

JUAN GINES DE SEPULVEDA

*Democrates Alter sive de justis belli causis apud Indos*¹

c. 1547

Juan Ginés de Sepúlveda (1489-1573) was a humanist lawyer who served in the court of Charles V as the Emperor's chaplain and royal historian. He would write one of the most influential texts that justified the Spanish conquest of the Americas. *Democrates Alter sive de justis belli causis apud Indos* drew on Aristotle's *Politics* and suggested that the subjugation of indigenous cultures was legitimized by their natural inferiority to the Spanish. In 1550, Sepúlveda and Bartolome de las Casas debated the nature of America's inhabitants and how they should be approached before the court at Valladolid. While there was no clear victor from this debate and the one that followed in 1551, it did force the Spanish monarchy to reconsider its current treatment of indigenous cultures for a better one. Consider the following questions as you read the selections below: How does Sepúlveda invoke natural law to justify subjugation of America's inhabitants? What distinctions does he make between the Spanish and indigenous cultures? How does he justify waging war against indigenous polities?

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Democrates Alter (Excerpts)

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

¹ <http://www.indiana.edu/~kdhist/H105-documents-web/week02/Sepulveda1547.html>

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

Now compare these natural qualities of judgment, talent, magnanimity, temperance, humanity, and religion with those of these pitiful men, in whom you will scarcely find any vestiges of humanness. These people possess neither science nor even an alpha-bet, nor do they preserve any monuments of their history except for some obscure and vague reminiscences depicted in certain paintings, nor do they have written laws, but barbarous institutions and customs

In regard to those who inhabit New Spain and the province of Mexico, I have already said that they consider themselves the most civilized people. They boast of their political and social institutions, because they have rationally planned cities and non-hereditary kings who are elected by popular suffrage, and they carry on commerce among themselves in the manner of civilized people I dissent from such an opinion. On the contrary, in those same institutions there is proof of the coarseness, barbarism, and innate servility of these men. Natural necessity encourages the building of houses, some rational manner of life, and some sort of commerce. Such an argument merely proves that they are neither bears nor monkeys and that they are not totally irrational. But on the other hand, they have established their commonwealth in such a manner that no one individually owns anything, neither a house nor a field that one may dispose of or leave to his heirs in his will, because everything is controlled by their lords, who are incorrectly called kings. They live more at the mercy of their king's will than of their own. They are the slaves of his will and caprice, and they are not the masters of their fate. The fact that this condition is not the result of coercion but is voluntary and spontaneous is a certain sign of the servile and base spirit of these barbarians

War against these barbarians can be justified not only on the basis of their paganism but even more so because of their abominable licentiousness, their prodigious sacrifice of human victims, the extreme harm that they inflicted on innocent persons, their horrible banquets of human flesh, and the impious cult of their idols. Since the evangelical law of the New Testament is more perfect and more gentle than the Mosaic law of the Old Testament (for the latter was a law of

fear and the former is a law of grace, gentleness, and clemency), so also wars are now waged with more mercy and clemency. Their purpose is not so much to punish as to correct evils. What is more appropriate and beneficial for these barbarians than to become subject to the rule of those whose wisdom, virtue, and religion have converted them from barbarians into civilized men (insofar as they are capable of becoming so), from being torpid and licentious to becoming upright and moral, from being impious servants of the Devil to becoming believers of the true God? They have already begun to receive the Christian religion, thanks to the prudent diligence of the Emperor Charles, an excellent and religious prince. They have already been provided with teachers learned in both the sciences and letters and, what is more important, with teachers of religion and good customs.

For numerous and grave reasons these barbarians are obligated to accept the rule of the Spaniards according to natural law. For them it ought to be even more advantageous than for the Spaniards, since virtue, humanity, and the true religion are more valuable than gold or silver. And if they refuse our rule, they may be compelled by force of arms to accept it. Such a war will be just according to natural law