

1999

Humanist Ethics and Political Justice: Soto, Sepúlveda, and the "Affair of the Indies"

G. Scott Davis

University of Richmond, sdavis@richmond.edu

Follow this and additional works at: <http://scholarship.richmond.edu/religiousstudies-faculty-publications>

 Part of the [Ethics and Political Philosophy Commons](#)

Recommended Citation

Davis, G. Scott. "Humanist Ethics and Political Justice: Soto, Sepúlveda, and the "Affair of the Indies"." *Annual of the Society of Christian Ethics* 19 (1999): 193-212.

This Article is brought to you for free and open access by the Religious Studies at UR Scholarship Repository. It has been accepted for inclusion in Religious Studies Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

Humanist Ethics and Political Justice: Soto, Sepúlveda, and the “Affair of the Indies”¹

Scott Davis

Abstract

In the debate over Spanish treatment of the natives of the New World, both sides regularly invoked Aristotle on natural slaves. This paper argues that the interpretation of the Spanish Dominican Domingo de Soto displays a greater understanding of Aristotle and the Aristotelian tradition of justice than that of Juan Gines de Sepúlveda, the Spanish Humanist. The paper goes on to argue that it is the humanist tradition itself that disposes Sepúlveda to misconstrue Aristotle and the tradition of political justice.

In early July 1550, Domingo de Soto was called to Valladolid to discuss the recent work of Juan Ginés de Sepúlveda. He apparently responded on the 15th asking to be excused from this task, for on August 4th Maximilian, regent in the absence of Charles V, wrote back that “I entreat you and order that you subsequently go about preparing to come here at the appointed time, for which I will be grateful to you.”² Soto obliged. He could hardly do otherwise. Soto was generally recognized as the inheritor of Francisco de Vitoria’s mantle as principal moral theologian of Spain. Not only would his major work follow scrupulously the order of Vitoria’s unpublished commentaries, where the two overlapped, but where Vitoria was clipped and allusive Soto amplified and completed the structure of the argument. Soto goes beyond both Thomas and Vitoria, for example, to provide an Aristotelian account of how “law even as punitive brings men to good.”³

Soto here exemplifies what it meant to be the successor to Vitoria. The tradition of the “second scholastic” maintains an explicitly Aristotelian Thomism in which ethics is understood in terms of the virtues, both natural and infused, which taken together shape the Christian into an agent who acts both self-consciously and in good conscience on behalf of the common good. This comes out with particular clarity in the way the tradition relates justice to law. Though law is crucial to establishing justice, it cannot be understood apart from prudent interpretation directed toward equity, what the tradition, from Aristotle to Thomas to Soto, calls *epieikeia*. In the *Ethics*, Aristotle distinguishes natural from legal justice and goes on to argue that “the equitable,” *epieikeia*, “is better than one kind of justice,” even though the equitable simply is just. “What creates the problem,” he explains, “is that the equitable is just, but not the legally just but a correction of legal justice.”⁴ As T. C. O’Brien, following Gauthier, puts it, “Aristotle does not define *epieikeia* as indulgence or mitigation; it is not outside the sphere of justice, but is the source for accomplishing a higher form of the just, the naturally just.”⁵ This is the vision of justice adopted, according to O’Brien, by Aquinas and embraced by Vitoria and Soto. For Thomas and the Spanish Dominicans, *epieikeia* is the virtue by which we pursue justice in those circumstances for which the generality of the law cannot provide.⁶

Epieikeia figured prominently in Vitoria’s analysis of the “affair of the Indies.”⁷ In assessing the justice of Spanish conquests in the New World, Vitoria first asked what, if any, natural law rights the Spaniards possessed. Having isolated those rights, he considered whether they had been exercised in good faith, and concluded that, when viewed in their particulars, the conquests had been carried out unjustly and to the detriment of the faith. The fact that there existed recognized legal authorities claiming to underwrite the conquest did not excuse either the crown or the leaders of the conquest from the reasonable exercise of virtue on behalf of equity. As Vitoria wrote, virtuous agents “must always be prepared to forego some part of their rights rather than risk trespassing on some unlawful thing.”⁸ These conclusions brought Vitoria into conflict with the king and the *encomenderos* of the New World, who feared intervention in their exploitation of the natives and their land. Vitoria’s conclusions, particularly as expounded by Bartolomé de Las Casas, also provoked the ire of the humanist Juan Ginés de Sepúlveda.

Born around 1490, Sepúlveda studied at the University of Alcalá before moving to Bologna in 1515. There he studied with Pietro Pomponazzi, from whom he “imbibed his love of Aristotle.”⁹ During his time in Bologna, Sepúlveda also became associated with the circle of Alberto Pio, Prince of Carpi, a noted patron of Aristotelian studies.¹⁰ Sepúlveda remained with Pio until the prince’s death.¹¹ But Sepúlveda was not only a student of Aristotle, he was also a skilled polemicist. In 1529 he published an exhortation to the emperor Charles V to undertake war against the Ottoman Turks, invoking “the necessity to fight for the fatherland, for the hearth, and finally, for our salvation and liberty and for the true

religion.”¹² Basing himself on biblical and classical authors, Sepúlveda extols the justice of making war on the Turks, entreats Charles to put an end to wars between Christians, and asks rhetorically “why, oh Caesar, do you not rise up and go forth promptly down the road that God and destiny show you toward the greatest undertakings and ultimately lordship of the terrestrial orb?”¹³ In recapturing Jerusalem, he concludes, Charles will be carrying out the highest Christian duty and “let the rest of the world unite under the rule of Christians and your most holy religion.”¹⁴

Two years later Sepúlveda spent some time in Rome at the College of Saint Clement, where he noticed among the noble Spanish students “some who were of the erroneous opinion that a good soldier could not simultaneously maintain the requirements of the military life and the precepts of the Christian religion.”¹⁵ This led to his first *Democrates* or *On the Conformity of Military Discipline and the Christian Religion*.¹⁶ In this dialogue, Democrates labors at great length to prove that there is no conflict between faith and the practice of arms.

In 1535 Charles V made him his official chronicler and Sepúlveda returned to Spain with Charles the following year. In 1541 the Emperor appointed him tutor in history and geography to Prince Philip, though Sepúlveda apparently had no more success than his fellow humanists in making a scholar out of the future Emperor.¹⁷ Within a few years, Sepúlveda applied to publish a second *Democrates*, occasioned by the attacks on Spanish rule in the New World, not only by Protestant propagandists but also by the indefatigable Dominican Bartolomé de Las Casas. In his prologue, addressed to Luiz de Mendoza, Sepúlveda insists that:

Whether the war by which the Kings of Spain and our compatriots have subdued and continue to subdue to our dominion the barbarous peoples who live in the western and southern regions, commonly called Indians in Spanish, is just or unjust, and by what justification empire may be established over these peoples is an overarching question.¹⁸

The urgency Sepúlveda felt about justifying the crown and its conquests rapidly developed into an acrimonious dispute over the dialogue’s publication. By September of 1549 Sepúlveda was writing Prince Philip, his sometime student, encouraging him to read Aristotle and the Latin and Greek historians, and alerting him to the, “scandalous and diabolical” writings of Las Casas, and of his duty not to give way to “reckless men who would obscure the truth with lies and subterfuges, particularly in a matter pertaining so closely to the public good and the reputation and conscience of your fathers and uncles.”¹⁹

And so it came about that Soto, along with Melchor Cano, Bartolomé de Miranda, Bernardino de Arévalo and members of the King’s Councils, was to consider the justice of Spanish behavior in the New World as defended by Sepúlveda. Although represented as a “debate”, Sepúlveda and Las Casas did not

square off against each other. Sepúlveda appeared to defend his work on the first day, while Las Casas arrived the following day with a comprehensive text in rebuttal. After much discussion the assembly adjourned until January 20 of 1551. After much negotiation they finally met in May of 1551, but no official finding was ever issued. The practical upshot was that Sepúlveda did not secure permission to publish.²⁰

The dialogue itself opens with Democrates and Leopold, his German protagonist from the earlier dialogue, taking their ease in the gardens by the banks of the Pisuera, in northern Spain. While spending “a few days with some friends at the Palace of Prince Philip,” remarks Leopold, “Hernán Cortés, Marqués del Valle, passed through,”²¹ and Leopold and his friends fell into conversation about the justice of Spanish behavior in the Indies. Democrates, not a little put out by Leopold’s obtuseness, embarks on an account of the natural law and justice in war. The first principle of the natural law, he explains, is “the rejection of evil and the choice of the good, from which no one can claim any excuse.”²² This natural law is written by God on the rational soul and philosophers agree that it “has the same force everywhere, whether acknowledged or not.”²³ In the matter of war, justice requires not only cause, but authority and right intention, as well as rectitude in its execution.²⁴

While this would seem to follow the analysis of Thomas and Vitoria, the account begins to shift when Democrates takes up the types of cause considered just for initiating war. The first, not surprisingly, is self defense, but in arguing this point Sepúlveda grounds it not in the just use of minimal force, in the manner of Aquinas, but rather in nature, which:

. . . armed the rest of the animals with claws, horns, teeth, hooves and other defenses, and prepared man for every sort of war by giving him hands, which substitute for claws, horns, and hooves, in as much as the hand can use a sword and lance and any other sort of weapon.²⁵

While Sepúlveda refers to Aristotle,²⁶ this passage bears a notable resemblance to Cicero’s *De Officiis*, I, 4:

Nature has endowed every species of living creature with the instinct of self-preservation, of avoiding what seems likely to cause injury to life or limb, and of procuring and providing everything needful for life.²⁷

Cicero goes on immediately to remark that man:

is endowed with reason, by which he comprehends the chain of consequences, perceives the cause of things, understands the relation of cause to effect and of effect to cause, draws analogies, and connects and associates the present and the future—easily surveys the course of his whole life and makes the necessary preparations for its conduct.²⁸

The importance of establishing the Ciceronian background here is crucial. There are multiple accounts of “natural law” at work in the Middle Ages and the Renaissance. That Sepúlveda cites Aristotle and Aquinas does not necessarily imply that his view of natural law is theirs, or that his arguments bear any strong semblance to theirs. This will prove particularly important when looking at the justice of conquest.

The status of Cicero had been a rallying point for the earliest humanists. His language and arguments had become the mother’s milk of humanist education. The demand for a “ciceronian” standard in Latin had erupted into an international controversy in the 1520s.²⁹ It is not surprising, then, that Cicero’s distinctively Roman account of the just war informed humanist thought. Cicero, a few chapters after his contrast of men and beasts, insists that “the only excuse, therefore, for going to war is that we may live in peace unharmed,” adding that “no war is just, unless it is entered upon after an official demand for satisfaction has been submitted or a warning has been given and a formal declaration made.”³⁰ Furthermore, while Cicero’s *Republic* was not available to the mid-sixteenth century, important passages were preserved in school authors such as Isidore, who records Cicero’s remarks that “those wars are unjust which are undertaken without provocation. For only a war waged for revenge or defense can actually be just,” and that “no war is considered just unless it has been proclaimed and declared, or unless reparation has first been demanded,”³¹ and Nonnius, who repeats Cicero’s judgment that “our people by defending their allies have gained dominion over the whole world.”³²

As late as April of 1546 Sepúlveda wrote to Sebastián León that “I will never repent having taken Cicero as a model, as well as Quintillian.”³³ Early in *Democrates Secundus*, Sepúlveda remarks that “Isidore denies that a war is just which has not been formally declared.”³⁴ Democrates continues that “a second justifying cause for war consists in the recovery of plundered goods,” going on to note that Abraham’s aid to Lot shows that “it is just to make war not only to recover our own property, but that of our friends as well and to repel attacks made on them.”³⁵ His third class of just cause is by way of punishment, so that the offenders, “in receiving the merited punishment, learn by example for the future and everyone else takes fear through their example.”³⁶ Distinctive in this third class is that such punishment and deterrence, frequently undertaken by the Greeks and Romans, carries with it “the unanimous approbation of the nations, whose

shared sentiments are considered the law of nature," which Sepúlveda almost immediately describes as the "ius gentium."³⁷ To Democrates' appropriation of the right to punish, Leopold objects that vengeance "is exclusively the right of God," but Democrates dismisses this objection and reasserts that these three are the justifying causes listed by Isidore and recorded in Ecclesiastical decree. The Ciceronian background is clear to see.

But at this point Sepúlveda makes a radical move, invoking Aristotle on natural slavery and connecting it explicitly to the affair of the Indies. Democrates, considering the less common justifications for war, insists that they:

nonetheless, are held to be thoroughly just and based in natural and divine law. One of these, the most applicable to those barbarians vulgarly called Indians, whose defense you seem to have taken up, is as follows: That those whose natural condition is such that they must obey others, if they refuse that lordship and there is no other recourse, may be subdued by arms; and that this war is just according to the opinion of the most eminent philosophers.³⁸

In the face of Leopold's exclamation that this is an outlandish doctrine, well removed from common opinion, Democrates insists that it is only alien to those with a shadowy grasp of philosophy; it is, rather, "an ancient doctrine among the philosophers and thoroughly consistent with the natural law." Sepúlveda's justification for these claims is his work on Aristotle's *Politics*, of which he published a translation in 1546.³⁹ Based on his own interpretation of Aristotle, the humanist moves to bypass the received tradition and return to a more pristine philosophical foundation, unsullied by the confusions of the scholastics. He begins with the claim that the various forms of dominion may all be traced back to "a single principle and natural doctrine: The lordship and dominion of the perfect over the imperfect, of the strong over the weak, of preeminent virtue over vice."⁴⁰ That the native Americans are a degenerate human form, defective not simply with regard to individuals, but as a whole, Sepúlveda takes as evident. Given that they are so substantially underdeveloped, it is a matter of natural justice that they come under the tutelage of superior peoples such as the Spanish.

Sepúlveda distinguishes between what is done in a nation and what is countenanced by the law and moral order of the people.⁴¹ Invoking Aristotle, he argues that "the conduct of a nation is understood to be constituted by the public acts through which they maintain public order with full authority."⁴² The defect of the native Americans lies not simply in individual infractions of the natural law, but in the fact that they constitute "a city so barbarous and inhumane that it does not include among moral evils the crimes I have enumerated and does not condemn them in its laws or morals."⁴³ It is the very constitution of this community that is corrupt and corrupting, and so it is appropriate that such a city be suppressed by the civilized communities of the world.

This, according to Democrates, demonstrates the so-called Indians to be Aristotle's natural slaves. Their failure to acknowledge the most basic forms of decency suggests that they lack the natural reason that we recognize as essential to the right ordering of material life. Just as we see "with clarity that it is natural and beneficial that the soul rules the body,"⁴⁴ so we recognize in peoples that:

there is one class in which some are naturally rulers and other naturally slaves. Those who excel in prudence and talent, although not physically robust, are lords by nature; on the other hand, those who are slow and dull of understanding, although physically vigorous in finishing their necessary tasks, are natural slaves, for whom, they [philosophers] add, it is not only just but helpful that they serve the natural lords.⁴⁵

This is only fitting, since their masters will make it possible for the defective to abide by the natural law and develop a lifestyle that is more humane and virtuous. And this, finally, is why:

rule must always rest in the power of the better and more prudent, since, as the philosophers teach, rulers who are true rulers are always guided by the better and more prudent governance, sensitive at every moment to the good of the community.⁴⁶

Consequently, it would be a dereliction of duty, once their true state has been discovered, for the Spanish, as emissaries of a more developed humanity, to leave the native Americans to their own devices.

By the time Sepúlveda wrote, the impact of the conquests on the native peoples was a matter of public knowledge. Thus Leopold objects that "in this war against the barbarians there is considerable devastation and loss of life," and he goes on to worry that "this war against the barbarians, according to what I have heard, is not carried out with right intention, since they enter into them with no other goal than acquiring great amounts of gold and silver, by licit and illicit methods."⁴⁷ Democrates responds in two steps. First, as St. Augustine argues, the real evil of war is not death, since everybody must die. And while it is true that greed and the desire for gain are among the real evils of war, "if wicked and unjust men commit crimes and acts of avarice and cruelty, as I have heard has happened on many occasions, this does not invalidate the cause defended by the prince and other honorable persons."⁴⁸ There is a distinction to be made, in other words, between the legitimate *ius ad bellum* provided by the barbarity of the Indians, and the failures of *ius in bello* perpetrated by the conquistadors as the instruments of the legitimate authorities. The evil done is perpetrated by the conquistadors as private citizens and, while regrettable, not relevant to the just claim provided by the natural slavery of the Indians.

There are two distinct questions to be asked of this argument. First, is it, as Sepúlveda claims, an argument sustained by philosophers generally and Aristotle in particular? Second, is it a credible argument independent of its sources?

As to its Aristotelian credentials, the argument is defective at two key points. There is first the interpretation of Aristotle on the “natural slave.” Slavery that results solely from war or the strength of the master seems, according to Aristotle, to be a matter of law, “for the law is a sort of agreement under which things conquered in war are said to belong to their conquerors.” Nonetheless, he goes on, “many jurists . . . say that it is monstrous if the person powerful enough to use force, and superior in power, is to have the victim of his force as his slave and subject; and even among the learned some hold this view, though others hold the other.”⁴⁹ Those who accept the justice of enslaving prisoners of war typically contradict themselves, for “there is the possibility that wars may be unjust in their origin and one would by no means admit that a man that does not deserve slavery can really be a slave.”⁵⁰

What distinguishes the slave by nature is intellectual capacity; the slave by nature “participates in reason so far as to apprehend it but not to possess it; for the animals other than man are subservient not to reason, by apprehending it, but to feelings.”⁵¹ Given the limited ability of the slave to implement a rational plan of practical life, it is beneficial to him and to the master that he be deployed in a useful manner, which, in the nature of things, “diverges but little from that of animals.”⁵² To put it bluntly, Aristotle’s slave by nature is most closely analogous to the mentally retarded. As T. J. Saunders puts it, in his recent commentary, Aristotle seems to be describing “Lennie’s intellectual range in Steinbeck’s *Of Mice and Men*, who can comprehend a train of reasoning but not institute one and work it out for himself.”⁵³ What characterizes Aristotle’s natural slave is the level of defect we identify with those retarded we consider capable of a supervised life in the mainstream. Saunders is qualifying W. W. Fortenbaugh’s earlier conclusion that “Aristotle’s view of slavery is neither psychologically foolish nor morally repulsive. Of course, there are no natural slaves in the world, so that the view remains theoretical.”⁵⁴

To call the retarded “natural slaves” strikes the modern reader as, at best, callous, but Fortenbaugh’s brief essay should alert us to the complex status of Aristotle in the ancient debate.⁵⁵ Slavery as a fact of life was well established and, according to Saunders, this section of the *Politics* is “our main evidence for the existence of some measure of controversy about it, legal, popular, and philosophical.”⁵⁶ Not only does Aristotle note the existence of controversy, he deploys his account of moral psychology to solve the problem by distinguishing the legitimate from the illegitimate cases of imposed mastery. The natural slave remains fully human, and, as Fortenbaugh puts it, “Aristotle not only recognises the capacity of slaves to perceive reason. He also honours it and protests against withholding reasoned admonition.” In this Aristotle criticizes those who would

treat even the natural slave as nothing more than an animal. "Offering a reason," Fortenbaugh suggests:

may be more than pragmatic and self-serving. It may also be giving a slave his due. For offering a reason involves acknowledging that slaves can follow reasoned admonition and judge for themselves whether or not a particular course of action is appropriate. In other words, to offer slaves reasoned admonition is to invite them to make the sort of decision they are capable of making.⁵⁷

This analysis highlights the difference between Aristotle and Sepúlveda. To be a mature and self-sustaining member of a functioning social order, regardless of its level of material development or its legal and moral make-up, *disqualifies* someone from being a natural slave. This, of course, was the point originally made by Vitoria, who went on to note, correctly, that Aristotle did not mean:

that it is lawful to seize the goods and lands, and enslave and sell the persons, of those who are by nature less intelligent. What he meant to say was that such men have a natural deficiency, because of which they need others to govern and direct them.⁵⁸

That he could even less have intended this of whole societies emerges from a full reading of the text, for immediately following the discussion of slavery Aristotle offers up a catalogue of the different types of life, from that of the nomad to the hunter-gatherer, the outlaw and the agriculturalist.⁵⁹ These are distinct and independent forms of life, whatever we want to say about their choiceworthiness. In any case, membership in none of these, of itself, serves to establish natural slavery.

Once again, a supposedly Aristotelian argument can be shown to have Ciceronian roots. When Sepúlveda writes that we observe in nature that the perfect dominate the imperfect and so on, he is echoing Augustine, one of his favorite authors, who is in turn reporting the argument of Cicero's *Republic* that:

the rule over provincials is just, precisely because servitude is the interest of such men, and is established for their welfare when rightly established; that is, when licence to do wrong is taken away from wicked men; and that those subdued will be better off, because when not subdued they were worse off.⁶⁰

There is much that can be said, and has been said, about this argument. One thing that assuredly must be said is that it is not by any stretch of the imagination an "Aristotelian" argument. This can be demonstrated by contrasting it with the Aristotelian account. Suppose, for example, we encounter a community that has

adopted, as its way of life, “brigandage.”⁶¹ If they direct their attentions toward us we would be entitled to repel them. And if we found it necessary we could suppress them. But once they had given up brigandage there would be no justice in confiscating their legitimately acquired goods. Nor, if we follow Aristotle’s argument, would there be any moral justification for subjecting them to our rule, even though they might, in some sense, be “better off.”

It is not open to Sepúlveda to follow the Aristotelian line of argument, however, if he wants to retain his conclusion. He needs to identify the Ciceronian position with that of philosophy generally and discount the thrust of Aristotle’s text if he is going to move from “natural slavery” to the natural empire of the best. In a passage almost certainly directed against his Dominican protagonists, Sepúlveda writes:

Look how they deceive you and how different my opinion is, since on my account the major proof we have for the crudeness, barbarity, and natural servitude of those people are precisely their public institutions, which are thoroughly servile and barbaric.⁶²

He specifically instances human sacrifice as the most nefarious of deeds, and having used the example of the children of Israel extirpating the sacrifices of Moloch, adds immediately that “God himself declared that this is a matter not only of divine law, but of natural law and applicable to all nations.”⁶³ This, of course, misses the point altogether. Vitoria had granted that murder of the innocent was grounds for forcible intervention, and at no point denied that the Indian practices were barbaric, but none of this justified the claim that “they are little or no more capable of governing themselves than madmen, or indeed than wild beasts,”⁶⁴ and it was only under that condition that there might be a legitimate title for Spanish dominion.

To Soto and the other legatees of Vitoria, Sepúlveda’s claims could scarcely look like anything other than gross sophistry. In the *Apologia* drafted for his Valladolid defence, Sepúlveda would cite not only Vitoria and Aristotle, but Aquinas, Scotus, John Mair, and a host of other authorities in his favor, provoking Las Casas to respond in exhausting detail.⁶⁵ It did not secure publication for his *Democrates*. In his summary of the arguments and counter-arguments Soto merely records the various points, though the arguments of Las Casas tend to overwhelm Sepúlveda’s.⁶⁶ In *De Iustitia et Iure*, however, Soto responds to “those who ask whether Christians, in virtue of the natural right of dominion, may invade infidel nations which, because of their uncivilized customs, seem to be natural slaves.” The answer, simply put, is no. He writes that:

From this reason alone we do not acquire any right whatsoever to subjugate them by force, since their inferior condition does not deprive them of liberty, as though they were chattel slaves or had been made

prisoners of war. And since liberty is the foundation of dominion, they retain all of their rights over their goods.

Soto goes further still, rejecting any Aristotelian pedigree for natural slavery as a license for conquest, noting that:

Aristotle did not locate this form of servitude solely between one nation and another, but between the individuals in a single city and in a single family. There are, as a matter of fact, natural slaves among the Christians of the same city who, nonetheless, may not be stripped of their possessions, even if they refuse to obey their natural superiors.⁶⁷

Natural law is clear for Soto, as it had been for Vitoria, that no one holds title either to the person or goods of another merely in virtue of their level of civilization or intellectual ability. Soto is even clearer than Aristotle that all communities are made up of individuals of different intellectual and moral abilities, but that this does not suffice to deprive the less endowed of their basic civil rights.

For his part, Sepúlveda believed that Las Casas had engineered his downfall in Valladolid, writing in the fall of 1551 of the “gossips, artifices, and machinations with which this astute and able charlatan has managed to thwart justice and obscure the truth.”⁶⁸ In Sepúlveda’s estimation he succeeded in convincing the more open-minded members of the committee and thus it is important to let his friends know they should not be upset “by those false rumors that have gotten round according to which the judgment was not in my favor.”⁶⁹

How is it that, despite his knowledge of Aristotle and Aquinas, and his immediate awareness of the arguments of the Spanish Dominicans, Sepúlveda sees them, and sees himself, in such a distinctive light that he has no qualms in drawing conclusions so manifestly at odds with that earlier Aristotelian tradition?⁷⁰ I hinted early on where we should look to answer this question. Sepúlveda’s early schooling at Alcalá was under a curriculum much influenced by “the patriarch of Spanish Humanism, Antonio de Nebrija.”⁷¹ Nebrija had studied in Bologna, played an important role in producing the Polyglot Bible, and in 1492 published the first Spanish grammar, writing in the prologue to Isabella that “when your Highness has subjected many barbarous peoples and nations of foreign tongues . . . they will have to accept the laws which the conqueror imposes on the conquered, and with them our language.”⁷² Although Erasmus called him Alcalá’s “principle ornament,” Nebrija was regularly in conflict with the Dominicans for his insistence that as a philologist he was entitled to establish the text of Scripture.⁷³ But most important for our purposes, Nebrija was an advocate of the curricular reforms of Lorenzo Valla. In an important article for historians of renaissance ethics, Lisa Jardine argues that the “new logical curriculum devised by humanists like Lorenzo Valla and Rudolph Agricola . . .

displaced almost entirely the ‘genuine’ logic of high scholasticism by 1530.”⁷⁴ Key to this transformation of logic is the treatment of the syllogism, which “becomes, within this program, one disputational technique among others, and indeed, is frequently regarded as too ‘obvious’ an argument strategy to be of much forensic use.”⁷⁵ Such simple approaches to argument are suspect because they fail to acknowledge the contested nature of truth claims and the credibility of non-syllogistic forms of argument connected with the topics literature from Cicero to Boethius.⁷⁶ Thus, on Jardine’s reading, Valla seeks “an ‘undogmatic’ dialectic,” that can help to navigate the more uncertain world of Ciceronian scepticism.⁷⁷

This Academic scepticism not only predates the Pyrrhonian revival of Montaigne, it maintains a different moral thrust. “For the Academic sceptic,” Jardine writes:

it is possible to arbitrate between *levels* of probability. Cicero believes that there is a strategy—a distinctive *ratio argumentandi* of Academic scepticism—for determining which of two or more alternative beliefs is the more probable (closer to, though always distinct from truth). The Academic will then choose to act in ways consistent with the ‘more probable’ alternative. The Academic method of rational exploration of alternatives enables him to make a positive decision about action . . . the Pyrrhonist leads him uncritically to conform to whatever is politically and socially expedient (it simply makes no difference.)⁷⁸

These passages are worth having before us for the way they capture the shape of Sepúlveda’s argument. What seems to be a straightforward natural law argument fails, by his lights, to acknowledge the difference of cultural and individual achievement between the Spanish and the New World natives. This is a difference that remains real, for Sepúlveda, even in those populations that are not involved in extensive human sacrifice. Thus there must be a more complex relationship to be established. While scepticism of the Pyrrhonian sort might paralyze political action, or lead, as in the case of Montaigne himself, to feeling a duty to submit to the demands of the state,⁷⁹ the Ciceronian is directed to look at alternative arguments, even and especially those that do not fit the simple syllogistic model.

This, of course, is precisely what Sepúlveda does when he turns to Cicero’s argument for the rule of the superior. “Because he is *aware* of uncertainty (as in general philosophers are not),” writes Jardine, “the orator is closer to wisdom than the philosopher, according to Valla: more ‘sophos’ than the ‘philosophos.’”⁸⁰ The case is not made less, but more credible, by the dialectical way in which Aristotle introduces the notion of the natural slave. There is no sure-fire way of determining who is a natural slave, though the point made by the Philosopher receives a certain intrinsic probability. Nonetheless, that neither the major nor minor premise of the practical syllogism—A) Natural slaves should be ruled by superior peoples;

B) The New World Indians are natural slaves; C) Therefore the New World Indians should be ruled by superior people—is certain does not mean that the conclusion does not hold. If there are natural slaves, they probably look more like the Indians than even our own peasants, pace Vitoria. Given that the argument can be argued to either conclusion (*in utramque partem*), the sound academic strategy is to assemble the collected authorities which can shore up the basic conclusion. When this conclusion is not necessary, its argument class is the *epicheireme*, an “argument in which the link between starting point and conclusion is not [syllogistic].”⁸¹ Rhetorically the most useful arguments here are the *inexplicabilia* such as the *sorites* and the liar’s paradox. Their resistance to simple analysis or solution is taken, by Valla, as evidence for the limits of the syllogism and the practical need to resolve important questions in alternative ways.

Sepúlveda’s use of Cortés and the conquest of Mexico is a case in point. “The Mexicans,” writes Sepúlveda, were “considered the most prudent and valerous” among the peoples of the New World. “Moctezuma, their king,” he goes on, commanded a extensive realm, including his capital “situated in a vast lagoon, a city well defended as much by its location as by its fortifications, similar, so they say, to Venice, but with almost three times the population.”⁸² Despite these resources, Cortés was able to cast Moctezuma into chains “before the stupor and inertia of his citizens, indifferent to the situation and interested in doing anything other than taking arms to liberate their king.”⁸³ “Is this not proof,” Sepúlveda asks, “that they are natural slaves? The fact that some of them seem to have some talent for various crafts is no argument for human prudence, given that we come across various animals, like bees and spiders, that make things no human facility has managed to imitate.”⁸⁴ To maintain that the ease with which Cortés conquered Tenochtitlan constitutes an *argument* for the propriety of conquest seems hardly credible. That the humanity of the natives can be dismissed as no more relevant than the facility of bugs is surely a landmark of European racism. But when it is deployed in conjunction with the notion of natural slaves and the propriety of the rule of the superior it is one more weight on the balance in favor of conquest; scholastic complaints to the contrary may be ignored. When Sepúlveda concludes, commending the just Spaniards who instruct their wards “in upright and humane customs” and exercising “just dominion, according to nature and at the same time temperate and humane, over the pacified cities,”⁸⁵ it is easy to hear in his “humanis probisque moribus” and “in Populos pacatos iustum pro ipsorum natura imperium mite, et humanum,” Anchises’s injunction: “Remember, Roman, these are your arts—to exercise empire over peoples, to impose the habit of peace, spare the vanquished, and subject the proud by force of arms.”⁸⁶ Like Anchises reminding the Romans, Sepúlveda exhorts the Spanish to embrace their empire, because it is just to impose the habit of peace, to spare the downtrodden, and to subdue the proud. That he did not find the need to quote Virgil directly is no doubt an effort to avoid repetition; Sepúlveda had used the passage to explicate the relations between justice and magnanimity in his first *Democrates*.⁸⁷

In one sense, at least, the imperial apologetics of Sepúlveda did not prevail. His petition to publish was rejected and the *Democrates Secundus* languished unpublished for over three hundred years. But this limited and local victory should not be overestimated, for the tradition of Vitoria and Soto, despite its luminary status in 16th century Spain, would soon be superseded. The analysis of political justice and international conflict will, in the next century, systematically sever its connections to the Aristotelian tradition, to be replaced by a legal paradigm that will ultimately be associated with the Dutch polymath Hugo Grotius.

The argument between humanists and scholastics, illustrated in microcosm by Soto and Sepúlveda, illustrates several frequently unnoticed aspects of humanist influenced ethics in early modern Europe. First, there is the persistent myth of the Renaissance as a watershed era, marking a shift from the parochialism of the medieval period to a more cosmopolitan vision. We continue to be reminded of the fate of Galileo and the even sorer one of Bruno. But the much remarked dignity of man asserted by so many humanists is restricted to men of a very special sort, namely those lucky enough to inherit the classical tradition of European antiquity. Other peoples, even when they are capable of building cities that rival the budding metropolises of Europe, have only such dignity as can be imparted to them by conquering benefactors. It is a commonplace of classical antiquity that justice is a matter of rendering to each his due, but it is the traditional Thomists of the second scholastic, hardly precursors of contemporary liberalism, who insisted that the canons of justice extended even to peoples of alien religion and less developed material culture. Soto, who stands at the beginning of the modern Catholic casuistical tradition, is much more committed to classical standards of political justice, informed by Aristotelian *epieikeia*, than the humanists and their heirs, from the “republicans” of the North Atlantic tradition to the pioneers of the North American west. And finally, though this last is only an earnest of work that needs to be done, we have good reason to believe that the erosion of the classical standards of argument represented by the humanism of Sepúlveda paves the way, intellectually at least, for the emergence of “reasons of state,” “the right to conquest,” and the “realism” of national interest under which political ethics continues to labor.

NOTES

¹ Research for this essay was undertaken under the auspices of a summer seminar on religion and statecraft funded by the National Endowment for the Humanities and chaired by James Turner Johnson and John Kelsay at Rutgers in the summer of 1996. Many thanks to the Endowment and to Professors Johnson and Kelsay, as well as the members of the seminar generally, for much helpful discussion and support. I would

also like to thank the readers for the *Annual* and those who offered comments in discussion, particularly Professor James Keenan, for their helpful suggestions. That they could not all be incorporated in the final product is no doubt a testimony to my lack of imagination.

² V. Beltrán de Heredia, *Domingo de Soto: Estudio biográfico documentado* (Salamanca: Instituto de Cultura Hispanica, 1960), 645. Here and throughout all translations from Spanish are mine. I have translated all unattributed Latin passages and sometimes modified the translations of others.

³ Aquinas, *Summa Theologiae*, 1a2ae, 92, 2. Compare Soto, *De Iustitia et Iure*, *Libri decem*, facimile edition, intro. Carro, Spanish trans. Gonzalez Ordonez, 5 vols. (Madrid: Instituto de Estudios Políticos, 1967-1968), I, 21. The first edition of Soto's *De Iustitia* appeared in Salamanca in 1553-1554, from the press of Andrés de Portonaris. De Portonaris brought out a second edition, "corrected and augmented in many places by the author himself," in 1556-1557. The source for all references is the facsimile edition. The pagination is continuous through all ten books and for ease of reference I have chosen not to provide the question and article, being content with book and page number. The standard works on Soto are Beltrán de Heredia, op. cit., and Venancio D. Carro, *Domingo de Soto y su Doctrina Juridica*, 2nd ed. (Salamanca: Biblioteca de Teólogos Españoles, 1944). Soto figures regularly in volume two of Quentin Skinner's *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), and in Albert R. Jonsen & Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988).

⁴ Aristotle, *Nicomachean Ethics*, trans. Ross, rev. Urmson & Ackrill (Oxford: Oxford University Press, 1980), 1137b. References to Aristotle are by standard Becker number, omitting the line numbers since they vary by translation.

⁵ Thomas Aquinas, *Summa Theologiae*, vol. 41 (2a2ae. 101-122): *Virtues of Justice in the Human Community*, ed. T. C. O'Brien (London: Eyre & Spottiswoode, 1972), 321.

⁶ O'Brien provides reference to the Aristotelian texts and Thomas's various comments, as well as some brief bibliography. Vitoria discusses *epieikeia* in conjunction with *ST IIaIIae*, 120, 1 at *Comentarios a la Secunda Secundae de Santo Tomás*, 6 vols., ed. Beltrán de Heredia (Salamanca: Biblioteca de Teólogos Españoles, 1932-52), VI, 270ff. Soto's discussion occurs at *De Iustitia*, I, 71ff. and is variously applied, as in the discussion of restitution at IV, 327ff.

⁷ "The Affair of the Indies" refers generally to the debate, ongoing throughout the 16th century, on the justice of the conquest and subsequent treatment of the New World natives. Interpretations are legion, but perhaps the most satisfying entry into the debate is through the compendium of sources in translation, with commentary and bibliography, compiled by J. H. Parry & R. G. Keith, eds., *The Conquerors and the Conquered: New Iberian World, Volume One* (New York: Times Books and Hector & Rose, 1984).

⁸ Vitoria, *Political Writings*, ed. & trans. Pagden & Lawrance (Cambridge: Cambridge University Press, 1991), 286. See also G. Scott Davis, "Conquest and

Conscience: Francisco de Vitoria on Justice in the New World," *Modern Theology*, 13/4 (1997): 475-500.

⁹ Aubrey Bell, *Juan Ginés de Sepúlveda* (Oxford: Oxford University Press, 1925), 4. Bell's quaintly partisan monograph seems to be the most extended work on Sepúlveda in English. J. A. Fernández-Santamaría, *The State, War and Peace: Spanish Political Thought in the Renaissance, 1516-1559* (Cambridge: Cambridge University Press), offers a brief sketch of Sepúlveda's career down to 1550, 163-169. The most comprehensive account of Sepúlveda's career is Angel Losada, *Juan Ginés de Sepúlveda a través de su Epistolario y nuevos documentos* (Madrid: Consejo Superior de Investigaciones Científicas, 1949) and his various editions and translations of Sepúlveda's works.

¹⁰ Cf. Charles Schmitt, "Alberto Pio and the Aristotelian Studies of his Time" *Società, politica e cultura a Carpi ai tempi di Alberto III Pio* (Padua: Antenore, 1981), 43-64.

¹¹ Bell, op. cit., 10.

¹² "Exhortación al Emperador Carlos V," in *Tratados Políticos de Juan Ginés de Sepúlveda*, trans. Angel Losada (Madrid: Instituto de Estudios Políticos, 1963), 1-27, 5.

¹³ *Ibid.*, 25.

¹⁴ *Ibid.*, 27.

¹⁵ Losada, op. cit., 184.

¹⁶ Sepúlveda, op. cit., 1963, 127-303

¹⁷ Henry Kamen, *Philip of Spain* (New Haven: Yale University Press, 1997), 5.

¹⁸ Juan Ginés de Sepúlveda, *Democrates Segundo O De Las Justas Causas de la Guerra contra Los Indios*, 2nd ed., ed. & trans. Angel Losada (Madrid: Consejo Superior de Investigaciones Científicas, 1984), 1.

¹⁹ Losada, op. cit., 573.

²⁰ Many accounts of the disputation at Valladolid may be found in the works of Lewis Hanke, e.g. *The Spanish Struggle for Justice in the Conquest of America*, (Philadelphia: University of Pennsylvania Press, 1949), 111-132. A detailed account of the period from the perspective of Soto may be had from Beltrán de Heredia, op. cit., 237-274. Soto's summary of the dispute is printed in Las Casas, *Tratados*, 2 vols. ed. Hanke et al., (México: Fondo de Cultura Económica, 1965), vol. 1, 226-285.

²¹ Sepúlveda, op. cit., 1984, 7.

²² *Ibid.*, 12.

²³ *Ibid.*, 11.

²⁴ "Rectamque gerendi rationem," *ibid.*, 13.

²⁵ *Ibid.*, 16-17.

²⁶ The passage, at 687a-b, occurs in an extended discussion of the human hand, and specifically in rebuttal of the claim that the human body is inferior to that of other animals. There is, of course, no connection to natural law or the justification of war.

²⁷ *De Officiis*, trans. Miller (Cambridge MA: Harvard University Press/Loeb Classical Library, 1913). Where Sepúlveda has "natura caeteros etiam animantes, unguibus, cornibus, dentibus, unguis, vel aliter armauit," Cicero writes "generi

animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinet ea, quae nocitura videantur, omniaque, quae sint ad vivendum necessaria.” By itself this would hardly be enough to secure the connection, but Sepúlveda, in his earlier work, put a passage from the same book in the mouth of Democrates (op. cit., 1963, 256) and will have him explicitly invoke Cicero a bit later in his discussion of natural law.

²⁸ *Idem.*, “homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt earumque praegressus et quasi antecessiones non ignorat, similitudines comparat rebusque praesentibus adiungit atque annectit futuras, facile totius vitae cursum videt ad eamque degendam praeparat res necessarias.”

²⁹ Cf. Brian Copenhaver & Charles Schmitt, *Renaissance Philosophy* (Oxford: Oxford University Press, 1992), 206ff.

³⁰ Cicero, op. cit., I, 11.

³¹ Cicero, *De Re Publica*, trans. Keyes (Cambridge, MA: Harvard University Press/Loeb Classical Library, 1928), III, 23.

³² *Ibid.*, III, 23. For Nonnius see Anthony Grafton, “Quattrocento Humanism and Classical Scholarship” in Arthur Rabil, ed. *Renaissance Humanism: Foundations, Forms, and Legacy*, 3 vols. (Philadelphia: University of Pennsylvania Press, 1988), vol. 3, 23-66.

³³ Juan Ginés de Sepúlveda, *Epistolario*, selection ed. & trans. Angel Losada, 2nd ed. (Madrid: Ediciones Cultura Hispanica del Centro Iberoamericano de Cooperación, 1979), 94.

³⁴ Op. cit., 13.

³⁵ *Ibid.*, 17.

³⁶ *Ibid.*

³⁷ *Ibid.*, 18.

³⁸ *Ibid.*, 19.

³⁹ At page 121, discussing the proper distribution of responsibility in the city, Sepúlveda has Democrates refer explicitly to this new translation: “It will not burden me to recite his [Aristotle’s] words themselves (for I have remembered them) in the translation of our friend Ginés.” The passage cited is from *Politics*, III. See Aristotle, *Politics*, trans. H. Rackham (Cambridge, MA: Harvard University Press/Loeb Classical Library, 1932), 1281b.

⁴⁰ Op. cit., 1984, 20.

⁴¹ In what appears to be his only established allusion to Vitoria in the *Demócrates Secundus*, at folio 30 of manuscript A, where Sepúlveda writes that “the fact that in a nation various people break the natural law does not mean that each and everyone does so, nor for this reason do we have to maintain that the entire nation fails to observe said law, as some modern theologians falsely believe” there is the marginal note “Fnuus Victoria in relectione.”(1984: 57) I confess that I cannot make this out in Losada’s reproduction.

⁴² *Ibid.*, 57.

⁴³ *Ibid.*, 58.

⁴⁴ *Ibid.*, 21.

⁴⁵ *Ibid.*, 22.

⁴⁶ *Ibid.*, 24.

⁴⁷ *Ibid.*, 27-28.

⁴⁸ *Ibid.*, 28.

⁴⁹ Aristotle, *Politics*, 1255a.

⁵⁰ *Idem.*

⁵¹ *Politics*, 1254b.

⁵² *Idem.*

⁵³ Trevor J. Saunders, *Aristotle, Politics Books I and II*, translated with a commentary (Oxford: Oxford University Press, 1995), 78.

⁵⁴ W. W. Fortenbaugh, "Aristotle on Slaves and Women" in Jonathan Barnes, Malcolm Schofield, & Richard Sorabji, eds., *Articles on Aristotle, Volume 2: Ethics & Politics* (London: Duckworth, 1977), 134-139, 137.

⁵⁵ I am not wholly unsympathetic to the sensibilities of one reader, who suggests "mentally handicapped" as an alternative to "retarded." Nonetheless, the older "retarded" does a better job of capturing Soto's argument, for there are many ways of being handicapped. Vitoria himself had remarked on the ignorance and deplorable education of the native Americans, but had argued that it was, by itself, insufficient to justify conquest. To consider the retarded is to bring into the argument individuals who, for whatever reasons, are naturally unable to achieve what we take to be the intellectual independence of the ordinary peasant. If, as Soto will argue, this natural defect does not justify conquest, then the bar has been set at an even higher level.

⁵⁶ *Op. cit.*, 79.

⁵⁷ *Op. cit.*, 137.

⁵⁸ Vitoria, *op. cit.*, 1991, 251.

⁵⁹ Aristotle, *Politics*, 1256a.

⁶⁰ Augustine of Hippo, *City of God*, ed. and trans. Green et al. (Cambridge, MA: Harvard University Press/Loeb Classical Library, 1960-1972), bk. XIX, 21.

⁶¹ Aristotle, *Politics*, 1256a.

⁶² Sepúlveda, *op. cit.*, 1984, 37.

⁶³ *Ibid.*, 40.

⁶⁴ Vitoria, *op. cit.*, 1991, 291.

⁶⁵ Juan Ginés de Sepúlveda, *Apologia*, Spanish translation of the original Latin texts, introduction, notes, and indices by Angel Losada (Madrid: Editora Nacional 1975). The *Apology*, in the translation of Losada with a reproduction of the first edition, is a very uncertain document. Losada notes that while offering "the Latin text of the first edition of Rome (1550), for the translation we have followed the text (with the epigraphs for the chapters) of the third edition (Madrid, 1870)." (47) This seems innocuous but it is not. The translation goes beyond the Latin to provide an "appendix", 70-82, that purports to provide a supportive letter from Vitoria's brother Diego, from which Sepúlveda concludes that Francisco must surely have sided with him against Las Casas. (79) In his note on this passage Losada takes this at face value and repeats it, with no supporting argument, in "The Controversy between Sepúlveda and Las Casas in the Junta de Valladolid" in Juan Friede & Benjamin Keen, eds. *Bartolome de Las Casas in History: Toward an Understanding of the Man and His Work* (DeKalb, IL: Northern Illinois University Press, 1971), 279-306, 304-305.

⁶⁶ Cf. Soto, "Prologo" to "Tratado Tercero" in Bartolomé de Las Casas, *Tratados*, 2 vols. ed. Hanke et al. (Mexico: Fondo de Cultura Economica, 1965), v. I, 226-285.

⁶⁷ Soto, op. cit., IV, 290. At the end of this very compressed argument Soto refers to his "work on the right to propagate the Gospel, where greater space will be found to speak of the dominion and right that the Catholic Kings exercise in the New World." (IV, 290., col. 2) Beltran de Heredia laments the fact that this work has not survived, (op. cit., p. 545) and to my knowledge no manuscript has so far been discovered.

⁶⁸ Sepúlveda, op. cit., 1979, 156.

⁶⁹ *Ibid.*, 160.

⁷⁰ This question is of considerably more than antiquarian interest, since Sepúlveda has not lacked for modern defenders, in and out of Spain. Of particular interest is the contrast between Fernández-Santamaría, op. cit., and Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*, rev. paper ed. (Cambridge: Cambridge University Press, 1986) on how to interpret the moral, legal, and theological background to Vitoria's thought. For worries on my part as to Pagden's grasp of Vitoria see Davis, op. cit. nn. 36, 38, 90. The detailed accounts of Fernández-Santamaría and Pagden that would clinch the arguments here would take us too far afield.

⁷¹ Carlos G. Noreña, *Studies in Spanish Renaissance Thought* (The Hague: Martinus Nijhoff, 1975), 21.

⁷² John Lynch, *Spain 1516-1598: From Nation State to World Empire* (Oxford: Blackwell, 1991), 4.

⁷³ Henry Kamen, *The Spanish Inquisition: A Historical Revision* New Haven: Yale University Press, 1997, 83, 123. For a survey of the development of Renaissance humanism in Spain, culminating in the work of Nebrija, see Ottavio Di Camillo "Humanism in Spain" in Rabil, op. cit., vol. 2, 53-108 and its extensive bibliography. In particular note the dispute between Bruni and Cartagena, starting in 1436, over the proper way to translate Aristotle, 71-75. Copenhaver provides a very nice sketch of Valla's "radical project of anti-philosophy". (op. cit., 209-227) The most famous of Valla's Spanish followers was Juan Luís Vives, who had, unfortunately, died in 1540. Cf. Vives, *In Pseudodialecticos: A Critical Edition*, introduction, translation, and commentary, Charles Fantazzi, (Leiden: E. J. Brill, 1979); see also Copenhaver, op. cit., 200-206.

⁷⁴ Lisa Jardine, "Lorenzo Valla and the Intellectual Origins of Humanist Dialectic" *Journal of the History of Philosophy* 15/2 (1977): 143-164, 144.

⁷⁵ *Ibid.*, 145.

⁷⁶ Aristotle's *Topics* investigates the ways in which arguments can be constructed in practical debate and as such is an important treatment of practical reason in relation to the development of logic. Cicero's *Topics* takes Aristotle as its point of departure, but incorporates much Stoic material. These discussions are imparted to the medieval tradition by Boethius, whose *De Topicis Differentiis* (Ithaca: Cornell University Press, 1978), and *In Ciceronis Topica* (Ithaca: Cornell University Press, 1988), have both been translated with copious annotation by Eleanore Stump. It may be helpful to consult my brief review of the latter in *Ancient Philosophy* 10 (1991):

316-319. For the medieval development of the literature on "topics" see Stump's "Topics: their development and absorption into consequences" in Kretzmann, Kenny, & Pinborg, eds. *The Cambridge History of Later Medieval Philosophy* (Cambridge: Cambridge University Press, 1982), 273-299.

⁷⁷ *Ibid.*, 148-149.

⁷⁸ *Ibid.*, 150.

⁷⁹ On Montaigne's sense of absolute obligation to the state, see Skinner, *op. cit.*, II, 280-282.

⁸⁰ *Op. cit.*, 151.

⁸¹ *Ibid.*, 160.

⁸² Sepúlveda, *op. cit.*, 1984, 35-36.

⁸³ *Ibid.*, 36.

⁸⁴ *Idem.*

⁸⁵ *Ibid.*, 122, 124.

⁸⁶ "Tu regere imperio populos, Romane, memento - hae tibi erunt artes - pacisque imponere morem, parcere subiectis et debellare superbos." *The Aeneid of Virgil*, ed. T. E. Page (London: MacMillan & Co., 1894), bk. VI, 851-853.

⁸⁷ *Op. cit.*, 1963, 223.