepúlveda’s argument that natural reason serves as a guide, and has done so very democratically for all people in all times and places, was apparent throughout Book II of *On the Marriage Rite*, where he contended for the exceedingly close relationship between heads of state and divine wisdom. It was “with nature as their guide” that classical pagans, pre-Christian philosophers, the writers of the Old Testament, Christ’s apostles, and the doctors of the church all concluded that heads of state administer their realms “more by a divine impulse than by human deliberation, and that God is far more preoccupied with them than with private persons.”142 But this was not the only conclusion Sepúlveda argued the guidance of nature would impress on human minds. Such, too, was the basis of Sepúlveda’s account of the law of nations, or the *ius gentium*.

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142 “Hombres inteligentísimos de todos los tiempos, con la naturaleza como guía, por así decir, creyeron que los espíritus de los reyes y príncipes justos en el establecimiento o administración de todo Estado son conducidos y a su vez revocados a menudo más por un impulso divinio que por deliberación humana.” Sepúlveda, *Del rito de las nupcias*, II.3.4.
Sepúlveda, not unique in his understanding on this point, took the *ius gentium* to be an aspect of natural law. It covered those aspects of natural law that, though indeed taught to humans by nature, were not taught to humans by instinct, and so were not shared with animals. While humans might avoid injury and care for their young instinctively, as the animals do, societies everywhere also recognized the rightness and civility of respecting treaties, welcoming one another’s ambassadors, cultivating religion, and honoring one’s homeland.¹⁴³ These practices were the basis of the *ius gentium*, and “they have been inculcated in us not by instinct, but rather by reason, which nature implants as a guide and ally.”¹⁴⁴ However, the law of nations was no lowest common denominator to be found among all peoples without exception: it was rather only found to obtain among peoples that could rightly be called civilized. Its very name, *ius gentium*, Sepúlveda observed, was drawn “from the fact that all nations make use of it, so long as they are not barbarians and savages who seem to have abandoned their humanity completely.”¹⁴⁵ In this comment there appears a restatement of Sepúlveda’s position in his treatise against Luther, an echo of his judgments from the *Exhortation* to Charles V, and a formulation ultimately familiar from his later writings about the justice and legitimacy of Spain’s project of conquest in the Americas.

¹⁴³ Sepúlveda, *Del rito de las nupcias*, II.5.3.
¹⁴⁴ “Nos han sido inculcadas no por los instintos, sino más bien por la razón mediando la naturaleza como guía y aliada.” Sepúlveda, *Del rito de las nupcias*, II.5.3.
¹⁴⁵ “De estas leyes se compone el llamado Derecho de gentes, que toma su nombre del hecho de que de él hacen uso todas las gentes, con tal de que no sean tan bárbaras y salvajes que parezcan haber abandonado por completo la humanidad.” Sepúlveda, *Del rito de las nupcias*, II.5.4.
Against Luther, Sepúlveda had maintained the freedom of the will and the doctrine of human responsibility to cooperate with their natural capacity for virtue. In his *Exhortation*, Sepúlveda had outlined the drastic consequences that followed the prolonged exercise of one’s free will, for better or for worse. Charles’s European subjects, who Sepúlveda maintained had exercised their free will for the better, and moreover in the context of the greatest human and religious institutions, enjoyed as a result a built-in resistance to falsehood and perversity, “imprinted on their nature and inculcated in them by the wisdom and religiosity of their betters.” He maintained the Ottoman Turks and the Eastern Christians they have already conquered, on the other hand, lived under tyrannical rule and corrupt institutions that banned the liberal arts and freedom to study, all circumstances that culturally oriented their wills toward corruption, stunted their ability to seek God, and left the present generation of soldiers weak and cowardly. Immediately following his composition of the *Exhortation*, Sepúlveda turned his talents to Henry’s marriage scruple and the pope’s authority to issue a dispensation of the applicable natural, divine, and ecclesiastical laws that should have prohibited his union with Catherine. In this treatise, Sepúlveda extended his discussion of human free will and responsibility beyond the contents of his answer to Luther. The suggestion he had made in 1526, that nature is an ally that “helps human

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146 E.g., Sepúlveda, *Sobre el Destino y el Libre Albedrío*, II.23.1–4; see broader discussion in Chapter Three.
148 E.g., Sepúlveda, *Exhortación a Carlos V*, 4.1–2, 17.1–4; see broader discussion in Chapter Four.
beings to achieve virtue,”149 is displayed in On the Marriage Rite on the grander scale of kings and princes and the history of civilizations. For these, too, nature is an ally that impresses the law of nations on all people, being absent only from those who have deliberately turned from it, while right use of natural reason and the advantages afforded by a rich cultural heritage help kings and princes to adjudicate difficult matters that arise within their realms, knowing when to apply the written law strictly, and when to relax it based on extenuating circumstances.150 The pope, assigned plenary authority and the keys of the kingdom by Christ himself, is the statesman of statesmen in this regard, and Julius II was best situated to dispense with the obstacles to Henry’s marriage.

While Sepúlveda made strong claims about the pope’s authority and supremacy, On the Marriage Rite is a crucial text for determining where that authority fits in his broader understanding. The key to the pope’s authority as described there is its connection to divine wisdom and ability to perceive the all-important greater good—in other words, to discern when a given codification of the natural law, and the divine law, prohibiting marriage to one’s brother’s widow, should be prudently relaxed for the sake of various goods that could and have come of the union. The pope’s authority is also a crucial feature of Sepúlveda’s arguments concerning the justice of the Spanish forces’

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149 “No niego que la naturaleza ayude a los hombres a alcanzar la virtud.” Sepúlveda, Sobre el Destino, II.22.3.  
150 Sepúlveda, Del rito de las nupcias, II.5.2–5, II.3.4.
conquests in the Americas, and a correct understanding of the place of papal authority in Sepúlveda’s reasoning is just as crucial for understanding Second Democrates and its Apology. Pope Alexander VI assigned the Americas to Spain and Portugal in bulls promulgated in 1492 and 1493, and this is certainly part of Democrats’ argument for the legitimacy of Spain’s presence there. However, as in Henry’s case, doubts had been raised as to the correctness of the pope’s decision. Just as some had asked whether Julius II was right to dispense with the natural and divine legal prohibitions against marriages of affinity, others asked after the right of the pope to set aside the natural law’s commitment to infidel dominion, meaning the right of non-Christians to own property and govern themselves.\textsuperscript{151} After all, if the indigenous Americans had a right to dominion, their resistance to the Spanish conquest constituted a just war, and the Spanish conquest itself an unjust one—so argued Leopoldo against Democrats.\textsuperscript{152} In Sepúlveda’s Second Democrates, just as in On the Marriage Rite, the question came down not to the pope’s authority itself but to the relationship between natural reason and natural and divine law as the principle underlying papal authority. Natural reason, rightly exercised, leads one to virtue and to knowledge and worship of the true God—so Sepúlveda argued against Luther,\textsuperscript{153} so he maintained concerning Charles’s subjects and

\textsuperscript{151} See discussion of Thomas Aquinas’s position on this issue in Chapter Two; see discussion of Sepúlveda’s opinion with regard to the American indigenous in Chapter Six.

\textsuperscript{152} Sepúlveda, Demócrates Segundo, I.7.2.

\textsuperscript{153} Sepúlveda, Sobre el Destino, II.22.2–3.
so he lamented concerning Eastern Christians’ loss of intellectual freedom,\textsuperscript{154} and so asserted of just kings and princes, and the pope, in \textit{On the Marriage Rite}.\textsuperscript{155} In his writings on the indigenous Americans and the justice of the Spanish war of conquest, too, Sepúlveda brought out these ideas as the fundamental grounding for his position. Barbarians, he argued, are such because they neglect natural reason and “abandon their humanity”—they do not exercise the principles of \textit{ius gentium} that are available to them through nature guided by reason, and lacking this foundation they cannot increase in virtue either, and are no longer capable of justly governing themselves.\textsuperscript{156} It was this neglect of natural reason’s disposition to lead them toward virtue that justified the indigenous Americans’ subjection to the Spanish. In my next chapter, I turn to \textit{Second Democrates} and the \textit{Apology} for an examination of Sepúlveda’s logic on these points precisely. I argue that in these treatises, too, the foundation of his argument is his optimism concerning natural reason’s ability to lead human beings to virtue and true religion, and his corresponding semipelagian expectations for the American indigenous peoples’ virtue and willingness to accept Christianity. The indigenous Americans’ non-conformity to these expectations was the disappointment that, in Sepúlveda’s mind, legitimated Spanish conquest.

\textsuperscript{154} Sepúlveda, \textit{Exhortación}, 7.7, 4.1–2.
\textsuperscript{155} Sepúlveda, \textit{Del rito de las nupcias}, II.3.4.
\textsuperscript{156} Sepúlveda, \textit{Del rito de las nupcias}, II.5.2–5.
6. Sepúlveda and the New World

Recognizing the semipelagian thread that characterized Sepúlveda’s theology and that was manifest in his earlier writings is critical, not only for understanding the position he espoused at Valladolid in 1550–51, but for understanding the theological impasse it created. The stakes were high: Charles V had taken the unprecedented step of declaring a halt to all imperial enterprises until the justice of the Spanish wars could be decided, but in so doing he called a referendum not only on the morality of a current enterprise, but one that stretched back decades, as far as his grandparents’ reign and Alexander VI’s pontificate. Sepúlveda’s innovative semipelagian contribution supported not only contemporary endeavors in the New World, but legitimized those of Isabella and Ferdinand as well.

The terms of the debate had long been in place. Sepúlveda himself attested in his treatise *On the New World* to the immediacy of the issues of papal authority, missionary zeal, and the imperial desire for wealth, power, and expansion, admitting these factors were at work as soon as the first reports from the first voyages were received. Specifically, he recorded that upon hearing the preliminary account of Columbus’s exploits,

the excellent and pious monarchs considered that they must not pass up such an opportunity for their Empire and for the propagation of the Christian faith… [Subsequently, Alexander VI] approved enthusiastically by means of a letter and a papal bull the monarchs’ spirit and determination to subject the Amerindians to their dominion, with the
goal that by evangelical preaching they might be introduced more easily to the Christian religion.\textsuperscript{157}

As straight-forward as Sepúlveda’s summary seems, did the pope actually donate the American indigenous peoples’ sovereignty to the Spanish monarchs? Bartolomé de Las Casas contended that Alexander had not done this with his bull \textit{Inter caetera} in 1493.\textsuperscript{158}

But the encounter was nevertheless underway, with Spain claiming particular regions and peoples within the Americas as extensions of the Spanish empire. The question of the justice of these Spanish claims accordingly became a question of the indigenous populations of the Americas and their rights to dominion in their own territories.

Thomas Aquinas had maintained that infidel dominion was a matter of natural law outside the purview of the church, and that Christian leaders had no grounds for revoking unbelievers’ right to dominion, unless the unbelievers in question were in violation of the natural law in some way.\textsuperscript{159} Both sides, for and against the justice of the Spanish wars, accepted this position, and the debate in turn became a referendum on indigenous Americans’ morality. Were they peaceable, or wanton murderous savages?

\textsuperscript{157} “Los excelentes y piadosos príncipes consideraron que no había que dejar pasar semejante oportunidad para su Imperio y para la propagación de la religión cristiana,” which enterprise Alexander VI “aprobó con entusiasmo mediante una carta y una bula el espíritu y determinación de los reyes de someter a los indios a su dominio, a fin de que con la predicación evangélica fueran introducidos a la religión cristiana con mayor facilidad.” Sepúlveda, \textit{Del Nuevo Mundo}, trans. Luis Rivero García, \textit{Obras Completas}, vol. XI (Excmo. Ayuntamiento de Pozoblanco, 2005), I.12.1–2.


\textsuperscript{159} See discussion in Chapter Two.
It was an impossible question to answer without considerable generalization and exaggeration. The nations of the New World were many, and few of the sensational and otherwise scandalous accounts of their inhabitants’ character took methodological care to distinguish one culture from another or the actions of one individual or small group from those of their entire tribe. Columbus had written in 1493 of the indigenous Americans’ timidity and gentleness: “after they are reassured and they lose this fear, they are so completely without guile and so generous with all they have that one would not believe it without seeing it.”\footnote{Christopher Columbus, “Letter on the New World (1493),” in Jon Cowans, ed., \textit{Early Modern Spain: A Documentary History} (Philadelphia, PA: University of Pennsylvania Press, 2003), 30.} The Dominican missionary Fray Tomás Ortíz expressed the contrary view: “They are traitors, cruel and vengeful, who never offer pardon…they behave as brute animals; in short, I say that God never created a people so steeped in vices and brutality.”\footnote{“Son traidores, crueles y vengativos, que nunca perdonan…se tornan como brutos animales; en fin, digo, que nunca crió Dios tan cocida gente en vicios y bestialidades.” Quoted in Luis Rivera Pagán, \textit{Evangelización y Violencia: La Conquista de America} (San Juan, Puerto Rico: Editorial CEMI, 1992), 221.} These polar opposite positions were later adopted by Las Casas and Sepúlveda, respectively, with commentary added by each on the comparative virtue of the Spanish soldiers. Las Casas lauded indigenous Americans for their peacefulness and famously excoriated Spanish rapacity in his \textit{Brief account of the destruction of the Indies}; Sepúlveda noted the continual warfare of indigenous American
tribes among themselves and their prodigious cannibalism, while praising the virtue
and temperance of Spain’s forces.162

Here the narrative generally stops, with diametrically opposed and equally
unprovable assessments of two entire continents of human beings, Las Casas’ at least
bearing the weight of a firsthand witness from his many years in the New World, while
Sepúlveda’s came from hearsay and cold deduction based on Aristotle’s hierarchical
system for understanding human cultures. This narrative fails to account for
Sepúlveda’s position or his sources. He was not bound to Aristotelian categories, nor did
his argument culminate in his account of indigenous American cannibalism. Rather,
both these factors were corollaries of his actual argument, not the source for his
argument itself. Aristotle provided an alternative and intellectually rigorous vocabulary
for an argument Sepúlveda made from other premises, and he accepted conquistadors’
accounts of indigenous American tribal warfare as a confirmation of his view, not the
factor from which he deduced it. The source for Sepúlveda’s argument was his
semipelagian theological anthropology, which aided his expansion of Thomas Aquinas’
point about the effect of a violation of the natural law on rights of dominion. Because
natural reason disposed one toward knowledge of the true God, even prior to the
mediation of religious instruction, the rejection of Christianity was itself a violation of

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the natural law. Indigenous Americans did not need to be vicious or rapacious to prove Sepúlveda’s side of the controversy; they only needed to resist conversion.

This chapter, therefore, offers a rereading of Sepúlveda’s major treatise defending the justice of the Spanish war against the indigenous Americans, highlighting the theological language and doctrinal commitments underwriting his arguments that the most appropriate method for Christianizing the American indigenous populations was conquest. I attend to his comments on natural and divine law within the Second Democrates dialogue, and take issue with other scholars who have put forward alternative explanations for the root of his position there, arguing that these observations, although sensitive in varying degrees to Sepúlveda’s religious concerns, fail to take into account the theological system he is working with when he discusses the nature of the people he urges military action against. That argument is rooted in his semipelagian theology, which allowed him to argue the indigenous Americans, like the Protestant heretics and the Ottoman Turks, were neglecting their natural predisposition toward truth and virtue so badly that they incurred the guilt of violating natural law, for which they lost their natural right to dominion over their lands and goods.163

Accordingly, in this chapter, I discuss recent contributions to the small body of literature that attempts to understand Sepúlveda’s point of view and the foundations of

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163 The violation of natural law as a justification for punishment by a Christian prince is an argument Sepúlveda borrowed from Thomas Aquinas, though, as discussed in Chapter Two, Sepúlveda has vastly different standards from his source material when it comes to assessing a violation of the natural law. In arguing that polytheism is a violation of natural law, Sepúlveda left Thomas behind.
his *Second Democrates* treatise’s argument. I then move on to a review of that treatise and an argument for its continuity with his treatment of natural and divine law, a treatment that set Sepúlveda apart from his contemporaries and their understandings of the issues at stake. In particular, I compare Sepúlveda’s position with that of the papal bull *Inter caetera* and the *Requirement* together with its proponents, and discuss the way he departs theologically from Bartolomé de Las Casas, his main opponent at Valladolid but fellow reader of Thomas Aquinas. Finally, I offer comments on Sepúlveda’s other writings from the 1550s to the end of his life, arguing that natural law and “what is in one” is the theme that continues to pervade his work as a central, animating feature. It pervades his early writings in the 1520s and 1530s and it pervades his *Second Democrates* treatise as well; in summary, no full understanding of that treatise’s arguments can be attained when one fails to attend to his discussion’s semipelagian method for characterizing the indigenous Americans’ nature and will.

### 6.1 Luna Nájera: Military Glory and Papal Supremacy

Among recent contributions to the understanding of Sepúlveda’s thought, Dr. Luna Nájera’s valuable dissertation drew a compelling trajectory from Sepúlveda’s writings on military virtue—in *Gonzalo*, in his *Exhortation to Charles V* to go crusading against the Turkish invaders of Europe, and in *Democrates*—to his *Second Democrates*, arguing for a coherent development of the central theme of military virtue throughout.
My own study of Sepúlveda’s _Exhortation_ in Chapter Four, however, has shown that his argument there, while certainly couched in language that glorifies military victory, actually hinges on the Ottoman Turks’ degraded nature as opposed to the much cultivated virtue of Charles’s subjects. None of this necessarily contradicts Najera’s work; rather, it seeks to extend the conversation. Exploring Sepúlveda’s earlier comments on the virtues practiced by a Christian soldier, as well as his earlier comments on human nature and what all humans are morally and cognitively capable of achieving even prior to the specific revelation of God’s saving grace both serve to help illuminate the Cordovan’s position on the Spanish war against the indigenous populations of the Americas. Indeed, the military glory that Sepúlveda assures Charles in his _Exhortation_ will be his, should he come to the defense of Europe’s borders against Suleiman the Magnificent, is so assured precisely because the Sultan’s subjects are collectively neglecting to “do what is within them.” Just as her treatment of Sepúlveda’s _Exhortation_ misses this language’s centrality and import, so too Dr. Nájera’s argument that _Second Democrates_ represents an extension of the military glory language fails to account for all the factors at play in Sepúlveda’s argument there. Instead, I argue, Sepúlveda exhorts Charles to continue the Spanish wars of conquest in the Americas in order to correct the degraded nature of the indigenous Americans who are neglecting what is within their power as well.
Dr. Nájera’s dissertation, “Writing Empire, Justifying War: Royal Censorship of Texts by Sepúlveda and Bernal,” and article “Myth and Prophecy in Juan Ginés de Sepúlveda’s Crusading ‘Exhortación,’” are the main source for her arguments. Her stated purpose in the former is to inquire into the “apparent anomaly” of royal censorship, given that “in practice the Royal Council supported military approaches to the pacification of Amerindian societies,” but that through censorship it also “prohibited writings that attempted to justify the military subjections of Amerindians.” The latter deals with the rhetoric of military glory in Sepúlveda’s 1529 Exhortation and frames it as crusading rhetoric, founded on the myth of a Last World Emperor who will bring about a universal Christian peace—a theme Nájera broadly connects to the vision of a pacified America, likewise added to Charles’s universal empire. Problematically, however, there is little to indicate a sense of momentum between the two treatises, apart from references to Charles’s empire, which was indeed vast, but difficult to call universal, particularly by the time of Sepúlveda’s work on Second Democrates. Although Protestant fortunes

164 Luna Nájera, “Writing Empire, Justifying War: Royal Censorship of Texts by Sepúlveda and Bernal” (PhD diss., Cornell University, 2008). The Bernal in her title is Bernal Díaz del Castillo, a soldier whose account of the conquest of Mexico was also censored by the Spanish Crown. Nájera’s forthcoming revision bears the title, War and the Virtues in the Political Works of Ginés de Sepúlveda.
rose and fell in subsequent decades, the vision of a completely re-Catholicized Europe was already quickly receding from view.\textsuperscript{167}

More compelling, given the ultramontanist tendencies in Sepúlveda’s writing,\textsuperscript{168} is Nájera’s argument that his treatise was censored because it argued for the justice of the wars of conquest in America on the basis of not Charles V’s authority, but—controversially—that of the Pope. Sepúlveda’s Second Democrates certainly falls into the category that Nájera places under a microscope in her dissertation. The treatise’s very subtitle continues, \textit{Concerning the Just Causes of the War}, and yet notwithstanding this endorsement of what the Spanish crown was doing anyway, it remained unpublished until 1892.\textsuperscript{169} Readers and biographers of Bartolomé de Las Casas often point to the Dominican’s role in the censorship of Second Democrates, but Las Casas had no authority singlehandedly to suppress voices and views that differed from his own. Nor was he a member on any of the juries that considered Sepúlveda’s work. Sepúlveda himself suspects that Las Casas intervened to the point that the Council of Castile, inclined to support his petition for publication, instead transferred consideration of Second Democrates to a panel of theologians from the universities of Alcalá and Salamanca.

\textsuperscript{167} In the early 1540s, the Schmalkaldic League was still ascendant and gaining allied territories, having yet to be effectively challenged by Charles’s forces. When that challenge came in the Schmalkaldic War of 1547, the result was forced Catholicization in some territories but a toleration of Protestants elsewhere. When the tensions resolved in the Peace of Augsburg, the question of worship was relegated to each territory’s sovereign through the principle \textit{cuius regio, eius religio}. See Carter Lindberg, \textit{The European Reformations} (Malden, MA: Wiley Blackwell Publishing, 1996), 233–48.

\textsuperscript{168} See Chapter Five.

\textsuperscript{169} The year 1892 saw Marcelino Menéndez y Pelayo’s imperfect publication, as observed above. Ángel Losada, “Evolución del moderno pensamiento,” 33.
These, even more profoundly under Las Casas’ influence, Sepúlveda suspected, ultimately rejected the Cordovan’s cause.  

Although Second Democrates was censored and prohibited from publication, and this by a jury’s decision rather than royal decree, Sepúlveda ultimately wrote a defense of his dialogue (his Apology), which saw publication in Rome in 1550 but nevertheless suffered royal censorship by confiscation the same year. Nájera’s dissertation asks what factors may have contributed to this. Her intriguing suggestion leaves aside Las Casas’ contested influence as well as the theologians’ stated reason for rejecting Sepúlveda’s text. Instead, Nájera submits that the true controversy lay in Sepúlveda’s identification of the pope, rather than the emperor, as the authority figure who ultimately held jurisdiction over the Americas, and by whose authority the emperor’s forces justly campaigned against and subjugated the indigenous American peoples.

Indeed, a shift occurs in Spanish articulation of the authority by which the conquistadors make war in the Americas. The Requirement of 1513, for example, read by Spanish forces to the indigenous American populations they encountered and subsequently conquered, offered a robust defense of papal supremacy. The Requirement taught that God created heaven and earth and all people, and that over all people and

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170 Find full quotation in letter (1545-48?) from JGS to Martín de Oliva. See Nájera, 55–56.
172 They claimed to disagree with his account of American indigenous peoples as the natura servi described by Aristotle. Luna Nájera, “Writing Empire,” 55–56.
nations “God our Lord gave charge to one man, called Saint Peter, that he should be lord and superior of all the men in the world.”  

The document then referred to Pope Alexander VI’s 1493 bull *Inter Caetera* and its donation of the particular nations of the Americas to the Spanish monarchs. Therefore, in the early years of Spanish campaigns against the indigenous populations of the Americas, and particularly before Charles’s accession to Spain’s throne, the document articulating Spain’s authority over the Americas traced that authority explicitly to Peter’s successor, and to the Spanish monarchs only insofar as Peter’s successor had favored them. In 1543, however, Charles replaced the *Requirement* with a new letter and issued new instructions for Spaniards interacting with newly discovered indigenous American populations. 

In this text, as Juan Manzano Manzano observes, papal authority and reference to the bull of 1493 “had been utterly displaced.” While the letter still gave a religious rationale for the Spanish enterprise—describing the Spaniards as “having great compassion for those who with such harm and danger to themselves do not know [God]”—there is no mention of the pope who supposedly placed indigenous Americans in the way of this pious and affectionate attention. Nor is there any explicit claim to sovereignty over the lands;
rather, the document invites “true friendship and much benevolence,” as well as trade, between Spain and the Americas.\textsuperscript{178} Spain had already established its sovereignty in the Americas, but both Charles V and Philip II sought to articulate that sovereignty as a royal and secular one, outside of the pope’s authority to bestow.\textsuperscript{179}

This line of argument is intriguing, if speculative. Nájera follows other historians in identifying a trend, that of shifting the source of Spain’s authority over the Americas from the pope’s benevolence to the Crown itself. Whether this is the reason the theologians refused to license Sepúlveda’s \textit{Second Democrates} for publication, however, is another matter. Sepúlveda certainly granted the pope a great deal of authority, as shown in previous chapters.\textsuperscript{180} Crediting this aspect of his thought with his dialogue’s censorship, as opposed to the stated objection by the juries of Alcalá and Salamanca, however, is speculative—though perhaps it is no more speculative than taking the censors’ word at face value is uncritically accepting. Sepúlveda, in blaming Las Casas, was for his part actively rejecting the face value of the censors’ decision. I do not intend to argue the censors hesitated to state their true reason for rejecting Sepúlveda’s treatise. My assessment is that they meant what they said when they objected to his adoption of

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\textsuperscript{178} “Verdadera amistad y mucha benevolencia.” Quoted in Manzano Manzano, \textit{La Incorporación}, 142.  \\
\textsuperscript{179} Peggy K. Liss, \textit{Mexico under Spain 1521-1556: Society and the Origins of Nationality} (Chicago: The University of Chicago Press, 1975), 33-40. Also Manzano Manzano, 146-47.  \\
\textsuperscript{180} In his treatise \textit{Del rito de las nupcias y de la dispensa}, for example, Sepúlveda calls it “impiety to doubt that the Supreme Pontiff, whom we call the Pope, was assigned by God a power much higher than that of all the kings and princes, to promulgate, repeal, harden, and soften laws.” \textit{Del rito}, II.4.5
\end{flushright}
Aristotle’s categories for describing human nature, but that in doing so they rejected the semipelagian theology that underwrote his fervent defense of Aristotle’s categories.

Nájera states her research objective as an inquiry into a political matter of transatlantic proportions—transatlantic because authorship and censorship took place in Spain as well as the Americas. Sepúlveda is one of two figures whose writings she analyzes to build her case, which ultimately attempts to answer why the Crown acted the way it did in the matter of decisions to censor accounts of Spanish activity in the Americas. Yet the value of Nájera’s work for other readers of Sepúlveda’s treatises, and the hope from this perspective for her future research and publications, is that she takes Sepúlveda very seriously, reads him very closely, and identifies sources and influences and continuities and discontinuities within his thought, in order to begin an intellectual historian’s portrait of the man and his context. The irony of her conclusions is that the serious and erudite man she depicts was apparently vastly ignorant of his context: he worked as Charles V’s royal historian and yet had no idea his arguments for papal authority were so terribly out of fashion at the court. If Second Democrates strikes the contemporary reader as an advocate of morally bankrupt imperialism, Nájera argues it struck Sepúlveda’s own contemporaries as tone-deaf ultramontanism.

Despite Nájera’s central argument for Sepúlveda’s problematic papal support as his undoing, her real interest lies in his appropriation of classical virtues and their relationship with Christianity. As such, she traces Sepúlveda’s just war argument to the
matter that concerns the speakers in his earlier *Democrates* dialogue: namely, whether it is appropriate for Christians to be soldiers at all. After all, Christians are exhorted to peace and to humility, whereas soldiers’ campaigns are violent and their careers ultimately seek honor and glory. Accordingly, the earlier treatises she draws on to give context for Sepúlveda’s controversial position in *Second Democrates* and in his *Apology* are the ones that explicitly take up the same themes—the treatises, that is, that Nájera identifies as explicitly political: *Gonzalo*, the *Exhortation to Charles V*, and *First Democrates*. These treatises do indeed provide important context for Sepúlveda’s arguments in *Second Democrates*, but the full context for those arguments is not entirely to be found simply in other treatises where he mentions war, honor, and glory.

Rather, as Nájera herself briefly notes, part of the logic of Sepúlveda’s position may be attributable to his understanding of natural law, divine law, and the relationship between them. To focus on Sepúlveda’s recognizably political treatises is not to insulate oneself from these theological points; to Sepúlveda and to many sixteenth-century intellectuals, the distinction between the disciplines was not so stark that it would keep theological reasoning from entering a political treatise or debate or keep

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181 The *Exhortación a Carlos V* (1529) encouraged the emperor particularly to make war against the Turks who threatened Vienna (Juan Ginés de Sepúlveda, *Obras Completas*, vol. 7); see my discussion in Chapter Four. His treatise *Gonzalo, diálogo sobre la apetencia de gloria* (1523), as its title suggests, takes up the question of whether it is appropriate for Christians to desire glory, as through military conquest and honors (Juan Ginés de Sepúlveda, *Obras Completas*, vol. 6). *Demócrates* (1535) begins with the question of whether war itself is ever compatible with Christianity, and continues by analyzing the compatibility between the classical virtues of honor, bravery, and magnanimity with Christian virtues (Juan Ginés de Sepúlveda, *Obras Completas*, vol. 15).

political reasoning from entering a theological debate. As such, even identifying certain of Sepúlveda’s treatises as political (and others as theological) is arbitrary, if not misleading. In this case, it leaves unexplored the treatises where he deals more explicitly with the theological themes that underwrite his commentary on just war and classical virtues.

In contrast, this project focuses on the important theological themes that are developed throughout Sepúlveda’s published treatises, particularly his theological anthropology and the relationship between divine and natural law—incorporating into its methodology a different set of source material and a different framework. This includes but is not limited to a concern for expounding Sepúlveda’s controversial position on matters of papal authority and the fate of indigenous Americans encountered by Spanish forces. I contend, however, that the most coherent account of these positions is to be found in the way that Sepúlveda discusses natural reason, free will, divine grace, and “law.” Accordingly, the treatises I have analyzed have been selected to showcase Sepúlveda’s fullest account of his understanding of law—the natural law by which God ordered the world and which is available to human beings through the gift of natural reason; the civil law that derives from natural reason; the divine law which God revealed to human beings through the Old and New Testaments; the pontifical law which treats the ceremonies and sacraments of the church; and the eternal law by which God coordinates them all. The breadth of the category of “law”
gives Sepúlveda a trajectory that runs from Creation to the present, and it is this vast theological framework that gives him the confidence to pass judgment on the place and potential of indigenous Americans in God’s world.

### 6.2 Francisco Castilla Urbano: The “Active” Life

Of primary concern in Francisco Castilla Urbano’s *El pensamiento de Juan Ginés de Sepúlveda* is the welcome reassignment of *Second Democrates* to its proper place within the Cordovan humanist’s thought. He criticizes other scholars for taking *Second Democrates* to be Sepúlveda’s final word, not to mention representative of his thought, ignoring a multitude of other treatises and dialogues published over the course of his lifetime and despite the fact that he continued writing for another thirty years. In his reexamination of the matter, Castilla Urbano concludes that in fact, rather than indigenous American inferiority, “the ideological axis around which Sepúlveda will articulate his most interesting moral and political writings will be precisely the doctrine of glory.”

This section briefly evaluates that claim, exploring what Castilla Urbano means by a “doctrine of glory” and assessing his submission of this, rather than the usual reading of the fittingness of Aristotle’s natural slavery to the indigenous American

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183 *Acerca de la Monarquía* was published in 1571, just two years prior to Sepúlveda’s death. Francisco Castilla Urbano, *El pensamiento de Juan Ginés de Sepúlveda: vida activa, humanismo y guerra en el Renacimiento* (Madrid: Centro de Estudios Políticos y Constitucionales, 2013), 11.

184 “Va a ser precisamente la doctrina de la gloria el eje ideológico en torno al cual Sepúlveda va a articular sus escritos morales y políticos más interesantes.” Castilla Urbano, *El pensamiento de JGS*, 283.
population, as a new interpretive key to Sepúlveda’s thought. While the shift in focus is welcome, and the attempt to reorient Sepúlveda’s career away from the indigenous American controversy’s gravitational pull is necessary, I argue that the doctrine of glory Castilla Urbano draws attention to is simply the reverse side of the natura servi coin. The pursuit of glory that Castilla Urbano finds in Sepúlveda’s writings is merely another framework for Spanish nationalism and Spanish superiority; it addresses only indirectly the theological system according to which Sepúlveda established his scale of values in this regard.

Glory, as Castilla Urbano’s title suggests, is connected to the active life, “which makes the pursuit of glory its most important value.”185 The active life is one that seeks to cultivate virtue and serve the state, not least by a career in the military. For Sepúlveda, Castilla Urbano argues, this coalesced into a persistent patriotism and ceaseless celebration of Spanish military might and honor, one that pervades his published works, such that he developed an ethics in which the individual or the nation stands out fundamentally for their feats of arms. As glory proceeds from virtue, military action was converted into virtuous practice, and war, although under the form of just war, became enthroned as the mechanism for resolving conflicts.186

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185 “Que hace de la búsqueda de la gloria su valor más importante.” This as opposed to the contemplative life. Castilla Urbano, El pensamiento de JGS, 41.
186 “Una ética en la que el individuo o la nación destacan fundamentalmente por sus proezas con las armas. Como la gloria se sigue de la virtud, la acción armada se convierte en práctica virtuosa, y la guerra, aunque bajo la forma de guerra justa, se entroniza como mecanismo de resolución de conflictos.” Castilla Urbano, El pensamiento de JGS, 283.
However, Sepúlveda rejected the idea that military service was necessarily superior to
the career he himself was engaged in.\textsuperscript{187} In fact, in his earliest dialogue, \textit{Gonzalo}, the
highest form of the active life seems to be cast as a combination of accomplishment in
war and in letters; he lauded the central character in the dialogue accordingly as much
for “his valor in war” as for his administrative capabilities, which Sepúlveda sources in
his extensive reading in “the documents of that age,” meaning the age of the Roman
Republic.\textsuperscript{188}

This patriotism, affirmation of the active life, and valorization of the pursuit of
glory become the central tenets that Castilla Urbano argues persist throughout
Sepúlveda’s writings. As such, Castilla Urbano, like Nájera, rejects the logic that it was
Sepúlveda’s training as a humanist or as a rhetorician that placed him at odds with the
Salamanca theologians. Rather, he observes, the division stemmed from Sepúlveda’s
notable

fidelity to certain ideological principles that, in their essential form, did
not undergo any variation from the biography of Cardinal Albornoz and,
above all, the dialogue \textit{Gonzalo}, until \textit{On the Monarchy}, and that are
present throughout his chronicles.\textsuperscript{189}

\textsuperscript{187} He specifically wrote to a friend in 1517 that he would not rank military activity ahead of study and

\textsuperscript{188} Valued as much for his “su valor en la guerra” as for his administrative ability, which Sepúlveda
researched in “los documentos de aquellos tiempos.” Castilla Urbano, \textit{El pensamiento de JGS}, 50. Quoting

\textsuperscript{189} “Fidelidad a unos principios ideológicos que, en lo esencial, no experimentan variación desde la biografía
del cardenal Albornoz y, sobre todo, el \textit{Gonsalus}, hasta el \textit{De regno}, y que impregnan la totalidad de sus
crónicas.” Castilla Urbano, \textit{El pensamiento de JGS}, 147.
When taken as a central theme, this fidelity leads Castilla Urbano to conclude that Sepúlveda’s focus on Spanish superiority (or the virtue of Spanish soldiers and the justice of Spanish military enterprises) is nothing new as it is presented in Second Democrates; rather, what is new in that setting is the application of these principles to the wars of conquest in the Americas.\footnote{Castilla Urbano, \textit{El pensamiento de JGS}, 164.} This allows him to re-interpret Second Democrates: instead of focusing on Sepúlveda’s language for the indigenous Americans as \textit{natura servi}, he identifies and explores the continuity of Sepúlveda’s language of the active life, its practice of the virtues, and its reward of glory.

As my review of Sepúlveda’s reception and criticism demonstrates, readers have found it very difficult \textit{not} to judge the Spanish humanist by his words about the fittingness of Aristotle’s natural servitude category for the indigenous American peoples, or to take these as his final words.\footnote{See discussion in Chapter One especially.} As such, Castilla Urbano’s invitation is a welcome one, and well supported by his assertion that the “doctrine of glory” pervades Sepúlveda’s works, a position that is essentially unassailable. He ably draws the connection between the praise of the active life in service of the state in \textit{Gonzalo} to the position maintained throughout his works, and certainly in \textit{On the Monarchy}, that a monarchy is itself the best sort of state one can serve.\footnote{Castilla Urbano, \textit{El pensamiento de JGS}, 284. As Castilla Urbano points out, Sepúlveda refers to monarchy as a superior form of government in his \textit{Exhortación a Carlos V}, in \textit{Demócrates Segundo}, and throughout his \textit{Historia de Carlos V}.} That said, Castilla Urbano’s
assertion that Sepúlveda’s “final word” on indigenous Americans should not be drawn from Second Democrates falls short for two reasons. In the first place, Castilla Urbano’s focus on the pursuit of glory turns far more often than he seems to anticipate into a celebration of Spanish military might and superiority, which is simply another way of saying other nations are inferior to Sepúlveda’s homeland, without necessarily clarifying why he takes this to be the case. In the second place, Sepúlveda’s comments about indigenous American inferiority are not at all limited to the works Castilla Urbano tries to draw attention away from, namely Second Democrates and the Apology. Evidence for this point can be drawn from the Cordovan humanist’s history of The New World, begun in the late 1550s and set aside, remaining unpublished until 1780. In that work, Sepúlveda largely repeats his conclusions concerning the inferiority of indigenous Americans. Castilla Urbano himself observes that the work “can be considered an ideological reaffirmation of the principles already expressed by Sepúlveda…with one important difference”—namely, a freer expression of distaste for the violent excesses of certain individual Spanish conquistadors.193 Even On the Monarchy, removed from the conflict at Valladolid by two decades, does not remove the “barbarian” moniker from the indigenous Americans. Instead, Castilla Urbano makes much of the fact that “he is inclined now to recognize levels of barbarity.”194 Sepúlveda recognizes three categories

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193 “Puede considerarse una reafirmación ideológica de los principios expuestos por Sepúlveda…con una diferencia importante.” Castilla Urbano, El pensamiento de JGS, 218.
194 “Se inclina ahora a reconocer niveles de barbarie.” Castilla Urbano, El pensamiento de JGS, 222.
of barbarian in *On the Monarchy* and assigns indigenous Americans to the second level, as those who would benefit from being civilly governed. If this seems only a slight improvement, Castilla Urbano argues that the position’s “clearest antecedent” is actually the argument made by Bartolomé de Las Casas at Valladolid.

While the suggestion that Las Casas ultimately influenced Sepúlveda’s ideas is intriguing, it does not amount to a dramatic shift in the humanist’s thinking. After all, even if he came to agree entirely with Las Casas on a less offensive category of barbarian as more appropriate to indigenous Americans, he never changed his opinion concerning the justice of the Spanish war to conquer and rule them. Castilla Urbano draws the same sort of impish connection between Las Casas’ and Sepúlveda’s motives—both agreed before and during the Valladolid debate that the good to be pursued was the indigenous Americans’ evangelization; “where they diverged…was in the means that should be utilized in order to obtain what each considered the highest good.” The irony is entertaining, but only poorly serves Castilla Urbano’s stated intention of giving Sepúlveda a new “final word.”

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195 Castilla Urbano, *El pensamiento de JGS*, 221.
197 Sepúlveda maintained in *On the Monarchy* that the Spanish wars of conquest were just wars. Castilla Urbano, *El pensamiento de JGS*, 223.
198 “Donde se producía la divergencia…era en los medios que se debían utilizar para obtener lo que consideraban el bien supremo.” Castilla Urbano, *El pensamiento de JGS*, 177.
Nevertheless, the exercise of reading beyond *Second Democrates*, in search of continuity and discontinuity, is of value in itself. If he cannot soften or replace Sepúlveda’s position against the indigenous Americans in *Second Democrates*, Castilla Urbano still manages to highlight persistent themes in Sepúlveda’s other writings that help to contextualize and explain that position. Of note here is his treatment of the active life and its counterpart in the contemplative life. Sepúlveda invests strongly in their compatibility, a compatibility he was aware he could not take for granted but instead needed to prove, as evidenced by the direction of Luna Nájera’s study.\textsuperscript{199} Part of the relationship extends from the connection of natural law to the active life and divine law to supervision and ordering of the contemplative life, but Castilla Urbano observes this without pursuing it in detail.\textsuperscript{200} This hesitation to treat Sepúlveda’s theological language—the Cordovan humanist’s 1526 polemic against Luther’s theology of the bound will is the only major treatise Castilla Urbano leaves wholly untouched in the book—likewise leaves aside a potentially illuminating discussion about the possibilities and limitations for each pursuit. If the active life pursues virtue but the contemplative life perfection, presumably the active life is limited in its ability to sanctify; but where does that limitation fall? Attention to Sepúlveda’s theological language in *On Fate and Free Will* has demonstrated the Cordovan humanist was in fact highly optimistic in what

\textsuperscript{199} See section 6.1 above for Nájera’s account of the argument for compatibility between Christian peace and humility and the vocation of a soldier.

\textsuperscript{200} Castilla Urbano, *El pensamiento de JGS*, 157.
the active life, governed as it is by the natural law and operating via the free will, is able to achieve. Castilla Urbano’s model of comprehensive study, then, is helpful but incomplete, particularly in that his project left aside any sustained consideration of theological themes. I aim to begin to fill this lacuna with attention to Sepúlveda’s language of divine and natural law.

6.3 Documents on the Legitimacy of a War in the Indies

An evaluation of other sources for the justification of Spain’s authority in the Americas reveals the progression of matters up to Sepúlveda’s entrance into the discussion. It also provides the necessary context for his innovative turn to a semipelagian argument for the indigenous Americans’ degraded nature in order to justify the Spanish wars of conquest. For example, early documents granting or taking for granted Spanish authority in the Americas (i.e., Inter caetera [1493], the Requirement [1513]) are inspecific as to the indigenous peoples’ natures. These documents signal the pope’s blessing as the Spanish monarchs take lands and dominion in the Americas, and additionally they suppose the indigenous Americans’ willingness to convert to the true religion when presented to them with skillful teaching. While Inter caetera anticipates this conversion with some optimism, the Requirement allows that Spanish forces may encounter some resistance in their program. The authors of the Requirement, however, 201 See extended discussion in Chapter Three.
attribute such a turn of events to the malice of a moment, rather than a defective or degraded nature on the part of the indigenous Americans. Nevertheless, the provision that the Spanish monarchs and their representatives are at liberty to subject (subiicere) the American indigenous, gives enough of an impression that these are irrational and inferior that a later bull, Sublimis Deus (1537) specifically addresses and affirms their rationality and suitability for evangelization. It is in this context, papal affirmation of the indigenous Americans’ rational nature, that Sepúlveda finds in his semipelagian optimism concerning natural reason a solution to the quandary of the justice of the Spanish wars of conquest and the very enslavement forbidden by Sublimis Deus.

6.3.1 Inter caetera [1493]

The first reference to the indigenous Americans within the context of the Spanish empire come in a series of three bulls issued May 3 and 4 of 1493, collectively known by the name drawn from the first words of both the first and third, Inter caetera. With Inter caetera, Pope Alexander VI was less concerned with a doctrine of the indigenous peoples’ nature and capacity to seek God, aided or unaided by grace, and more concerned that there be no dispute between the monarchs of Spain and Portugal, both of whom had been claiming Atlantic territories prior to the bull’s promulgation. Almost as an afterthought, the bull charged that the Spanish monarchs “to subject and bring to the
Catholic faith the said countries and islands with their residents and inhabitants.”202 Nothing in the text indicates that the pope or the monarchs expected this should be difficult. By the time of the Requirement two decades later, however, the injunction that the indigenous Americans should acknowledge the Spanish monarchs as their just lords and allow the preaching of Christianity in their lands was followed by threats of swift retribution, wherein the Spanish, if at first rebuffed, “shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses.”203 The expectation expressed in both documents was that the indigenous Americans were by right the subjects of the Spanish monarchs, but the only discussion of the origin of that right was in Peter’s apostolic authority, and that of his successor and whomever his successor appointed in the secular sphere. The language of the respective documents, however, impacted not only the policy of Spanish ventures in the New World, but also the implicit understanding of the indigenous Americans’ nature, in ways that subsequently need addressing.

The language of subiicere, specifically, informed much of the rhetoric and policy behind Spanish authority in the Americas in the decades to come. Often, it informed a violent rhetoric and policy that argued the justice of a war to conquer, subject, pacify, pacified.

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and convert the indigenous Americans. The admission in the Requirement that this policy of conversion could be implemented by warfare, however, if read implicitly back into the use in Inter caetera of the word subiicere, is not without its problems. In particular, it places Alexander VI’s bull from 1493 and Paul III’s from 1537 into a relationship of contradiction—for Sublimis Deus announced that the indigenous Americans (and any other populations the Christians might come across in their explorations) were “by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ.”204 In other words, Paul III rejected the legitimacy of wars of conquest in the Americas, and this position stood in tension with Alexander VI’s permission to “subject” those populations.

At least, the bulls seemed to stand in tension with one another. One sixteenth-century reader, Bartolomé de Las Casas, was invested in reading Sublimis Deus as neither a contradiction nor correction of Inter caetera. As a result, he developed an interpretive strategy that relied on recovering Alexander VI’s original intention, and then, as Glen Carman has convincingly argued, on appealing to the authority of that intention over and against the wording upon which Alexander ultimately settled.205 He justified this distinction with a favorite saying from canon law: “What dominates is not

204 Sublimis Deus, June 2, 1537, quoted in Silvio Zavala, Repaso Histórico de la bula Sublimis Deus de Paulo III, en defensa de los Indios (México: Universidad Iberoamericana, 1991), 118.
letter over meaning, but meaning over letter.” A key passage from Las Casas’ Defense highlights this tension between *Inter caetera* and *Sublimis Deus*, between the literal meaning of *subiicere* and the way it ought to be read:

Therefore let us restrict the word “subject” so that it is understood as meaning that subjection that will be born of the meek and gentle preaching of the divine word. “Subject” must be taken in this sense, even if its literal meaning be opposed to this interpretation, especially since the bull of the Roman Pontiff Paul III expressly forbids these detestable wars that are waged against the Indians under the pretext of religion.

The thrust of the phrase from Poole’s translation, “even if its literal meaning be opposed to this interpretation,” is that Las Casas acknowledged alternative readings of *subiicere* and *Inter caetera* were possible—were indeed more literal and more likely than his own. Yet he maintained that his restriction of “subiicere” to mean subjection by meek and gentle preaching was the only reading in keeping with Alexander’s intent.

In support of this reading, he gave two notable arguments. Las Casas appealed first to the nature of the papal office and authority. The question at issue was whether the Pope would intentionally promulgate a message that contradicted Christ’s own teachings; and Las Casas maintained that he (even Alexander VI) would not. As such, Las Casas conceded that the Pope granted the Catholic monarchs *authority* over the

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206 Quoted in Las Casas, *The Only Way*, trans. Francis Sullivan, S.J., ed. Helen Rand Parish (Mahwah, NJ: Paulist Press, 1991), 89. The same sentiment is rehearsed in his *Defense*: “For the intention of the speaker must always be taken into consideration rather than just his words. Nor should the words of the speaker be studied more than his will, for the words should serve the intention, not the intention the words, as has been established above.” Bartolomé de Las Casas, *In Defense of the Indians*, trans. Stafford Poole (DeKalb, IL: Northern Illinois University Press, 1992), 359.

indigenous peoples of the Americas and their rulers, but maintained that the same Pope “never commanded or permitted them to subjugate these rulers by war.”208 For, Las Casas continued, “how would [the Pope] permit something that conflicts with Christ’s precept and instruction and produces hatred of the name of Christ in the hearts of unbelievers, and is utterly irreligious?”209 The rhetorical question demands a negative answer. No, the Pope would not issue a commandment contrary to Christ’s own precept.

In addition to this abstract reasoning, Las Casas drew on the text of the bull itself to show that Alexander VI could never have meant to legitimize the subjection by force of the indigenous American populations. More specifically, he drew on the description of the “barbarian” nations given within the document. By the monarchs’ own testimony, Las Casas argued, the bull states the indigenous peoples “are a gentle people who have some knowledge of God and are such a people that if they were instructed in the faith, there would be hope that Christ’s religion would be spread far and wide.”210 There was no reason the Pope would issue a decree enjoining violence against such a gentle-tempered people—for these, the method of “subjection” must continue to indicate “that the Pope wanted the gospel to be preached with Christian meekness.”211 Las Casas’ stance was unyielding, but the bull’s language offered a further complication, inasmuch

208 Las Casas, In Defense of the Indians, 349.
209 Las Casas, In Defense of the Indians, 349.
as it promulgated that “barbarian nations” were not just to be “subjected”—but indeed, *deprimantur* (“overthrown”).

“Overthrown” is even more explicitly difficult than “subjected,” and Las Casas struggled here. Glen Carman even wryly points out his rhetorical strategy of moving “from *inter caetera* to *et caetera*.”212 This is because the phrase in question came at the very start of the bull—in other words, it was the phrase from which the bull’s name was taken. But when Las Casas quoted this sentence—which began, “Among other [works]” (*Inter caetera [opera]*)—in his *Defense*, he literally cut off the text just before the pope expressed his wish that barbarian nations be “overthrown” (*deprimantur*) and wrote instead, “*et caetera*”—etc.213 The beginning of Alexander’s bull, as Las Casas quoted it, ran as follows:

> Among the other works which are well pleasing to the Divine Majesty and are our heart’s desire, assuredly the greatest is that the Catholic faith and the Christian religion be exalted, especially in our times, that it increase and spread everywhere, and that the salvation of souls be attained, [etc].214

The *et caetera* literally displaces the continuation of Alexander’s series. At first glance, this seems tremendously disingenuous on the part of the Defender of the Indians. He

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213 The passage in question is included in Poole’s translation (351), but lacks the incriminating “etc.” Carman quotes the passage as it occurs in Volume 9 of the critical edition of Las Casas’ *Obras Completas* (Madrid: Alianza, 1988), 648; he discusses it in “On the Pope’s Original Intent,” 197–98.
214 Las Casas, *In Defense of the Indians*, 351. I have supplied in brackets the “etc.” original to Las Casas’ text that Poole, as noted above, omits.
announced that he would expound upon “the purpose of the whole enterprise,” but then excluded a statement that was “all too relevant”—Alexander’s sentence continued by enjoining, “that barbarous nations be overthrown and brought to faith.” As Carman takes care to point out, Las Casas only analyzed this concluding phrase four chapters later in the *Defense*, and “ironically” at that, because he accused those with alternative interpretations precisely of reading the bull out of context.

On the other hand, identifying the “barbarous nations” that were to be overthrown as the American indigenous populations reintroduces the quandary Las Casas had already dealt with: why would the Pope advise the Catholic monarchs to overthrow nations he had admitted elsewhere in the bull were entirely peaceable and even in possession of some knowledge of the true God? The answer, following Aristotle and Aquinas, was that there exist distinctions among barbarians—and Las Casas submitted that the barbarians referred to as appropriately overthrown were specifically “the Moors of Granada, who…in comparison with other barbarians were the most dangerous enemies of the Christian state.” Nor did Las Casas import his reference to the Moors into *Inter caetera*; reference to them occurred in the bull’s very next sentence.

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The line between the Reconquest of Granada and the Conquest of the Americas was so continuous, and Alexander’s Latin so winding and dependent clause-heavy, that it is difficult to say from the syntax alone whether the Pope meant by “barbarous nations” to indicate the indigenous Americans, Muslims, or both. Verb tense, for example, lends no assistance: for while Alexander’s bull (1493) postdates the fall of Granada (1492) and anticipates the expansion in the Americas, the phrase expressing the joy “that barbarous nations be overthrown” comes in a series of verbs that express neither past nor future, but are merely present passive subjunctive: exaltetur, amplietur, dilatetur, procuretur, deprimantur, reducantur. The series’ context limits the time only slightly with the words “in our times [nostris praesertim temporibus],” which could likewise indicate recent past, present, and near future. Any who wish to limit “our times” to Alexander’s own papacy, which began seven months after the fall of Granada, however, will have to contend with the fact that the recovery of Granada is spoken of more specifically within a few lines as having taken place “in our times [nostris praesertim temporibus].”

The importance of Las Casas’ presentation of the bull, then, is not that it excluded his opponents’ reading; rather, its importance lies in his insistence against his opponents that all of these readings were in fact possibilities. In other words, Las Casas proved that the Pope’s syntax did not limit interpretation of the phrase ac barbare nationes.

221 Boabdil capitulated on 2 January 1492; Alexander VI was elected 11 August 1492.
deprimantur to an intention to overthrow the indigenous Americans’ rulers and deprive them of their liberty and sovereignty. Moreover, as the Pope’s meaning could not therefore be determined via rigid literalism, Las Casas allowed his determination of Alexander’s precise intention to rest on the logic of his previous arguments. Las Casas submitted that Alexander VI could not have meant to authorize a violent conquest of the indigenous Americans, therefore, on account of three reasons: first, because the Pope would not contradict Christ; second, because the indigenous Americans, when mentioned in the bull, had been described as peaceful; and finally, because the overthrow of the Moorish kingdom of Granada had been celebrated elsewhere in the bull. Rather, Alexander VI could only have meant, in speaking of overthrowing barbarous nations, to refer to the Muslims of Granada.

6.3.2 The Burgos Debates and the Requirement [1512–13]

Against the later interpretation given by Las Casas, others read Alexander VI’s bulls as sanctioning just war in the Americas and wrote policy for the Spanish crown in line with this reading. The Burgos Debates, prompted by Dominican preacher Antonio de Montesinos’ clarion call against Spanish abuse of the indigenous Americans, provide
an important precursor to Sepúlveda’s work in this respect. Like the debates at Valladolid in 1550–51, two main points of view emerged, one of which underwrote the justice of Spanish incursion and conquest, while the opposition supported the non-Christians’ right to dominion over their lands and the justice of their defensive war against the Spanish. The Requirement reflects former view, as a document addressing the indigenous Americans and informing them of their duty to submit to the pope and the Spanish monarchs and convert to Christianity or face invasion. The Laws of Burgos reflect the latter view, as they were adopted precisely to preserve indigenous American freedoms and curtail abuses. As both the Requirement and the Laws were adopted, tensions and confusion in policy remained, to be addressed again by Paul III’s Sublimis Deus. Of importance for understanding Sepúlveda’s position, however, is that the author of the Requirement, Juan López de Palacios Rubios, relied heavily in his arguments on Aristotle’s category of natural slavery in addition to papal sovereignty. In other words, Sepúlveda did not import Aristotle into the conversation about the Americas; the indigenous Americans’ status as “natural slaves” had already been suggested and subsequently corrected in Sublimis Deus. When Sepúlveda did bring Aristotle back into the conversation, it had to be in the context of a new argument—namely, his theology of the religious and intellectual capabilities of natural human reason and will.

Among the jurists gathered at Burgos to debate the justice of Spanish conquests in the New World, Juan López de Palacios Rubios appealed precisely to Inter caetera and other papal bulls to justify the monarchs’ wars of conquest in the Americas. He saw the general principle of papal sovereignty and the particular grounds of the bulas alejandrinas as the only necessary sources of authority for justification of war in the Americas in order to subject the indigenous Americans to the Pope through the instrument of the Catholic Monarchs. He was helped to this interpretation by the interpretive tradition of Henry of Segusio (Hostiensis) on canon law and particularly on the dominium of infidels. Hostiensis had argued for a particular reading of Christ’s assertion that “All authority in heaven and on earth has been given to me” (Matt. 28:18). Specifically, Hostiensis understood Christ to have included all secular authority in this statement—and to have transferred the same to his followers. This is distinct from Thomas Aquinas’s understanding that there exists a natural right to dominion among those outside the church, which is only lost through egregious violation of the natural law.

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227 See discussion in Chapter Two.
But Palacios Rubios also advanced a connection first proposed by the Scottish theologian John Major between the newly discovered indigenous populations of the Americas and Aristotle’s natural slave category. Early in his treatise *De las islas del mar océano*, composed in the aftermath of the Burgos debates, Palacios Rubios explained his idea that “one is by nature a slave and another master, likewise by nature, that is to say, one was born to serve and the other to rule.” It is important to note here that Palacios Rubios does not use the language of natural slavery to argue that the indigenous Americans should therefore be enslaved, but only to support the fittingness of their subjugation to the Spanish empire. It is also important to note, however, and critics often did, that in effect the American indigenous peoples’ condition was little different from slavery. Las Casas raised the same criticism against Sepúlveda, but Sepúlveda was not making precisely the same argument as Palacios Rubios. Although the Cordovan also appealed to Aristotle’s natural slave language, he did so unlike Palacios Rubios in order to illustrate an otherwise strictly theological anthropology. In their willful blindness to what natural reason taught them about God, the indigenous Americans’

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228 John Major, while enormously influential, had no direct connection with the development of Spanish policy toward the indigenous Americans; hence, I observe his impact on Palacios Rubios but deal at length only with the latter. For a similarly brief mention of John Major and account of Palacios Rubios’ engagement with Aristotle, see John Marenbon, *Pagans and Philosophers: The Problem of Paganism from Augustine to Leibniz* (Princeton, NJ: Princeton University Press, 2015), 250.
wills became deaf to any proof or any instruction of true religion; their wills became incapable of distinguishing and accomplishing good; they needed the correction of a civilized people in order to bring them back into obedience to the natural law. Aristotle’s discussion of natural slavery incompletely (but not inaccurately) described this state; hence Sepúlveda made use of it.

It was not simply by development of Palacios Rubios’ position, however, that Sepúlveda arrived at his own. His synthesis took into account the arguments of another theologian present at Burgos, Matías de Paz, who held the opposing view in the debates. Matías de Paz departed from Palacios Rubios and, although maintaining papal sovereignty, nevertheless recognized the justice of the indigenous Americans’ war of resistance and self-defense against the Spanish. His position lay in a Thomistic distinction concerning the nature of unbelievers, which he applied in this case to the American indigenous peoples. Matías de Paz argued that among non-Christians there was a distinction between those who had been taught the faith and rejected it and those who had never been so instructed. The indigenous Americans, he submitted, fell into the latter category. Sepúlveda did not admit this distinction—there essentially was no such thing in his mind as one who was uninstructed concerning Christianity. This principle explains precisely one of Sepúlveda’s more bizarre interpretations of Scripture,

233 Wunder, Native American Sovereignty, 279.
234 See extended discussion of this distinction in Thomas Aquinas’ Summa Theologiae and Sepúlveda’s departure from it in Chapter Two.
where he argued Jesus’ parable in Luke 15 and its message of *compel them to come in* applied equally to pagans as well as heretics. There was no essential difference.

Sepúlveda, then, adopted Palacios Rubios’ and Matías de Paz’s shared vision of universal papal sovereignty and absorbed from their areas of disagreement that the appeal to Aristotle’s natural slave language alone did not give a satisfying rationale for the Spanish conquest as just war. Instead, taking into account Matías de Paz’s objection, he argued that natural reason assured there was no such thing as a barbarian who had not been instructed in religion. He also took into account one additional development in the matter of Spanish policy toward the indigenous peoples of the Americas: namely, the papal bull that many saw as a corrective to the excesses and brutality against the indigenous Americans, if not a corrective of the original *bulas alejandrinas* themselves.

6.3.3 *Sublimis Deus* [1537]

Pope Paul III’s bull *Sublimis Deus* was influenced by the thought of Francisco de Vitoria and Bartolomé de Las Casas after a group of Dominicans had complained to him directly concerning the Spanish colonists’ treatment of the indigenous Americans.235 Helen Rand Parish even claims that Las Casas’s treatise *De Unico Modo* is “the basis, point by point, of the great papal encyclical *Sublimis Deus*,” as well as “the foundation”

of Charles V’s “epochal New Laws for the Indies and the Indians.” The bull offered no explicit repudiation of the doctrine laid out in *Inter caetera* or the *Requirement*, but took seriously the idea that some Spanish were treating the indigenous Americans as subhuman. While the accusation that Sepúlveda and his ideological forebears taught that indeed the indigenous Americans represented a lower form of humanity persists, it is not based in reality. Lino Gómez Canedo has convincingly sourced the language of indigenous-Americans-as-beasts not in the rhetoric of the conquistadors or their supporters, but rather in the language of their accusers. There simply was no open argument that indigenous Americans were subhuman; but there was certainly open argument that people were treating them as such. Nevertheless, Pope Paul III excoriated as “satellites” of “the enemy of the human race” those who said the American indigenous peoples “should be treated as dumb brutes created for our service, pretending that they are incapable of receiving the Catholic faith.” Rather, he insisted, “they are men and, therefore, capable of faith and salvation.” Therefore, the

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237 Luis Rivera Pagán claims, for example, that “La primera gran disputa filosófica y teológica del Nuevo Mundo giró sobre la humanidad o animalidad de sus pobladores [The first big philosophical and theological dispute in the New World hinged on the human or animal nature of its inhabitants].” Rivera Pagán, *Evangelización y Violencia: La Conquista de América* (San Juan, Puerto Rico: Editorial CEMI, 1992), 223.
established doctrines Sepúlveda needed to maintain as he weighed in on the matter of
the justice of the Spanish wars as of 1537 included the full humanity and rationality of
the indigenous Americans and their ability to be converted to Christianity. Without
redressing the Pope’s decree, he needed to find a way to justify the wars for the
indigenous Americans’ subjugation. He did so by turning, as he did against Luther and
his heretic cohort and as he did against the Ottoman Turks and their advancing forces,
to a theological anthropology that diminished those who did not embrace Christianity as
stunted and depraved. In other words, he turned to an argument that the indigenous
Americans were not brutish until they elected to become so.

6.4 Sepúlveda’s Second Democrates treatise and Apology

This section brings together the great contenders at the 1550 conference on the
justice of the Spanish war in the Americas at Valladolid. Having thoroughly explored
the theological roots of Sepúlveda’s position on this topic, I offer an account of his
debate with Bartolomé de Las Casas as primarily a theological one. The principal
sources for this are Sepúlveda’s Second Democrates and his later Apology for the same, as
well as Las Casas’ corresponding Defense and Domingo de Soto’s notes from the debate.
I also refer to Las Casas’ theology of nature and grace and free will as it is developed
elsewhere, principally in De unico modo. In this text, Las Casas argued for teaching and
persuasion as preparation for conversion—whereas Sepúlveda argued nature to be
preparation enough. Where nature (and the law and revelation apparent in it) proved to be not enough, Sepúlveda submitted that the best route to prepare people to accept the gospel was subjection, through war, to the rule of a superior civilization whose superior customs and institutions would condition and prepare the conquered for their salvation.

The argument for continuity between Sepúlveda’s theological account of people’s religious and intellectual capabilities generally and the indigenous Americans’ religious and intellectual capabilities particularly is immediately undercut if the Spanish humanist is understood to argue that indigenous Americans do not have a share in human nature in the way that Europeans (specifically, the Spaniards) do. The criticism is not without grounds: this seems to be precisely the upshot of his claim that they were a barbarian race “whose natural condition is such that they should obey others,”241 that they were, moreover, “homunculi in whom are hardly to be found vestiges of humanity,”242 and that this condition could simply be expected to occur “in certain regions and climates in the world.”243 The homunculi claim is particularly horrific, given that it “suggests not only stunted growth but, since homunculi were things created by magic, also unnatural biological origins.”244 Nor was the indigenous Americans’ access to “certain craft knowledge” an argument for any “more humane prudence” among

241 “Cuya condición natural es tal que deban obedecer a otros.” Sepúlveda, Demócrates Segundo, I.5.1.
242 “Hombrecillos en los que apenas se pueden encontrar restos de humanidad.” Sepúlveda, Demócrates Segundo, I.10.1
244 Pagden, The Fall of Natural Man, 117.
them, since Sepúlveda observed there were beasties [bestiolas] like bees and spiders who likewise engage in craft.⁴⁴⁵ Even the fact of houses, of common life, and of commerce proved only that indigenous Americans “are not bears or monkeys utterly devoid of reason.”⁴⁴⁶

The appeal to reason as the capacity that divides animals and humans was a commonplace in early-modern Europe; the idea that the indios lack this capacity and count as animals was not.⁴⁴⁷ In fact, as Gómez Canedo’s article has shown, the vast majority of testimonies on this question extant from the period belong to missionaries and chroniclers who, like Las Casas, wished to present a counterargument to the “animalista theory” as they understood it to be held by soldiers and others committed to material gain from the conquest of the Americas. However, “there exists not a single sure testimony by a responsible person who understands such expressions in their anthropological sense, that is, in the sense that indigenous Americans are not men but animals.”⁴⁴⁸ Moreover, Pope Paul III had responded to these reports by missionaries and

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⁴⁴⁵ “Pues el hecho de que algunos de ellos parezcan tener ingenio para ciertas obras de artificio no es argumento de más humana prudencia, puesto que vemos cómo ciertos animalitos, como las abejas y las arañas, hacen obras que ninguna humana habilidad logra imitar.” Sepúlveda, Demócrates Segundo, I.10.2.

⁴⁴⁶ “¿Qué prueba sino que ellos no son osos o monos carencetes por completo de razón?” Sepúlveda, Demócrates Segundo, I.10.3.

⁴⁴⁷ Shakespeare’s Hamlet, for example, is very upset with his mother for marrying his uncle within a month of his father’s death, given the fact that “a beast that wants discourse of reason/ Would have mourned longer” (I.i.154–55).

⁴⁴⁸ “No existe testimonio alguno seguro de que alguien responsable entendiése tales expresiones en su sentido antropológico, es decir, en el de que los indios no eran hombres sino bestias.” Lino Gómez Canedo, O.F.M., “Hombres o Bestias? (Nuevo examen crítico de un viejo tópico),” Estudios de Historia Novohispana 1 (1966), 28.
chroniclers (that some treated or understood indigenous Americans as beasts) by writing a pastoral brief confirming their humanity to the cardinal and Archbishop of Toledo Juan de Tavera in 1537. There he asserted that the indigenous Americans “are men and, therefore, capable of faith and salvation.”249 Within a week of this letter he published the same sentiment more generally in his bull Sublimis Deus, asserting that “those Amerindians, as the true men that they are, not only are capable of Christian faith, but (as is known to us) are most desirously attracted to it.”250 For his part, Sepúlveda was aware of the bull and asserted his obedience to it during the conference at Valladolid. There he submitted that “the bull of Paul III was only directed against the soldiers, who, without the authority of the prince, made slaves of these barbarians and committed other offenses and treated them as beasts, and for this reason he said in the bull that they were to be treated as men and neighbors, for they were rational animals.”251 His position here conspicuously echoes his definition of humans as rational animals in his treatise On Fate and Free Will,252 and while he went on to defend his argument that the enslavement of the indigenous Americans was, under different circumstances, perfectly allowable and in accord with justice, he did not attempt to take

250 Sublimis Deus, June 2, 1537, quoted in Silvio Zavala, Repaso Histórico de la bula Sublimis Deus de Paulo III, en defensa de los Indios (México: Universidad Iberoamericana, 1991), 118.
251 Aquí se contiene, 323.
252 Sepúlveda, Sobre el Destino, III.15.4
apart the Pope’s assertion that indigenous Americans were rational animals and therefore humans.

Again, the question becomes one of whether Sepúlveda’s account of indigenous Americans’ nature was inconsistent—in this case, undergoing development or reversal when it was suggested that some of the nastier things he had said about the indigenous Americans went against the Pope’s teaching. The account does seem inconsistent if, crucially, the inflection in Second Democrates I.10 is left to rest on words such as *homunculi* or references to bees, spiders, bears, and monkeys. But if the inflection rests instead on “vestiges of humanity” and being *not* “utterly devoid of reason,” an account emerges that is more consistent with other discussions of indigenous Americans’ nature in other parts of Second Democrates, and that allows the American indigenous to serve as an example (lucky them) of his teaching that people can lose the help nature would otherwise provide.253 Elsewhere in Second Democrates he founded his argument for subduing the indigenous populations of the Americas by armed warfare on the understanding that these indigenous people, who are true men and neighbors (he conspicuously adopts the language of Paul III), were in this way best deterred from further blaspheming the Christian faith.254 “For it fulfills the evangelical precept of

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253 As developed in Sepúlveda, Sobre el Destino, II.22.1–3.
254 This point touches on several of Sepúlveda’s arguments for the justice of war, but speaks most directly to the fourth. As Leopoldo summarizes them at the end of Book I, they are (1) the need for inferior (*indios*) to be ruled by superior (Spanish); (2) the need to stop the *indios’* cannibalism and idolatry; (3) the need to rescue
Christ,” Sepúlveda argued, “to draw by the nearest and shortest route an infinite multitude of men erring in pernicious darkness to the true light;” and, if God encouraged the return of an errant donkey or ox to one’s neighbors or even to one’s enemies, “shall we doubt that men [homines] who are associates and our neighbors erring so dangerously from the way of truth, should be so returned?” Notable here are the use of homines in reference to the indigenous Americans and the more pronounced contrast between their erring and the erring of animals. Sepúlveda did not argue that indigenous Americans should be compelled to return to the road just as an ox would be on account of their sameness, but rather uses the example of the ox rhetorically in order to argue how much more of an obligation Christians ought to demonstrate “toward whatever erring men [errantibus quibusuis hominibus]” they might find, pulling these away from the precipice “just as we would want them to do for us, in accordance with the precept that Christ himself called the fulfillment of all divine laws.”

innocent victims who would become human sacrifices; and (4) the need to open a way for the spread of Christianity. Sepúlveda, Demócrates Segundo, I.21.2–4.

255 “Pues atañe al cumplimiento de un precepto evangélico de Cristo y se dirige a atraer por el camino más próximo y corto a la luz verdadera a una infinita multitud de hombres errantes entre perniciosas tinieblas. ...¿Dudaremos en reducir al camino de la verdad, si podemos, a hombres compañeros y prójimos nuestros que con tanto peligro andan errantes?” Sepúlveda, Demócrates Segundo, I.15.11–12.

256 “Y así como la ley natural y de la caridad cristiana nos obligan a mostrar el camino a cualquier hombre errante, con mucha mayor razón nos exigen atraer a los paganos a la verdadera religión si ello se puede hacer cómodamente y sin gran detrimento nuestro... ¿No obedeceremos a la ley natural ni a Cristo, que nos manda hacer con los demás hombres en reciprocidad lo mismo que queremos que hagan con nosotros, precepto que el mismo Cristo dijo que era el compendio de todas las leyes divinas?” Sepúlveda, Demócrates Segundo, I.15.13; cf. Matthew 7:12.
Sepúlveda, this obligation is owing to a bond of nature, to “the very fact of being men.”257 The argument may still be unpalatable and may still be wrong, but it was not an argument that indigenous Americans lacked human nature.

How, then, did Sepúlveda account for the persistent inequality between indigenous American and Spaniard, which made the former a barbarian? If they shared in human nature and were to be treated as “our neighbors,” why, for example, would the proposition of Spaniards and converted indigenous Americans sharing the same rights and privileges under the [Spanish] prince be by Sepúlveda’s Democrats “most vehemently condemned”?258 The difference in this case was, for Sepúlveda, the very one that persisted between Achilles and Agamemnon—the valiant soldier and the corrupt and greedy king—both given equal honor.259 In fact, the greater sticking point between them was the inequality Agamemnon insisted on (analogous, according to Democrats, to Leopoldo’s suggestion that indigenous Americans had rights equal to the Spanish) when a seer asked early in their adventure that Agamemnon return his prize (Chryseis, a priest’s daughter) and the king demanded as compensation Achilles’ prize, Briseis. Achilles had suggested a consolation for Agamemnon from the spoils to be won in future engagements, but Agamemnon would not be so “cheated” as to sit by empty-

258 “Al contrario, merecería mi más enérgica repulsa [mihi vero vehementer improbaretur].” Sepúlveda, Demócrates Segundo, II.8.1.
259 Sepúlveda, Demócrates Segundo, II.8.1, quoting Homer, The Iliad, IX.319 as it is quoted in Aristotle, The Politics, 1274a.
handed while his men enjoy the spoils of battles already fought. Comparing the hubris of a grasping Agamemnon to the hubris of indigenous Americans seeking to be accorded the same rights as Spaniards under their prince was an objectively terrible argument—the latter arrangement need not involve denying the Spaniards any rights in the way the former arrangement denied Achilles his Briseis. But what the comparison does show is Sepúlveda’s understanding that the indigenous Americans, even the pacified and converting ones, had not earned the same reward as their Spanish counterparts. They were afflicted—they lacked virtue in the same way as cowardly Agamemnon did when set in comparison against the brave Achilles—and therefore they could not be trusted with the same power and the same reward.

The lack of virtue to be found in the society of indigenous Americans is a sticking point for Sepúlveda whose importance cannot be overstated; Las Casas noticed this and spent the first of five parts of his own Apology making distinctions as to what Aristotle meant by the word barbarian and defending indigenous American peoples’ virtues, which he saw as the best course for arguing that they are not appropriately so called. Sepúlveda gave credit, as mentioned above, to the building of houses and the maintenance of common life and commerce, but he had a hard time forgiving the lack of culture, the lack of a written language—in existence, not to mention regular use, and

260 The Iliad, I.125–33.
certainly not applied to the keeping of any written law code—or the dearth of public monuments to preserve history, which instead only appeared in “obscure and vague memories of a few events in a couple of paintings.” Compounding this lack of civic virtue was a lack of the cardinal virtues of temperance, justice, prudence, and fortitude. Ultimately, the absence of these virtues served Sepúlveda’s argument as both the evidence for where indigenous Americans were and the sign of how they arrived there; he opened his dialogue with Democrats’ assertion that depraved conduct begets corrupted nature, and corrupted nature begets depraved conduct. “Man is a participant in the natural law by right reason and inclination toward duty and virtue,” Democrats argued; “for although man is made miserable by appetite, by reason he has a propensity for good. Therefore, right reason and inclination toward duty and toward accepting the obligations of virtue is (and is called) the natural law...which all those

262 “Que no sólo carecen de cultura sino que ni siquiera usan o conocen las letras ni conservan monumentos de su historia, sino cierta oscura y vaga memoria de algunos hechos consignada en ciertas pinturas.” Sepúlveda, Demócrates Segundo, I.10.1.
263 The indigenous Americans had a “prodigious hunger [famem prodigiosam]” for the flesh of their enemies. Sepúlveda, Demócrates Segundo, I.10.1.
265 “Los cuales en prudencia...son tan inferiores a los españoles como los niños a los adultos, las mujeres a los varones, los crueles e inhumanos a los extremadamente mansos, los exageradamente intemperantes a los continentes y moderados.” “In prudence...[the Amerindians] are as inferior to the Spanish as children are to adults, as women are to men, as savage [men] are to gentle, as the exaggeratedly intemperate are to the continent and moderate.” Sepúlveda, Demócrates Segundo, I.9.1.
266 The indigenous Americans “made war almost continually” prior to the Christians’ arrival, violating the mean of fortitude as a virtue with the extreme of rapaciousness; the inhabitants of Mexico City also manifested only “stupor and inertia” when Moctezuma was imprisoned in front of them, violating the mean by reaching toward the extreme of cowardice. Sepúlveda, Demócrates Segundo, I.10.1–2; also Felipe Castrillón Salamanca, “El problema de la cobardía del indio en Sepúlveda,” in El Indio: entre el Bárbaro y el Cristiano: Ensayos sobre filosofía de la Conquista en Las Casas, Sepúlveda, y Acosta (Colombia: Alfaomega Colombiana S.A., 2002), 81–107.
[obey] who have not corrupted right nature with depraved conduct.”267 In Sepúlveda’s and Democrats’ assessment, the indigenous Americans were a barbarian race because they lacked civic and cardinal virtues. They lacked these virtues, in turn, because a history of depraved conduct (of ignoring the obligations of virtue) had corrupted the natural reasonable faculty that would ordinarily incline them to cultivate the virtues in the first place.

The rejection of natural law over the course of a people’s history and the inability to obey natural law in that people’s present may seem to beget a circular argument dependent on an arbitrary definition of what constitutes natural law. For Sepúlveda, however, the entire circumstance comes about by a dogged persistence in not doing what is in one. The adage that links one’s effort and the infusion of divine grace had two major applications in the late medieval period: one recognized justifying grace as a fitting reward for a particular exercise of the will, but a second recognized divine illumination as a fitting reward for a particular exercise of human reason. Not every theologian who held to one of these definitions also held the other. Heiko Oberman argued that Robert Holcot rejected the possibility of a natural knowledge of God, but maintained the facienti link between will and grace; he also observed that Luther

267 “Pues aunque el hombre sea arrastrado al mal por el apetito, sin embargo por la razón es propenso al bien. Así pues, la recta razón e inclinación al deber y a aceptar las obligaciones de la virtud, es y se llama ley natural. …Esta es la que hace que el hombre bueno discierna el bien y la justicia de la maldad y la injusticia; y no sólo el cristiano, sino todo aquel que no ha corrompido la recta naturaleza con su conducta depravada.” Sepúlveda, Demócrates Segundo, I.3.1.
ultimately rejected both versions of the formula, but had already broken with the idea of
divine illumination rewarding the exercise of reason years before he identified the
Pelagian infusion of grace as the force corrupting the entire Church from within.\footnote{268}

Sepúlveda, however, embraced both meanings. This was not overwhelmingly common
among contemporary Spanish theologians. Vitoria admitted that the existence of God
was plain from creation, but also taught that God dwells in light inaccessible—so that
without access to a teacher, one remained within Thomas Aquinas’ category of
“invincible ignorance,”\footnote{269} which did not entail moral culpability. Sepúlveda, in turn,
maintained a more expansive view.

While he recognized that there is a limit to the amount pagans can know without
experiencing Christian preaching, Sepúlveda argued in Second Democrates that much is
available to them. Natural law itself, he asserted, is apparent from any observation of the
natural world and more than adequately explained in the thought of a virtuous pagan
such as Aristotle. Moreover, these precepts overlap entirely with the Decalogue and are
in keeping with the eternal law, which is the will of God as revealed in nature and
ultimately in Christ.\footnote{270} Meanwhile, ideas such as the oneness of God and divine creation

\footnote{268 Oberman, “Holcot and the Beginnings of Luther’s Theology,” 119–41.}
\footnote{269 Thomas Aquinas, Summa Theologiae II–II, Q.10, A.1; Ramón Hernández Martín, O. P., “El Uso de Razón en Francisco de Vitoria (II): El primer instante del uso de razón y su obligación moral,” Ciencia Tomista 136/2 (2009), 210–11.}
\footnote{270 Natural law is “an innate knowledge of many things,” gained “without having any preceptor for teacher and guide, nor any human habit, but rather nature itself” (Sepúlveda, Sobre el Destino, I.17.2); it is the whole content of Aristotle’s thought (Sepúlveda, Demócrates Segundo, II.11.2); and it is the norm laid down in both the laws of the Old Testament and of the New (Sobre el Destino, III.14.3; Apologia 7.1). Sepúlveda made much}
of the world are available to all as precious ores are available to be drawn by any from
the earth. Proceeding from Democrats’ identification of natural and divine or eternal
law\textsuperscript{271} is his conviction that the oneness of God is accessible to all, whichever of these
sources is contemplated. Pagan philosophers have drawn these truths from nature as
silver and gold are drawn from a mine, and—Sepúlveda/Democrats notes with
Augustine—just as silver and gold were taken from the Egyptians, so might these
observations from nature be appreciated (and appropriated) by Christians.\textsuperscript{272} At issue,
however, is the lack of appreciation the American indigenous had
demonstrated for this
figurative silver and gold. (Nor did Sepúlveda ever tire of pointing out their lack of
appreciation for \textit{literal} silver and gold, metals which “among them have little value,”
though luckily the Spaniards were willing to gift them with iron in trade.\textsuperscript{273}) Democrats
allowed that his argument would run entirely differently if the indigenous Americans

\begin{footnotes}
\textsuperscript{271} Sepúlveda, \textit{Demócrates Segundo}, I.2.1, “Cuanto se hace por Derecho o ley natural se hace también por
Derecho divino y ley evangélica [Whatever is done by natural law or decree is also done by divine decree
and evangelical law].”
\textsuperscript{272} Sepúlveda, \textit{Demócrates Segundo}, I.3.2; Augustine, \textit{De doctrina christiana} II.xxxix.60.
\textsuperscript{273} “El oro y la plata, metals que entre ellos tenían poco valor, puesto que no los utilizaban como monedas.”
Sepúlveda used almost the same phrasing in \textit{Demócrates Segundo}, I.19.3, and in the \textit{Apología}, 25.2.
\end{footnotes}
were taking advantage of the precious knowledge of God that was naturally available to
them, and as a result “being led by the incitement of nature unto the worship of the true
God.”274 War, he admitted, could not justly be declared on pagans only for the reason of
their being pagans.275 Where Sepúlveda differed from contemporaries such as Vitoria,
however, was in his insistence that idolatry, polytheism, and human sacrifice specifically
constitute a rejection of the natural knowledge of God and of themselves justified war
against the pagans responsible for that rejection.276

In Sepúlveda’s mind, the indigenous Americans were refusing either to do or to
know what is within them, disdaining the gold and silver that figuratively indicated the
oneness of God and refusing to be led by nature to the worship of the true God. Instead,
they actively denied the naturally knowable existence of God by performing human
sacrifices—a practice that brought God’s judgment on them just as surely as it did the
pagans and ultimately the Israelites of the Old Testament, according to an enduring
standard that he maintained had its continuity in natural (and Jewish, and Christian,
and eternal) law.277 Such a custom constituted depraved, barbaric conduct that reversed
the proper order of nature,278 causing the indigenous Americans to reject the rule of

274 “Entregado por incitación de la naturaleza a la veneración de un Dios verdadero.” Sepúlveda, Demócrates
Segundo, I.12.2.
275 Sepúlveda, Demócrates Segundo, I.12.2.
276 Sepúlveda, Demócrates Segundo, I.12.2; Cirilo Quispe Jaimes, O. P., “El derecho de guerra según Francisco
de Vitoria,” Ciencia Tomista 132/1 (2005), 162.
277 Sepúlveda, Demócrates Segundo, I.11.1, 3, 5.
278 Sepúlveda, Demócrates Segundo, I.5.2.
perfect over imperfect—externally by refusing Spanish rule, and internally by allowing appetite to rule over reason.279 This last claim depended entirely upon the anthropological argument Sepúlveda had made in his treatise On Fate and Free Will by way of Genesis 4:7 and his concomitant understanding that one’s appetites are within one’s power.280 Ultimately, the reversal that the indigenous Americans engineer by rejecting the natural law lays the groundwork for Sepúlveda’s claim that—although they are understood to share in human nature—the indigenous Americans bore a different and a lower sort of nature. Their depraved conduct was the factor that subverted and corrupted their capacity to participate in and fulfill the natural law by way of right reason. Sepúlveda appealed to the principle “upon which all theologians are in agreement,” namely:

To no one, either before or after Christ, who followed justice and who did what was in her power [et quod est in se facienti], has divine assistance ever been wanting.281

The context of the late medieval adage on doing what is in one helps to shed light on Sepúlveda’s identification of natural law with eternal law and the accessibility of both to earnest seekers willing to look beyond the gratification of their immediate appetites. The accessibility of eternal truths, in turn, makes sense of Sepúlveda’s persistent claim that

279 Sepúlveda, Demócrates Segundo, I.5.3.
280 Sepúlveda, Sobre el Destino, III.17.1.
281 “A nadie, seguidor de la justicia y que hace todo cuanto está en sus manos, le faltó la ayuda divina ni antes ni después de la venida de Cristo.” Sepúlveda, Demócrates Segundo, I.14.5.
one should treat pagans in precisely the same way as heretics, as both have willfully
turned away from the worship of God.\textsuperscript{282}

Being a gentile (or an indigenous person from the New World) meant being able
to fulfill these requirements and being able to save oneself precisely by fulfilling the
natural law. Sepúlveda went so far as to maintain that original sin, whose power
diminished but did not destroy free will,\textsuperscript{283} could be entirely erased \textit{[deleretur]} by the
divine help that rewards belief in Christ, which itself is possible through the unaided
fulfillment of the natural law.\textsuperscript{284} \textit{Doing what is in one}, therefore, continued to have potent
consequences for Sepúlveda, as much so in 1545 as it had in 1526—the only difference
lay in his application of the principle to argue that the indigenous Americans were
exercising a willful and blameworthy refusal \textit{to do what is in them}. As a result, what is
typically understood to be \textit{in one} is largely no longer \textit{in them} to be done.

Given Sepúlveda’s readiness to express the damage done to the indigenous
Americans’ nature by their refusal to do what is in them (a theological point) in terms of
Aristotle’s category of barbarians and natural slaves (a philosophical vocabulary), it is
tempting to argue for the primacy of theology and attribute the weight of the
philosophical language to the accident of Sepúlveda’s professional project in the late
1540s of translating Aristotle’s \textit{Politics} into Latin, which circumstance lent convenience

\textsuperscript{282} Sepúlveda, \textit{Demócrates Segundo}, I.17.4 and I.18.6; Sepúlveda, \textit{Apología}, 10.1–6.
\textsuperscript{284} Sepúlveda, \textit{Demócrates Segundo}, I.14.5.
and proximity to those categories. Yet the close intertwining of philosophical and theological concerns in Sepúlveda’s thought was present from his earliest publications. This makes it difficult to issue a positive conclusion that it is theology, rather than philosophy, that ultimately orders Sepúlveda’s thought; on the other hand, Pagden’s thesis that Sepúlveda was deaf to theological concerns prior to the composition of his Apology must be rejected. When it came to certain questions, he was very theologically informed indeed—just in a direction more characteristic of Nominalist theologians than Thomist ones. This conclusion also lends further direction to the project of illuminating the respective inabilities of Juan Ginés de Sepúlveda and Bartolomé de Las Casas to understand one another’s positions. Rather than pitting them against one another as a philosopher-humanist against a theologian, one might consider their divergent theologies with respect to precisely the question that so occupied Sepúlveda’s mind as he argued against Luther on the nature and religious capacities of humankind and, later, as he assessed the nature and religious capacities of the indigenous Americans. What are the implications of doing what is in one intellectually—and in one’s pursuit of the good? Sepúlveda thought contemplation of nature could yield a full understanding of the natural law and the obligations of virtue; Las Casas argued that things “commanded either by divine or human positive law” are not “known interiorly in the heart.”

Sepúlveda thought those who did what was in them could expect the fitting reward of a divine infusion of grace that would be efficacious for salvation; Las Casas argued that this “common teaching of the doctors” should actually be “interpreted of those who, through God’s mercy, are foreordained to eternal life.” Thus the central issue of the dispute becomes the vincibility or invincibility of the indigenous Americans’ ignorance as to divine law and all things necessary for salvation, and the central question becomes one of whether they were blameworthy in this ignorance or not. In this way, space is created to compare and contrast Sepúlveda’s and Las Casas’ respective Apologies as disputations on the best way to prepare the indigenous Americans’ souls for grace.

6.5 After Valladolid

My overarching claim has been that Sepúlveda’s semipelagianism persists throughout his work, informing treatises over the course of his entire career. It appears not only in his conflict with Luther, where Sánchez Gázquez noted it as well, but also in his exhortation to Charles V to go to war against the Turks, and in his arguments against Henry VIII and the English king’s sought-after divorce, and ultimately in his view of the indigenous Americans’ religious and intellectual capabilities and responsibilities. Moreover, it appears in two additional noteworthy places, which do not

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286 Defense of the Indians, 139; Apologia 275 [90r].
287 See Chapter Three.
288 See Chapter Four.
289 See Chapter Five.
fit into the broad arc of Sepúlveda’s polemical writings, though in a way they crown it. These are his 1553 translation of one of John Chrysostom’s treatises, and On the Monarchy, his final work that he considered to be his magnum opus. A brief survey of these works counters the general assessment that Sepúlveda lived and died by his argument for the justice of the Spanish conquest of the Americas, isolated from any other concerns. Valladolid was one discrete point in a long career; the question of the indigenous Americans did not consume or concern him for that career’s entire span. The logic of Sepúlveda’s semipelagian that underwrote his argument, however, persists in the rest of his writings as well—both in those works prior to the Valladolid debate and in those that postdate Valladolid.

6.5.1 Translating Chrysostom

Although Sepúlveda was better known for his translations of classics, Aristotle especially, from Greek into Latin, his translation of Chrysostom’s “No one can harm the man who does not injure himself” (AD 406 or 407) was from Latin into Spanish. His interest in working with this text apparently overcame him in 1553, just two years after

290 Julián Solana Pujalte, Dos traducciones castellanas atribuidas a Juan Ginés de Sepúlveda: el Diálogo de Luçiano Palinura y la Homelia XXX de S. Juan Chrisóstomo: Que ninguno puede rescebir daño sino de sí mesmo (Córdoba: Servicio de Publicaciones e la Universidad de Córdoba, 1999).
the debates at Valladolid. It is significant that for the purposes of this project he used not a Greek text, in which Chrysostom was famously golden-mouthed and which Sepúlveda could certainly and expertly have read, but a Latin one—especially since his Latin manuscript of choice was the very translation attributed to Pelagius’ disciple and amanuensis, Annianus of Celeda. Julián Solana Pujalte identified Annianus conclusively as Sepúlveda’s source material by analyzing the Spanish humanist’s exclusion of one section of the Greek concerning the Israelites’ wanderings in the desert, as well as his modification of words and phrases in several passages—changes that correspond precisely to ones found in Annianus’s version. Also significant is the close relationship Chrysostom’s treatise bears to book 10 of Plato’s Republic, where the latter discussed the immortality of the soul. This could suggest a possible continuation of Sepúlveda’s preoccupation with his Bologna professor’s willingness to teach and believe the philosophical truth of the soul’s mortality. But the similarity is rhetorical, as both Plato and Chrysostom made use of the idea of good and evil, virtue and vice, being

292 The manuscript itself is dated 15 novembris anno domini 1553 (f. 55r). Solana Pujalte, Dos traducciones castellanas, 41.
293 Solana Pujalte, Dos traducciones castellanas, 37.
296 W. R. W. Stephens, “Introduction to the Treatise that no one can harm the man who does not injure himself,” NPNF-1, vol. 9, 270.
respectively that which upbuilds the nature of something and that which destroys it.

Specifically, both argued that what harms the human soul is injustice, intemperance, and the other vices, rather than external injuries and misfortunes. Since these latter examples injure but do not destroy the soul, they serve Plato’s argument that the soul is immortal. Chrysostom, however, assumed the soul’s immortality as a given, and used the idea of one’s reward being great in heaven in order to demonstrate the various ways external suffering does not harm a person. Chrysostom further argued that a person’s avarice or pusillanimity, on the other hand, might indeed injure them. In the same way, far from focusing on the doctrine of the soul’s immortality, Sepúlveda’s translation dealt with the soul’s internal disposition toward virtue or vice and highlighted the Pelagian tendencies of Annianus’ Latin edition of Chrysostom’s treatise.

Worth noting is that Chrysostom was not himself a Pelagian. Yet it was in fact the Pelagians who produced early translations of the famous Greek preacher’s homilies and treatises, although the first mention of Chrysostom in Latin comes thanks to Jerome. Jerome was aware of Chrysostom and had been reading his works; he added “John, Presbyter of the Antiochene Church” to his De viris illustribus of 392 and marshaled the support of “John, who has long governed the Church of Constantinople,” in 404 in an

297 “If then we can find among existing things one which is liable to a particular evil which can indeed mar it, but cannot break it up or destroy it, shall we not be at once certain that such a thing so constituted can never perish?” Quoted in W. R. W. Stephens, “Introduction to the Treatise that no one can harm the man who does not injure himself,” NPNF-1, vol. 9, 270.
answer to Augustine. But ultimately it was the Pelagians who “believed they found here and there in Chrysostom traces of their doctrine,” with Pelagius himself even referring to Chrysostom (together with Ambrose, Augustine, and Jerome) as supporting his doctrine in *De Natura*. When Augustine responded with his accusation in *De Natura et Gratia* that Pelagius had misread everyone he had cited, work began among the Pelagians to deepen the debate by bringing Chrysostom’s work into Latin, and Annianus specifically was charged with translating Chrysostom’s seven homilies on Saint Paul, the homily to the Neophytes, and the commentary on Matthew—work he seems to have begun and largely accomplished between 413 and 419, though exile may indeed have interrupted his work on the commentary. That said, Baur suspects that Annianus himself was no more Pelagian than Chrysostom—“that is to say, he did not really understand the core tenet of the Pelagian heresy.” Chrysostom himself, however, certainly rejected this “core tenet,” teaching clearly that God’s grace was

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300 Baur, “L’Entrée Littéraire,” 253–57. Baur determines his window by reasoning that the letter in which Annianus refers to his translation work acknowledges Augustine, and so was composed after the bishop began to publicly oppose the Pelagians in 413, but is matter-of-fact and optimistic in tone and so must have been composed prior to the official ecclesial rejection of the Pelagian position in 419 (254). The claim for an interruption in the translation of Chrysostom’s commentary on Matthew (“Il semble donc plutôt, que l’exil a interrompu le travail”) stems largely from the fact that no manuscript of the translation exists that can be attributed in all its parts to Annianus (257).

essential for salvation.\textsuperscript{302} In his comments on Psalm 5:8 (\emph{Deduc me in tua justitia}), he defined righteousness as “the justice which descends from [God], which leads to heaven.”\textsuperscript{303} The righteousness that saved human beings was not something they achieved on their own, but something given them by God. Baur offered the following conclusion: “In summary: the introduction of Saint Chrysostom into the Latin world was not without embarrassment; nevertheless it was joyous. Saint Jerome announced him, Annianus the Pelagian introduced him, Saint Augustine received him and praised his new companion.”\textsuperscript{304}

Given Chrysostom’s non-Pelagian teachings on grace—the dubious coincidence of his translation being facilitated by Pelagians aside—it is a separate question whether the preacher and archbishop of Constantinople could be considered a semipelagian. What makes the determination of this question difficult is the body of works Chrysostom left behind, none of which are systematic in their doctrine or directly address the controversies of the Pelagians and semipelagians, all of which came to their full fruition after Chrysostom’s death in 407. He is cited in the anti-Pelagian writings, however. For example, in his treatise \emph{Against Julian} (I.6.22) Augustine defended Chrysostom against Julian’s interpretation that he was against infant baptism or

\textsuperscript{303} Kenny, “Was John Chrysostom a Semi-Pelagian?” 18.
believed infants did not have original sin in the Homily to the Neophytes. Anthony Kenny conducted a thorough review of Chrysostom’s writings with this question in mind, though admittedly his conclusion that Chrysostom could not be counted among the semipelagians leaned heavily on the fact that he simply did not formulate the specific distinctions necessary for incurring their particular error, particularly the question of *initium fidei*. Rather, Chrysostom wrote of faith as a gift of God and never argued a natural act can be the cause of salvation. And yet, Kenny admitted, “There are some texts where Chrysostom seems to talk as if faith were an achievement of man alone.” At the same time, these texts almost always continued with a discussion of faith as an effect of grace. Ultimately, then, the question is whether the particular treatise Sepúlveda translated, and more particularly still Annianus’ handling of it, echoed a Pelagian or semipelagian doctrine of grace and works and faith.

Isolated from Chrysostom’s other writings on grace and the source of virtuous actions, the treatise “No one can harm the man who does not injure himself” indeed marshals support for Sepúlveda’s formulation of grace, free will, and an inner disposition toward virtue. The main theme—that a person’s virtue can only be ruined if the person chooses to live ruinously—fits Sepúlveda’s previous claims that Luther’s...
followers, the Ottoman Turks, and even the indigenous Americans had effectively chosen their own destruction. Chrysostom took Adam’s expulsion from Paradise as a prime example: the devil did not injure Adam and cause his misfortune, but rather Adam’s own “inattention and carelessness, and the little account he took of the precept he had been given,” caused his expulsion from the garden.310 The corollary that external suffering cannot harm one—“neither loss of money, nor slander, nor railing, nor banishment, nor diseases, nor tortures, nor that which seems more formidable than all, namely death”—seems to exculpate the Spaniards all too easily for the seizure of indigenous American lands and goods, as well as the thoroughly documented torture and death inflicted on these populations.311

Sepúlveda did not expressly mention the American indigenous peoples; his work was a translation, not a commentary. All the same, Chrysostom’s treatment of the Ninevites is eerie in the context of the parallel sixteenth-century encounter between a barbarous population and mariners burdened with the word of God.312 Chrysostom brought up the Jonah narrative in order to contrast the Ninevites and the Jews—arguing that the latter were not profited by the miracles and revelation given among them, while

310 Chrysostom, IV; Sepúlveda’s version credits Adam’s “inadvertencia y descuido y la poca cuenta que tobo con el precepto que le abían dado.” Solana Pujalte, Dos traducciones castellanas, 133. The English given is my translation of Sepúlveda’s version.

311 Chrysostom, V; Sepúlveda’s examples of external suffering include “ni perder la hazienda ni padesçer calumnia ni afrenta ni destierro ni enfermedad ni tormento ni aun la muerte, con ser cosa más grabe que todo lo dicho.” Solana Pujalte, Dos traducciones castellanas, 137. English given is Stephens’ translation, NPNF-1, vol. 9, 274.

312 Chrysostom, XIV; Solana Pujalte, Dos traducciones castellanas, 161, 163; NPNF-1, vol. 9, 281.
the former were not harmed by the lack of the same. Rather, he claimed, the Ninevites’ salvation came about owing to the fact that they had not so inwardly harmed themselves as to be incapable of responding to the call to repent. Chrysostom’s conclusion, and Sepúlveda’s rendering of it, ran as follows: “With so little occasion, but with a pure heart and true purpose they offered themselves to God and benefitted so, even being as we said a barbarian people, far removed from the divine law.”313 The precise formulation is out of sync with Sepúlveda’s doctrine; I have demonstrated he understood natural reason to be sufficient for apprehending much of the divine law, so he would not have understood pagans precisely as having been “removed” from it. In context, however, Chrysostom did not mean particular doctrines such as the existence of God, but rather divine revelation and the preaching of the Gospel, and Sepúlveda readily granted this concerning the indigenous Americans. Within the wider context of Chrysostom’s point, Sepúlveda could find support for his wider contention of an inward disposition toward virtue: “Seest thou that he who is temperate and watchful not only suffers no injury at the hands of man, but even turns back Heaven-sent wrath.”314 As long as one does not betray and harm oneself by turning toward vice, it is easy to turn toward God, and

313 Chrysostom, XIV; “Con tan pequeña ocasión con corazón puro y propósito verdadero se ofrescieron a Dios y aprovecharon tanto, siendo como diximos jente barbara y de toda ley divina remota.” Solana Pujalte, Dos traducciones castellanas, 163; my translation.
314 Chrysostom, XIV; Sepúlveda’s version ran as follows: “Ves cómo el que tiene consideración y cuenta consigo no sólo no puede rescibir daño de los hombres, pero aun puede rechaçar al castigo e ira de Dios.” Solana Pujalte, Dos traducciones castellanas, 163. The English given is Stephens’ translation, NPNF-1, vol. 9, 281.
God’s punishment easy to turn aside. In the aftermath of Valladolid, it is difficult not to see here a veiled reference to the indigenous Americans, blaming them for their own sufferings and losses.

This exhortation to virtuous action because the seeds of that action lie within oneself is consonant with Sepúlveda’s writings, from his treatise against Luther to his treatises on the justice of the wars of conquest in the Americas. Absent a clearer teaching on grace and its necessity and origin from Chrysostom, it is consonant with a Pelagian or semipelagian doctrine as well. It is even consonant with the late medieval Nominalist strand of semipelagianism, whose slogan made an early appearance in Chrysostom’s work and Sepúlveda’s translation: “And you, when you might do what is in you, must believe that God will also concur and that he will not betray you if you do not first betray yourself.” Solana Pujalte, Dos traducciones castellanas, 167; my translation.

Whether he was unaware of Chrysostom’s treatise until the 1550s or whether it was among the whole Catholic tradition that he contended aligned itself against Luther’s doctrine, his work translating the document into Castilian Spanish underscores his persistent belief in a particular theological anthropology—namely, a semipelagian one where God rewards one for acting on one’s natural disposition towards virtue, but where one can turn from this

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315 Chrysostom, XVI. “Y tú cuando hizieres lo qu’es en ti, as de creher que también concurrirá Dios y que no to faltará si tú primero no te faltares a ti.” Solana Pujalte, Dos traducciones castellanas, 167; my translation.
inward disposition to vice and harm themselves in a worse way than any external
calamity could effect. There is no reference here to just wars or natural slaves; rather,
what persists in Sepúlveda’s writing and what forms a much more intelligible
framework for his thought than Aristotle’s categories of human nature is this
semipelagian theological anthropology.

6.5.2 On the Monarchy (1571)

In his introduction to the Spanish translation of On the Monarchy, 316 J. M. Pérez-
Prendes Muñoz-Arraco grieves with the standard academic crocodile tears that the
subject of his present efforts has received infrequent attention from scholars: “The vast
majority of Americanists who concern themselves with Sepúlveda only use De regno in
order to indicate parallels or amplify points from his other works on the indigenous
Americans—otherwise they ignore it.”317 Indeed, many echoes and parallels exist
between On the Monarchy and Sepúlveda’s earlier works. The extended comparison and
contrast of good kings with tyrants in Book One particularly echoes Sepúlveda’s
description of the tyrants among the Ottoman Turks and the indigenous Americans

316 Sepúlveda, Acerca de la Monarquía, trans. I. J. García Pinilla, in Obras Completas, vol. VI (Excmo.
Ayuntamiento de Pozoblanco, 2001). Referred to hereafter as Acerca de la Monarquía.
317 “La mayoría dominante de los americanistas que se ocupan de Sepúlveda, sólo utilizan De regno para
señalar lugares paralelos o ampliar puntos de sus obras específicamente indias o simplemente no lo
usan.” J. M. Pérez-Prendes Muñoz-Arraco, “Introducción jurídica” to Acerca de la Monarquía in Juan Ginés de
Sepúlveda, Obras Completas vol. VI (Excmo. Ayuntamiento de Pozoblanco, 2001), x.
whose reigns he had exhorted Charles to overthrow.\footnote{Sepúlveda observed, for example, that tyrants must be guarded by foreigners conscripted for the purpose, since they trust none of their own subjects (\textit{Acerca de la Monarquía}, I.10.3); this echoes his discussion of the role of the janissary corps among the Ottoman Turks (\textit{Exhortación a Carlos V}, 6.2 and 17.1). He likewise detailed the public approval of vicious practices and uncivilized institutions as the marker of savagery among people, naming for his examples human sacrifice, cannibalism, and other practices evocative of his description of the indigenous Americans (\textit{Acerca de la Monarquía}, I.5.1; cp. \textit{Apología}, 8, etc.).} Moreover, the general principle Sepúlveda cites as his starting point is that of “commanding and obeying,” which is “available to all by nature (whose supreme ruler is God) for the preservation of beings” and requires that “what is more perfect and of greater dignity enjoys the power to command” while “the less perfect...obeys commands by natural law.”\footnote{“Así pues, para acudir a principios más generales, el ordenamiento de mandar y obedecer, dispuesto por la naturaleza (cuyo rector supremo es Dios) para la preservación de los seres, se extiende tan ampliamente a todo lo existente que no hay ninguna realidad compuesta de cosas diversas, ya se encuentren éstas reunidas o dispersas, en la que no haya algo que mande y también algo que por su naturaleza obedezca al mando, no sólo en los seres vivos, sino también en los inanimados. Porque por doquier lo que es más perfecto y de mayor dignidad goza del mando; los menos perfecto, en cambio, obedece al mando por ley natural.” Sepúlveda, \textit{Acerca de la Monarquía}, 1.2.1–2.} Perhaps the attention in scholarship to ways the treatise echoes the royal historian’s arguments for the legitimacy of the Spanish conquest can be forgiven. But the echoes of Sepúlveda’s earlier thought are to be expected. A text written toward the end of one’s life may seek to summarize and fully state one’s life’s work, or it may seek to issue corrections of errors made earlier in one’s career.\footnote{Augustine’s \textit{Retractiones} certainly accomplishes the latter and occasionally performs the former task as well.} A later work can also seek to do neither of these things.

With respect to Sepúlveda’s \textit{On the Monarchy}, however, I argue that the author does indeed intend to produce a capstone to his life’s work, reiterating and clarifying
but seldom correcting. In terms of parallels and echoes with previous works, however, the field provided by *On the Monarchy* is by no means limited to his persistent willingness to recognize Aristotle’s category of natural slavery. Sepúlveda faced his mortality with the composition of an extended meditation on right government, written as personal advice to the most powerful man he knew. He addressed his analysis to Charles’s son, Philip II of Spain, whose tutor he had been and the chronicle of whose reign Sepúlveda was writing, just as he had undertaken to write his father’s. The Cordovan adds this treatise to his work because “I have thought it would not be outside the realm of my studies and my functions.” Yet the opus also serves as a fitting and final summation of Sepúlveda’s thought. In *On the Monarchy*, Sepúlveda not only mentions the close relationship of the divine and natural law, but he extensively develops the logic of their coordination over the course of his arguments. Just as he had observed in earlier texts such as the *Exhortation to Charles V*, where the Cordovan argued that there existed and operated in the world “a natural law, with which the divine law is never in disagreement,” so too in *On the Monarchy*, Sepúlveda pointed to the coordination of divine and natural law in the context of his citation of Aristotle, who he

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321 Sepúlveda mentions *servus natura* once, and not with specific reference to the indigenous Americans. *Acerca de la Monarquía*, I.3.2.

322 Neither chronicle saw editing or final publication until after Sepúlveda’s death. Their first editions were in the Academia de Historia’s Madrid publication of 1780. In modern critical edition, Sepúlveda’s chronicle of Charles V’s reign spans volumes 1–2, 10, and 12–14 of the Pozoblanco publication of his *Obras Completas*. His chronicle of Philip II’s reign constitutes volume 4 of that series.


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allowed was “an extraordinary person, and from whose teaching in politics and morality in its fullness nothing is mislaid, or very little, from Christian philosophy.”

Tellingly, though, Sepúlveda elaborated on this quality of Aristotle’s thought by extolling the fittingness of such compatibility between what he called political doctrine and Christian philosophy: “For both of these sciences turn on what is honorable in the customs and just in conformity to the natural order, which coincides with the eternal law.” The extended development of this claim to coincidence between natural order, divine law, and the eternal law that animates and orders both, and the way this logic shapes the arguments and conclusions of *On the Monarchy*, demonstrates once again that this was the core tenet animating Sepúlveda’s thought throughout his career and underwriting all of his arguments, including the ones at Valladolid. At the same time, far from encouraging the exclusive emphasis on indigenous American matters as Pérez-Prendez Muñoz-Arraco lamented, the presence of this strand of thinking in *On the Monarchy* renders his most famous claims far less central and less important to his system of thought. Rather, the principles of obedience and command and natural slavery are all corollaries drawn from the central tenet of Sepúlveda’s semipelagian theology of the natural knowledge of God.

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326 “Pues una y otra ciencia versan sobre lo que es honesto en las costumbres y justo conforme al orden natural, que coincide con la ley eterna.” Sepúlveda, *Acerca de la Monarquía*, I.1.4.
That in Sepúlveda’s mind so little difference could exist between Christian
philosophy and Aristotle that almost “nothing is mislaid” betrays his undiminished
optimism in rightly ordered natural reason’s ability to access divine truth. And this is
only underscored by the claim that concludes his observation: that “the natural
order...conforms with the eternal law.” He reiterated his claim as well that the law of
nations has the same source in human reason as the natural law. Concerning city
governments, Sepúlveda argued there exist two kinds of law, the general and the
particular. As the name suggests, “particular” laws are particular to individual cities and
their unique contexts, while “general” laws are recognized more broadly in a variety of
contexts. General laws, Sepúlveda insisted, “as they are established in the natural law
and have their seat in human nature, receive for this very reason the name of ‘natural
law,’ the which, in effect, was not instituted by the will or the decision of the legislator,
but rather God and nature have impressed them on the hearts of men.”\(^{327}\) The
vocabulary of general and particular within the civil law is a vocabulary Sepúlveda had
not taken up previously elsewhere, but it is consonant with his reasoning that the civil
law and the natural law coincide to a certain extent. Sepúlveda took this as evidence of a
syllogism between the precepts of the general civil law, the law of nature, and the

\(^{327}\) “Hay dos tipos de leyes: unas propias, que también se llaman ‘civiles’ porque las ciudades se gobiernan
cada una con sus propias leyes; las otras, generales y que, como se fundan en el Derecho natural y tienen su
asiento en la naturaleza humana, reciben por esto mismo el nombre de ‘Derecho natural’; las cuales, en
efecto, no las ha instituido la voluntad o el criterio del legislador, sino que Dios y la naturaleza las han
impreso en los corazones de los hombres.” Sepúlveda, Acerca de la Monarquía, I.19.1.
eternal law of God: hence his argument that “God and nature have impressed them on the hearts of men.”  

The reason it was so important for a king to be wise and good, Sepúlveda argued, was because the stakes were so high with respect to the effect good laws had on the citizenry. God and nature had impressed laws on the hearts of human beings, but obedience to those laws impressed on them virtuous habits. Sepúlveda drew on this logic when he addressed the need for an efficient internal judicial system: he exhorted swift action against “seditious and evil-doing citizens, so that there might not be aggressions of any type and the citizens might exert themselves according to their capacity in all classes of virtue, so that by custom and by firmly implanted habit they delight in upright actions and rebuff the contraries of these.”  

Nature, in Sepúlveda’s argument, grants human beings knowledge of right and wrong as well as a “capacity” for virtue. Good laws rewarding virtuous behavior and punishing vicious behaviour help nature confirm human affections accordingly in the enjoyment of virtue and abhorrence of vice.

The same semipelagian logic Sepúlveda has exhibited elsewhere is again here at work. Human nature is disposed toward virtue. When a person obeys this disposition,

328 Sepúlveda, Acerca de la Monarquía, I.19.1.
329 “También en cuanto a ciudadanos sediciosos y malvados, para que no haya agresiones de ningún tipo y los ciudadanos se ejerciten según su capacidad en toda clase de virtudes, de modo que por costumbre y por hábito firmemente implantado se gocen en las acciones rectas y les repugnen las contrarias a éstas.” Sepúlveda, Acerca de la Monarquía, III.1.1.
they achieve virtue, and the habit of virtue is the more firmly implanted in their souls; when they disobey it, they risk acquiring a habit of viciousness. In such an eventuality, Sepúlveda listed two solutions for overcoming one’s defects: reason and “reiteration of the good.”330 Reason persists in teaching one that “kindness is preferable to violence,” while laws and punishments constitute the reiteration of the good—a process that ultimately has recourse to reason since reason also advises one that punishment is difficult to endure.331 At every turn, Sepúlveda appealed to natural reason’s ability to heal the confusions and other defects that resulted in sin. When he wrote of the natural arrangement whereby the indigenous Americans should have obeyed the Spanish, he was really attempting to outline a theological system whereby everyone had a duty to obey reason as the best recourse toward virtue. This was the underlying principle of his thought; the question of natural slavery was a problematic corollary to a deeper and more comprehensive semipelagian principle.

### 6.6 Concluding Remarks

Having undertaken broadly to understand the religious language that underwrites one of Juan Ginés de Sepúlveda’s most infamous claims, this study argues against the common summation of Sepúlveda’s contribution at the Junta in Valladolid as

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330 “Pero tales defectos se superan tanto por la reiteración de lo bueno como por la razón: una razón que nos enseña que es preferable la bondad a la violencia, la honradez a la desvergüenza, la honra a la mala reputación, y avisa sobre los castigos establecidos por las leyes.” Sepúlveda, *Acerca de la Monarquía*, III.24.2.

theologically bankrupt and enthralled with the categories of Aristotle. To be clear, it does not argue that Aristotle’s logic had no relevance to Sepúlveda’s arguments, but rather that any analysis of Sepúlveda’s position that confines itself to Stagirite source material is reductionist and inaccurate. Theological language and arguments sourced elsewhere must be a part of the argument. Consequently, chapter 2 reviewed the approaches to theological arguments according to which Sepúlveda had been trained, while chapters 3 and 5 analyzed Sepúlveda’s arguments concerning theological matters raised by those who dared resist papal authority: respectively, the freedom of the will (Martin Luther) and the possibility of divorce (Henry VIII). Chapter 4 reviewed an early practical application of the theological anthropology developed in these chapters to an argument concerning cultural heritage in Sepúlveda’s 1529 Exhortation to Charles V to go to war against the Ottoman Turkish forces. In continuity with that discussion, this chapter has demonstrated the presence of these same themes, convictions, and arguments in the dispute concerning the justice of the Spanish war of conquest in the Americas and the subjugation of the indigenous American peoples to Spanish rule.

This trajectory highlights, however, a common additional misperception concerning Sepúlveda’s thought. For if the analyses of Sepúlveda’s arguments at Valladolid tend to yield a reductionist account by pinning him as an Aristotelian, interest in the disputation at Valladolid likewise produces a reductionist account of the arguments Sepúlveda made there (or in the associated texts such as Second Democrates
and its *Apology*) as the *locus classicus* of Sepulvedian thought. The reality, of course, is that Sepúlveda enjoyed a long career in a variety of settings both before and after Valladolid, and the conflict with Las Casas was one of many episodes within that career where the Cordovan employed rhetoric in the service of a particular patron with a particular set of priorities. Valladolid should therefore be treated neither as the boundaries of Sepúlveda’s thought nor as its fullest expression.

To the end of clarifying that the earlier chapters in this study were not meant to *culminate* in the episode at Valladolid, as Sepúlveda’s final and clearest words on his own legacy, the present section has given a few notes on Sepúlveda’s later exploits in translation and political advising. The goal of beginning with Luther and ending with *On the Monarchy* has been to draw an alternative paradigm for understanding Sepúlveda’s career, one that follows a core set of theological convictions concerning God’s grace and divine providence throughout all creation. In following this alternative paradigm, I have shown that Sepúlveda consistently argued from these principles, whether he was opposing the new heresy of justification by faith alone, advising a prolonged campaign against the Turks, or trying to make sense of the Spanish encounter with the New World and its indigenous populations. One cannot ignore the Aristotelian hierarchy of being that characterizes Sepúlveda’s thought and underwrites his logic in the first and second treatises named for his character Democrats. But neither should one overlook his theological arguments, limited though they may have been. For
Sepúlveda had little else in his toolbox apart from his semipelagian convictions about the human initiative required to move a person into the light of God’s grace, and the natural law that made the perception of God’s will immediate. And when the only tools available to one are these, all of one’s problems—be they Protestants, Turks, or the indigenous peoples of far off lands—begin to look like the heretics and sectarians that Augustine assured Sepúlveda could be compelled to enter into Christian fellowship.
Appendix A: Timeline of Sepúlveda’s Life and Works

1490—Born in Pozoblanco, Córdoba.

1492—January: Fall of Granada; July: Death of Pope Innocent VIII; August: election of Pope Alexander VI.

1493—Pope Alexander VI issues Inter caetera.

1503—Death of Pope Alexander VI; election and death of Pope Pius III; election of Pope Julius II.

1504—Death of Isabella I of Castile; regency of Spain passes to her husband Ferdinand II of Aragon and their eldest daughter Juana (la Loca). Cardinal Cisneros rules as regent for Juana while Ferdinand is absent in Naples.

1510—Sepúlveda matriculates at University of Alcalá de Henares. Earns bachillerato; studies philosophy with Sancho Carranza de Miranda. Is ordained.

1511—Antonio de Montesinos, Spanish Dominican, preaches a scathing sermon against the mistreatment and enslavement of indigenous American peoples.

1512—Admitted to the Colegio de los Pobres at University of Alcalá.

1513—Matriculates at Colegio de San Antonio de Sigüenza to study theology. Death of Pope Julius II; election of Pope Leo X.

1515—Wins a scholarship to study at Colegio de San Clemente in Bologna. Provides letter of presentation from Cardinal Cisneros as well as proof of “limpieza de sangre,” as required for matriculation. Studies with Pietro Pomponazzi, whom he credits with introducing him to Aristotle.

1516—Death of Ferdinand II of Aragon. Regency passes to Juana and her eldest son Charles, who becomes Charles I of Spain and, later, Charles V, Holy Roman Emperor. Cardinal Cisneros once again rules in Juana’s stead while Charles is absent from Spain.

1517—Martin Luther’s 95 Theses on the Power and Efficacy of Indulgences posted in Wittenberg. Death of Cardinal Cisneros.

1519—Death of Maximilian I, Holy Roman Emperor; election of Charles V.

1521—Hernán Cortés presides over the fall of the Aztec Empire at Tenochtitlán. Sepúlveda publishes his History of the Acts of Cardinal Gil de Albornoz, also a book (now lost) on the errors of Peter Alcyonius’ Latin translation of Aristotle’s Progression of Animals. December: death of Pope Leo X.
1522—January: election of Pope Adrian VI, who had previously been chosen by Emperor Maximilian as tutor to his grandson Charles, and had served Spain as Inquisitor General. Sepúlveda translates Aristotle’s Little Physical Treatises and publishes his own translation (and correction of Peter Alcyonius’s) of Aristotle’s Progression of Animals.

1523—Sepúlveda translates Aristotle’s On Generation and Corruption; translates Aristotle’s On the Universe (now generally agreed to be spuriously attributed to Aristotle). Publishes Gonzalo. Leaves Colegio de San Clemente without taking a degree. Death of Pope Adrian VI; election of Pope Clement VII.

1526—Publishes On Fate and Free Will in response to Luther (Bondage of the Will, 1525) and Erasmus (Freedom of the Will, 1524). Begins work in the papal court of Clement VII as official translator of Aristotle.

1527—Translates Alexander of Aphrodisias’ commentaries on Aristotle’s Metaphysics. Flees Sack of Rome and takes refuge in papal fortress of Castel Sant’Angelo. Asked to leave because of his Spanish origin. Meets Cardinal Thomas Cajetan in Naples, and helps him with his New Testament studies. (Cajetan did not know Greek.)

1528—Henry VIII applies to Clement VII for papal approval to separate from Catherine of Aragon and marry Ann Boleyn.

1529—Sepúlveda composes Exhortation to Charles V. Appointed by Clement VII as prebendary of Mosque-Cathedral of Córdoba.

1530—Presents his Exhortation to Charles V, whose coronation by the pope as emperor takes place at Bologna. Cardinal Francisco de Quiñones is charged by Clement VII with revising the Roman Breviary; Sepúlveda and Diego de Neila do most of the work.

1531—Publishes On the Marriage Rite and Dispensation. Sends it to Henry VIII along with (now lost) work On the Power of the Roman Church and of her Pontiff.


1533—Henry VIII marries Ann Boleyn.

1534—Death of Pope Clement VII; election of Pope Paul III.

1535—Publishes Democrates.

1536—Officially joins Charles V’s court as his royal chronicler and chaplain. Writes On the African War.

1538— Publishes Theophilus.

1542—Begins work as one of Prince Philip’s tutors. New Laws of the Indies issued.

1545—Finishes Second Democrates. Unable to publish due to opposition, but copies circulate among academics and government. Refuted by Antonio Ramírez, bishop of Segovia, to whom Sepúlveda later dedicates his Apology.

1546—Death of Martin Luther. Sepúlveda publishes On Corrections to the Year (proposal for changes to the Roman Breviary).

1547—Death of Hernán Cortés.

1548—Sepúlveda translates Aristotle’s Politics.

1549—Finishes Apology in favor of the book On the Just Causes of the War, sends a copy to Antonio Ramírez. Death of Pope Paul III.

1550—Election of Pope Julius III. Antonio Ramírez publishes Sepúlveda’s Apology in Rome. Its distribution is prohibited in Spain and in the Americas. First session of debate at Valladolid begins 15 August.

1551—Second session of debate at Valladolid begins 15 April.

1552—Domingo de Soto’s account of the debates at Valladolid (Aquí se contiene…) published.

1553—Translates Palinuro, a satirical dialogue thought to be of Luciano (in fact Maffeo Vegio) and a homily by John Chrysostom into Castilian. Mary Tudor ascends to Tudor throne; On the Marriage Rite and Dispensation published (in Latin) in England.

1555—Death of Pope Julius III; election and death of Pope Marcellus II; election of Pope Paul IV.

1556—Charles V abdicates from leadership of Spain and the Spanish Empire; his son Philip II succeeds him. Sepúlveda becomes royal chronicler to Philip.

1557—Publishes his Epistolary.

1558—Charles V abdicates from leadership of the Holy Roman Empire; Ferdinand I (Charles’ younger brother) elected. Death of Charles V.

1559—Death of Pope Paul IV; election of Pope Pius IV.

1565—Death of Pope Pius IV.
1566—Election of Pope Pius V. Sepúlveda translates Aristotle’s *Nicomachean Ethics*; censored by the Inquisition and all copies now lost. Death of Bartolomé de Las Casas.

1568—Blindness that has increased steadily in the last several years becomes total.

1571—Publishes *On the Monarchy*.

1572—Death of Pope Pius V; election of Pope Gregory XIII.

1573—Death of Sepúlveda in Pozoblanco.

1780—Historical works edited and published—*History of Charles V, History of Philip II* (1556–1564), and *History of the New World* (until 1521).
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