On Mexican Philosophy

Lecture 2: Ignorance and Atrocity

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Introduction

Despite its sometimes reputation as, at best, confusion and obfuscation, and at worst, uselessness, philosophy has a remarkable record of influence on human life. Adam Smith's invention of the theory of free market economics, Marx's development of socialism, Comte's work on the foundations of sociology, Russell and Whitehead's work on the logical foundations of mathematics, and Singer's defense of animal rights, are all visible cases of deeply philosophical work reshaping both the academic and larger world.

Even so, the immediate visible stakes for most academic debates in philosophy tend to be pretty low. We fret about the success of an argument here, the plausibility of a counterexample there, or the minor changes in the social status of the people involved. Maybe someday this paper, or that literature, or that debate, will have broader consequences, but it is usually enough that it contributes to getting a job, tenure, or promotion— and failing all of that, one might be satisfied with improving one's own understanding.

If the wider tendency of philosophy is to be low stakes at a moment with larger stakes emerging over time, there has been at least one historical moment at which the stakes were immediately and transparently high. In that instance, what hung in the balance were wars of conquest, the status of millions of people, and the nature of just governance of those people. I am referring, of course, to the debate held in the city of Valladolid, Spain during 1550-1551.

The debate was the product of one of the most astonishing moments in the history of imperial expansions. The king of Spain, Charles V, ordered a halt to ongoing wars of conquest until the morality of those wars and their methods could be decided (Hanke 1974: 67). In doing so, he was responding to extended and vocal criticism by a variety of figures concerned about the ethics of Spanish wars of conquest. Chief amongst the agitators was Bartolomé de las Casas. It was therefore no surprise that he was one of the two figures asked to make his case at the debate. The opposing advocate, the proponent for ongoing use of military force in the Americas, was Juan Ginés de Sepúlveda. Sepúlveda was prominent thinker, trained in law and theology, who had held several court positions and had authored two treatises defending the use of warfare on the behalf of Christianity.

It nearly goes without saying that there were no indigenous peoples invited to the debate at Valladolid. Instead, Las Casas and Sepúlveda separately presented arguments to a panel of judges. So, the indigenous peoples had no formal voice in the Spanish court or in this debate, and their interests were entirely mediated by Las Casas' concern to spread the Catholic faith in the new world. To be sure, Las Casas seemed to have been well-regarded by a number of those on behalf of whom he spoke. In 1556, five years after the debate, a group of indigenous elites

would petition the King of Spain to formally appoint Las Casas as their "defender" and advocate in the Spanish court (León-Portilla 2006: 152-4). However, the efforts of indigenous peoples to be heard in their own terms and to be regarded as intelligible within the institutions of Spanish authority were largely unsuccessful (Cf. León-Portilla 1963: 62-70; Dussel 1995: 106-117).

In the United States, at least, the Valladolid debate between Las Casas and Sepúlveda has had a double life. Las Casas, at least, is sometimes taught as part of the history of Iberian colonization in the Americas. In those contexts, the focus tends to be on Las Casas' dramatic presentation of the horrors of colonization. In contrast, it is somewhat rarer for the typical undergraduate course to spend much time on the details of his argument with Sepúlveda. Serious work on Sepúlveda's thought is rarer still. Partly, this is a matter of the particulars of his views, which sought to justify Spanish colonization. Partly, it is a product of there being no complete English translation of any of his published works. (Las Casas, at least, enjoys good availability of English translations.)

For all the prominence that the debate enjoys in departments of History and Latin American studies, in Anglophone philosophy departments these figures and their issues are not even ghosts. The debate between Las Casas and Sepúlveda is virtually never taught, except (perhaps) in the rare instance of a course on Latin American philosophy. Even in these contexts, the focus tends to be away from the particular arguments of the debate and instead on their larger historical and moral significance.

One explanation for this has to do with the nature of Las Casas' *Defense*. Partly by disposition and partly from a sense of urgency, he is never content to employ one argument when three will do. The result is a shaggy mess, a pile of loosely integrated arguments, invocations of religious authorities, old-fashioned distinction-making, exegesis of sometimes variable credibility, and the relentless rhetoric of an activist who has seen too much horror to be dispassionate about the issues. The result is a work that tends to make the philosophical moves less appreciable to 21st century philosophers and their students.

Among some Latin American philosophers, Las Casas' work is widely recognized as an important moment in the awakening of a "counter-discourse" to Eurocentrism and modernity (Villoro 2017 [1950]; Dussel 1995 [1992]), a recognition of the humanity, interests, and dignity of the indigenous peoples of the Americas. Commentators laud Las Casas' imperfect but aggressive defense of what he perceived to be the interests of the indigenous peoples of the Americas, and he is widely regarded as a symbol of the possibility of moral insight and moral progress. Sepúlveda, in contrast, has only fared badly in the Anglophone literature. When his work is cited, it is only as an example of the naked material interests of colonizers everywhere, and the effects of motivated reasoning writ large.

This basic picture is not wrong. Las Casas is a case of flawed but very real virtue. In contrast, Sepúlveda appears remarkably unconcerned about the effects of the policies he advocates for the indigenous peoples, as he enthusiastically rejects egalitarianism between them and the

Spanish. Instead, he calls for conquest of them, extensive colonization, and the wholesale destruction of their cultural practices.

Once we put to the side the question of hero and antagonist, though, we find that the underlying philosophical issues are more complicated than the standard story conveys. At least the core issues—namely, those regarding the nature of rationality and the availability of moral knowledge—remain contentious in contemporary philosophy, and the approaches to the issues of both of these figures remain instructive. In what follows I try to lay bare the philosophical stakes in a way that is largely devoid of the particular scholastic and (sometimes Renaissance humanist) terms in which they framed their disagreements. My ambition is to articulate and evaluate their views in a way that might be appreciated by those who don't share their antecedent commitment to 16th century Catholicism, and that might still be instructive for those of us thinking about rationality and moral disagreement today.

I begin with a brief overview of the main issues in the debate, before turning to what I regard as the philosophical core of Las Casas' view. There is a great deal that is immediately recognizable as familiar and plausible about his picture. However, careful reflection suggests that the same is true about the philosophical heart of Sepúlveda's view, and indeed, that there are issues Sepúlveda identifies that cause trouble for contemporary inheritors of Las Casas' picture of moral agency and moral knowledge.

The debate

The primary issue of the Valladolid debate was whether or not the use of military force to secure the imposition of Spanish control over indigenous territories was justified. Sepúlveda offered four principal arguments to justify wars of conquest: concerns about rational moral impairment among the indigenous populations (natural slavery, in the parlance of his time); the need to halt the perpetuation of ongoing atrocities (cannibalism and human sacrifice); the imperative to spare the lives of innocents affected by those practices; and lastly, the importance of creating conditions conducive to the free acceptance of Christianity.

Las Casas rejected each of these considerations, arguing that Sepúlveda had misunderstood the nature and significance of natural slavery, and further, that the only relevant notion of natural slavery did not apply in this case. He also insisted that Spain lacked theological and political authority over the indigenous populations, that warfare would harden the hearts of the indigenous people, that it would impede the uptake of Christianity, and that warfare had and would continue to involve the slaughter of large numbers of innocents. (On the matter of the atrocities perpetuated by the indigenous peoples—human sacrifice and cannibalism—matters were more complicated. We'll return to those issues in a bit.) By Las Casas' lights, the only permissible way to convert the indigenous peoples of the Americas was through peaceful evangelization, by teaching and demonstrating the virtues of the Christian life. This was what licensed the Spanish presence in the Americas, and ongoing wars of conquest betrayed that purpose.

These disagreements occurred against a background of agreement that few of us would be inclined to take up entirely. For example, Las Casas and Sepúlveda both agreed that Spain's presence in the Americas was necessary, that conversion to Christianity was not merely desirable but a moral imperative, and that the world had a natural order to it ordained by God. Crucially, both parties agreed that forced conversion to Christianity was impermissible (and at least Las Casas thought, impossible). The most that anyone was permitted to do was to create conditions hospitable to the free acceptance of Christianity. The sticking point was, of course, *which* conditions were suitably hospitable to the spread of Christianity. For Las Casas the fact of indigenous rationality was enough; for Sepúlveda, the conditions for free election of Christianity in the Americas was only attainable under Spanish dominion.

Las Casas' moral rationalism

In discussions of the debate between Las Casas and Sepúlveda, it is natural to focus on their disagreement about whether the indigenous peoples were barbarians or "natural slaves," and what such labels came to in the respective worldviews of the interlocutors. For my purposes, though, what makes these disagreements interesting, though, is not the labels, or their Aristotelian provenance, or whether the indigenous peoples, the Spanish, and Christians have been barbarians in some or another sense. The issue at the heart of this part of Las Casas and Sepulveda's disagreement concerns the nature and origin of rational powers in humans.

Las Casas believed that at least part of the essential nature of humans is their rationality, or more carefully, their ability for self-governance in light of their rational capacity. For Las Casas, this picture is part of a broader natural law view, according to which This is the idea that natural law—the basic principles of practical rationality—are accessible and binding on all things with a human nature.) The idea of an essential human nature is important for Las Casas; and it largely explains why he doesn't think it plausible to attribute a fundamental irrationality either to entire nations or to the large number of peoples in the Americas. He allows that there can be local exceptions of individual irrationality, but that's what they are—local deviations. What one should expect to find—and what one does find everywhere there are significant numbers of humans—is ample evidence of a rational capacity being deployed in human social organization, government, norm-generation, and so on.

According to Las Casas, the rational capacity that is essential to humans grounds at least two further noteworthy properties: the first is a kind of freedom, and the second is a presumptive right to non-interference. The free exercise of the will is made possible by the rational capacity of humans. Freedom just is the ability to govern one's will in light of reason. As he puts it, "Rational human nature endows men with freedom; as rational, they are born free. All men share this rational nature; it follows then that God did not create slaves; He conceded equal freedom to all men" (translation from Beuchot 1998: 29).[1]

[1] ["En cuanto al hombre se demuestra, porque desde el origen de la naturalez humana racional todos los seres humanos nacían libres. Puesto que siendo todos los hombres de igual naturaleza, no hizo Dios a un hombre servo, sino que a todos concedió idéntica libertad"]

It is worth recognizing that Las Casas' is strikingly anti-paternalistic throughout his defense of the indigenous peoples' right not to be subject to wars of conquest. Supposing, with Las Casas, that freedom and the right to self-governance are grounded in cross-situationally effective rational powers, then a more demanding standard of justification of coercive interventions against such individuals would have to be met. In our current philosophical literature, there is some inclination to think that concerns about individual liberty are distinctively modern in the sense of being tied to Enlightenment thought, 18th century political revolutions, or more generally, colonial expansions in Europe (Dussel 1995). However, Las Casas' clear commitment to it is not unique, even in his period (cf. Vitoria xxxx; maybe Dante's essay de monarchia xxxx). Moreover, as a number of commentators have observed, Las Casas understands his own commitments to be firmly grounded in the example of Jesus' approach to peaceful teaching and preaching (Andújar 1997: 83-4; Las Casas xxxx).

Las Casas goes on to follow the logic of his anti-paternalistic picture to a remarkable degree, holding that political authority is rooted in consent of the governed, and that authority has to be *granted* to princes and kings (Losada 1971: 296, 303; Beuchot 1998: 34). So, nations with governments that have the consent of their citizens can make demands on their citizens, but external powers, which lack authority bestowed by the governed, are precluded from doing so.

The mere fact that the indigenous peoples were possessed of rational capacities would not suffice to show that the peaceful propagation of Christianity was possible, unless one also thought that such powers included the ability to readily discern truths about the moral order (and more broadly, to receive grace and revelation). Unsurprisingly, however, Las Casas thinks that the ability to recognize basic moral truths is a relatively stable feature of human perceptual architecture, plausibly a corollary of the rational capacities of humans and the ordered nature of the world.

The core features of Las Casas' picture are familiar ones in contemporary philosophy. For example, there is a well-known family of views that emphasize the idea that rational capacities are central to human freedom, culpability, and moral status (Cf. Wolf, Fischer, Wallace, Nelkin, Brink). At the same time, there is a family of contemporary views according to which moral ignorance is typically, maybe even always culpable (Moody-Adams 1994; MacIntyre 1999: 314, ; Smith 2004: 203; Guerrero 2007: 71-2; Harman 2011: 462). On this view, apparent ignorance is either merely affected (Moody-Adams 1994: 298-303; 306-8, MacIntyre 1999: 314, 328) or in the case of factually informed wrongdoers, a product of culpable failure to make use of available evidence that is sufficient for discerning the moral truth (Harman 2011: 462-3; although see 455-8 for some qualifications). What unites these views with those of Las Casas, despite a gulf of 500 years and a radically different picture of ontology, is the conviction that "people possess the capacity to grasp the moral truth regardless of their particular social contexts—the capacity for moral transcendence—[and that] they can't appeal to features of that context looking for exculpation. Rather, failures to properly exercise this capacity are always blameworthy and, consequently, so is the resulting moral ignorance" (Rudy-Hiller ms).

We see both of these pieces of Las Casas' picture working together in his defense of human sacrifice and cannibalism. As Las Cases understood, Sepulveda's appeal to these practices was inflammatory— and intentionally so. It was the most visceral justification for the legitimacy of Spanish conquest that Sepulveda invoked. Human sacrifice exercised a powerful grip on the imagination of the Spanish, and not just because the practice existed among a variety of the peoples of the Americas. Part of its distinctive salience in this context was due simply to the scale on which it was deployed, especially by the Mexica of Tenochtitlán. Whatever the actual rate may have been, there was little doubt that this was a regular and institutionalized practice throughout many indigenous communities.

(To be sure, all sides had reasons to exaggerate the number—the Triple Alliance may have wanted to inspire fear in their enemies, and the conquistadores gained political benefits from stoking moral outrage about indigenous practices. For these reasons, it is perhaps unsurprising that reports about its scale varied wildly, and contemporary scholars continue to disagree about the numbers. Low estimates range in the thousands annually—the number Sepúlveda gives in his *Apology* is 20,000 (ms 17)—with modern estimates ranging as high as 250,000 a year (Harner 1977). Recent archeological findings of the tzompantli (or skull racks) in front of the Great Temple seem to confirm the tremendous scale of the practice: a recently discovered tzompantli measures 35 meters long, 14 meters deep, and 5 meters high (Wade 2018). That's a lot of skulls.)

What would have seemed manifestly clear to the judges at Valladolid was that many of the indigenous nations of the Americas had been engaged in regular, institutionalized moral atrocity. By itself, this would have struck at least some judges as adequate grounds for conquest. However, the apparent inability of the indigenous people to see these atrocities as atrocities also lent credence to Sepúlveda's insistence that there was something defective in the rational capacities of the indigenous peoples. Not only were they doing great evil, but they were inclined to see the evil as good, as worth pursuing. If rationality is the essential mark of the human, the indigenous peoples gave every evidence of being degenerate cases of that rationality, thought Sepúlveda

Las Casas' handling of this issue is remarkable in its creativity and insight, and it relies on a collection of historical observations and a handful of Christian theological commitments. He begins with the claim that every pagan has some certain knowledge of God, however confused. It is awareness of the nature of that God, he thinks, that impels people everywhere to take up sacrifice to God, especially sacrifice of what is most valuable, i.e., human life. This last thing, he thinks, can be found in the history of religion everywhere, and it displays a universal human predilection to demonstrate a love of God that is greater than a love for themselves (xxx-xxx). Indeed, this sacrificial structure is foundational to the crucifixion of Jesus, and the consumptive element is even enacted in Catholic practices of consuming the Eucharist, the putative body of Christ. If anything, Las Casas argued that these very practices provided a natural bridge to acceptance of Catholicism. In sum, human sacrifice and religious cannibalism is not really contrary to natural reason—evidence of defective or absent rational powers—but an error that

has its origin in natural reason itself. And, as such, it is an error to be met not with warfare but with the demonstration of the truths of the Christian faith.

Sepúlveda on rational impairment

Like Las Casas, Sepúlveda agreed that the essential nature of humans was to be found in their rational capacity, and that the presence of this capacity weighed against the permissibility of using military force to achieve dominion over such people. To be sure, Sepúlveda thought that idolatrous practices and the spread of Christianity could, on balance, justify the use of military force, even against rational peoples. However, imperfect rationality (including immature or defective rationality) provided independent and sufficient grounds for coercive authority over a people. This, then, was why the debate about the sense in which the indigenous peoples were "barbarians" and the possibility of natural slavery looms large in the dispute. However, for all of Las Casas' intellectual and moral sensitivity, it isn't clear that he really grasped Sepúlveda's actual view of the putative rational shortcomings of the indigenous peoples.

One hint that Las Casas failed to see the thread can be seen in the fact that, after the debates, Sepúlveda repeatedly complained that Las Casas had misconstrued his views (Losada 1971: 286; Cf. Alvira and Cruz 1997: 94). Historical details suggest that he Sepúlveda was not wrong about this, and the explanation may have to do with the situation in which the debate unfolded. *Democrates Alter*, Sepúlveda's principal work—the work on which he based his case at the Valladolid debates—had been banned from publication and distribution in Spain and, therefore, was not readily available to Las Casas in preparing his defense. In contrast, Las Casas' works were relatively available, as were the contents of his very public advocacy of indigenous interests. Further, Las Casas and Sepulveda never shared the courtroom at the same time, so Las Casas would not have had an opportunity to directly hear Sepúlveda's case, and he presumably had to build his arguments on informed speculation about Sepeúlveda's position, at least until a summary was provided after the initial presentations at Valladolid.

So what was Sepúlveda's actual position? Sepúlveda agreed with Las Casas that rational capacities were central to what it is to be human, and that those capacities were implicated in moral perception, at least at the level of general principles of practical rationality. However, Sepúlveda's picture introduces some important qualifications. Sepúlveda seemed to think that the putatively defective nature of the indigenous people was not a defect in their nature qua human (the view that Las Casas seemed to attribute to Sepúlveda) but instead, *a contingent feature of the circumstances in which their humanity had unfolded*.

Sepúlveda's position was animated by the thought that the indigenous peoples of the Americas were "barbarians by habit" (*Apology*, ms 9). Sepúlveda is careful to specify a particular meaning for his usage of this term. Citing Aquinas, he maintains that his notion refers to those "who are lacking in rational power either on account of an environment from which dullness for the most part is found or due to some evil habit by which men become like brutes" (*Apology* ms 9). The latter notion—of brute-like men—is one way to be a barbarian. In this, he and Las Casas concur. But the other sort of barbarian in which "dullness for the most part is found" suffers from rational impairment not in virtue of some habit reflective of a defective internal nature. Rather,

the rational impairment is a product of social or environmental influences. If social context can contaminate one's rationality, then it is open to Sepúlveda to accept Las Casas' contention that, for beings that are essentially rational, systematic and intrinsic rational impairment is rare. What may be more common, however, are social or cultural contexts that deform the rational nature of human beings. It is this thought—a broadly Aristotelian one—that is the heart of Sepúlveda's picture.

Sepúlveda goes on to give a test for determining whether a people as group are subject to context-produced rational impairments: look to public customs and institutions. As he puts it, "their case as a people must be decided by their public customs and institutions, and not things rightly or wrongly done by individuals" (*Apology*: ms 15). Where one finds institutionalized violations of practical rationality (for example, the execution of innocents) and public customs that approve of atrocities (such as human sacrifice and cannibalism), then one has good evidence that that society or culture is one that is not conducive to forming people capable of recognizing and responding to moral reasons in the right way. This, Sepúlveda thought, was the explanation for why the indigenous peoples could not see the atrocities they perpetuated for the violations of morality that they were. Theirs was a culturally-induced rational impairment.

By Sepúlveda's lights, the peaceful moral and religious conversion that Las Casas called for was badly misconceived. So long as indigenous culture was intact, there was little hope that the various nations of indigenous peoples would be inclined to recognize the wrongfulness of their practices and the truth of the moral and theological view of the Spanish. Their natures were too damaged, he thought, and the operative cultures disabled both the underlying rational capacity and provided ongoing impediments to the recognition of what morality demanded.

It is notable that Las Casas and those who shared his convictions did try to implement their model of peaceful conversion. They were generally regarded as failures (Andújar 1997: 84; but for dissent see Biermann 1971: 443-484; Comas 1971: 504-5). Perhaps the most significant of these failures was the Lacandon mission of Vera Paz, in which the mission was destroyed and the missionaries killed. These results would have struck Sepúlveda as entirely predictable What was required, he thought, was a root-and-branch reconstitution of indigenous society. Only this would put (presumably subsequent) generations in a position to reliably appreciate the demands of morality and the appeal of the Christian faith.

Undoubtedly, Sepúlveda was open to the possibility that indigenous people were rationally impaired in some deeper way, but his case did not depend on the naked assertion of an essential impairment, as Las Casas seemed to have thought. Indeed, the philosophical core of his view permitted the possibility that someday, when better circumstances had done their work (that is, when Christianity and Spanish culture had taken hold), the indigenous peoples of the Americas might well be the rational equals of the Spanish, entitled to self-rule. Sepúlveda, however, gave no indication that he thought this was a real possibility, or that if it were, that it could be realized any time soon (Cf. Alvira and Cruz 1997:103).

What was clear was that he thought that under current conditions the gulf in rationality between the Spanish and the indigenous peoples was wide, and that the Spanish right to rule and dominate was licensed by that gulf. As Sepúlveda put it, "the Spanish have a perfect right to rule these barbarians of the New World and the adjacent islands, who in prudence, skill, virtues, and humanity are as inferior to the Spanish as children to adults, or women to men, for there exists between the two as great a difference as between savage and cruel races and the most merciful, between the most intemperate and the moderate and temperate and, I might even say, between apes and men" (*Democrates Alter* 1960: 526-7).

I take it that this comparison between apes and men is polemical. Presumably Sepúlveda thought that no amount of effort would transform apes into fully rational beings of the sort that is characteristic of human beings. And, he may well have sometimes thought that the difference between Europeans and indigenous peoples of the Americas really was a matter of some deep difference in their nature. However, when Sepúlveda is at his most careful and most interesting, the picture seems to be that the conditions of indigenous society dramatically debased the rational powers of the human mind.

Freedom and the social order

Let's take stock. I've argued that the philosophical core of Sepúlveda's picture is as follows.

1. Humans are distinguished by rational capacities, including the ability to recognize moral reasons
2. The manifested, actual rational abilities of people partly depend on whether those basic rational capacities are properly trained up.
3. Bad social training produces rational impairments, including impairments to the ability to recognize what morality requires
4. When large groups of people behave in manifestly immoral ways, we should look to the social or cultural milieu that shapes their rational conduct.
5. If a given milieu is marked by systematic, institutional approval of immoral practices, we should expect to find its citizens shaped in ways that impair their rational capacities.
6. The peoples of Americas engage in manifestly immoral behavior.
7. Their cultures or societies approve of it and facilitate it, in frequently institutionalized ways.
8. So, transformation of the behaviors and actual dispositions of the indigenous peoples of the Americas requires a transformation of the social and cultural world that creates those dispositions.

In light of the foregoing, it is not difficult to see why Sepulveda thought that Spanish dominion promised three valuable outcomes. First, it promised a path to repairing the culture-induced pollution of indigenous rationality. Second, and most proximally, it provided for the cessation of indigenous atrocities. Spanish force could ensure that outcome, even if it would take longer before indigenous peoples were in a position to choose well without the looming threat of Spanish coercion. Third, and most importantly, Spanish dominion promised to remove the

obstacles “that can obstruct the preaching of the faith and its propagation” (*Apology*: ms 18), thereby creating conditions friendly to freely chosen conversion to Christianity.

As Sepúlveda recognized, the fact that one lives in a social order built around Christian precepts would, by itself, make it easier for ordinarily rational people to choose to join the Christian faith. He observes that “the vanquished easily pass in the habit of their conquerors and rulers, and readily imitate their words and deeds. . . . [F]or it does not happen, or it does not happen easily, as the Philosopher says, that those things are changed and forced out with words that have been impressed in the character and retained by daily usage” (*Apology*: ms 26).

In this, at least, Sepúlveda’s position is consistent with an important recent picture of humans according to which the distinctive mark of us is less our native powers to reason individually, but instead, our ability to readily engage in cultural learning, comfortably absorbing and building on culture-mediated knowledge. This is not a willy-nilly process, though. Especially under uncertainty, our rationality is partly a product and partly an enabling condition, orienting us to high status group members—members who have been successful in one or another way—and then allowing us to mimic their traits (Henrich 2016; Heyes 2018).

There is an apparent tension in Sepúlveda’s picture between the idea that moral insight (read: conversion) might occur among the indigenous through a kind of process of social deferral and as a set of responses to rational incentives under Spanish dominion. Unless the rational natures of the indigenous people were fully present at the time of conversion, the conversion would not be fully free, not fully an act of a will guided by reason. Given his picture, it looks like he should think that at least for the first generation or so, the indigenous peoples would continue to suffer impairments produced by an ongoing, if diminishing, cultural infection.

One thing you might think, though, is that free will comes in degrees, tied to something like the degree of one’s ability to recognize and respond to moral reasons (Cf. Nelkin, etc.). If that’s the picture, perhaps the thought is that the kind of moral insight required for conversion has a relatively low threshold of freedom (i.e., responsiveness to moral reasons) that might be relatively readily attained. In contrast, though, full freedom—and, perhaps, full political entitlements—might require a more demanding or more robust kind of freedom.

Sepulveda’s picture of the interaction between individuals, culture, and the political order is impressively complex, even if not fully unpacked. He notes, for example, that the indigenous peoples “are not being forced by imperial law to do good but forbidden to do wrong, for no one can do good unless he chooses what it is from free will” (*Apology*: ms 20). To put the point in a way denuded of its religious elements, a well-ordered social world can reduce the possibility of grave wrong, and it can encourage respect for morality. Fully morally worthwhile action, though, requires a free will, that is, one guided by the recognition of what moral reasons there are. In the context of his attack on the rationality of the indigenous peoples of the Americas, the thought seems to be that the possibility of the exercise of free will is partly a function of culture.

The idea that some social conditions and not others are conducive to free action is not, by itself, a particularly novel one. One way of understanding coercion, after all, and why it can provide a partial excuse for wrongdoing, just is that it identifies a kind of social condition wherein a person's freedom is impaired by context. What makes Sepúlveda's view intriguing, though, is his suggestion that free will, especially when understood in terms of rational capacities, requires appropriate background cultural conditions for its formation, and perhaps for its ongoing successful operation. Absent the right context, we cannot be acculturated to see all the moral reasons there are, and without suitable social scaffolding (some system of incentives and disincentives), it can be untenable to exercise the moral knowledge that we have.

Notice how far away this picture is from Las Casas' confident presumption that the rational cognitive powers of individuals are virtually always available, whatever one's upbringing and cultural context. (Recall that in the contemporary literature, Guerrero and others concur. He writes that, "[g]iven the relatively simple and apparently *a priori* nature of the reasoning required to figure out that slavery is wrong, it is natural to think that engaging in this reasoning wouldn't be terribly different for any particular individual even 2500 years ago" (2007: 71-2).) In contrast, Sepúlveda seems to reject the idea of an "always on," cross-situationally stable ability to recognize moral reasons. I am inclined to think that on this matter, at least, Sepúlveda is in good company.

A number of contemporary philosophers have argued that there is no reason to suppose that moral perception and human freedom operate reliably, or operate equally well, across social contexts (McGeer 2012; Vargas 2018; Rudy ms). Contemporary motivations for this kind of skepticism are diverse—but unified in their doubt that there is an individualistic, a priori process always sufficient to ensure suitable access to moral knowledge. On such views, the possibility of moral knowledge is held to be dependent upon variable configurations of psychological dispositions (Haidt 2012), diachronically structured by contingent history and social scaffolding (McGeer 2012; Vargas 2013; Henrich 2016). The ability to recognize and respond to moral considerations can be synchronically affected by pressures including scarcity and attentional limits (Morton forthcoming), subject to salience effects, including the availability of ready or familiar explanations (Herman 1993: 77-87; Doris 2015), fit with schemas (Haslanger 2012), and the opportunities and incentives for moral reflection (Rudy-Hiller, manuscript).

The issue is, of course, complex. Sepúlveda sees the possibility that human freedom is conditioned by culture and circumstance, but he doesn't acknowledge what seems to be the evident corollary: moral ignorance under conditions corrosive to full rationality ought to exculpate, or at the very least mitigate. His reaction to idol worship and the violations of natural law (i.e., the principles of morality or practical reason), is full-throatedly punitive. That he regards it as culpable is part of his case for licensing warfare against the indigenous populations, the permissibility of their loss of sovereignty, and the confiscation of their goods seems to exceed what is needed for merely corrective efforts (Sepúlveda 2006: 394-396; Cf. Martinez Castilla 2006: 124, 128).

He could have in mind something like the distinction I gestured at above, i.e., a difference between the degrees of freedom required for different kinds of status. Perhaps the thought is that the freedom required for culpability is easier to satisfy than the kind of freedom required for actions of positive moral worth.

There are two reasons to doubt that Sepúlveda had anything like this in mind, however. First, he gives no indication that this is what he has in mind. Second, there is little reason to find the picture attractive. It is difficult to see why the conditions for culpability should be *less* demanding that the conditions for doing the right thing. Indeed, a notable feature of contemporary theories of free will that emphasize rational capacities is that they tend to favor an asymmetry thesis that cuts in the opposite direction: one need not have been able to do otherwise to receive moral credit when one is recognizing and responding to moral reasons, but in some sense it must have been possible to do otherwise when one fails to do the right thing (Wolf 1980; Nelkin 2011; Vargas 2013).

In sum, Sepúlveda's picture is more nuanced and complex than his commentators tend to acknowledge. Perhaps this is the proper fate of villains, even when they are philosophers. Still, it would be good to be able to explain what went wrong with his picture, and what possibilities there might be for those who are inclined to think that at least the core of it—historical outcomes aside—has some promise.

What went wrong?

Suppose you thought that Sepulveda had the more plausible picture of moral epistemology and free will. What then went wrong with the rest of his picture? It is hard to overlook his callousness towards the suffering of indigenous peoples, his systematic disregard for their conception of their interests, and his eagerness to see Spanish force brought to bear on indigenous communities.

Here, I think we do well to consider some remarks of Luis Villoro. In "Sahagún, or the Limits of the Discovery of the Other" Villoro (1989) considers the interpretive limits of the Spanish in the face of what was, to them, a radically alien worldview. The most common approach was to see the indigenous people as *objects*, as things to be manipulated and disposed of for one's interests, but not as subjects of rights or bearers of valuable cultural meanings. This was, he thought, the basic way in which many conquistadores and subsequent colonial authorities regarded the indigenous populations.

An elusive second and deeper level of understanding is possible. The second level of understanding was marked by the recognition that the indigenous peoples were *subjects*, rights-possessing, meaning-bearing individuals who could, in some sense, be regarded as equals. Las Casas' interactions with the indigenous peoples was distinguished by this deeper level of regard and understanding. Still, Villoro thought, it was flawed in a way that precluded full understanding of the interest of the indigenous peoples. What was required, he thought, was something that was fundamentally unthinkable to Las Casas and other sympathetic Spanish figures like the priest and ethnographer Bernardino Sahagún— let alone to Sepulveda. Genuine

understanding, he thought, requires that one must regard the Other as a subject with a worldview the core features of which could, at least in principle, rationally overturn one's own basic beliefs.

(I confess that it is unclear to me whether Villoro requires more than fallibilism about one's own beliefs and the possibility that someone else with conflicting beliefs could be right. He says that the third level of understanding requires a belief that "reason is not one but many; that truth and meaning are discovered from a privileged point of view" and that "an essentially plural reality would have to be accepted," (1989: 16). What is unclear to me is if he means anything more than the thought that there can be multiple systems of culture-laden meanings that each does an adequate or better job of systematizing the import of the physical world, even if in sometimes incompatible ways.)

Even if we grant Sepúlveda his picture of our socially-scaffolded abilities to reason and to recognize what morality demands, at least two things went wrong. First, his was an "arrogant reason," as Carlos Pereda (2019a: 145; 2019b: 78) would say. Indeed, Sepúlveda seemed particularly inclined to dismiss countervailing evidence of indigenous rationality, and his basic position and social identity (as Catholic, as a lawyer, as a proponent of the use of war) was one mostly inoculated against the possibility that, as Las Casas insisted, indigenous practice could reveal some awareness and concern for foundational moral principles. As we might say now, there was a failure to recognize and respect the agency of the indigenous peoples.

The second thing that went wrong was that Sepúlveda didn't have the imagination to see his commitments through. I already noted that the tenor of the debate changes if one comes to think that the moral ignorance of the indigenous people grounds at least partial mitigation of their culpability for the atrocities they committed, because (by Sepúlveda's estimation) culture had disabled their full rational powers. It is not clear that wars of conquest and cultural destruction are entailed by non-culpable wrongdoing. Nor is it obvious that the only way to influence or change a culture is by warfare and comprehensive destruction of a culture.

Relatedly, Sepulveda never asks what the consequences of his views are for his own convictions. Recall that on the view he defends, the tracking of moral truths and one's degree of responsiveness to them is vulnerable to corruption by bad upbringing (and perhaps, the presence of badly structured conditions when one is acting). This is supposed to justify the need to tear down and rebuild indigenous societies. However, if impairments to one's rationality are substantially invisible to those so impaired, and if this means that one's tracking of the moral truths is always a contingent matter, then what prevents the same from being true of Sepúlveda and the pro-warfare Spanish more generally? A cautious fallibilism about one's own convictions seems more appropriate if one is committed to the view that culture can invisibly prevent one's recognition of important moral truths.

Here, it might be historically appropriate to appeal to Sepúlveda's religious commitments to explain why he wasn't worried about his own convictions. But this argument doesn't work either. Even granting the authority of revelation and the putative teaching authority of the

Catholic church, the reason there was a debate at Valladolid just was *that there was learned and theological disagreement about whether the wars of conquest were just.* It would be one thing if Las Casas, Vitoria, and others who disagreed with Sepúlveda's views did not have access to the epistemic authorities that supposedly anchored greater reliability. That wasn't the case though. They had access to the same authoritative sources and came to different conclusions. Worse, in the case of Las Casas, his estimates were propelled by vastly greater familiarity with the circumstances in the Americas. Sepúlveda presumably thought of Las Casas as something of an ideologue, but even so, he ought to have thought that Las Casas was better informed about the concrete, "on the ground" facts about the indigenous peoples of New Spain.

This is not to say that Sepúlveda couldn't have reasonably thought Las Casas was mistaken—perhaps Las Casas was a deluded, or a victim of motivated reasoning, or misunderstood the authoritative texts, and so on. The point is that given the stakes, the fact of learned disagreement, that Sepúlveda did not have any obvious epistemic advantage over his interlocutor, the possibility of self-interestedness all around, and given Sepúlveda's own view that rational impairments could be invisible to those who have them, *some* degree of humility and sensitivity to those affected by the policies he advocated seemed in order. Neither epistemic humility nor sensitivity to the interests of those so affected is anywhere to be found in his work.

Conclusion

I have focused on only a handful of the philosophical issues arising in the Valladolid debate, but the debate in fact raises a tremendous number of further questions beyond those I have addressed— and many of these questions remain very much alive. For example, how do we establish the presence or absence of rational capacities and moral knowledge among people whose convictions differ significantly from ours? There is an interesting discussion in the Valladolid debate about the role that social institutions, family life, institutions and laws are evidence, and I have not discussed it here. Also, should we presuppose rational and moral equality of all agents, or instead, think that if such equalities exist at some or another threshold, then it is only when there are conditions sufficient for the enabling of these capacities? Given uncertainty about all these issues, how should we proceed? When the moral stakes are enormous—genocides, holocausts, and atrocities of all types—doing nothing isn't obviously appealing. At the same time, moral confidence is no guarantee of moral truth.

There are also difficult second-order questions: if we have reason to think that moral and political authorities tend not to deliver on paternalistic mutual interest (note: colonization doesn't have the greatest history), shouldn't this fact also weigh against the grounds for tolerating paternalism? The fact of motivated reasoning, the allure of all-to-convenient self-deception, seems an especially serious worry about the deployment of power when lives are at stake.

We can, of course, treat the disagreement between Las Casas and Sepúlveda as a purely historical matter. Except that it is not. It does not seem unreasonable for us to wonder how *we* might best bring about changes in the moral convictions of a people with flawed moral

convictions. Moreover, we still have to make decisions about when to hold people to account, and whether and when to impose on the decisions of others. Our assessments of these things in part turns on whether we think moral knowledge is readily available to us, and what sorts of circumstances are convivial to securing that knowledge.

Are there philosophical lessons to be learned from the debate? I think so. Some are relatively straightforward: if you want to be right about a morally complex issue, you better spend time learning about the consequences of the involved decisions, policies, and practices, and to do so with an openness to the possibility that you have misunderstood things. A cursory look at how a lot of real-world decision-making is set up suggests that we don't tend to do a good job of this.

Other upshots are more complicated, but interesting in their own way. Las Casas seems to suggest that morality can stand up for itself, and that it doesn't need coercive force to succeed in making its case, except to protect the peaceable preaching of the Gospel. In many ways, it is a predecessor to the more demanding non-violent principles of Tolstoy, Gandhi, and Martin Luther King. For Las Casas, if a view is right, just, and morally compelling, one shouldn't need to conquer a people through force to make it compelling. The approach can seem intuitively appealing for those of us in the shadow of Christianity's influence on moral theory. At the same time, it isn't obvious that peaceful resistance is always sufficient to prevent large scale atrocities.

Returning to the outcomes of the historical debate, there are no neat and simple lessons to be had. As a matter of the historical record, it is sadly appropriate that the outcome of perhaps the single most important debate in philosophical history was unclear. All sides claimed victory, but the judges failed to deliver a verdict in a timely fashion; maneuvering on all sides continued in the decades that followed (Hanke 1970: 113-116). (Something similar is true of historical assessments about the outcome.) It was perhaps too much to hope for a clear judgment, and too much to hope that a clear judgment would be implemented and reliably enforced. Spanish military campaigns in the Americas were halted, nominally until the resolution of the debate (Losada 1971: 279), but an uprising in Peru quickly undid the impulse to refrain from further use of military force. The labor system and, eventually, the wars of conquest continued in various forms, with only modest modifications.

Eventually, the crown issued a new general ordinance in 1573, emphasizing "pacification" rather than conquest, and urging what we would now call the soft power of appeal to the material benefits of Spanish rule. In a substantial departure from the threat of total destruction promised by the Requirement of 1513, the new general ordinance insisted that force be deployed only to secure Spanish settlement and preaching. Accordingly, military force now had to minimize harms, and could not be used to enslave captives (Hanke 1970: 121). Even so, warfare and slavery continued in different forms throughout the colonies for a long time afterwards.

It is a sad irony that the atrocities committed by the Spanish were animated by their own moral ignorance, even while their justification for it was an appeal to the moral ignorance and atrocities of the indigenous peoples. There is a lesson in there.

Further notes and commentary on themes from the chapter

There is a substantial body of scholarship on Las Casas, and there is good English language availability of his texts. The same is not true of Sepúlveda's works. He submitted two works to the Valladolid debate: *Democrates Alter* (sometimes titled *Democrates the Second*), which was prohibited from publication in Spain, and *Apology for the Book On the Just Causes of War*. It is unclear why *Democrates Alter* was banned—nominally, the explanation was Sepúlveda's failure to use a royal press. However, others have thought that authorities regarded the book as unsuitable for the general public (Muldoon 1994: 27). The *Apology* was a summary of the chief arguments of the former, and it conveys the main features of his position. Neither has been published in a full English translation. *Democrates Alter* (the translation into Spanish was *Democrates Segundo*) was itself a sequel to an earlier dialogue, *Democrates Primus*, an anti-pacific treatise written in response to the emergence of pacifist student protestors at the university in Bologna (Hanke 1974: 66). A summary of Sepúlveda's arguments (and Las Casas', as well) was written up by Domingo de Soto during the Valladolid debate (Hanke 1974: 68), but we lack an English translation of that, as well as Sepúlveda's reaction to it (Sepúlveda 2006: 393-399).

I have focused on aspects of the Valladolid debate that seem to me especially vibrant and potentially interesting for a 21st century audience. There are a variety of issues in the debate that are either specific to issues in 16th century Catholic theology, or that focus on issues that few of us would take as important or serious issues today. Among the other issues, they focused on questions about the permissibility of confiscation of goods by *conquistadores*, the de facto permissibility of taking slaves, whether idolatry alone was sufficient for declaring wars; the proper form and conditions for conditional declarations of war; the precise scope of papal authority over non-Christians, and so on.

The deserved focus on Las Casas and Sepúlveda has tended to eclipse the fact of a wider Spanish philosophical discourse about the ethics of conquest and colonization. For example, decades prior to the debate there was the work of Juan de Zumárraga, the first archbishop of Mexico, who wrote two treatises on the impermissibility of slave-taking and the use of slavery as a threat during colonization, and Vasco de Quiroga, the bishop of Michoacán, who maintained that only resistance to evangelization could justify war and Spanish imposition of a political order, but he also emphasized the importance of pursuing racial and cultural mixing under Spanish governance (in contrast, for example, to Las Casas). For an overview, see Beuchot (1997: 31-44). And, of course, there was the important work of Francisco de Vitoria, about whom there is a substantial secondary literature available in English.

My reading of Sepúlveda is not the standard one. For example, Losada reads Sepúlveda as thinking that the indigenous people had a second, non-essential, nature that could be improved by culture (Losada 1971: 286). Perhaps that is right, but it seems to me to put the emphasis in the wrong place: if the essential nature of humans involves rational capacities under a wide range of ordinary conditions, then the view has to be that those capacities were impaired or polluted, and that the nature of the indigenous people was not, in fact, their genuine nature qua humans.

Dussel characterizes Sepúlveda as "unabashedly cynical, and typically modern" and reads the centerpiece of Sepúlveda's disregard for the indigenous people as rooted in their "non-individual mode of relating to persons and things," and in particular, their apparent lack of private goods and individual freedom (1995: 64-5; Sepúlveda 1960: 528). These are interesting features of Sepúlveda's account in *Democrates Alter*, but if I am right about Sepúlveda's picture, these are among the varied cultural conditions that either provide evidence of rational impairment, or else in part produce such impairment.

In the 21st century, the idea that free and responsible action depends on cultural conditions (be it for knowledge or adequate incentives) has recently received some attention in the contemporary literature on moral responsibility, in part because of developments within feminist theories of autonomy. For an overview, see the essays in Oshana et al (2018).

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