

**Bartolomé de Las Casas, defender of human rights  
and universal brotherhood**  
**The dispute of Valladolid versus Juan Ginés de Sepulveda**  
di Francesca Russo

The discovery of Americas implied a huge variety of political, social and economic consequences<sup>1</sup>. I would like to introduce some considerations upon one of the most interesting “cases” concerning the cultural debate about the way the Spanish behaved towards the natives. The aim of this brief essay is to introduce some considerations on the historical circumstances of the so called “dispute of Valladolid” which took place between 1550 and 1551, under the direction of Charles V and with the purpose of discussing the opposite theories concerning the natural rights of the Americans, as asserted by Bartolomé de Las Casas and Juan Ginés de Sepulveda<sup>2</sup>.

As the outstanding and well-known study of Cvetan Todorov *La conquête de l'Amérique. La question de l'autre* underlines, the relationship between the

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<sup>1</sup> This text was given by me at the Annual Meeting of the *Renaissance Society of America* held in Boston (April 1<sup>st</sup> 2016) in the session entitled *Spain between Europe and the New World: Culture, Politics and Power* organized by Salvatore Bottari ( University of Messina), Linda Curcio-Nagy (University of Nevada, Reno) and Gabriel Guarino ( University of Ulster), and sponsored by *Americas-RSA Discipline Group*.

<sup>2</sup> L.U. Hanke, *Aristotle and the American Indians. A study in Race and Prejudice in the Modern World. On the Debate at Valladolid in 1550-51 between Juan Ginés de Sepulveda and Bartolomé de Las Casas*, London, Hallis and Carter, 1959; Id., *All mankind is one. A study in the disputation between Bartolomé de Las Casas and Juan Ginés de Sepulveda in 1550 on the intellectual and religious capacity of the American Indians*, Dekalb, Northern Illinois University Press, 1974; D.R. Brusntetter, *Sepulveda and Las Casas, and the Other: exploring the tension between moral universalism and alterity*, in «Review of politics», LXXII (2010), pp. 409-439.

conquerors and the natives is complicated to describe<sup>3</sup>. It raises deep moral doubts and re-opens wounds which are still alive in the critical consciousness of the Europeans.

The Americans at the time of discovery were either considered as “different” namely as “others” but “inferior beings”, and as a consequence they were suitable to be spoiled and reduced into a state of slavery, or they were considered as “different” but still possessing the same natural rights as the Europeans, but were not respected for their peculiarities<sup>4</sup>. They were to be assimilated into European and Christian culture but normally using constraint or violence. In both cases, their original civilization had been wiped out, with the exception of very few traces that still remain nowadays. Both choices denounce an attitude of misunderstanding and of guiltiness on the side of the discoverers of the American continent towards its inhabitants. They had the presumption of coming from a more developed and a “superior” cultural *milieu*.

On the contrary they proved to be unable to compare themselves with different civilizations and even to try to improve by learning from other types of cultures. This attitude seems to be, in my opinion, a demonstration of weakness on the side of European culture in comparison with other systems of social life and values<sup>5</sup>.

The case introduced by the “dispute of Valladolid” is a very interesting one and, in this perspective, Bartolomé de Las Casas’ theories about the rights of native Americans and the behavior of the conquerors towards them are extremely significant. He, in fact, openly condemned slavery and stressed the need of spreading Christianity peacefully<sup>6</sup>. He was a good expert in the Americans’ different traditions that he had learned while living there, in several places and in different conditions of life, starting

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<sup>3</sup> T. Todorov, *La conquête de l’Amérique et la question de l’autre*, Paris, Éditions du Seuil, 1982, trad. it., Id., *La conquista dell’America e il problema dell’altro*, nota introduttiva a cura di P.L. Crovetto, Torino, Einaudi, 1984.

<sup>4</sup> AA. VV., *Guerra giusta e schiavitù naturale. Juan Ginés de Sepulveda e il dibattito sulla Conquista*, a cura di Marco Geuna, Milano, Edizioni Biblioteca Francescana, 2014; D.R. Brusntetter, D. Zartner, *Just war against barbarians: Revisiting the Valladolid debates between Sepulveda and Las Casas*, in «Political Studies», LIX (2011), pp. 733-752.

<sup>5</sup> For a correct approach to the contemporary “Just war debate” and to the discussion in historiography about the theoretical and philosophical foundations of the conquest of Americas, see L. Scuccimarra, *A new Valladolid? Leggere Sepulveda nell’epoca globale*, in AA. VV., *Guerra giusta e schiavitù naturale*, cit., pp. 269-294.

<sup>6</sup> M. Benzi, *Bartolomé de Las Casas, il difensore degli Indios*, Roma, La Piccola editrice, 1996; R. Devesa Brown, *Bartolomé de las Casas: el derecho a la libertad*, Xalapa, Veracruz, Comisión Estatal conmemorativa del V Centenario del Encuentro de dos Mundos, Gobierno del Estado de Veracruz, 1991.

from the experience of the *encomienda* system<sup>7</sup>. He reached, thanks to his personal growth in human living and faith, an intense belief that it was necessary to respect the cultural diversity of the natives and, most of all, their human rights. The Spanish should do their best to put the Americans into touch with European culture and with Christian religion but doing it smoothly, while condemning all forms of violence and of robbery on the side of the conquerors and banishing all aggressive methods in the future<sup>8</sup>.

Las Casas was born in Sevilla in 1484<sup>9</sup>. His father Pedro was a merchant who, in September 1493, after the death of Bartolomé's mother, had decided to join Colombo's second expedition towards the "new world"<sup>10</sup>. He found his way to Hispaniola island, where he settled for a long period of time. He went back to Spain in December 1499 but in September 1501 he decided to face the ocean once more till he reached to the Hispaniola island where he settled<sup>11</sup> once more.

His son Bartolomé went with him<sup>12</sup>. The young Las Casas had received a good education in Humanities, so he was already a very skilled writer, both in Spanish and in Latin<sup>13</sup>. As soon as Bartolomé reached the "new world", as witnessed in his *Historia de las Indias*, being a sensible and god-natured young man, he felt deeply struck by the behavior of his companions, willing even to reduce men into the state of slavery in order to gain large amounts of money by doing so<sup>14</sup>.

The young Las Casas gained a very long experience concerning the conditions of native Americans during his life. He also lived in an *encomienda* for a long while<sup>15</sup>. He succeeded in this way to have his own personal critical ideas about the system of colonization of the *encomiendas*. Most of all he strongly rejected the methods of many conquerors, who seemed only keen to try to obtain some economic gain by taking advantage of the natives and of their properties. It was very clear to him that the conquerors used the excuse of

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<sup>7</sup> B. Hernández, *Bartolomé de Las Casas*, Barcelona, Taurus, 2015.

<sup>8</sup> M. Ponz De Leon, *Un uomo di coscienza. Vita e pensiero di Bartolomé de Las Casas*, Rimini, Il Cerchio, 2009, pp. 148-151.

<sup>9</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, Milano, Jaca book, 1998, pp. 11-12.

<sup>10</sup> Ivi, p. 13.

<sup>11</sup> Ivi, pp. 14-16.

<sup>12</sup> Ivi, p. 16.

<sup>13</sup> *Ibidem*.

<sup>14</sup> Ivi, p. 18; B. De Las Casas, *Historia de las Indias*, edited by J. Perez de Tudela and E. Lopez, Madrid, 1947, vol. I., h. 122, p. 327a.

<sup>15</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 21-23.

the conversion of the Americans only to re-enforce their own power and to find to get their own personal goals, namely that of obtaining more wealth<sup>16</sup>.

Most likely in 1506 Las Casas became a priest and after a short period of time spent in Rome and in Spain, he moved once more to the Americas<sup>17</sup>. In 1523, in San Domingo, he entered the Dominican order<sup>18</sup>. By that time he had reached a very high level of knowledge in theological and juridical studies<sup>19</sup>. He was completely familiar with the founding sources of the order, most of all with the *Summa Theologica* by Saint Thomas Aquinas. He studied the neo-scholasticism method of studying philosophy and theology too, encouraged by Thomas de Vio Cajetan, and most of all by Francisco de Vitoria, Professor at the University of Salamanca. Prof. Vitoria too, as Las Casas, was interested in the theoretical issues, connected with the discovery of America<sup>20</sup>. Vitoria tried to find an answer to the main question, namely if the Pope had the right to give the King of Spain the power of “patronage”, namely political power over the new lands in order to convert the inhabitants to Catholicism. The positions of Vitoria and Las Casas were different on this point<sup>21</sup>.

Later on Las Casas spent a long part of his life in the American lands preaching the Catholic faith and defending the natives from the abuses of the Spanish<sup>22</sup>. He had the occasion of presenting many cases for debate to the Council of the Indies and to the Emperor himself. His efforts in defending the Americans’ rights had as a positive result the decision, taken by the Emperor Charles V on 20<sup>th</sup> November 1542, to issue the “the new laws” concerning the Spanish rule in the new world, and their attitude towards the natives<sup>23</sup>. The “new laws” consisted of 40 articles, plus several supplementary rules inserted following Las Casas’s insistence. What Las Casas tried to do with energy was to stop slavery. He didn’t get his goal completely but, nevertheless, he gained some results. According to the “new laws” it was forbidden on the side of the Spanish to get new slaves among the Indians<sup>24</sup>.

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<sup>16</sup> L. Mora Rodríguez, *Bartolomé de Las Casas: conquête, domination, souveraineté*, Paris, Presses Universitaires de France, 2012.

<sup>17</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 23-25.

<sup>18</sup> Ivi, p. 79.

<sup>19</sup> L.A. Clayton, *Bartolomé de Las Casas: a biography*, Cambridge University Press, 2012.

<sup>20</sup> Ivi, pp. 79-81.

<sup>21</sup> M. Martinelli, *Il pensiero giuridico di Bartolomé de Las Casas e l’Evangelizzazione delle Indie*, Roma, Aracne, 2011, pp. 39- 48;

<sup>22</sup> D.T. Orique, *The life, labor and legacy of Batolomé de Las Casas*, in «Peace review: a transnational quarterly», XXVI (2014), pp. 325-333.

<sup>23</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 130- 134.

<sup>24</sup> *Ibidem*.

The *encomenderos* were also compelled to set all the slaves, who were not legally connected to them, free. After the death of the *encomenderos*, in any case, the slaves should become free and as such they became directly subject to the Emperor and to nobody else. Las Casas was partly satisfied with his success, but he was at the same time worried since it was not easy to make everybody respect the new laws. He would have by far preferred to obtain a clear condemnation of the *encomienda* social structure, of slavery itself and of war. Anyway Las Casas reached a huge popularity thanks to the “new laws”<sup>25</sup>. On 19 December 1543 he was nominated by Pope Paul III Bishop of Chiapas, choosing to get no income for this new position<sup>26</sup>. He wanted to live as near as possible to the local people. He remained Bishop there until 1547<sup>27</sup>. He continued to defend the rights of the natives also writing a treatise, *Memorial de suplicas*, imploring the Emperor to stop violence and put an end to the robberies, made in the name of Christ, in the New World<sup>28</sup>. Of course Las Casas gained in Spain, and among the *encomenderos*, many enemies. His theories were rejected by those who had easily obtained huge profits after the discovery of Americas<sup>29</sup>.

This new trend found an ideological supporter in Juan Gines de Sepulveda<sup>30</sup>. He was a theologian and a philosopher who had studied for a long while in Italy. He was known also as the translator of Aristotle<sup>31</sup>. In his *Democrates primus*, published in Rome in 1531 and translated into Spanish in 1541, he had asserted, quoting also the great Greek philosopher, that the more civilized nations had the right to rule upon the underdeveloped people considered like minor human beings but to be brought up into a better condition<sup>32</sup>.

In 1543 Sepulveda published in Rome another essay, under the protection of the former General of the Dominican Order, and President of the Council of

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<sup>25</sup> *Ibidem*.

<sup>26</sup> *Ivi*, pp. 135- 139.

<sup>27</sup> M. Ponz De Leon, *Un uomo di coscienza. Vita e pensiero di Bartolomé de Las Casas*, cit., pp. 121-135.

<sup>28</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., p. 132; B. De Las Casas, *Obras escogidas: opusculos, cartas, y memoriales*, vol. V, edited by Juan Pérez de Tudela y Bueso, Madrid, 1958, pp. 181-213.

<sup>29</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 170-172.

<sup>30</sup> S. Muñoz Machado, *Biografía de Juan Ginés de Sepulveda*, Pozoblanco, Ayuntamiento de Pozoblanco, 2012.

<sup>31</sup> W. Ghia, *Tra Spagna, Italia e nuovo mondo: il pensiero politico di Juan Ginés de Sepúlveda*, Napoli, Edizioni Scientifiche Italiane, 2008.

<sup>32</sup> J. Ginés De Sepúlveda, *Dialogo sull'accordo tra la professione delle armi e la fede cristiana*, a cura e con un saggio introduttivo di Vincenzo Lavenia, Macerata, Quodlibet, 2015.

the Indies, Garcia Loaysa, the *Democrates alter, sive de justis belli causis*<sup>33</sup>. *Democrates*, the main character of the work, criticizing Erasmus, asserts that war is an unavoidable relief, in case it is used to force the barbarians to live in the civilized world<sup>34</sup>. Las Casas, knowing the content of *Democrates alter*, reacted immediately<sup>35</sup>.

In September 1547 he coordinated an intellectual campaign against Sepulveda and this was the first step of their controversy, before the Valladolid debate<sup>36</sup>.

In April 1548 the Universities of Alcalà and Salamanca condemned Sepulveda's thesis and the book didn't get the *imprimatur*<sup>37</sup>. Las Casas addressed himself also to Domingo de Soto, an important theologian and a pupil of Vitoria, very near to Charles V, in order to clarify the situation of the Americans and to explain why he suffered so much owing to the new cultural trends represented by Sepulveda's theories. He openly asked the Emperor to do something in order to banish the use of violence in America. This would have been, according to him, the main aim to pursue in order to diffuse and support the "new laws"<sup>38</sup>. Unfortunately this appeal turned into a complete failure<sup>39</sup>.

On the other side Sepulveda reacted strongly: he was a powerful man, he was the "*Hofmeister*" of Philip of Habsburgs and had the support of the Archbishop of Sevilla, the General Inquisitor Hernando de Valdes. He asked the Universities of Alcalà and Salamanca to examine his *Democrates alter* once more but also to analyze carefully Las Casas' *Confessor's Handbook*, that he vehemently considered a wicked and heretical text<sup>40</sup>. Las Casas obviously answered with a new treatise, defending his ideas and showing the correspondence of his ideas to Christian faith. He was still very popular in the Council of Indies. Sepulveda obtained no results<sup>41</sup>. That's why, on November 29<sup>th</sup> 1549, Sepulveda formally asked the Emperor Charles V to open a general discussion on the situation in the Indies<sup>42</sup>. Finally, on July 7<sup>th</sup> 1550, Charles V

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<sup>33</sup> J. Ginés De Sepúlveda, *Democrate Secondo, ovvero sulle giuste cause della guerra*, a cura e con un saggio introduttivo di Domenico Taranto, Macerata, Quodlibet, 2009.

<sup>34</sup> *Ibidem*.

<sup>35</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., p. 171.

<sup>36</sup> *Ivi*, pp. 171-172.

<sup>37</sup> *Ibidem*.

<sup>38</sup> *Ivi*, pp. 172-174.

<sup>39</sup> *Ibidem*.

<sup>40</sup> S. Di Lisio, "Sepulveda, Las Casas e il dibattito di Valladolid", in AA. VV., *Guerra giusta e schiavitù naturale*, cit., pp.137-155.

<sup>41</sup> S. Di Lisio, "Introduzione", in B. De Las Casas - J. Ginés De Sepúlveda, *La controversia sugli Indios*, Bari, Edizioni di Pagina, 2007.

<sup>42</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., p. 175.

decided to convene a formal Assembly in Valladolid, of jurists and theologians to discuss together the general issue of the Conquest<sup>43</sup>. The aim was to debate the ways to spread Christian faith in the New World and in which way the natives should be considered by the Emperor, if he was the ruler of the Americas or not, following the papal bull *Inter caetera* issued by Pope Alexander VI in 1493<sup>44</sup>. In this document the Pope had granted to the Kings of Castilla and León, and to their heirs, the possessions of the recently discovered lands, provided he lands were not ruled by any Christian Sovereign, with the aim of helping the natives to convert themselves to Catholicism<sup>45</sup>. The theoretical debate, that ended in April 1551, was mostly about the better way of interpreting this document, even though the main issue was to agree upon the way in which the Spanish nation perceived its role in the world<sup>46</sup>. As a matter of fact, it was a sort of an attempt to an insight view of the nation itself, and the role of the intellectuals towards the prominent theme of human rights. Religion and morality were deeply involved in this judgment.

Las Casas and Sepulveda should have theoretically similar views, being both theologians and men of faith, but their positions upon natural rights, war, slavery and international laws were extremely distant. The Valladolid debate took place in the *Collegio de San Gregorio*<sup>47</sup>. There were 14 members gathered there. Four among them were theologians (3 were members of the Dominican Order). There were Domingo de Soto, who had left the role of confessor of the Emperor, Melchior Cano, Bartolomé Carranza and the Franciscan friar Bernardino de Arrevalo<sup>48</sup>. There were also the members of the Council of Indies, who were mostly convinced of the value of Las Casas' ideas and a member of the Council of Castile, who had blamed Las Casas for his *Confessor's Handbook*<sup>49</sup>.

The sources that we are using to get to know better details about the debate that took place there are the summary, written by Domingo de Soto,

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<sup>43</sup> S. Di Lisio, "Sepulveda, Las Casas e il dibattito di Valladolid", in AA. VV., *Guerra giusta e schiavitù naturale*, cit., pp. 137- 138.

<sup>44</sup> Ivi, pp. 142- 146. D. Taranto, "La 'Bolla Alessandrina e la guerra giusta'. Note sul rapporto tra l'ecclesiastico, il politico e il religioso in Sepúlveda", in AA. VV., *Guerra giusta e schiavitù naturale*, cit., pp. 31-52.

<sup>45</sup> Alexander VI, "Inter caetera (die 3 maii 1493)", in *America Pontificia. Primi saeculi evangelizationis 1493-1592. Documenta Pontificia ex registris et minutis praesertim in Archivio secreto Vaticano existentibus*, collegit, edidit J. Metzler, Città del Vaticano, Libreria Editrice Vaticana, 1991, I, pp. 71-75.

<sup>46</sup> S. Di Lisio, "Sepulveda, Las Casas e il dibattito di Valladolid", in AA. VV., *Guerra giusta e schiavitù naturale*, cit., p. 138.

<sup>47</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., p. 177.

<sup>48</sup> *Ibidem*.

<sup>49</sup> *Ibidem*.

who was personally very close to Las Casas' beliefs<sup>50</sup>. We can also take into consideration the treatises written by Las Casas and Sepulveda in order to point out their theories and imagine a possible victory in the debate, which was never formally outlined<sup>51</sup>.

Sepulveda was the first one to try to expose his doctrines in front of the Assembly, stating that it was correct to move war against the native Americans in order to diffuse Catholic faith<sup>52</sup>. He explained that they were barbarians, committing terrible sins, having a less civilized nature, and practicing even cannibalism. So that, quoting Aristotle, he affirmed that they should be ruled by the Spanish and to be Christianized using violence when necessary<sup>53</sup>.

Las Casas strongly rejected the legitimacy of the war and of the use of force to diffuse the Catholic faith in the New World<sup>54</sup>. He asserted that Sepulveda didn't know at all the culture and the habits of the natives. They could not be called "barbarians" in the Aristotelian sense<sup>55</sup>. In any case, even if it were so, it was necessary for Catholics to follow the Gospel rather than Greek philosophy<sup>56</sup>. Jesus Christ, as Las Casas explained, wanted the Christians to spread His message by encouraging good examples with their lives, with the practice of charity and of brotherhood. There is no possibility for a Christian, following Las Casas' ideas, to legitimate war in order to convert people in the framework of Catholic faith<sup>57</sup>.

The aim of Pope Alexander VI, in his bull *Inter caetera*, had been to ask the kings of Castile to send to the New World virtuous people to work for a correct religious education of the natives. He didn't want to send any thieves or tyrants willing to reduce those men and women into slavery<sup>58</sup>. Quoting Thomas Aquinas he stresses the idea that political power is created for the common advantage of all the people living within the community.

One could ask the natives of America to recognize the ultimate power, in the meaning of protection, of the King of Spain, only if he, in this case Emperor Charles V, is willing to guarantee the full respect of their human rights<sup>59</sup>. Las Casas theorizes the *consensus populi* (also in his treatise *De regia potestate*) as the

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<sup>50</sup> Ivi, pp. 177-178; D. De Soto, "Sumario", edited by J. Brufau Prats in Id., *Relecciones y Opúsculos*, Salamanca, Editorial de San Esteban, 1995, pp. 199-227.

<sup>51</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 178-179.

<sup>52</sup> Ivi, p. 179.

<sup>53</sup> *Ibidem*.

<sup>54</sup> Ivi, p. 180.

<sup>55</sup> *Ibidem*.

<sup>56</sup> M. Ponz De Leon, *Un uomo di coscienza. Vita e pensiero di Bartolomé de Las Casas*, cit., p. 146.

<sup>57</sup> *Ibidem*.

<sup>58</sup> Ivi, pp. 146-147.

<sup>59</sup> Ivi, p. 148; M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp. 182-185.



foundation of all political power, even in the new lands, and not only in the European States<sup>60</sup>.

There would have been many other aspects of the Valladolid controversy to point out and to discuss: I will leave this to further essays.

As a matter of fact the Valladolid debate ended after a long year of discussions, without a real winner or loser. Both contenders claimed victory<sup>61</sup>. Las Casas spent the rest of his life printing his papers about the thesis he had presented during the controversy and trying to spread his ideas in order to restrict, as he asserted, Sepulveda's "wicked" theories<sup>62</sup>.

This controversy remains, in my opinion, a very interesting case in historiography, for the different interpretations given by the main characters involved in it, the content of the debate and all the ensuing results.

It is really remarkable, in all cases, that at least for a short while Europe was obliged to reflect upon itself, upon its behavior towards the others, showing in front of a sort of mirror its real qualities but, most of all, its terrible mistakes.

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<sup>60</sup> Ivi, p. 186; S. Di Lisio, "Sepulveda, Las Casas e il dibattito di Valladolid", in AA. VV., *Guerra giusta e schiavitù naturale*, cit., pp. 154-155; B. De Las Casas, *De regia potestate*, a cura di G. Tosi, prefazione di D. Zolo, Roma- Bari, Laterza, 2007.

<sup>61</sup> M. Mahn-Lot, *Bartolomeo de Las Casas e i diritti degli indiani*, cit., pp.187-188.

<sup>62</sup> Ivi, pp. 189-191.